
Minutes of the WADA Executive Committee Meeting

1 October 2002, Montreal, Canada

The meeting began at 9 a.m.

1. Welcome

THE CHAIRMAN welcomed the members to the meeting of WADA's Executive Committee in Montreal.

There was a large and important agenda to deal with.

2. Roll Call

THE CHAIRMAN asked the members to sign the attendance sheet.

He welcomed those who were new to the meeting, and asked everybody around the table to introduce themselves and explain who they represented. His name was Richard Pound, and he was the Chairman of WADA, named to WADA by the International Olympic Committee.

The following introduced themselves:

Mr Verbruggen, IOC member, President of the UCI and GAISF Vice-President; Mr Swigelaar, representing Minister Balfour, South Africa's Minister of Sport and Recreation; Ms Elwani, the new representative of the IOC Athletes' Commission; Dr Schamasch, representing Prince Alexandre de Merode, IOC member and Chairman of the IOC Medical Commission; Dr Stretton, representing Minister Kemp, the Minister for Arts and Sport in Australia; WADA's Science Director, Mr Rabin; Dr Pipe, Acting Chairman of the Ethics and Education Committee and also a member of the List Committee; Ms Khadem, WADA's Communications Director; Dr. Garnier, WADA's Government Relations Director; Mr Niggli, WADA's Legal, Finance and Administration Director; Mr Reedie, IOC member, President of the NOC of Great Britain and Chairman of the WADA Finance and Administration Committee; Mr Howman, Chairman of the New Zealand Sports Drug Agency and Chairman of the WADA Legal Committee; Mr Dielen, WADA's IF Relations Director; Mr Andersen, WADA's Director of Standards and Harmonisation; Mr Walker, representing the Council of Europe, Chairman of WADA's Standards and Harmonisation Committee; Mr Wade, WADA's Special Projects Director; Mr Kishida's representative, Mr Tokushige, from Japan; Mr Riiskjaer, representing the Danish Minister for Culture, Mr Mikkelsen; Mr Mayoral, ANOC Secretary General; Mr Larfaoui, IOC member, FINA President and ASOIF Vice-President; Mr MacAdam, who was standing in until the arrival of the Hon. Mr De Villers, Secretary of State, Sport Canada; and Mr Syväsalmi, the Director General of WADA.

3. Observers

THE CHAIRMAN invited any observers to make their presence known for official purposes.

The following observers were present:

Professor Ayotte; research; Professor Bowers, laboratory accreditation; Mr Figved, Code Committee; Mr Gottlieb, the Americas; Mr Hack, Independent Observers; Mr Jurith, the Americas; Ms Knowler, Oceania; Mr Koss, Athlete's Passport; Mr Madden, USADA; Mr Morioka; Asia; Mr Shin, Asia; Mr Sorensen, the Americas; Mr Young, Code Committee.

4. Minutes of the Executive Committee meeting in Montreal on 3 June 2002

THE CHAIRMAN asked if anybody wished to make any comments or corrections to the minutes of the Executive Committee meeting in Montreal on 3 June 2002. If everybody was content, the minutes would be approved as distributed.

DECISION

Minutes of the Executive Committee meeting in Montreal on 3 June 2002 approved and duly signed.

5. Code

THE CHAIRMAN noted that a great deal of work had been done on the Code, and invited the Code Project Team to make a presentation.

5.1 Second Draft Update

MR ANDERSEN said that the team had received helpful feedback. The members had two versions of the Code in their files (Annex), version 12 noting the differences between the Code which the members had originally received and the one that the members had received that day. All the stakeholders had made huge efforts and given a very positive response to the idea of having a common code for sports and public authorities.

The binders on the shelves in the room were full of the comments that had been submitted by stakeholders. It was, of course, impossible to please everybody.

The team had been working day and night since receiving the first comments in July 2002.

MR FIGVED presented the overall plan for the World Anti-Doping Programme. The components of the programme were the Code, the basic and fundamental document; the standards, which were closely linked to the Code; the list; the standards for the analysis of samples; laboratory standards; standards for sample collection; standards for therapeutic use exemptions; and models of best practise. The main point here was to ensure the consistency and coordination of all of these projects.

A first draft of the Code had been circulated in June 2002. There had followed a period from June until October, during which the team had developed the Code and the standards, consulted with the different stakeholders, and revised the documents.

The second version of the Code would be completed and distributed to the stakeholders by 10 October 2002. The draft standards would be circulated on 10 November, the main reason for this being that the team needed more time to finalise the work on the list. All of the stakeholders would then have two months during which to review the second version of the Code. Comments would be requested from the stakeholders before 10 December, and comments on the standards would be requested before 10 January. The team would review and revise the Code and the standards from 11 December to 10 February, following which it would circulate the final draft versions of the Code and the standards prior to the World Anti-Doping Conference in Copenhagen in early March 2003.

With regard to the overall plan, all of the final drafts would be completed by late February, before the conference, and then, on the final day of the conference, the WADA Foundation Board would plan to approve the Code and the standards.

Following this, there would be a period from March 2003 to summer 2004 for acceptance of the documents, formal adoption of the Code and a transition from the existing systems to the system established by the Code.

By 1 January 2004, the Code and all of the standards should be valid and ready for implementation.

In August 2004, the sports organisations and the governments should, respectively, apply and accept the Code and the standards in time for the Olympic Games in Athens. The governments would have to implement the Code and standards by the time of the Olympic Winter Games in Turin in February, 2006 (the sports organisations would implement the Code and the standards by the time of the Olympic Games in Athens in 2004).

The team would develop models of best practice for use as reference documents and provide support services for the stakeholders during the implementation period.

With regard to the process of developing the Code and the Standards, the first draft had been circulated to approximately 1,000 recipients. Comments had been received from more than 120 different entities. The feedback represented substantial and valuable input to the revision process of the Code.

A considerable effort had been made by the stakeholders to provide WADA with comments and constructive proposals. All of the comments were collected by the project team in a database according to their relevance for the articles in the Code. All of the comments had been published on the WADA website, and all of the stakeholders would receive a response to their comments.

MR HOWMAN said that WADA was going to provide a draft list to the stakeholders, to come into effect on 1 January 2004, but this draft list was going to be provided by 10 November 2002, so that it would be part of what WADA was going to discuss the following year. Why was WADA doing this so far in advance? Also, if WADA was going to be doing it, was it following the process that was set out so clearly in the Code for introducing a new list? He did not know whether WADA could do so legally before the implementation of the Code.

DR PIPE added that the degree to which WADA circulated in advance of 2004 a list which would not come into effect until then would undercut the credibility and legitimacy of the 2003 IOC list, which would be unfair to athletes, create confusion, and might serve to inhibit clear and candid discussion of the merits of that list. He would like to suggest that it might be more appropriate to circulate an exact description of the process that would be used to determine the list and the kind of criteria that would be used to construct the list to ensure that the process was correctly in place, rather than an encyclopaedic list of a variety of chemical compounds which would undoubtedly confuse and impede accurate and clear discussion prior to 2004.

MR DIELEN agreed that confusion should be avoided, however many stakeholders had commented that they could not accept the Code without having seen the standards, therefore, if WADA wanted an acceptance of the Code in March 2003, then the stakeholders would have to be shown some standards.

THE CHAIRMAN assumed that WADA could send out the current list and say that there would undoubtedly be changes to it in accordance with the normal process of reviewing it. The potential for confusion was considerable, if there were different lists circulating at the same time.

MR ANDERSEN pointed out that the criteria and the thinking behind this were important. WADA could exclude the specification of what supplements or medications were on the list; by doing so, the stakeholders would be informed of the direction in which WADA was headed.

THE CHAIRMAN said that he did not want WADA to shoot itself in the foot for 2003. There had to be a credible list out there.

DR SCHAMASCH asked whether it might not be enough if the process and some of the criteria were clearly explained.

THE CHAIRMAN said that the 2003 list had been circulated as required pursuant to the Olympic Movement Anti-Doping Code, so that it would be in effect as of 1 January 2003.

MR YOUNG said that the team had digested all of the comments and redrafted the document, version 12 being the latest draft. The quality of this document was a considerable improvement on version 1, mainly due to the comments submitted by the stakeholders.

With regard to an overview of comments, there had been support for the Code, and strong consensus that more harmonisation was needed. As for the types of comments, several stakeholders had said that they agreed with what the team was proposing but that it could be said in a better fashion. An example of this would be that *stakeholders* and *parties* used to be talked about, but now these were referred to as *signatories*.

There had been different opinions, and at times the team had been able to find a happy medium, whilst at others it had not been able to do so. There had often been honest debates which had to do with fairness, mainly to the athletes.

Another general area of the comments had been organisational. The legal requirements of what was now *Part 1 Doping Control* could not be mixed up with the aspirational principles that were found

in things like the *Fundamental Rationale* and some of the organisational matter on how to accept the Code so, in response to such comments, the team had reorganised the Code.

Another general suggestion had been to avoid too much detail but, in the *Anti-Doping Rules*, the team had not been able to do so. There was a need for uniformity of detailed rules in order to avoid major disharmony.

There had been some major changes to the draft, all of which had been explained in the draft itself. These included the general description of doping in the introduction; the concept of strict liability (Article 1.2.1.1); exceptional circumstances (Article 1.9.2.3.2); the disqualification of all results from an event (Article 1.9.2.1); the article on the statute of limitations (old Article 8.1.2) was no longer in the draft Code; therapeutic use and the adoption of standards for the process of granting exemptions (Article 1.4.2.3); health and safety substances (Article 1.4.3). With regard to this last article, there had been two very strong kinds of feedback to this. Some had said that health, safety and conduct did not belong in the Code, whilst others had said that the health and safety issues should be in the Code, that there should be a single list of these health and safety substances, and that testing for them should be mandatory. A middle ground had been taken, and the team had decided on having one list with two parts. There would be one prohibited list with a doping control category and a health and safety category. It would be the same list for everybody, although additions could be made for certain sports. All of the substances on the list would be tested for in in-competition tests. The types of sanctions were not mandatory, because different sanctions might be appropriate for the different substances and for the different countries.

Other changes included the clarification of doping control responsibilities (Article 1.12), because IFs were of the view that all athletes in a sport needed to be treated in the same way, whilst national bodies thought that all of the athletes in a country, be they cyclists or swimmers, ought to be treated in the same way, and this was an issue that needed to be resolved in the Code. With regard to the testing, the body holding the event would be responsible.

With regard to the change concerning results management, the body that initiated the test would be responsible for this. If a Russian athlete tested positive in a domestic competition in Canada, he would not need to go back to Canada for the hearing and results management, as the case would be referred back to the IF.

Out-of-competition testing was another issue that had come up. The solution was that, when a body performed a test on an athlete, it would be recorded in the database, so that other agencies would be able to see that a test had been carried out and avoid re-testing the same athlete at the same time.

A further change concerned the relation of governments to the Code (Article 6). One of the problems was that some governments could not sign agreements with non-governmental bodies, and WADA and the Olympic Movement were non-governmental bodies. Therefore, a mechanism needed to be figured out whereby governments could play this game and be bound by the same things. A Memorandum of Understanding had been worked out which would incorporate the responsibilities which would otherwise be found in a section of the Code. Article 6 had been substantially changed and expanded, and would be the template for the Memorandum of Understanding that the team would like to see discussed by the IICGADS group in Moscow in December 2002.

The consequences of non-compliance by a signatory or a government (Article 7.5) was another part of the Code which included changes. WADA would monitor and report on compliance with the Code.

The final change that MR YOUNG wished to highlight in his presentation concerned the modification of the Code (Article 7.6.3).

THE CHAIRMAN thanked Mr Young for his report. It was very useful and helpful to see what the team had achieved and what some of the changes were. He invited comments or questions from members.

He wanted all of the members to agree to send out a version of the Code on 10 October and be able to say that, as Draft 2 of the Code to go out to stakeholders, the Executive Committee was satisfied with it.

MR WALKER congratulated the Project Team on their amazing work. It was very difficult to change one's baby, but here the members had before them a completely reworked document, and he took his hat off to the team in admiration and respect.

At first sight, the draft looked very good; the team had taken account of the comments that had been received, and he would have thought that the draft was certainly a version which could be sent out on 10 October.

There were still some issues which had not been resolved, and which could be the subject of reflection by the Code Project Team, such as Article 1.6 regarding the laboratories, where it was said that all of the samples would be analysed at WADA-accredited laboratories. He completely understood the thinking behind this, but it did not get over the problem of those laboratories which had not yet been accredited. Another area which needed to be resolved concerned Article 1.10, regarding the CAS.

At the Council of Europe's Sports Ministers Conference in Warsaw two weeks previously, a protocol to the Anti-Doping Convention which had been adopted by the Committee of Ministers in July had been signed by 14 countries and ratified by three of them (it needed five ratifications to enter into force). This protocol, *inter alia*, covered two of the major preoccupations of the Code: the mutual recognition of testing and test result management responsibilities, and the provision in the Protocol whereby the parties would acknowledge the authority of WADA and its appointed agencies to carry out unannounced out-of-competition testing. There were already some systems in place designed to give some form of effective implementation to the provisions of the Code.

He would recommend that this version be sent out for the second phase of consultation.

MR TOKUSHIGE thanked the team for the enormous amount of work achieved.

For Japan to implement the Code, various ministries had been consulted, and efforts were being made to formalise the government relationship with the Code by way of a Memorandum of Understanding.

With regard to visas for doping officials, there was a provision for countries to allow entry of such officials at short notice, and Japan would certainly do its best to accommodate requests, but would not allow entry of an official without a visa.

With regard to test management, the CAS would be used as an appeal body only when all of the internal procedures had been exhausted. He believed that domestic appeals bodies should be used. Would the appeal still go to the CAS if it was unresolved by internal procedures?

There was also the question of the constitutional right of the individual to a fair trial, and Japan's Ministry of Justice had expressed some concern in this respect.

MR VERBRUGGEN observed that the Code Project Team had done a great job. He would be staying with WADA to help push the Code through, as he considered that it was absolutely indispensable. There should be no doubt that his support for this Code was unconditional.

Who were the founders of the NADOs? There was nothing in the Code about that. Could there be more than one NADO per country?

Attention should be given to the responsibility of governments regarding controls in non-organised sports.

He understood that the team wanted notification to be given to WADA when the laboratories made their reports, as well as to the IFs, but he saw that the team had also included NADOs and NOCs. If this were to happen, he noted that, in some countries, there was no confidentiality at all, and information might as well be communicated directly to the media.

As for the statute of limitations, it was good to hear that the team had taken this out, however not including anything on this meant that a country would be able to do exactly as it wished. Perhaps some thought should be given to this.

How could the issue of disqualification from events be solved?

With regard to sanctions, it was clear that the team wanted the same sanctions for everybody. He was in favour of the same consequences rather than the same sanctions.

He would like the team to take out of the notes in the Code that "*the consensus of the World Conference on Doping in Sport in Lausanne in February 1999 strongly supported a two year period of disqualification for a first serious anti-doping rule violation followed with a lifetime ban for a second violation.*" He did not think that this was fair, and could provide quotes by Judge Mbaye, Mr Oswald, Mr Bach and the Prince de Merode which would prove his point.

He appealed to the team not to concentrate too much on sanctions. The only thing that the media concentrated on was sanctions, but the biggest deterrent for athletes came from the controls themselves and the possibility of finding somebody positive.

If WADA were to accept sanctions in the Code, and if these were not in line with existing national laws (such as those in France), then what would that mean? He imagined that, if WADA wanted to introduce sanctions in the law, then it would need agreements from governments with their own laws. France and Belgium, for example, had no minimum sanctions.

With regard to the issue of overlapping responsibilities, this still occurred in out-of-competition testing. It was impossible to give five different bodies control over one athlete. In his opinion, as much responsibility as possible should be given to WADA in this respect. Strong coordination was needed by WADA in order to avoid such overlapping.

DR SCHAMASCH thanked Mr Young for the presentation.

He did not understand the additional time given to the governments for application of the Code. Why did the governments get an extra two years, while the Olympic Movement had to implement the Code by 2004?

THE CHAIRMAN replied that it was far more complicated for the governments to act. The Olympic Movement could act in time to have something in place for 2004. He thought that it would be a miracle if the governments got it done in time for the Olympic Games in Turin in 2006. He was quite happy, speaking as an Olympic Movement representative, to lead the way and be there first. The short and simple answer was that it was physically impossible for the governments to get there any faster.

MR LARFAOU raised the problem of the A and B samples. Why was the B sample analysed by the same laboratory as the A sample? This defeated the purpose of a second opinion, and an athlete might wish to contest this kind of procedure.

MR DE VILLERS congratulated the team on a draft that seemed to have addressed many concerns.

He would report later on IICGADS.

As for future drafts of the Code, did the drafting team include anybody from the governments side?

MR YOUNG noted that Mr Walker had made an interesting comment regarding the accredited laboratories. In the accreditation scheme, there might need to be some kind of A, B, C and D accreditation.

With regard to the CAS question, there were a number of open issues. The team had spoken to the CAS, and progress was being made on most of the issues.

He told Mr Tokushige that, with regard to the issue of visas, not all government laws could be changed, but perhaps something could be done in the visa process to allow expedited handling for a designated few doping control officers.

As for test management and domestic appeals, the idea was, within a given system, whether within the Japanese Olympic Committee or a particular Japanese sport federation, to go through the whole process first in order to give the athlete a fair hearing. Only from there would the matter go to the CAS.

Where fair trials were concerned, the team had tried to hit the basic principles of a fair trial. The other related point was the acceptance of the Code by the athletes. As for signatures, the Code stated that, by virtue of competing, the athletes were bound to abide by the articles in the Code. There was nothing wrong with making everybody sign a form, but he would rather ensure that the athletes were bound in case it was not possible to obtain a signature.

In response to the comments made by Mr Verbruggen, a designated NADO was meant to deal with this situation. In some countries, it was a national anti-doping agency that did what he had been talking about in doping control; in others, it was the NOC; in others, it was the NFs. In a given country, whoever was wearing the hat had these responsibilities, and what had not been specified was how who was wearing that hat was going to be designated. In most cases, it would be obvious.

The role of the governments for non-organised sports was a fair comment, as was the comment regarding the lack of a statute of limitations.

As for the event disqualification rule, even if it were to be drafted as mandatory, there was an exception for the 'Raducan' kind of specified stimulants mistakes.

The point had been taken on the comment regarding consensus from the World Conference on Doping in Sport.

With regard to sanctions, at the end of the day, harmonisation meant consistent results. There were many ways to not end up at the same result, and so all of these pieces were needed to ensure the same results.

As for the laws in France, the situation was currently a mess, as everybody knew. If France accepted the Code, then that would be great. If there was a transition period, where the UCI had accepted the Code and France had not, there would still potentially be a mess, but it would be no more messy than at the moment. What could be done, other than to build mechanisms into the Code that would give France very good reason to accept the Code?

Where overlapping responsibilities were concerned, there were two different parts to this. Different people could test out-of-competition, but he did not think that WADA would want to pass a rule that said that only IFs could test, or only national bodies could test. Perhaps some day, it could be said that only WADA could test, but WADA was not yet ready to do that. Maybe another clause should be added to the results management part of the Code.

As for the situation regarding Japanese visa laws, Japan did not happen to be a hard place to get people into for sample collection, but there were parts of the world into and out of which it was difficult to get doping control officers without everybody knowing that they were coming, and it took national law changes to do that.

Mr Larfaoui's question about the A and B samples was important. It was helpful to have A and B samples, and when going before a panel arguing about some minutia in the middle of the laboratory documentation package, it was useful to be able to say that both the A and the B samples had given the same results. The team had discussed going to a different laboratory for the B test, but it thought that laboratory shopping should not be encouraged, as the laboratories should all be the same.

With regard to the issue of government contributions, the team had talked in depth with Dr Garnier and Mr De Pencier, among other people.

MR VERBRUGGEN said that overlapping of tests on athletes could be avoided by having the procedure controlled or organised by WADA, as the current situation gave a bad impression to the outside world.

THE CHAIRMAN said that such a suggestion should be made by an IF or a government rather than by WADA, to avoid any perception that WADA was attempting to over-extend its ability to act.

DR SCHAMASCH said that there was a historical problem related to the issue of A and B samples. Perhaps WADA could study the possibility of obtaining results by using laboratories with the same standards.

THE CHAIRMAN thanked the team for its excellent work.

DECISION

Second draft update approved. Version 13 to be sent out on 10 October 2002 to the WADA stakeholders as Draft 2.0 of the Code.

5.2 List Update

MR WADE referred to the document in the members' files (Annex), as well as the attachments on WADA recommendations and timelines (Annex).

DR PIPE noted that the WADA List Committee had made a number of recommended changes as a result of a fairly comprehensive review of the list, and it was important to identify that that review had included a careful analysis of some of the scientific and clinical literature that surrounded the particular substances that currently found themselves on the list. It had also included a careful structural analysis of all of the drugs that currently appeared on the list, and a review of some of the authoritative pharmacological reference literature, as well as the particular rules and classifications of various IFs that might have distinctions between and among the various compounds on the list. As a consequence, a list of recommended changes had been prepared and presented to the Foundation

Board, which had approved them and forwarded them to the IOC. There had been a meeting on 13 September in Lausanne between members of the IOC Medical Commission, Professor Ljungqvist and himself. It was fair to say that the process undertaken on 13 September had been very constructive; there had been an attempt to seek unanimity regarding the recommendations, and there had been an overall feeling that the approach being taken was a sound one. A list had been agreed upon and forwarded to the IOC for further approval to take effect in January 2003. Some categories and changes of wording had been added to the list, and these had been accepted. The OMADC did not provide for a code of conduct or a health and safety category, therefore it would have been inappropriate to introduce such categories for 2003. The IOC had returned with views on how the list should be presented for 2003, and indeed the list would be presented under the aegis of the IOC for 2003.

The List Committee wanted to continue its work in a number of areas. It wished to increase the level of evidence obtained in terms of reviewing these particular categories; develop mechanisms for a fast-track approach to adding items or compounds to the list as needed; and continue to increase the quality of the ongoing scientific review. The committee's work would be ongoing to prepare a list to be issued under the auspices of WADA for January 2004.

DR SCHAMASCH thanked Dr Pipe and Professor Ljungqvist for having accepted to hold a meeting in conjunction with the IOC; such collaboration was excellent and gave priority to the athletes.

DECISION

List update approved.

5.3 Laboratory Accreditation Update

MR WADE referred to the WADA Laboratory Accreditation Update in the members' files (Annex).

PROFESSOR BOWERS said that the plan was to build on the solid foundation that had been developed by the IOC Medical Commission. In trying to produce a laboratory accreditation document, WADA had reviewed a number of other documents in order to develop a standard to achieve the objectives, which were quality of everyday performance and harmonisation of reporting and results.

The relationship between WADA and the laboratory was that WADA was the client, whilst the laboratory was the service provider.

The standard itself consisted of three parts: Section 1 was the requirements for WADA accreditation; Section 2 was the application of ISO 17025 for doping control; and Section 3 was the WADA accreditation process itself.

There were three points to the Proficiency Testing: education for the laboratories themselves; harmonisation of results; and performance assessment. Different samples and different groups of samples would be used by WADA to review all of those points.

As for the A and B samples, the members needed to remember that they were dealing with people who might try to manipulate the system. WADA did not want a cookbook of the same methods in every laboratory, but it did want a set of analytical methods in every laboratory that would detect if somebody was using the substance, so there was a very fine line to be drawn there. In terms of education and a challenge, he would like to send out two samples with the same substance at different levels which were known to be difficult to detect, and find out which laboratories did better.

THE CHAIRMAN thanked Professor Bowers for his presentation.

DR SCHAMASCH asked when WADA would be ready to take over the process.

THE CHAIRMAN replied that WADA hoped to be ready as of the beginning of 2004.

DR SCHAMASCH noted that the reaccreditation process had to take place before 1 January 2004, so it was important to be able to know who was doing what the following year.

THE CHAIRMAN asked Dr Schamasch to coordinate with Professor Bowers.

MR WADE said that there was no doubt that there were transition issues that needed to be discussed.

DECISIONS

1. WADA to discuss transition issues with the IOC.

2. Laboratory accreditation update approved.

6. World Conference on Doping in Sport

MR WADE referred to the document in the members' files (Annex).

MS WITHERS thanked WADA's Danish colleagues for all their help, both financial and organisational. Planning was well under way, and WADA was maintaining daily contact with Copenhagen. There had been an announcement in August, when Copenhagen had been selected as the venue, that registration and invitation details would be available in October/November; these should be ready in early November. The draft conference schedule was in the members' files (Annex). The main focus of the conference was getting the Code approved and adopted; obviously the Code Project Team would play a significant role in finalising the conference schedule. With regard to the budget, the Danes were contributing a large sum, for which WADA was grateful, and WADA was also making a contribution to make sure that the event would be a success. Sponsorship opportunities were also being looked into, which would hopefully be of assistance.

On behalf of the Danish Government, MR RIISKJAER said that Denmark was delighted to be hosting the conference, and had good contact with WADA.

THE CHAIRMAN noted that Denmark had made an excellent bid, and WADA was pleased with Denmark's responsiveness.

All of the sessions at the conference would be plenary; it was important that there not be any concurrent sessions.

MS WITHERS replied that there would be no concurrent sessions, except on the morning of 5 March, when there would be a Foundation Board meeting, at which the members would be able to review any changes and discuss the proceedings of the previous days. There was also a proposal to hold information sessions on the various components of the Code; again, this was a draft schedule which needed to be reviewed logistically.

THE CHAIRMAN said that the organisation of the sessions might depend on WADA's success with the second and third drafts of the Code and how the government meetings went in Moscow. He hoped that there would be no last minute surprises with regard to the Code content. There might be some decisions in principle to make, but there should be no major drafting issues.

DR SCHAMASCH noted that the budget for Special Projects was only US\$ 200,000, however he thought that there had been a US\$ 250,000 cap.

MR REEDIE believed that the cap was actually US\$ 200,000. This was the figure within which he was confident that WADA could stay; how it had crept up to US\$ 250,000, he had no idea.

THE DIRECTOR GENERAL pointed out that, at the first World Conference on Doping in Sport in 1999, the IOC budget had been US\$ 1.3 million, but, with the help of the Danish Government, he was pretty confident that WADA's figure would remain at US\$ 200,000.

THE CHAIRMAN asked the members whether they were content with the general shape and direction of the conference.

Any additional ideas to be considered should be submitted to Mr Wade or Ms Withers.

DECISION

World Conference on Doping in Sport update approved.

7. Regional Offices

MR HOWMAN, who had been entrusted with the task to report, had tabled to the Executive Committee the reports from the exercises undertaken in Tokyo and Cape Town, which were in the members' files (Annex). The decision to be taken in relation to the regional offices would be done by the Foundation Board in November 2002, but he had felt that it was important to table the reports to the Executive Committee in case there were issues coming from there which would need clarification. There was no need for any acceptance or adoption of the reports; they were there for information.

MR LARFAOU asked who was going to coordinate the offices. He was concerned. He wondered what the reason for these offices was, and what was expected of them. Their mission had not yet been clearly defined. He thought that, before making any decision, the members should find out exactly how everything was going in Lausanne. The cost of the regional offices was high and he was somewhat apprehensive as to their function.

MR REEDIE said that the estimated cost of the other two offices would be just over US\$ 600,000 for the two offices, so the total cost of the regional offices would be roughly US\$ 1.2 million. He rather shared the view that, before WADA did this, it needed to clearly understand the object of the exercise and how the offices were going to be managed.

MR HOWMAN noted that a draft discussion paper had been prepared, and was in the members' files (Annex). This had been prepared so that there would be some debate as to the reason, objectives and job description of such offices. It should be read in conjunction with the actual reports on Tokyo and Cape Town.

THE CHAIRMAN said that the idea of regional offices had been to keep the "W" in WADA and ensure a visible presence worldwide. He agreed entirely that the Executive Committee should think seriously about what it was looking for from these offices, and he hoped that the members would consider the matter between then and the meeting in November.

MR TOKUSHIGE thanked Mr Howman. Japan had presented its candidacy, as awareness campaigns and education were very important and he thought that Japan could make a significant contribution to WADA's activities by having an office there.

THE CHAIRMAN thanked Mr Tokushige. WADA was fully committed to proceeding with this initiative, but needed to be certain that it had the necessary resources. He looked forward to having offices in Tokyo and Cape Town.

DR SCHAMASCH noted that there was a paradox, because Asia was currently WADA's 'best pupil', having paid 95% of what it had committed to contribute to WADA. If WADA really wanted to have a regional office as a link between WADA and the governments, then that office should be in Asia and not in Europe.

He fully agreed that the decision should be postponed until November.

MR SWIGELAAR thanked WADA for considering Cape Town's application. Each continent had its own dynamics, which led to different governmental problems and circumstances. Once defined, the role of the regional offices would be crucial to the process. The financial contributions should not be linked to the implementation of programmes and the participation of continents in the overall programme.

THE CHAIRMAN did not think that WADA had ever linked the two, but it would be irresponsible to open an office if WADA could not count on having the financial resources to pay for it. Continental differences aside, the money had to be in as soon as possible.

MR TOKUSHIGE thought that it was crucial to sign the WADA Code to be able to move forward. Tokyo was getting ready to open its office the following year.

MR LARFAOU said that he had not posed the problem of choice of location, but rather the principle of the usefulness of the offices, therefore a report on the activities of the Lausanne office should be made. Was it the function that created the body, or the body that created the function?

THE CHAIRMAN said that he would like to be able to open the office in Japan the following year, but the finances were in the hands of the governments, and the Olympic Movement would not pay its share until the governments paid their share and honoured the obligation that they had undertaken. It was very discouraging because, without resources, WADA would not be able to do everything it wanted to do in the fight against doping in sport.

DR GARNIER said that the Lausanne office had not been in existence for a very long time, therefore he would be able to give an activity report after a year of functioning. What he could say was that Lausanne enabled WADA to deal with the problem related to different time zones since, for Europe, the headquarters were open for only four hours a day during normal business hours. There was a definite need for this office.

There was a problem regarding the role expected of these offices. If WADA wanted to make them work, the regional offices should move away from being letterboxes to becoming operational relays for WADA's major programmes.

THE CHAIRMAN noted that 50% of WADA's partnership was the Olympic Movement, and there was a disproportionate percentage of that 50% located in Lausanne, therefore there was a need for the office in Lausanne in order to maintain close relations with the Olympic Movement, in particular the IOC.

MR RIISKJAER thought that the US\$ 1.2 million mentioned was not a net cost; he wondered if any calculations had been made to break down costs.

THE CHAIRMAN was not sure of the extent to which costs had been broken up, but with regard to salary costs, these would be incurred either in Lausanne or somewhere else.

THE DIRECTOR GENERAL said that, when the matter had been discussed a year-and-a-half ago, the aim had been to guarantee the WADA service 24 hours a day. The objectives were in the report, and would be developed further for the Foundation Board meeting in November.

The net effect was something that could be evaluated and would be studied further; this was linked to the question of financing in that nothing that WADA could not afford would be done.

MR TOKUSHIGE hoped that the members had understood the necessity for such regional offices. Once the financial sources were secured he was certain that this idea would work.

In order for the Japanese office to be effective, he hoped to receive advice from the Executive Committee as to how the office should work.

MR MAYORAL highlighted the need to clarify the role of the regional offices before approving them. Perhaps another body should be employed by WADA to control them. The function and role of the regional offices needed clarification before they were approved.

THE CHAIRMAN said that part of the members' homework between then and the meeting in November would be to give some thought as to how they would like to run the offices. This was something to which WADA had been committed since it had begun its operations. There would have to be coordination and direct contact between all of the offices, which would be under the control of WADA and its Executive Committee. The members should be ready to decide in November.

DR SCHAMASCH asked whether the draft version of 30 August was still applicable.

THE CHAIRMAN replied that he was sure that all of the members were working on the same document, which was the document in the files. The draft version of 30 August 2002 was the most recent draft.

MR HOWMAN said that this draft would now be developed so that it would be a final document for the November meeting with the decisions to be taken.

DECISION

Members to consider how the regional offices should be run, and be ready to make a final decision regarding the regional offices at the meeting of the Executive Committee in November 2002.

8. Independent Observers

8.1 General

MR WADE said that the Independent Observer Programme remained a high priority for WADA, as it built confidence among the athletes, the sport community and the general public. He referred the members to the general update in their files (Annex).

DECISION

General update approved.

8.2 Report on the Commonwealth Games in Manchester

MR HACK said that he was attending the meeting as a representative of Mr Balfour. He was a member of the Legal and Passport Committees. He had had the distinction of being asked to chair the WADA Independent Observer team at the Commonwealth Games in Manchester. This had been a different and brave observation, in the sense that, whilst those elected to serve WADA as Independent Observers were experts within their own countries, a lot of them had not had the opportunity to serve WADA or their countries before, and he certainly believed that it had been a beneficial exercise for them and for their countries.

The key factors in the observation at the Commonwealth Games had been to ensure impartiality and standardisation on the part of the athletes, because obviously the athletes were the most important people as far as the programmes were concerned.

One of the pleasing aspects of the report was the fact that the athletes had been well represented, and there had been a perception that the WADA selection process and certainly the doping process had been very transparent.

The Independent Observers group had submitted 41 recommendations to the Commonwealth Games Federation, 38 of which had been unanimously accepted. Three recommendations were up for discussion, as they required certain clarity.

The one aspect which had to be considered was the question of the medical commissions, as some of them had not been easily identifiable, and the pool of medical commissioners available to the Commonwealth Games Federation had been limited, forcing the Commonwealth Games Federation to use medical commissioners from the participating countries. This had created a perception problem as far as the athletes were concerned, because it led to familiarity in certain cases.

WADA had entered into an agreement with the Commonwealth Games Federation. Meetings had been held with all of the role players prior to the Commonwealth Games, and the Independent Observers were very highly satisfied with what they had seen. There had been a high standard of doping control and sample collection; there had been no major flaws observed; the standard of analysis within the laboratory and the turnaround period had been exceptionally good; and the athletes had been happy with what they had seen.

The Passport Programme had also been successful, and great work had been done by all those involved. The guiding factor of success was when a top athlete such as Ian Thorpe, who was regarded as an icon within his sport, came to congratulate WADA on the work achieved.

In conclusion, on behalf of the Independent Observer team, MR HACK wished to thank the Executive Committee for having given him the opportunity to carry out such a mission.

THE CHAIRMAN thanked Mr Hack and congratulated him on a very successful and brilliantly led mission.

MR LARFAOU congratulated Mr Hack on the report. He highlighted the problem of salbutamol, and the fact that a case had been resolved but not in accordance with the regulations: this was an important problem which should be looked into.

DR SCHAMASCH congratulated Mr Hack on the Independent Observer report. He had been happy with the Sydney and Salt Lake City Independent Observer reports, but had seen the composition of the Independent Observer team in Manchester, and his feeling was that such a team might be likened to a jury which would judge the sports movement, as all of the members had represented national agencies. There had been nobody from the sports movement itself. He thought that it would be useful to incorporate members of other IFs and NOCs in such teams in the future.

MR REEDIE noted that, two weeks previously, he had resigned formally as a director of Manchester 2002 Limited. He was grateful to his staff in Manchester for the efforts made to accommodate Mr Hack and his team.

He took from Mr Hack's report that, in the main, the Commonwealth Games Federation had some pressure on them to bring their systems up to scratch. It had to be understood that the staff behind the Commonwealth Games Federation was in no way the staff behind the IOC. It seemed to him that most of the recommendations had been directly addressed to the Commonwealth Games Federation. The staff at UK Sport (from which he had also resigned) had also performed well, and he had been delighted to see that Professor Cowan's laboratory in London had performed well. On balance,

therefore, he thought that the exercise had been successful throughout, and he congratulated Mr Hack on his report.

MR WALKER congratulated the work done on the report.

He thought that WADA now had a good deal of material from the various events at which there had been an Independent Observer presence, and it would be useful to make some kind of analysis, in other words, what were they learning from the reports? Would it be possible to put the various recommendations into categories? Perhaps some guidelines could be produced which might be helpful to the organisers of such events.

With regard to the question of drawing up a list of priority events at which an Independent Observer presence would be useful, this was being thought about in the Standards and Harmonisation Committee.

DR STRETTON thought that the idea of an assessment of what had been learnt thus far was a good one. Perhaps WADA could also include an assessment of the size or composition of the team required for different events, and whether it was necessary to have a team to observe every aspect and every test, or whether WADA was reaching a stage at which it could regard the process as a selective audit of an event.

He had thought that WADA wanted the Independent Observer teams to be funded by the events organisers and not by WADA.

MR HACK responded to the comments. With regard to the salbutamol case, there had been an infraction in terms of the rules. His team had observed the process and had highlighted in its report that the rules had not been followed, so the Commonwealth Games Federation should have made a ruling. The Independent Observers could point out only that the rules stated one thing, and that these should not be deviated.

With regard to the comments made by Dr Schamasch concerning composition, there should be athletes represented. The Independent Observer team had been fortunate in that it had included one recently retired athlete and one former Olympic athlete, therefore the athletes had been represented to a certain extent.

In response to Dr Stretton, when the Independent Observers had decided to pair the observers up (the team had included eight people and two administrators), the function had been to observe everything, not merely sample collection, and to combine the expertise in sample collection and legal expertise to ensure transparency. There had been eight observers, which was effectively four teams, and these had observed as many aspects as possible. He would not like the teams to be reduced to anything below that figure.

With regard to what Mr Walker had said, WADA had discussed this issue, in particular Mr Howman, who believed that it was necessary to take the reports of all the Independent Observers and come out with one blueprint. With regard to lists and priority events, this was up to WADA to determine.

THE CHAIRMAN thought that, in response to Dr Stretton's comment, this was a sampling process and not an observation of every single test.

As far as Dr Schamasch's comment was concerned, there were differences between the Olympic Games and the Commonwealth Games where there were multisports events, and single sport events.

DR SCHAMASCH noted that it was hard to find people without any conflicts of interest. It might have been sensible to have a non-Commonwealth athlete among the athlete representatives, for example.

THE CHAIRMAN did not think that anybody would regard the Independent Observers as a court in judgment of the Olympic Movement.

MR WADE observed that Dr Schamasch's suggestion was a good idea; WADA had tried to have a cross-the-board range of expertise and take into consideration the concerns regarding the Commonwealth nations.

Mr Walker's idea was also a good one, and it would be helpful to assist organising committees. WADA had received calls from Manchester wanting to see the Salt Lake City report.

In response to what had been said by Dr Stretton, this was a selective process, and the Independent Observers did not observe everything; there was a random element to it.

With regard to the funding aspect, WADA intended to look at cost-sharing. This was a policy and approach which had not yet been fully developed.

THE CHAIRMAN noted that one advantage of doing the analysis that had been suggested was that it would make the pre-event agreements easier.

MR HOWMAN said that it should be reported that the Salt Lake City recommendations had been pursued by the IOC and that Dr Schamasch and Professor Ljungqvist had been very helpful in this respect. The Director General and his team were now looking at publication of that report.

THE CHAIRMAN said that the Independent Observer Programme had proven to be a very valuable service provided by WADA, and there had been no suspicion of any improper actions, results or cover-up of suspicious samples since the programme had been in action, therefore it was very good for organisations under whose aegis the events were held to have this service.

DR SCHAMASCH agreed with Dr Stretton's suggestion that the organising committees should pay but, for an Independent Observer Programme to be fully independent, it should be self-funded.

THE CHAIRMAN did not personally agree with Dr Schamasch. He saw no reason in principle why an organisation should not be prepared to pay for WADA to carry out an Independent Observer mission at its event. For example, doctors and lawyers did not lose their objectivity or professionalism simply because their fees were paid by their clients.

MR REEDIE said that rights-holders should have an Independent Observer Programme in the bidding process, so that people would get used to the idea that this was part of the whole process. There would then be a much better chance of getting a degree of benefit in kind.

THE CHAIRMAN noted that the Independent Observer aspect of the Olympic Games had been built into the 2010 and 2012 Olympic Games.

DECISION

Independent Observer report on the Commonwealth Games in Manchester approved.

9. Finance and Administration

MR REEDIE introduced two new people to the Executive Committee members: Mr Belton, WADA's Financial Controller, and Mr Belton's assistant, Ms Barnett, who would be taking over the production of the quarterly statements available to all of the members of the Executive Committee.

9.1 Report from August 24 meeting

MR REEDIE referred to the report in the members' files (Annex).

The Finance and Administration Committee had found that it had had a pretty acceptable deal in its recruitment of staff. Noticeable costs had been incurred, but he did not think that these were excessive.

It might be necessary to revise the 2002 budget. It seemed clear that there was at least the possibility that WADA would not collect the US\$ 17 million from the Olympic Movement and the governments before 31 December 2002. The IOC President had taken a decision that he would only match, dollar-for-dollar, the government contributions, so the hard facts of the matter were that if the governments did not pay, the IOC would not pay. What the Finance and Administration Committee had decided to do was to assume that, instead of collecting US\$ 17 million in subscriptions, it might collect only US\$ 13 million. The total payments from WADA's partners were given in the document (Annex). If a reduction of US\$ 4 million in the income of the agency was going to be assumed, it fell to the Finance and Administration Committee to work out how to balance the books by looking at what expenditure would be cut out. This brought him immediately to the question of research funds. In 2001, a sum of US\$ 4.5 million had been budgeted and allocated for research funds. To date, US\$ 2.073 million had been spent, which was 80% of the grants that had actually been paid, so there was 20% still to pay on completion, which was another US\$ 480,000. There was, subject to contract, particularly in the USA, some difficulty in getting the contracts finally agreed, an additional US\$

760,000, so this meant that, at the moment, he would regard as committed US\$ 3.313 million of research money. On top of that, WADA had agreed to pay, but had not yet actually paid, an additional US\$ 1.2 million, principally to a major programme on human growth hormones in London, and that had been held up because it was a multi-sponsored exercise and there had been a question of other funds becoming available. What had happened, in reality, was that WADA had benefited from its inability to get research money out of the door quickly enough, and the research money had been ring-fenced, so that, having taken on commitments, WADA knew that it could meet them. Part of the commitment taken on in 2001 had been for programmes that had lasted for more than one year, so US\$ 1.5 million for the current year had been taken and effectively added to the US\$ 4.5 million from 2001, to give a total research fund of US\$ 6 million, so that WADA could fulfil the conditions and promises that had been made regarding research undertakings. Adding US\$ 1.5 million meant that the current budget figure, for the current year, of US\$ 5 million was clearly reduced by substantial amounts of money. The Finance and Administration Committee had thought it reasonable to do that because, in sheer practical terms, it had been physically very difficult to get the process completed. Therefore, the Finance and Administration Committee had thought it entirely reasonable that WADA would not be entertaining and paying any new applications throughout the rest of 2002, so if the members accepted the suggestion, WADA would honour all of the commitments made in the 2001 programme, and deal with the future in 2003.

The Finance and Administration Committee had also had a very hard look at how it would try to monitor the current expenses. The proposal was that new recruitment be monitored very carefully.

The Finance and Administration Committee was also trying to strictly monitor the running costs of the office; it was trying with considerable difficulty to strictly monitor IT costs, which was a very difficult exercise indeed.

It tried, as best as it could, to look at WADA representation and, if in doubt, used the smallest number of people rather than a larger number of people, and was trying very hard to reduce the travel costs.

The Finance and Administration Committee had also made the point that it wanted the Executive Committee to carefully evaluate the cost of regional offices.

Having done all of that, the Finance and Administration Committee ended up, he hoped, balancing the books at the end of 2002, and the points made by the IOC President were all covered in that. The IOC President had made one particular observation that personnel and administration costs had gone up. The Finance and Administration Committee had identified the reason for that: there had been some substantial increases in the insurance market, which was a worldwide feature; travel expenses from that part of the world were high; the Finance and Administration Committee had underestimated the IT costs for moving into the headquarters; and staff had also been taken on because that was what the Strategic Plan, which had been approved by the Executive Committee, had said should be done.

His final comment on the 2002 outcome was that the IOC had suggested that, if WADA got to the end of 2002 with what had been described as *the remainder of the reserve*, if there was a substantial reserve fund, then that reserve fund should be credited against contributions from both governments and the IOC in 2003. He could understand why the IOC would suggest this; he was not sure that he totally agreed with it, but he did think that WADA should sit down and discuss this with the IOC and see exactly what the IOC meant. He assumed that *the remainder of the reserve* meant after WADA had ring-fenced its research commitment, and it was funds that WADA would have left at the end of the year. If this was the case, he sought the Chairman's permission to go and identify the matter clearly with the IOC, and work out with the IOC what the implications of that were, because if the contributions in 2003 were going to be less than had been anticipated, and if they were further reduced by applying a balance equally between the IOC and by the public authorities, then first of all the budget was extremely tight, but he thought that there might be a further complication, which was WADA's status as a Swiss foundation, and he asked Mr Niggli to explain the legal implications as far as that was concerned.

MR NIGGLI said that, as a Swiss foundation, by law, WADA was unable to make any loss in a fiscal year, which was why the books had to be kept balanced, otherwise WADA would face the Swiss authorities' questions and, in the worst case, the authorities would have the power by law to dissolve WADA.

MR REEDIE said that, if contributions were not received from the public authorities, then contributions would not be received from the IOC, and that would simply tighten the financial position.

THE CHAIRMAN stated that WADA was not going to spend more money than it had in hand. A five-year plan had been settled on, and a budget had been approved by everybody involved, and he was reluctant to give up on any of the activities that were reflected in that budget. He appreciated that the big dollars were in the research funds. There were three months left in the year; WADA now had a Science Director; it had the applications in; and he thought that WADA should decide which projects it would fund if it had the money to do so, and make no commitment until it knew whether it had the money. He did not want to give up or reduce the activities. The double effect of the governments not paying was very serious: it cut down on the activities in support of the fight against doping in sport, but WADA could not be irresponsible by committing to spend more than it had.

He thought that the research projects should be identified, in other words, if WADA had the US\$ 5 million that it had planned to spend in 2002, it should state the projects to which it would commit, and then, as the money came in, WADA should make the commitment, bearing in mind that a commitment could not be made that would put WADA into a deficit position.

He asked Mr Reddie to go to the IOC and hammer this matter out.

MR REEDIE agreed that he would do so.

MR TOKUSHIGE said that it was a tragedy that the payments from the governments were not coming in. Japan had paid its full share in April 2002, as soon as the budget had been approved. He suggested that WADA send a reminder to those countries that had not paid in order to accelerate the payment process.

If the IOC reduced its share and the other countries did not make their contributions, then Japan would be forced by its Ministry of Finance to stop its own payments.

THE CHAIRMAN said that he wished that all of the countries were as conscientious as Japan, but WADA was making great efforts to obtain the payments.

MR LARFAOU asked about the USOC reimbursement for 2002.

MR REEDIE replied that WADA had not yet been reimbursed by the US authorities.

THE CHAIRMAN added that, sadly, USOC totally denied any responsibility for the matter.

In an attempt to reassure his Japanese colleague, MR REEDIE said that not only did WADA remind people to pay, but it was actively involved on a day-to-day basis to make sure that the contributions were paid. This was why the total contributions were put on the website daily.

DECISIONS

1. Mr Reddie to discuss the necessary budgetary issues with the IOC.
2. Report of meeting on 24 August 2002 approved.

9.2 Revised 2002 accounts

MR REEDIE said that the accounts were in two parts: one was the headquarters accounts for the whole of WADA (Annex), and the second was the accounts for the Lausanne office (Annex). These were kept separate but, as always, every cent of income and expenditure was disclosed.

There were two specific issues to which he wished to draw the members' attention for the purposes of accuracy. On page 4 of the headquarter balance sheet, reference number 200 (*accounts payable – UBS Lausanne US\$ 346,928.25*), the reason for this appearing was that there had been a major transaction in one currency, and the bank had forgotten to transfer the money from a separate account. This was not a liability, and had been sorted out.

The second issue was almost at the very end of the headquarters report, reference number 561450 (*office supplies / stationery*). The figure of US\$ 43,237.85 included a figure of around US\$ 20,000 of legal fees, which should not be there, so he would reapportion these and post them to the proper accounts.

The third quarter's accounts had been due the previous day, and would be available to the Executive Committee and the Foundation Board at the meeting in November.

DECISION

Revised 2002 accounts approved.

9.3 Draft 2003 budget

MR REEDIE noted that the Finance and Administration Committee had started from the basis of the five-year plan to which everybody had agreed, and that was that for the year 2003, there would be somewhere just in excess of US\$ 20 million of contributions, to be split between the Olympic Movement and the public authorities.

The Finance and Administration Committee had been faced with the situation that, if there was a potential shortfall in 2002, it was not entirely unreasonable to consider that there might be a shortfall in 2003 so, for 2003, the Finance and Administration Committee had introduced another provision for unpaid contributions, which was a total of US\$ 6 million. A budget had been produced on the assumption that US\$ 14 million would be available to WADA (US\$ 7 million from the IOC and US\$ 7 million from the public authorities). He was very reluctant to accept that this was what would happen, but until somebody told him categorically, from the public authorities side, that payments would be made, he was afraid that, from a financial point of view, WADA simply could not go ahead and enter into hugely complex contracts and undertakings which, as Mr Niggli had outlined, would cause WADA some considerable difficulty with its legal status as a Swiss foundation.

It was not for the Finance and Administration Committee to tell the Executive Committee what to do, but it had decided, in preparing its budget, to produce a list of first priorities, which were: completion of the Code in 2003; the World Anti-Doping Conference; the list of prohibited substances; laboratory accreditation; and the Out-of-Competition Testing Programme. The second priorities were: the Youth Awareness Programme; research; Independent Observers; and the development of national anti-doping agencies. On that basis, the Finance and Administration Committee had gone ahead and produced a budget on a blow-by-blow basis, department by department. The directors of each department had been asked what their wish-lists were, and the wish-lists had come back at a total substantially in excess of the US\$ 20 million that WADA thought that it was going to have anyway, even assuming that everybody paid all of their dues on time. That had not come as a big surprise to any member of the Finance and Administration Committee. The document to which this referred (Annex) was set out in the way that he thought that the members had asked for it to be done.

He did not propose to go through every issue because, quite clearly, after that day's meeting, a final budget was going to have to be presented to the members in November, as they had indicated that there might be some changes which they would like to be made.

He thought, however, that he should note a couple of the IOC comments. The IOC had asked about the costs of the Lausanne office, which were clearly shown in the document. The IOC had also asked for WADA not to commit to itself to programmes that were highly expensive for the organisations for which such programmes were intended, using as an example the Independent Observer Programme. He thought that there was a slight misunderstanding, as this programme was not expensive for the organisations and, if it was expensive, it was expensive for WADA. Secondly, he thought that there was some misunderstanding because, at that moment, quite a lot of the Independent Observer Programme had been funded directly by the European Union, and therefore had been relatively cost-efficient as far as WADA was concerned, but he thought that he would be able to deal with all of the issues that had been raised and give comfort to the IOC.

One department to which he wanted to refer was the Director General's Department. The Finance and Administration Committee had rather assumed that only one Foundation Board meeting could be held in 2003 but, if the Code was to be approved at the World Conference on Doping in Sport in Copenhagen, and if the Statutes said that it must then be approved by the Foundation Board, then it seemed to him that it would be necessary to hold two Foundation Board meetings in 2003. If this could be confirmed, then the Finance and Administration Committee would be able to adjust this figure by the cost of having two Foundation Board meetings when it had thought that it might get away with one, and if that was shoddy planning by the Finance and Administration Committee, then he apologised.

THE CHAIRMAN did not think that there was much alternative but to have a Foundation Board meeting in March 2003 to adopt the Code, and then another one in November.

MR REEDIE said that the Finance and Administration Committee would change the figures accordingly.

With regard to employees to be hired, it seemed clear to him that there would be a need for substantial involvement by WADA with the IICGADS group, to begin to help reorganise the whole structure of government contributions to WADA. The system that had been put in place was creaking at the seams. It was out of balance country by country, and perhaps by continents as well. The Finance and Administration Committee thought that resources should be allocated to try and help governments in that task. He was well aware that the WADA President spent a lot of time trying to extract funds, and that the Director General's absolute priority for that year and the following year was trying to achieve that exercise. The Finance and Administration Committee would therefore like the Executive Committee to consider putting together the appointment of a COO, possibly adding on to this a special counsel type of appointment as well. This might be done only for a relatively short period, of two to three years, which could also cover the question of implementing the Code. If the Code was approved in March 2003, then it would be necessary to monitor its compliance and implementation and WADA would need somebody to do that and, subject to the Executive Committee's agreement, the Finance and Administration Committee would like to put together a job description and tender it on the website. He was reluctant to increase administration costs but, in this particular case, the members should be aware of the pressures on the time of the President and Director General of WADA to generate sufficient income simply to allow WADA to do everything that it wanted to do.

The major change in the budget arose from the out-of-competition testing proposal that WADA had had. He thought that it would be necessary to sit down quite quickly and actually put in place what the costs of this exercise would be in 2003 and 2004. Therefore, the budget would probably need to be quite substantially knocked around in those areas, and he sought the Executive Committee's permission to do that.

THE CHAIRMAN said that he had no problem with the idea of having help for the short-term, so if the job description was to be put together, it should be put together for a specific term.

MR TOKUSHIGE noted that it would be very difficult, almost impossible, for Japan, to increase its contributions, therefore he felt that priorities should be set as to where the money should be spent. Also, WADA should seriously consider other income sources. WADA should finalise some kind of income structure, and the governments in particular needed some kind of ceiling.

THE CHAIRMAN replied that a global ceiling had been established for the governments. The IICGADS mechanism was designed to do that, and the Memorandum of Understanding process that was being prepared was intended to address that.

As for the budget, the principal concentrations were as outlined by Mr Reddie and, if there were any areas where Mr Tokushige thought that there should be more, or less, emphasis, he should submit comments to the Finance and Administration Committee so that it could make the necessary reallocations before the meeting in November.

DR SCHAMASCH noted that the comments made by the IOC on the budget had been made on the basis of a less complete document than the one that was before the members that day.

With regard to the five-year plan, it seemed that there was a linear increase of 7%. He thought that a 7% linear increase with regard to salary and staff was not in accordance with the current economic situation.

MR RIISKJAER wished to draw the members' attention to the final document from the meeting for the European Sports Ministers in Warsaw. All of the ministers had agreed to call on those European governments which had not made their contributions to do so immediately. Furthermore, they had concluded that, in principal, European governmental representatives at all levels in WADA should be selected from those countries that had contributed the agreed share to the WADA budget. At the meeting, several ministers had confirmed that they would pay their contributions within a month, and Denmark had received written communications from other EU ministers that they would also pay their contributions that month.

MR WALKER thanked Mr Reddie and the Finance and Administration Committee for having prepared the draft budget as requested at the previous meeting in June.

There had been an agreement on the budget ceiling at the December Foundation Board meeting in Lausanne the previous year, but he thought that an agreement as to what a ceiling was should not necessarily be interpreted as a commitment to go up to the top of the ceiling.

MR REEDIE referred to Dr Schamasch's comment regarding the 7% escalation. This had been discussed by the Executive Committee about eight months prior to the meeting. The formula applied had come from the public authorities, and the request had come from the public authorities, particularly the European Union. The compromise that WADA had made was to put ceilings on those figures.

He had been aware of the decision made by the European ministers in Warsaw, and he hoped that all of the major contributions would come in quickly. He had to say, however, that the contributions were for 2002 and not for 2003, and there was a potential cash-flow situation that would have to be dealt with.

DECISIONS

1. Budget to be adapted to include the cost of two Foundation Board meetings in 2003.
2. Job description for a COO/Special Counsel for a limited period of time to be put together and tendered on the WADA website.
3. Draft 2003 budget approved.

9.4 Budget ceiling for 2007

MR REEDIE noted that, if the governments were comfortable not to take the issue any further for the moment, then he thought that the Olympic Movement would be happy with this, as the Finance and Administration Committee would have to look at what future costs would be.

DECISION

Decision regarding the budget ceiling for 2007 to be postponed.

9.5 Government contributions

MR DE VILLERS said that, with regard to the IICGADS meetings co-chaired by Canada and Australia, arrangements were under way for the next meeting in Moscow on 9 and 10 December 2002.

At the meeting in Kuala Lumpur, it had been decided to develop the concept of an international instrument to facilitate government cooperation and harmonisation in support of the role of WADA, and he thought that that tied in with some of the discussions that had been going on regarding payment. It was a very informal arrangement between governments; there was nothing in writing at that point, which was why it was so important to have the Memorandum of Understanding put into place. The Memorandum of Understanding would have three general purposes: to sustain international intergovernmental cooperation in advancing the harmonisation of anti-doping policies and practices; to formalise the governments' relationship with WADA in terms of governance and funding; and to endorse the World Anti-Doping Code and mandate WADA to monitor in compliance with the Code.

There were two other significant developments on which he would like to report. From discussions, it was becoming clear that the roles and responsibilities of governments, as articulated in the Code, would have to be placed in a government to government agreement, and he saw that the latest draft appeared to be going that way.

The Memorandum of Understanding might best be regarded as a two-step process. The first step would hopefully be signed by the governments in Moscow, and would be the general operating agreement amongst governments. It would formalise the governments' relationship with WADA in terms of governance and funding. The actual Code could therefore be adopted as an addendum to the Memorandum of Understanding or as a separate Memorandum of Understanding when it was finalised.

DR STRETTON said that the first draft had been discussed the previous day with government officials; a few changes were going to be made and this would be got out to all of the governments and WADA for comments very shortly.

THE DIRECTOR GENERAL said that the government contributions would be obtained through joint efforts. The Executive Committee and Foundation Board members were in a position to help to solve the challenge that WADA was facing.

He assured the members that WADA had written promises from several governments regarding payment of contributions, signed either by the minister or the ministry concerned.

As had been said previously, the good news was that the IOC would match the government payments dollar for dollar. Some governments had already made commitments for the following year.

Reminders had been sent to all those governments that had not paid, and WADA would continue to follow up systematically with each government that had yet to pay its share.

MR SWIGELAAR said that the schedule in the documentation did not reflect any African contribution, however he wished to note that South Africa had transferred its share.

DECISION

Government contribution update noted.

9.6 International accounting standards

THE CHAIRMAN noted that there had been a request that the members consider using international accounting standards and have an audit according to international auditing standards. This was a decision that could be made at the meeting in November, and he asked the members to think about the matter. This would involve a considerable increase in costs.

MR REEDIE said that, if WADA did use international accounting standards, there would be high costs involved (somewhere around US\$ 65,000). The Finance and Administration Committee had looked at this and remained unconvinced that WADA would gain much advantage from international accounting standards. WADA was not a publicly quoted company, and the Finance and Administration Committee therefore questioned the relevance of such standards.

THE CHAIRMAN asked Mr Reddie and the Finance and Administration Committee to make a recommendation to consider in November 2002.

DECISION

Recommendation to consider the use of international accounting standards by WADA and to have an audit according to international accounting standards to be submitted to WADA's Executive Committee in November 2002.

10. Strategic Plan

MR WADE noted that there were various documents in the members' files: an update on the Strategic Plan, the Strategic Plan; the Draft Communications Plan; and the Draft Performance Measurement System. The Strategic Plan itself was obviously an important cornerstone document for WADA, and the purpose of the presentation was to provide the members with a very quick overview of the basic elements and approach to the Strategic Plan, and to update them on what was being done to modify the Strategic Plan and address some important aspects of evaluation. In November, he would present a more complete review of the Strategic Plan.

He went on to give a PowerPoint presentation of the Strategic Plan.

The Strategic Plan had been endorsed by WADA's Foundation Board in June 2001. It was a hybrid document, which had strategic direction and organisational goals and priorities; it talked about key strategies and identified programme activities over a five-year period.

It was therefore a living and dynamic document, and required regular review. The WADA management team was taking on the responsibility for that review, and needed to monitor and make changes that would relate to emerging needs.

The additional programme priorities identified were a development of a communication strategy and a development and implementation of a global clearing-house, as well as a revision of the WADA corporate structure and establishing a Performance Measurement System (Annex).

The Performance Measurement System involved an additional development of the system, with clear recommendations: achieving benchmarks; achieving objectives; and direct and indirect performance indicators.

Future needs included recommendations and updates to be tabled for WADA's upcoming Foundation Board and Executive Committee meeting in November 2002, such as the acceptance and review of the proposed five-year rolling plan, and the Performance Measurement System.

The bold text in the Strategic Plan document indicated all the changes made to the original text.

THE CHAIRMAN wished to encourage the members of the Executive Committee to comment on whether directions should or should not be pursued.

10.1 Communications Strategy

MS KHADEM referred to the Draft Communications Strategy (Annex). She also introduced WADA's new Communications Manager, Mr Donzé.

DR SCHAMASCH congratulated Mr Wade and Ms Khadem on their reports.

With regard to the website, why were the minutes of the WADA Executive Committee and Foundation Board meetings no longer being posted?

MS KHADEM replied that the minutes should be on the website, and WADA certainly hoped to continue this practice. When attempting to operate a number of different websites at the same time, which were provided by different service providers, it was not always easy to update them.

DR SCHAMASCH noted that internal communication was crucial: the stakeholders should be informed about all kinds of working committee meetings etc. on a regular basis, in order to prevent what had happened about three weeks prior to the meeting when the IOC had received a 250-page report which had taken a long time to download.

MS KHADEM agreed with Dr Schamasch, adding that regular updates would be made.

DR SCHAMASCH thanked Ms Khadem for targeting a non-Anglo-Saxon event in Paris.

THE DIRECTOR GENERAL noted that all but the minutes from the meetings in June were on the website, however they were not on the extranet, as this venture had proved to be too costly. The minutes from the June meetings would be posted the following day, since they had only just been approved.

MR VERBRUGGEN thought that the plan was a good one, but there was one thing missing: information to the public on doping, as the public did not have a clue what doping was, so perhaps Ms Khadem could look into incorporating that element in the plan.

MR HOWMAN commended the report, noting that Asia would benefit greatly from the Outreach Programme. Perhaps an event in Asia could be looked at.

MR MACADAM thought that the issue of key audiences ought to be highlighted at the beginning of the report.

MS KHADEM agreed with Mr MacAdam about the key audiences; this was a good idea. In her mind, WADA was trying to reach everybody. This went back to what Mr Verbruggen had said, that the public was also a major audience. This perhaps needed to be emphasised more, and she saw this in connection with education and the development of the proper materials to reach all of these audiences. Communication was the vehicle by which to do this.

She would certainly look into Mr Howman's suggestion.

DECISION

Communications strategy approved.

11. Updates and Reports

11.1 Health, Medical and Research report

MR WADE referred to the Health, Medical and Research update (Annex), noting that a number of the items in that report would be addressed as separate items in the meeting that day. There were a lot of activities going on, and there had been a great deal of expert involvement.

DECISION

Health, Medical and Research report approved.

11.2 EPO report

DR GARNIER gave an update on EPO. The Foundation Board had previously mandated an independent panel of experts to look into the issue of EPO, and their final report was not yet complete, as the research had taken longer, and had been broader, than initially planned. He had spoken to one of the experts the previous day, who had been asked to inform the members of the main lines of the EPO report.

The urinary method developed by the Paris laboratory was currently considered to be the only known method to screen for the presence of exogenous EPO. Alternative methods were in an experimental stage at the moment. The current method was functional and reliable, although complex. It was used by four laboratories: Barcelona, Lausanne, Oslo and Paris. There were certain individually accepted procedures used by the various laboratories.

The current limits of the method were sensitivity: the detection window was now limited to 48 hours, and the interpretation of results.

The proposals of the experts were as follows: the urinary method could and should be used. The sensitivity of the method should be improved twofold, which was possible due to better use of results and also due to technological improvements. A meeting between the laboratories should be organised in order to adopt a common procedure for interpretation of results. The creation of an inter-laboratory database should be considered, including isoform for each athlete (individual monitoring).

He thanked the Lausanne laboratory and Professor Saugy, its director, for kindly providing the experts with all of the necessary information.

PROFESSOR AYOTTE asked whether the Los Angeles laboratory had been involved.

More than four or five laboratories currently used this method; obviously those that had been mentioned had the most experience. The researchers were reaching their objectives, and the laboratories would like to meet to coordinate their findings.

THE CHAIRMAN asked Dr Garnier to urge the experts to prepare their report in a fashion that would deal with all of the issues and make sure that there were no hidden agendas. He highlighted the need for consistency in methodology and interpretation.

When was the report expected?

DR GARNIER noted that the Los Angeles laboratory had been interviewed but had not appeared on his slide presentation.

The report would be completed by the end of the week and sent out to the scientific community in Atlanta.

He thought that the experts would be more thorough than the Chairman might imagine.

THE CHAIRMAN responded that it was important that the experts clarify that it was only exogenous EPO with which they were dealing.

DECISION

Interim EPO report approved.

11.3 Research report

PROFESSOR AYOTTE referred the members to the Health, Medical and Research update, which included a report on research activities (Annex). She had tried to respond to WADA's requirements regarding the research projects, acting as WADA's scientific consultant. An overview of the research projects submitted for support (Annex) had been annexed to the report.

All of the research projects would be reviewed by Dr Schneider and the Ethics and Education Committee, and they would also be reviewed according to the peer review criteria and sent to an independent researcher for an opinion.

At the end of the year, the projects would be submitted to WADA for approval. All of the researchers had been contacted to provide additional details.

There had been a meeting on 23 September of international experts on problems related to food supplements, the contamination of these and the lack of quality control involved.

WADA should be able to supply educational material to athletes, who were the object of aggressive marketing. There had been some initiatives taken to see whether it would be appropriate to study risk management in the case of these substances, but it was difficult to come to any kind of firm conclusion regarding this matter.

MR RABIN asked whether, when it came to the research projects, there was anything to improve the detection techniques, or whether that required a separate budget.

PROFESSOR AYOTTE replied that the research projects should be applied directly, in other words, this implied research as well as seeking better methods.

MR RABIN highlighted the need for an independent peer review process.

PROFESSOR AYOTTE agreed with Mr Rabin.

DR SCHAMASCH asked, with regard to the different budgets in the report, what the current policy was for these, and how WADA would decide to fund the research. Would there be a cap per year on the research, meaning that some years might be jeopardised by the ongoing process of previous research? Had a certain percentage been allocated to new research projects which would not be jeopardised by previous projects?

He regretted that the meeting on 23 September had not been publicised more, as the IOC would have appreciated an invitation, having carried out a great deal of work on the matter of food supplements.

PROFESSOR AYOTTE pointed out that the meeting the previous week had been convened rapidly, further to the request of Professor Ljungqvist; Professor Schänzer had attended, and had reported with her on the work of the IOC concerning food supplements. She would have liked the IOC to be there, but the study had been reported.

With regard to the budget, US\$ 1.5 million of that year's budget was for the previous year's projects, but she was very confident that good projects were being funded.

THE CHAIRMAN said that the members had been fully aware, when they had approved the research programme for 2001, that there would be carry-over.

MS ELWANI noted that nutritional supplements were used by most athletes, and if WADA could simply make a list of supplements for athletes, marking them with a WADA approved sign, this would be useful.

Could WADA also not talk to the manufacturers and inform them as to what was prohibited in sports?

Would an athlete using a supplement who had not been aware that it was contaminated be sanctioned in the same way as an athlete who had been consciously taking a prohibited substance?

PROFESSOR AYOTTE said that the issue of strict liability had been discussed at the meeting. The CAS had reached a conclusion in two cases, and had called into question the issue of strict liability. Nevertheless, athletes did need to take some kind of precautions.

It would be unrealistic to hope to give athletes a specific make of substances to take. The industries should go to the governments for quality controls.

With regard to the distributors, the strategy was to contact companies to ask for rigorous quality control.

MR RABIN thought that it was hard to convince suppliers to have controls which were as rigorous as those in the pharmaceutical industry.

DR GARNIER said that the IOC study on food supplements had been taken into account in the discussions at the meeting, and he also thought that Professor Ljungqvist, who had been present, had represented the IOC.

MR VERBRUGGEN told Professor Ayotte that he had thought that her laboratory was also able to detect EPO.

With regard to the EPO studies discussed, was it useful to check whether they fitted in with the results of the study carried out and the recommendations made?

Was WADA going to tell all of the IFs that they could perform EPO tests, and was WADA prepared to give them financial support?

PROFESSOR AYOTTE said that it would be necessary to keep an eye on the research projects submitted. The urine test was extremely expensive, as the material cost US\$ Canadian 350 per test, therefore they would aim to combine the test with the blood sampling in order to reduce costs. This was a lengthy method which did not always work. There had been 1,200 blood tests performed in Salt Lake City, but the same amount would have been impossible with urine samples.

It was comforting to note that the doubts regarding the feasibility of the urine method had been resolved.

THE CHAIRMAN added that WADA would certainly consider the budget.

DECISION

Research report approved.

11.4 Standards and Harmonisation report

MR WALKER said that he had presented a brief report at the previous Executive Committee meeting in June 2002, following the meetings of the Code Coordination Group and the Standards and Harmonisation Committee in May. He did not think that he needed to go through that report again, particularly bearing in mind that the minutes of that meeting were now available.

The Standards and Harmonisation Committee was dedicated to resolving the test result management guidelines, and was working in particular with ASDA to try to produce a set of generic guidelines to provide information for all those bodies and organisations with test result management responsibilities.

Because of the cancellation of the October meeting of the committee, he thought that this would now have to be done in the form of a desk study by WADA staff with the help of the ASDA colleagues who were cooperating on this, so that the committee could have something to propose to the Foundation Board following the next meeting, whenever that might be.

With regard to athletes' whereabouts, the Standards and Harmonisation Committee hoped to prepare some proposals for a standardised approach to this which would take account of some of the questions raised by Dr Schamasch, and also the protection of personal data.

He knew that the proposal in the new IADA doping control standard (to be adopted in due course by the ISO) suggested, in its present state of drafting, that the information on athletes' whereabouts should be sufficiently up to date to allow a control within any one week period. This showed that there was already some kind of thought given to protecting some elements of the athletes' privacy, and he thought that this was important, together with, for example, rules about at what time of day doping officers could present themselves. There were a number of fairly delicate and detailed discussions to be held before any proposals on this could be put forward. This was also linked to the question of who did what, and where the athletes' whereabouts information should be centralised. WADA's job was to help coordinate the anti-doping fight on a global level. There were lots of organisations which had responsibilities or should have responsibilities for having whereabouts information. WADA and the IFs concentrated on testing athletes right at the top level of the international spectrum; but national anti-doping organisations, NOCs or national sports confederations had responsibilities for testing their athletes at all levels of sport, and also needed to produce an athletes' whereabouts database, so WADA should not duplicate or step on the toes of those who also had legitimate responsibilities. It seemed to him that the answer here lay in coordination and compatibility. He also thought that WADA needed to work with other organisations and perhaps one of its roles could be to help ensure that the kind of data and the kind of databases into which these data were entered were compatible and could communicate with each other, and that all the partners had access to all the kinds of information that they had a legitimate interest in accessing. Perhaps the IT project which was proposed in the papers could concentrate on developing some kind of useful common software that could be employed by all those organisations involved. He recognised that this was quite a complex issue, because there were

other national ones already in existence, notably in Australia and Norway, which also had other functions, as they could enable the extraction of which athlete in which sport needed to be tested in the next few weeks. This went beyond the mere question of whereabouts; it was also a test distribution programme. He thought that a WADA staff paper to be discussed at the next meeting of the Standards and Harmonisation Committee might be necessary.

Having had a brief look at Dr Stretton's paper, the last question that he had raised as to who was responsible for what with regard to athletes' whereabouts was a potentially delicate policy issue.

DR SCHAMASCH thanked Mr Walker for the work, but it did seem, in Mr Walker's report, that the only references used were Anglo-Saxon ones. Mr Walker had mentioned Australia, Norway and Canada three times in his presentation, and there were other countries which were not Anglo-Saxon, so the research should be re-situated, and the views of other organisations should be sought.

MR WALKER replied that he was well aware that there were other examples that could be used.

DR SCHAMASCH emphasised that, around the world, there were many other bodies fighting against doping and, when preparing guidelines, one should not look to Australia, Canada and Norway alone for information. He knew that these bodies were working very well, but thought that others should also be looked into.

DECISION

Standards and Harmonisation report approved.

11.5 Ethics and Education report

DR PIPE passed on Ms Schneider's apologies for her absence. She was confronting one of the legacies of her Olympic career, in that she was struggling with two ruptured intervertebral discs and had been unable to attend the meeting.

He was new to this position and was unable to discuss some of the Ethics and Education Committee's activities. The report was in the members' files (Annex).

Fundamental to the committee's work would be developing and establishing an appropriate linkage with the communications arm of WADA, since so much of education was communication, and vice versa.

Mindful of the current financial environment of WADA, it was very important that WADA be very strategic in terms of ensuring that appropriate partnerships and opportunities for leverage were explored in some of the educational initiatives.

As a priority in the next few weeks, he hoped to be able report on the current status of all of the Ethics and Education Committee initiatives.

He had been struck by the comment made by Mr Koss that athletes did not know what WADA members thought they knew. There could be no more perfect an introduction to the work of the committee than this comment, which was probably one of the most insightful comments ever made about the needs of athletes.

DR SCHAMASCH asked whether the issue between the Health, Medical and Research Committee and the Ethics and Education Committee had been improved in order to deal with the research projects process.

THE CHAIRMAN said that, when WADA had made its first research grant applications, it had not built in an ethical review, but this had since been done.

PROFESSOR AYOTTE noted that the review had begun two months previously; therefore it would be complete before the completion of the scientific review.

DECISION

Ethics and Education report approved.

11.6 Athletes' Passport

MR KOSS referred to the information in the members' files (Annex). He would not go into details, but wished to touch on certain points.

At the Commonwealth Games, more than 1,200 athletes had signed up to the Passport, thanks to the impressive efforts of Ms Spletzer and her team. There had been a great education and awareness programme led by WADA in Manchester, and it had been well received by the athletes. It had also caused demand to WADA to deliver on its promises to the athletes.

The structure of the project was changing from a volunteer committee structure to a project team, which had been established the previous day, and was led by Mr Wade, with different people responsible for different activities.

With regard to the technology aspects of the Passport, the two things that the Passport aimed to achieve were athlete whereabouts and test history. The whereabouts part was driven by WADA's aim to reach athletes 365 days a year. It had been trying to develop this so that the athletes would need to provide the necessary information only once. This was a critical approach, which had an implication on in- and out-of-competition testing and results management. The Passport Committee supported the endeavour to create a unique global database, and the Passport Programme would be just a part of that. He was glad to say that Mr Hoistad would be helping with the development of the plan.

As for test history, the goal was to include seven nations and the IPC in an agreement to share test history between the seven countries, and establish them as national distributors of the WADA Passport. This formed part of a proposal to the European Commission for second phase funding (Euro 745,000 had been requested).

With regard to the legal question of intellectual property rights, a solution had still not been reached between WADA, ASDA and Praxa, the Australian corporation which had developed the Passport, however he looked forward to clearing up this matter with the assistance of the Australian government representative, and he hoped to continue the good relations with ASDA, whose assistance to WADA he had greatly appreciated.

A strategy of monthly communication with the athletes who had signed up to the Passport had been developed, and the first communication would go out at the end of the month. There would be some financial implications, as only half of the athletes who had signed up had access to the internet.

He thanked the Commonwealth Games Federation in Manchester, as well as Mr Reddie, for their support.

Athletes around the world did not know what WADA members thought that they knew about doping in sport, particularly in less developed countries, and it was important to increase understanding.

The issue of nutritional supplements was very important, and questions about this were constantly asked by athletes.

At the Commonwealth Games, an athlete had come to the Awareness stand with his team leader, who had taken him away, saying that this was not something that the athlete needed to worry about. The athlete had sneaked back later on his own to find out about the programme.

It was important that WADA deliver on its promises to the athletes.

MR LARFAOU said that there were problems involved in the testing of athletes three or four times over a short time period by several different agencies. Greater coordination was necessary.

As for the whereabouts issue, this would need to be looked into, as it was very important to know who was doing what.

DR STRETTON referred to the dispute with ASDA relating to the intellectual property issues. He had been pleased to hear Mr Koss's comment regarding the work that ASDA had put into the Passport project at no cost to WADA. He understood that ASDA had raised the issue in April, and was willing to discuss, but blunt letters were no substitute for negotiation. These were complex issues which needed to be addressed seriously. He urged Mr Koss to see if the matter could be worked out so that the relationship could be continued. He would be happy to discuss the matter with Mr Koss to see if something could be sorted out.

THE CHAIRMAN advised Dr Stretton to discuss the matter separately with Mr Koss.

DR SCHAMASCH asked what the potential limitations to the whereabouts issue would be. Where did the obligation start and finish in order not to compromise the athlete's private life? What exactly was being asked of the athlete? What if an athlete, during the time he or she was due to be at home, popped out to the shops? Such notions should be defined.

THE CHAIRMAN agreed, but noted that WADA was more concerned about an athlete disappearing for a week or two weeks, which was when the risk became huge.

MR HOWMAN thanked Mr Koss for all of the work done. Great momentum had been built up by the Passport and Awareness Programmes, and this should be maintained.

MR KOSS said that the technology would be able to deal with the whereabouts issue to some extent. A deadline had been set already for coordination of this by the time of the Olympic Games in Athens. With the support of the IFs, there would be one coordinated database. Phase 2, which included the seven countries and the IPC, would begin to develop this. There would be one coordinated approach from one platform, which would take some time to achieve, but it was important to focus on this in order to reduce the number of unnecessary tests.

He thanked Dr Stretton for understanding that he wanted a quick resolution with ASDA, and he repeated that ASDA had given a great deal of support to WADA.

He told Dr Schamasch that he believed that the point raised was in the Code, and the athletes would be required to provide their whereabouts by the time the Code came into effect. Obviously there was a difference between one hour of absence and ten days of absence. He thought that the athletes wanted to fight for drug free sport and would be willing to give up some privacy in order to achieve this. Perhaps members were not aware, but this had been routine for some time in many countries around the world.

He thanked Mr Howman for his support, and said that he would continue to work with WADA on the project.

THE CHAIRMAN thanked Mr Koss. As Chairman of WADA, he thought that Mr Koss had been a terrific supporter of WADA from the very beginning, and the Passport Programme would be nowhere near as far advanced as it was without the pushing and prodding that Mr Koss had given to it.

DECISIONS

1. Mr Koss and Dr Stretton to meet and attempt to resolve the ASDA issue.
2. Athletes' Passport update approved.

11.7 E-learning

MS EBERMANN referred to the document in the members' files (Annex).

The programme work was not yet on the web site, but by the end of that week the members should be able to see the fruit of one year's hard work on www.truegame.org. The aim was to translate the work and have it available in different languages.

With regard to the E-learning strategy (Annex), the aim was to establish a well-known platform at which everybody in the world would be able to find information on anti-doping. All of the work required a lot of money, which was why the group had applied to the European Commission for funding.

The aim was to ensure that there would be available funds in order to be able to continue the project, so that the portal could also be used for the Passport Programme and other activities.

The document would be on the table again in November, so she asked the members to review it.

THE CHAIRMAN encouraged the members to look at the document before the next meeting, and if they had any questions or comments, they should address them to Ms Ebermann during the interim.

DECISION

Members to review document and address any questions or comments to Ms Ebermann before the next meeting of the Executive Committee in November 2002.

11.8 Athlete Outreach Programme

MS KHADEM thanked Ms Spletzer for all of the effort that she had put into the programme.

The programme had been called Youth Awareness, but this had been changed to better reflect the aim of the programme, which was to reach out to every athlete regardless of age.

The video that she was about to show the members was a small part of what had been shot in Manchester. The aim was to create a corporate video for future use by WADA.

Over the past year, the group had participated in several large sporting events, including the Commonwealth Games, the Tour de France and the World Basketball Championships. Over the next 12 months, the group would be looking to raise awareness among athletes in several regions of the world, at the Australian Youth Olympic Festival; the European Youth Olympic Days; the Pan -American Games; and the All African Games.

Each event had an expert staff from all regions of the world, led by Ms Spletzer. She asked members to let her know about potential volunteers who might be interested in participating in the programme.

DECISION

Athlete Outreach Programme update approved.

11.9 Legal Issues

THE CHAIRMAN noted that there had been a meeting of the Legal Committee the previous week, and asked Mr Howman to report on this.

MR HOWMAN noted that the Code had been a major item on the agenda, and a full day had been spent discussing elements of the Code from a legal perspective.

The committee had also looked at the conflict of interest policy as directed by the Executive Committee, and would be redrafting that for presentation at the next meeting.

The IF contract had been reviewed, because the Summer IFs had their contracts for out-of-competition testing due for review and renewal, and the changes that had been made to that had been looked at, bearing in mind the onset of the new Code.

A little look had been taken at the sensitive issues in relation to legal intellectual property rights.

The two winners of the legal essay competition were Catherine Ordway and Gary Dukeshire. They had been asked to write about the legal requirements to conduct blood testing and doping control. The committee would try to put the essays on the WADA website and have them published in some legal publication, as well as paraphrasing them for the next meeting.

The committee had also looked at two of the professional sports which had entered into anti-doping, namely major league baseball and international cricket, both of which had introduced rules relating to anti-doping.

It had spent considerable time looking at the status of the CAS and how the CAS might be asked to participate in the Code, notably looking at the processes, the rules, the composition of the panels, the way in which people got appointed to the panels, and the funding of the process.

These were the bullet points of the discussions; there would be some information tabled in November.

THE CHAIRMAN said that WADA should look into the CAS and its role in the Code, as he did not want WADA to founder, when it got to December or March, as to what the resolving body should be.

MR HOWMAN replied that the committee was in contact with the CAS and would be discussing with the CAS the way in which it would be able to plug in; so the Legal Committee was very alert to the matter and would proceed with it that week.

MR SWIGELAAR asked where the winners of the essay competition were from.

MR HOWMAN replied that Catherine Ordway was from Australia but was currently working in Norway, whilst Gary Dukeshire was from Canada. There had been no entries from some parts of the world where many entries had been expected.

DECISION

Legal update approved.

12. Out-of-Competition Testing

12.1 General

MR KOEHLER referred the members to the document in their files (Annex).

DR SCHAMASCH thanked Mr Koehler for his presentation. He thought that the Out-of-Competition Testing Programme was the most important of WADA's programmes, and special effort should be made for it to reach its goal. The 4,500 tests planned were going to be completed, and he was delighted to hear that.

There were some problems, however. The previous week, at the World Rowing Championships in Seville, there had been criticism regarding the way in which the tests had been performed and the mistakes made by the doping control officers, therefore there was a need to be stricter with regard to the definition of out-of-competition testing and the rigour with which the doping officers worked.

He stressed that out-of-competition testing was the most important aspect of WADA, in his view. The IOC President had always supported WADA as a technical body, and this was one of the major elements of WADA's mission. Out-of-competition testing enabled WADA to fight against doping more efficiently.

MR KOEHLER thanked Dr Schamasch for his comments. With regard to Seville and FISA, the background on the testing was that an agreement had been reached, apart from the regular out-of-competition testing that was being done with rowing, because FISA had been looking for assistance in conducting pre-event and in-competition testing. He understood that there might have been some inconsistencies with the testing, however Mr Dielen had spoken to Mr Smith at FISA, and it had been felt that the overall coordination and management of the testing had been sufficient and had protected the athletes' rights, nevertheless, WADA would continue to strive for excellence and improvement.

DECISION

Out-of-competition testing update approved.

12.2 In-house testing and management update

MR KOEHLER said that the paper was the result of a clear message sent from the WADA Foundation Board and all of WADA's stakeholders for in-house management, and referred the members to the decision paper and supporting documentation (Annex) in their files.

He recommended extending the agreement with the DFSC for 2003, in order to ensure a seamless transition in 2004.

The financial implications for out-of-competition testing in 2003 were a little higher than presented in the report. The estimated budget was around US\$ 3 million for the five-year investment into the database, which was key for running an effective out-of-competition testing programme.

In 2004, there would be reduced costs because the database development would be in place, and from 2005 to 2007 the expected costs for the programme would remain the same. He guessed what WADA was looking at was a short-term investment for long-term gain, and he was looking for a commitment to do that in order to be able to move forward.

The database itself answered the idea of coordinating an effective out-of-competition testing programme, and everybody would have access to it and retrieve information on tests and planning. The NADOs and the IFs would also have the opportunity to purchase a part of the database to do their own test planning. This would build credibility in the international community.

Where would WADA go from here? Was there support for the five-year plan for the database development? Should the development be delayed for one year, until the money came in from the stakeholders?

MR ANDERSEN said that saying "yes" to the full in-house testing programme in 2004 would not make sense without the development of a database. The database question was a big one. This could not be done without cooperation. If WADA did not have the resources to develop the database, he proposed delaying this for one year, with part in-house testing and part testing with the consortium for another year.

DR SCHAMASCH asked about the US\$ 3 million budget that had been referred to for the development of the database.

MR KOEHLER replied that the budget presented in the report covered not only the database, but there was an additional cost that had not been put into the budget. The figure of US\$ 400,000 also included the in-house staff, the laboratory analysis and sample collection – the entire Out-of-Competition Testing Programme. The investment would be US\$ 400,000, but this should be looked at as a whole group, and the investment of US\$ 3 million to develop the database needed to be considered.

MR REEDIE said that the idea of a 'decision' should be replaced by 'discussion'. All of the members shared the intention for in-house out-of-competition testing, which led to additional and different types of expenditure, of which one was a database and computer capacity. Currently, a lot of money was being spent on computer capacity, and it made sense to do this once rather than under different headings all round the organisation. It would not help to throw figures around, because nobody, let alone he, could understand it. There was no doubt that WADA was not in a position to take the testing in-house for 2003, so WADA should try to find a date on which to achieve this, and propose it to the Foundation Board for a decision in November. The Foundation Board would therefore need to know everything about costs, and against those costs should be set the payments currently made which WADA would save, so that it would get a net increase in expenditure. He had tried to put this into some kind of financial programme, and this would need to be refined.

The intention was correct and the timing was roughly on line, but there was currently not the proper information that would allow the members to take a decision. The members should have this information by November.

MR VERBRUGGEN referred to the issue of a clearing-house and the mention that a manager and two staff members would be required. WADA should not underestimate the huge amount of work involved in the clearing-house function. There was work involved in compiling the negative tests. His IF, with something like 12,000 tests per year, had to provide information on 50 to 60 tests a day. With each adverse test, a report had to be made.

WADA would then be having a lot of appeals, therefore there would be a huge amount of work involved, and then, if there were to be a procedure, WADA would have to follow it up. The UCI had around 150 positive tests with procedures and sanctions every year, and four to five staff members working full-time on this matter. He warned the members to be careful when talking about the clearing-house function. In his opinion, WADA would need 15 to 20 people working on it, and this was a conservative estimate. He invited members to visit the UCI to observe how the procedure worked there.

DR STRETTON emphasised what Mr Reddie had said. At the previous meeting, he had requested a full cost analysis for taking the Out-of-Competition Testing Programme in-house. This information should be provided for the November meeting. He really thought that the members should look at the benefit side as well. WADA currently had an Out-of-Competition Testing Programme which was achieving a reasonable amount. What were the additional benefits of taking the whole thing in-house? He needed convincing that the benefits were worth the cost. Why was it worth the US\$ 3 million ongoing plus the US\$ 3 million up-front costs to take the programme in-house? He wanted to be shown the arguments.

DR SCHAMASCH asked whether the members could be sent the tender to which the DFSC had responded, as well as the contract and mandate, as soon as possible.

If WADA needed to reproduce the contract with the DFSC for 2003, then another call for tenders would have to be made. This would allow the November meeting to go ahead with fewer hitches.

DR STRETTON said that he agreed with Dr Schamasch. If WADA continued to use the DFSC, then it should go out to tender and try and get the best deal possible, especially if it wanted to contract an organisation for two years.

MR WALKER agreed that it was very hard to take a decision and more clearly explained arguments, reasons and costings were needed but, had the second meeting of the Standards and Harmonisation Committee taken place later that month, this matter would have been one of the major items on the agenda and the discussions in November would have been able to take place with whatever the Standards and Harmonisation Committee thought about the matter. Since this was no longer the case, he would like to invite the Standards and Harmonisation Committee members to

submit their comments in writing, so that Mr Andersen could incorporate them into the revised paper which would be prepared for the Foundation Board meeting. This was a very important issue, and the Standards and Harmonisation Committee should have an opportunity to make its suggestions known.

MR LARFAOU said that he supported the idea of a call for tenders. When exactly did the contract with the DFSC end?

DR PIPE thought that he might have a conflict of interest with regard to the matter, as he chaired one of the organisations which was part of the DFSC, and offered to leave the room if necessary.

THE CHAIRMAN did not think that this would be necessary, provided that he took no part in the discussion.

MR REEDIE said that there was no doubt that WADA needed to seek a tender. The original tender document was probably unfortunately worded in that it had been directed towards a particular group of people; that should not happen again. He was certainly aware of an approach from an independent contractor who wanted to come and speak to the Director General; there was a market out there for one year, and WADA should do this for one year. WADA should instruct whoever was responsible for the tender negotiations to do so as a matter of urgency.

He agreed with Dr Stretton that, given a clear case for taking the matter inside, WADA could then put a financial package together under progression that would show what the costs and implications of the decision would be, and that would have to be a Foundation Board decision taken in November, after all of the financial ramifications about whether it could be done had been looked at.

THE CHAIRMAN thought that the members were agreed with regard to the call for tenders. If WADA was going to get this done by the beginning of the year, which was when he thought that the contract expired, then it would have to get an offer out there quickly, and there would have to be a two-level tender, as WADA would not know whether the contract would be for one year or two.

DR STRETTON wondered whether the current contract could be extended for a few months in order to do the tender process properly.

THE CHAIRMAN said that this was certainly a possibility.

MR LARFAOU proposed making a call for a two-year tender. The specifications of the contract were also an important factor to be considered.

THE CHAIRMAN noted that WADA needed to think of its own interests first. If there was an overwhelming case to be made for bringing the out-of-competition testing in-house, and if WADA had the resources to do so, then it might want a one-year contract, but if it did not, or it was not sure, then it could have a two-level tender and pick a one-year or two-year contract.

MR DE VILLERS asked whether the members were referring to the out-of-competition testing as well as the in-competition testing. He was a little concerned as, if all of the out-of-competition testing was to be performed in-house, this would be a mammoth undertaking.

THE CHAIRMAN thought that the proposal was for a tender to do the out-of-competition testing, which was the 4,000 or 5,000 tests that were envisaged over the next couple of years.

MR KOEHLER responded to the questions and comments.

He told Mr Reddie that the team would redraft, look at the figures and come back to the Finance and Administration Committee before the next meeting.

He agreed with Mr Verbruggen that the clearing-house was a huge project. The thinking with the database was that everything would be electronic, which would hopefully reduce the need for large numbers of staff.

With regard to Dr Stretton's comments, he had thought that the reasons and benefits of in-house testing were assumed, but he would clearly outline them in the next document.

As controversial as this might seem, he was in support of a tender, but he thought that it was necessary to make sure that WADA was not focusing on the lowest costs and not getting the best quality. There were other organisations out there with excellent programmes that might provide WADA with a first-class service, but quality should not be jeopardised for the price.

DECISION

Management team to redraft the in-house testing and management report, bearing in mind the comments made by the Executive Committee members, revise the figures and discuss them with the Finance and Administration Committee before the meeting of the Executive Committee in November 2002.

13. Other Business

– **Proposal by Dr Stretton**

THE CHAIRMAN informed the members that Dr Stretton had put together a paper (Annex), which had been distributed earlier and contained some very interesting ideas which the members should consider.

DR STRETTON said that the paper had arisen, on a personal level, from a sense of frustration that there was rarely good policy discussion around the Executive Committee table, and some very complex issues were not getting the level of attention that they needed. He thought that WADA had to do better in terms of having discussions of key policy issues.

THE CHAIRMAN said that the paper was a very helpful identification of some of the issues about which the members should think. Maybe the Executive Committee should ask for some recommendations to be put forward for consideration at the next meeting. He suspected that there would be a lot of items to be dealt with by the Executive Committee and Foundation Board members up until March 2003, but it would be possible to improve. He liked the idea of discussing some issues in sufficient detail. He chaired all WADA meetings on the basis that the members had all read the reports that were sent out in advance.

The members had known that the committee structure would be expensive, but WADA had been looking for participation and getting more countries from the various constituencies involved in the overall operation of WADA. These were issues for which he thought that there should be a policy paper to consider, and some time could be set aside in November for that purpose. With the members' permission, he would give those instructions to the WADA staff.

MR REEDIE said that the issue had been considered by the Finance and Administration Committee from the simplistic view of saving money and being more effective and, if there was sympathy for the principles in Dr Stretton's report, then he thought that a small group should be put together with instructions to be back round the table in seven weeks' time with a blueprint which stated how WADA could better work. If the Executive Committee wanted to set up a group, the work could be done electronically, and a system could be submitted to the Foundation Board in November which could begin in March 2003, if the Chairman thought it necessary to wait until then.

THE CHAIRMAN said that this work could certainly be done by November.

MR TOKUSHIGE made an observation regarding the meeting materials. The documents arrived a short time before the meetings, and the members in Japan did not have enough time to fully read them and then give the interpreters sufficient time to study them.

THE CHAIRMAN said that WADA tried to get the material out two weeks ahead of meetings, but would try to send it out earlier. He sympathised with Mr Tokushige.

MR WALKER wanted one thing to be considered in the new working group that had just been set up. It regarded committees, and he was not going to defend the Standards and Harmonisation Committee; rather he was going to defend the Health, Medical and Research Committee. At a meeting of the Health, Medical and Research Committee, there had been extensive policy discussions on the new list, and it had been possible to accept the committee's recommendations on this. There was definitely a need for the space to discuss such questions, and he was not sure that the Executive Committee would necessarily be the best place for this, but such discussions had had to take place. He was not one who would start from the premise that abolishing committees would necessarily be more effective. He thought that a balance was needed in the working methods which were available to the Foundation Board, and this included the Foundation Board, the Executive Committee, the committees and the staff, and it was a question of making sure that the balance between these

elements was right, thus enabling the Foundation Board in particular to take the decisions that it needed to take on the basis of the best possible information and preparation of that information.

THE CHAIRMAN noted that Mr Walker's comment was certainly worth considering.

DECISIONS

1. WADA staff to prepare a policy paper for discussion at the meeting of the Executive Committee in November 2002.
2. A working group to be formed to create a blueprint (to be submitted to the Executive Committee in November 2002) as to how WADA could improve its working processes.

– **Mr Verbruggen**

THE CHAIRMAN informed the members that Mr Verbruggen was a very busy person, and had been driven to say that he would like to stop attending the WADA meetings in order to concentrate more on the UCI. He was sure that he spoke on behalf of everybody when he urged, even begged, Mr Verbruggen to stay on at WADA, at least until the Code was in place. Mr Verbruggen's general knowledge on anti-doping matters was absolutely vital to WADA.

MR VERBRUGGEN said that he would stay until March 2003.

– **Tax Status**

THE CHAIRMAN noted that the Canadian Government had assured WADA that, notwithstanding no action for several months, it would confirm WADA's tax status that had been promised as part of the bid. He hoped that, by the time of the next meeting, he would be able to report that he had received confirmation.

MR DE VILLERS said that he had spoken to the Canadian Minister of Finance that day, and this process was under way.

14. Next Meeting

THE CHAIRMAN said that the next meeting of the Executive Committee would be on 24 November 2002 in Montreal, and the Foundation Board meeting would take place on 25 November.

DECISIONS

1. Meeting of the WADA Executive Committee to take place on 24 November 2002 in Montreal.
2. WADA Foundation Board meeting to take place on 25 November 2002 in Montreal.

THE CHAIRMAN thanked the members of the Executive Committee for their contribution to the meeting. He thanked the interpreters for their work, and also thanked the WADA staff for preparing the files and the quality of the material. The material for the next meetings would be sent to Japan as soon as possible.

The meeting adjourned at 5.30 p.m.

FOR APPROVAL

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