

Minutes of the WADA Executive Committee Meeting
20 November 2003
Montreal, Canada

The meeting began at 9 a.m.

1. Welcome, Roll Call and Observers

THE CHAIRMAN welcomed everybody to the final meeting of the Executive Committee of the year 2003. This would be followed by a Foundation Board meeting the following day, the last of WADA's meetings before the World Anti-Doping Code came into effect on 1 January 2004. There would, therefore, be a number of things to discuss with respect to that matter. Much of the meeting would involve updates on activities that had taken place since the previous meeting.

He asked members and observers to sign the roll call.

2. Minutes

2.1 Strategic Planning Workshop on 22 September 2003

THE CHAIRMAN noted that the only question that members might wish to discuss was whether the minutes of the Strategic Planning Workshop should be put on the website as a public document. He did not care one way or the other, but there might be some elements of those discussions that members of the Executive Committee might prefer to be kept as an internal document rather than a public one.

THE DIRECTOR GENERAL said that the meeting, when it had been held, had been a free and open discussion, and the Executive Committee should decide whether to formalise this meeting or whether to keep the minutes as part of the notes for the Strategic Planning Group.

THE CHAIRMAN reminded the members that the tendency in the past had been to err in favour of full disclosure and transparency and if the members were to err, he thought that they should err towards transparency.

DECISION

Minutes of the meeting of the Strategic Planning Workshop on 22 September 2003 approved and duly signed. Minutes to be posted on the WADA website.

2.2 Executive Committee Meeting on 23 September 2003

THE CHAIRMAN said that unless, by noon that day, anybody advised him otherwise, he would consider the minutes approved as distributed.

DECISION

Minutes of the meeting of the Executive Committee on 23 September 2003 approved and duly signed.

3. Director General's Report

THE DIRECTOR GENERAL gave an oral report to update the members on matters in which the management had been involved since the previous meeting in September right up until the day prior to that Executive Committee meeting.

WADA had participated in various meetings, including attending the Council of Europe meeting, at which the Director General had made a presentation. WADA had made numerous presentations to International Federations; had held considerable discussions with NADOs; he and the Chairman had had a special meeting with the UCI high-ranking officials; he had met with FIFA; and WADA had held a symposium in Colorado Springs. The emphasis that WADA had been giving throughout was on the fact that WADA wanted to be seen as a partner with all of its stakeholders; it was working together with all of its stakeholders; and extending its resources as much as possible by looking towards the resources of its partners in the best possible way to advance the anti-doping movement. This was typified by the symposium held in Colorado Springs, which WADA had co-hosted with USADA, to which experts had been invited to participate in an out-of-competition testing programme symposium. The IAAF and FINA had provided WADA with their models, which had already been put in place. This symposium had been jointly hosted by USADA, and the USOC had given financial support as part-payment of the debt in WADA's books. WADA would look to do similar work in the future.

The staff restructuring and repositioning had been completed, and the directors of the Tokyo and Cape Town regional offices, Messrs Hayashi and Swigelaar respectively, had been appointed. The Standards and Harmonisation group had been restructured slightly, so that Mr Koehler was now the Deputy Director in charge of Doping Control Policy and Development, and would be taking the lead in helping NADOs and IFs in developing out-of-competition testing programmes and anti-doping programmes in general. Also, two science managers had been hired.

With regard to THG, he had invited Mr Terry Madden to the meeting to speak on the matter. He publicly commended USADA and the UCLA laboratory for the work that they had done to date in this very important and interesting area. WADA was monitoring the process with great care. There were two important documents that WADA had issued: one was the recommendation that WADA had delivered to the IFs and NADOs to test currently stored samples for THG. WADA was very heartened by the positive response that it had had to this recommendation. It had also issued a joint advisory note with the IOC to ensure that everybody was aware that THG was on the List now and for 2004. He did not want any further debates on THG; this was now a process that was taking place properly within USADA and other tribunals around the world. He did not wish to put any obstacles in the way of the proper process that was being conducted by USADA, the IAAF, FINA and others, and was confident that their tribunal processes would be undertaken properly.

As for Athens, WADA was finalising the Independent Observer teams, both for the Olympic Games and the Paralympic Games, and was also narrowing down staff numbers that WADA would be sending to Athens. There would be no formal Foundation Board meeting in Athens; the facilities there were not compatible, nor was the IOC keen on having additional meetings during the Olympic Games, but WADA would attempt to hold an informal gathering.

WADA had developed considerably its working relationship with FIFA, and would be sending an Independent Observer team, upon invitation from FIFA, to the World Youth Cup, to be held in Dubai. The team would be led by Mr Walker, who was a very experienced member of the Foundation Board. Mr Walker would have with him Dr Garnier and Dr Huguët. He had worked even further with FIFA, and had delivered a paper to a conference in Australia on sanctions, and that paper could be made available to anybody who was interested in it. At some stage, WADA would consider the appropriate posting of it on the WADA website.

An Independent Observer team would be sent to the Davis Cup final upon invitation by the International Tennis Federation.

With regard to the Jerome Young case, which was still proceeding, WADA had been part of a joint commission with the IOC to oversee what could be done. WADA still awaited some responses from USATF, and it might be possible to report on the matter more thoroughly the following day.

The enquiry into ATP still awaited further information from the ATP, and WADA was hopeful that that would come before the end of the week.

The UNESCO work done constituted a very important advance in terms of the work that WADA was currently doing. Others would report on that as the meeting advanced.

Much had been done since September to follow the strategies that the Executive Committee had set out at the September meeting, and he hoped that the members would see that the management had adhered to those strategies.

He had commenced redecorating the Executive Committee meeting room, and a couple of photos had been reversed as they had been considered inappropriate. He wanted to make this more of a WADA room, so he asked the members whether they might be kind enough to consider donating some sports memorabilia. He had already received positive responses from many representatives (Japan considered donating an item of judo clothing, and Canada had already offered to provide one of the world cup hockey jackets) and hoped that, next time they met, the members would meet in a more cordial atmosphere that denoted membership a little more.

THE CHAIRMAN thought that the Director General had described a good range of activities.

MR MIKKELSEN noted that THG and its performance-enhancing effects had created some discussions in the scientific environment in his country and within Denmark's NADO. He was, of course, very happy that the issue was being addressed, and happy with the fast reaction illustrated by the questions and answers on the WADA website. The problem in Denmark was that the NADO was questioning the scientific basis regarding the performance-enhancing effects of THG. The Danish press and some media in Northern Europe were questioning the scientific background. Would WADA go into a scientific investigation of THG, and which road would it take? Who would do the investigation?

THE DIRECTOR GENERAL said that the substance would be discussed very carefully at tribunal hearings, and he was very confident that Professor Catlin's scientific evidence would be sufficient. He thought that WADA intervention would be inappropriate under the circumstances, but he thought that Mr Madden might be able to better complement his answer with some background.

MR MADDEN said that USADA had no worries regarding THG being a performance-enhancing drug; it would be confronted during the CAS arbitration hearings in his country. He was absolutely certain that it was performance-enhancing. This would be hammered out at the CAS hearings, and he was confident of his position.

THE DIRECTOR GENERAL informed the members that he had invited Mr Madden as he had thought that there might be the odd question regarding THG. He was grateful to Mr Madden for making himself available.

MR MADDEN thanked everybody for their support in the organisation of the symposium held in Colorado Springs. USADA considered it very important, and he commended Mr Koehler on his input. The USOC's financial support had also been important.

Because of the ongoing investigations under way in the USA, he could not answer most of the members' questions. The IAAF and the USOC should be commended for their expansion of testing to roughly all over the world. Confidentiality had been

necessary, and only very few people had been aware of what had been going on. This had been an international movement. At various times, there had been PhD students in Minneapolis checking the work carried out; a research group had been administering the substance to baboons in San Antonio, Texas; and a laboratory in Australia had been heavily involved in the investigation. This had been an effort from around the world that had been kept highly confidential, so he commended the IAAF and the USOC, and thanked WADA for the measures and steps taken since. He was open to questions, but would not be able to answer in great detail because of the ongoing legal issues in the USA and the investigations that were just, in some cases, beginning.

DR SCHAMASCH commended the efforts undertaken by the IAAF and USADA. THG was, for the first time, proof that there were criminal organisations out there working to create substances for abuse. Perhaps WADA should re-establish contact with organisations such as Interpol that could work with WADA to catch these criminal organisations.

THE CHAIRMAN thought that this was a good idea, but advised the members to bear in mind that the minutes of their discussions were made public. WADA wanted to know as much as possible, but did not want to do, say or publish anything that might have an adverse impact on the ongoing investigations and the internal processes of appeal.

MR MIKKELSEN asked whether Mr Madden could say something about the time-frame. When would he know for sure what to tell the NADOs?

MR MADDEN expected that the CAS hearings would take place early the following year regarding the positive tests in the USA. As for the positive tests concerning British athletes, he would leave the response to somebody else. USADA had offered its assistance in the matter to UK Athletics, and had been in conversation with this organisation.

MR KASPER referred to an article that had appeared in an important Swiss newspaper regarding the meeting held with Team Sports in Basle some weeks previously. The article, which had been confirmed by the International Ice Hockey Federation, said that, in addition to the compromises made for FIFA and UCI, the IIHF now had the full right to make its own sanctions in its own way. Apparently, the IIHF had this in writing. It did not have to respect the Code as it was, and would punish only notorious cheats (he did not know what *notorious* meant in this case). The surprising thing was that this was relatively official, and the title of the article was *WADA is now softening up its sanctions*. His question was whether there was any truth in this.

THE DIRECTOR GENERAL noted that he had not been present at the meeting in Basle. Dr Rabin had attended the meeting, which had been a meeting of the Team Sports medical commission. He could show the members the paper on sanctions that he had delivered to a law conference in Australia, which showed how sanctions could be implemented under the Code. He had attached to that paper the segments of the Code relating to sanctions and violations, as well as some charts that showed the way in which sanctions could be handed out under the Code. There had been no change to the Code and no deal made with Team Sports. The paper, in abbreviated form, had been made available to that meeting. He could make hard copies of the paper available to the members if they wished, as well as electronic versions.

THE CHAIRMAN stressed that there had been, and would be, no special deals made, and WADA had not amended the Code. Each IF had the responsibility to apply the Code. If a sanction was clearly improper, WADA had the right to appeal to the CAS to increase or reduce the sanction.

MR REEDIE asked whether Dr Rabin could try to explain how this impression had appeared in a Swiss newspaper.

THE DIRECTOR GENERAL noted that the Chairman of FIFA's Anti-Doping Commission had been pleased to read the paper, and had indicated that he had thought that there had been a change, but perhaps the Chairman of FIFA's Anti-Doping Commission had not

read the Code fully or understood the implications of it. When the paper had been made available, the Chairman had thought that there had been a change in WADA's approach. There had been no change, and this was why he was quite happy to make the paper available to everybody there.

DECISION

Report by the Director General approved.

4. Administration

4.1 Foundation Board Membership

THE DIRECTOR GENERAL referred to the Foundation Board papers in the members' files which explained the rotation process and the times for which members on the Foundation Board had been appointed. There remained a couple of members to inform WADA as to their rotation period for their particular regions, and so there were a couple of gaps. The aim of the paper was simply to ensure that the members had the information before them.

DECISION

Foundation Board membership update approved.

4.2 Executive Committee 2004

THE DIRECTOR GENERAL noted that the only region, from the governments' perspective, that still needed to verify membership on the Executive Committee was the Asian region. The Asian region would be meeting the following morning, and the decision would be known the following day. He had confirmation from the respective regions, and also from the Olympic Movement, that those presently sitting around the table were being nominated for the following year's Executive Committee. He had also had the opportunity to speak to the IOC President regarding the position of the Chairman. The IOC President was happy to support the re-election of the Chairman of WADA until the Turin Olympic Games in 2006, on the basis that that would allow WADA continuity and, at present, his discussions with the government members of the Executive Committee indicated that there was no person who could take over as chairman. This gave the governments the opportunity to discuss possible successors as WADA proceeded down the track. He had not heard any opposition to that but, of course, somebody around the table might indicate otherwise. He wanted to make sure that the Executive Committee members were alert to the possibility, which provided a very positive way forward. No opposition was voiced.

DECISION

Executive Committee 2004 update approved.

4.3 Working Committees

THE DIRECTOR GENERAL noted that the working committees had been confirmed, and the Foundation Board information included the times at which people had been selected to those committees. Provided that the relevant change to the Constitution was made the following day, the management would indicate the rotation period for each of the committees.

DR SCHAMASCH asked whether, in the terms of reference of the working committees and other groups, there was a WADA decision regarding the participation of non-paying countries.

MR NIGGLI replied that this had been covered by the statutory amendments.

DECISION

Working committees update approved.

4.4 Regional Offices

THE DIRECTOR GENERAL noted that the offices in Cape Town and Tokyo had commenced operations. Mr Hayashi had been in frequent communication with the WADA headquarters to make sure that what was happening in Japan was appropriate. Both offices were building, and would take some time to get up to full speed. There would be no official ceremonies until the following year, and WADA was looking to have an official ceremony in Japan towards the end of March 2004. A similar opening ceremony would take place in Cape Town.

DECISION

Regional offices update approved.

4.5 Athens 2004

THE DIRECTOR GENERAL said that this issue had been covered earlier in his report. WADA had reduced the numbers of staff going to Athens, and would finalise the Independent Observer and Outreach groups shortly. WADA had been in consultation with the IOC on a regular basis to ensure that all of the conditions and accreditations were in place, and had had the utmost cooperation from the IOC in that respect.

DECISION

Athens 2004 update approved.

5. ADAMS – Anti-Doping and Administration Management System

5.1 Information and Update

THE CHAIRMAN said that, under this item, there would be a more substantive discussion on the Anti-Doping and Administration Management System, also known as ADAMS.

MR HOISTAD gave an update on the activities undertaken following the decision taken at the September Executive Committee meeting, describing the work that the project team had been working on. He referred the members to the corresponding information document in their files, requesting approval for the WADA management to commence phase 1 of the ADAMS project (January to December 2004) in accordance with the allocated budget and the attached business objectives and critical success factors.

5.2 Business Plan

MR HOISTAD referred the members to the attachments to the document in their files: the ADAMS Business Objectives; ADAMS Critical Success Factors; and the ADAMS presentation to the Executive Committee.

DR SCHAMASCH thanked Mr Hoistad for his presentation. The English version mentioned that WADA would receive and manage in- and out-of-competition test data. He did not think that *manage* was the right word, and did not want this to be misinterpreted by the IFs. The most important thing was that WADA would act as a clearinghouse; it would not manage.

With regard to the TUEs, which document should the clearinghouse use? The entire medical file, or only the TUE approval? Dr Rabin had been at the meeting in Basle, and this issue had been discussed. The matter of whether WADA should ask the NADOs to provide an entire medical dossier had been discussed, and perhaps it might be best that the clearinghouse have all of the TUEs available, and then WADA could ask for other information if necessary.

MS BASSER congratulated Mr Hoistad and the project team on the work. She suggested that the Executive Committee take the time to review the business plan in detail and perhaps come back and make a decision later, out of session.

MR REEDIE referred to the series of timetables. How long would it take until the final form was achieved? That should contain a detailed financial specification of the 2004 setup costs.

He was slightly concerned that, as yet, he had no real feeling for the continuing IT costs to run ADAMS for the next four years, which had been stated to be not less than US\$ 2 million a year. He wished to know exactly why WADA had committed to a US\$ 2 million a year ongoing budget to run the programme.

Finally, he thought that this was sufficiently important that the final package should come to the Executive Committee to say that it was all in place, and whether WADA should go ahead with it or not.

THE DIRECTOR GENERAL agreed with Dr Schamasch that *manage* should be changed to *monitor*, and the correction should be made. As for the TUEs, the matter had been discussed, and he hoped that all of the TUEs granted would go through the clearinghouse so that, upon review, if the review meant that further information should be obtained, WADA would ask for it and hope to receive it in order to undertake the review. Dr Garnier would be implementing appropriate protocols for that.

With regard to the question asked by Ms Bassier, the business plan had not yet been finished by the project team. He congratulated the team on its energy and devotion to the task. He did not think that anybody around the table would understand the number of hours that Mr Hoistad and his team had given. As it went forward, WADA intended not to lose the services of CGI, so that once the project team had completed the business plan, which would hopefully be in the next few weeks, WADA would still wish to engage CGI to provide some independent advice and guidance on the way forward.

In response to Mr Reedie's question, this was not so much a timetabling, but a resource issue. It would not yet be possible to answer the question as to how much money WADA would be devoting to the task. This question could not be answered, as WADA had yet to go with the business plan to those who might provide the service, to then negotiate. What the project team report had tried to indicate was that this would be below US\$ 2 million per year for the next four years. That was perhaps not as certain as Mr Reedie would like it, but there would be ways in which the team could report to the Executive Committee as it went forward over the next months.

He would like the ability to commence the negotiations as, until negotiations began, it would not be possible to come to some firmer figures. WADA would not contract without seeking permission to complete.

MR REEDIE said that he would be quite happy to give authority, but then how long would it be before the negotiations would be completed and the members would have the whole package in front of them?

THE DIRECTOR GENERAL replied that members would have the package before them by the end of January 2004.

THE CHAIRMAN confirmed the decision to provide the management with the authority to proceed as proposed, and then to come back to the Executive Committee for final approval, either in session or out of session, before making an irrevocable commitment.

DECISION

Proposal for WADA management to commence phase 1 of the ADAMS project (from January to December 2004) in accordance with the allocated budget and the Business Objectives and Critical Success Factors approved.

6. Finance

6.1 Finance Update

MR NIGGLI referred to the issues detailed in the Foundation Board report in the members' files that would be presented the following day.

DECISION

Finance update approved.

6.2 2002 Audited Accounts

MR NIGGLI noted that this issue would be discussed the following day.

6.3 Quarterly Accounts / Cash Situation

MR REEDIE observed that there was relatively little to say regarding this item. The first attachment showed the receipts and expenditure in the third quarter of 2003, as well as a year to date figure, which would give the members some idea as to the timing of payments. There had been an extraordinary income of US\$ 138,460 from TV2 in Norway, due to the settlement of a court case, from which WADA had benefited. If the members looked at page 9, they would see that air transport and accommodation costs had come down quite sharply. With regard to Standards and Harmonisation costs and the analysis of samples, it was rather difficult to predict when those costs would arrive. The committee had transferred the research grants to the balance sheet, as these were commitments that WADA had taken on; therefore they should not be in the profit and loss account. Operational expenses were coming down, mainly because people were being made aware that there were limits to expenses that WADA was prepared to meet. Apart from that, he had nothing major to report on the profit and loss account which, by dint of good management, showed a modest surplus.

Looking at the balance sheet, WADA had sufficient assets to allow it to operate the organisation properly, although it was quite clear that activity had been marginally reduced, simply because the funds were not available to complete the programmes, particularly in the fields of research and education. On the receivables item in the balance sheet, there was quite a substantial heading regarding taxes, and he thought that most of these were reclaimable.

With regard to the third attachment, which detailed actual versus budgeted income and expenditure, MR REEDIE noted that, under the Health, Medical and Research costs, WADA was a little higher on meeting costs, but there had been a great deal of work to be done to get the final approved list agreed and published so that the Executive Committee could deal with it across the laboratory accreditation issues. The liability insurance, which was a huge cost, showing at 33%, was a simple timing difference, as this was paid for during the final quarter, so it would clear itself out. The telecommunications costs should perhaps be watched a little more carefully, however he accepted the logic that telecommunications costs for videoconferences did reduce the transport budget.

This work, undertaken by Mr Belton and his finance team, was, he found, extremely useful, as it was possible to look at any given time at exactly what had been spent as opposed to what WADA had thought that it would spend.

DECISION

Quarterly Accounts / Cash Situation approved.

6.4 Government Contributions Update

6.4.1 Government Committee (Restructuring of Payment System)

MR DEVILLERS said that, at the WADA Executive Committee meeting on 7 June 2003, the Executive Committee had endorsed his proposal to look into the possible

restructuring of the payment system to WADA, and a sub-committee of government representatives had been charged with studying the matter and reporting back to the full Executive Committee with recommendations. Terms of Reference and a work-plan had been drafted to guide the work of the committee. A two-phase strategy had been developed, involving an initial discussion at the September 2003 WADA Executive Committee meeting. Phase one, *tabling of issues*, had been conducted principally through correspondence and had been completed during a meeting of the Executive Committee in Montreal on 22 September 2003, prior to the full WADA Executive Committee meeting. The second phase had committed to delivering recommendations to the November 2003 WADA Executive Committee and Foundation Board meetings. A second meeting of the Government Executive Committee on the Restructuring of the WADA Payment System had taken place in Montreal on 19 November 2003. The following recommendations had been generated from the deliberations of the Government Executive Committee on the Restructuring of the WADA Payment System:

- 1) *That the WADA Statutes be amended to accommodate the following two matters:*
 - i. *The provision of a flexible payment schedule for contributions to accommodate the various treasuries of the public authorities and the cash flow requirements of WADA.*
 - ii. *Articulate the specific sanctions for non-payment of WADA contributions.*
- 2) *That each of the five government regions provide a summary of the details of their payment system and share this information with the other regions for information purposes.*
- 3) *That WADA develop the text for the roles of the regional offices for the functions of Anti-Doping education, testing and regional payments.*
- 4) *That governments and WADA negotiate with the IOC for an unconditional commitment for full financial payment, independent of the payments from public authorities.*
- 5) *That WADA and the governments continue to promote and support the UNESCO Convention for, inter alia, public authority endorsement of the World Anti-Doping Code and as the legal instrument for WADA payments by public authorities.*
- 6) *That WADA review its legal status as a private foundation under Swiss law and investigate the process and benefits of obtaining the status of an international public organisation, and/or a not-for-profit organisation, such review to include implications for the tax status and exchange rates.*
- 7) *That WADA and the governments calculate and recognise the financial contributions of public authorities worldwide in the funding of national anti-doping programmes, national anti-doping agencies and accredited anti-doping laboratories.*
- 8) *That the ad-hoc committee on the Restructuring of the WADA Payment System continue its work to prepare more detailed proposals on accepted recommendations.*

THE CHAIRMAN asked Mr DeVillers what he was looking for.

MR DEVILLERS replied that he thought that it would be for the following day's meeting to deal with the recommendations and, for those that were accepted, he would want to continue with the work of flushing them out. He thought that the Executive Committee should bring recommendations to the Foundation Board the following day.

DR SCHAMASCH asked whether the objective of the recommendations was to submit them to the Foundation Board for approval.

MR DEVILLERS replied that the objective was to see if they could be accepted in principle in order to be able to continue work to develop those recommendations that were accepted.

THE CHAIRMAN asked whether anybody had any comments regarding the first recommendation.

THE DIRECTOR GENERAL noted that WADA already had a recommendation on the table for the following day regarding statute amendments to look at these very issues. The recommendation was therefore covered, in essence, by the recommendation before the Foundation Board.

MR DEVILLERS said that this recommendation was more general, and he thought that this would be dealt with somewhat during the discussions the following day.

THE DIRECTOR GENERAL suggested that any recommendations be discussed by the Executive Committee prior to submitting them to the Foundation Board.

MR DEVILLERS said that he knew that the recommendation for the following day dealt with moving the payment from 31 December of the previous year to 30 June of the following year. In its deliberations the previous day, the committee had decided that this would not be sufficient, and there had been a differing point of view even within the committee as to what the proper course should be, so this was just a general recommendation that the entire issue be looked at the following day.

THE CHAIRMAN said that it sounded to him that the Executive Committee did not need to make a recommendation one way or another here. Did anybody have any comments regarding the second recommendation?

MR DEVILLERS said that this was a recommendation that did not require any action by the Executive Committee; it was simply for the governments to share the information.

THE CHAIRMAN asked whether anybody had any comments regarding the third recommendation.

THE DIRECTOR GENERAL noted that this was already being dealt with. It was part of the job description for the regional offices.

MR DEVILLERS said that the reason for the recommendation was that some of the members had thought that some of the member countries did not know enough about the operations of WADA.

THE CHAIRMAN replied that nothing needed to be done here as it was already being dealt with.

Did anybody have any comments regarding the fourth recommendation?

MR DEVILLERS observed that the Statutes, as they stood, subject to discussions the following day, called for everybody to make payments at a certain date, and the IOC had unilaterally decided to match payments. Because one partner was not paying, he did not think that WADA should acquiesce to the other partner not paying.

THE CHAIRMAN said that it was a fundamental principle that, if one appeared before the courts of equity, one had to come with clean hands.

MR DEVILLERS noted that they were not dealing with courts; they were dealing with statutes.

THE CHAIRMAN said that he had raised precisely this point at the previous IOC Session, but to no avail. The members would understand the reluctance of the IOC to act in this area. He did not think that the governments would get an Executive Committee approval when 50% of the Executive Committee was from the Olympic Movement.

MR DEVILLERS thought that it would be possible to get approval of the recommendation, but there was no guarantee that it would bear fruit.

THE CHAIRMAN said that he would be happy to take the governments' view on this to the IOC and bring back answers.

DR SCHAMASCH said that it was WADA and not the governments that should negotiate with the IOC, if any negotiations were to take place. He did not see recommendation 4 being accepted as it was currently drafted.

THE CHAIRMAN said that WADA could suggest that this be an agenda item at the IOC Session, so that governments could go and make their case. The position that he had taken on behalf of WADA was that the IOC was also in default, but he had had the same success with the IOC as he had had with governments.

With regard to the fifth recommendation, concerning the UNESCO Convention, he had had some indication that this could create difficulties for some governments.

MR DEVILLERS replied that, on the contrary, he thought that the UNESCO Convention would facilitate the making of payments. The vehicle of an international instrument would assist a number of governments in paying their contributions. Mr Blais would speak to the matter the following day, as he had been on the drafting committee and had more information.

MR MIKKELSEN said that the European countries thought that it would be a lot easier to pay with the UNESCO Convention in place, rather than paying to a private foundation.

THE CHAIRMAN replied that that was perfect; he simply had some recollection of hearing something to the contrary.

THE DIRECTOR GENERAL noted that there would be a report on UNESCO later on in the agenda.

THE CHAIRMAN referred to recommendation 6. He thought that WADA was constantly reviewing the question of legal status, and it had been known from the very beginning that governments would be more comfortable with an intergovernmental organisation of some sort, as a public body, but an intergovernmental body would, unfortunately, have the effect of excluding the entire sports movement. That was why WADA had limped along as a hybrid organisation to date. WADA was certainly a not-for-profit organisation, so it met that set of criteria.

MR DEVILLERS said that the intention had been to make reviews to determine a more appropriate vehicle than the one that existed. He was very hopeful that the UNESCO Convention would be the solution to the impediment of getting payments from governments.

THE CHAIRMAN thought that perhaps Mr DeVillers, along with his group, could suggest a solution to allow WADA to continue what it was doing, whilst allowing the sports movement to fully participate.

With regard to recommendation 7, his guess was that there would be no difficulty at all, provided that it was not to be counted against contributions to WADA.

DR SCHAMASCH feared that, when it came to recommendation 7, WADA would be opening Pandora's Box. Public authorities were greatly involved in anti-doping activities, however there had been a total of US\$ 10 million invested by the IFs themselves, so if recommendation 7 were approved, then the Olympic Movement's participation should also be recognised.

THE CHAIRMAN suggested making sure that the statistics also included the Olympic Movement and the IFs' contributions.

MR LARFAOUI noted that the IFs spent, in addition to the US\$ 10 million a year on anti-doping tests, the money subtracted prior to IF payment by the IOC.

MR DEVILLERS thought that it was very important that all of the anti-doping efforts be highlighted.

THE CHAIRMAN said that this could be passed on to the Communications Director.

THE DIRECTOR GENERAL noted that there would be no problems, as long as WADA could be seen as the recipient of information and not the chaser of it. The IOC President had already asked him to gather statistics in relation to the number of tests carried out; WADA could do that, but it had to rely on the stakeholders to provide such information.

MR DEVILLERS said that, in terms of communications, this was good information to have.

MR REEDIE thought that the paper had been designed to talk about how to get government contributions to WADA, and not what other money governments spent. The two should be kept apart.

With regard to recommendation 6, it was probably worth noting for the record that the choice of a Swiss foundation had enabled the Olympic Movement to fund WADA for two years before the governments had come on board. He guessed that it would be much easier for the Olympic Movement to adjust to a payment system that best suited governments than the other way round.

THE CHAIRMAN noted that this had also been a compromise accepted by the governments at the time. The governments had entered into the relationship in the full knowledge that this was a Swiss foundation.

Did anybody have any comments regarding recommendation 8, that Mr DeVillers and his committee would soldier on? This was a wonderful idea.

To summarise, there was no position regarding recommendation 1 as it would be dealt with; recommendation 2 required no decision from the Executive Committee; recommendation 3 was not necessary as it had already been done; recommendation 4 would not come with a recommendation from the Executive Committee: five members were in favour and five against, and he was opposed to the motion, bringing the total number of members against the motion to six; all were in favour of recommendation 5 (the key would be to maintain the urgency of getting this done in time for 2006); recommendation 6 could be taken as an ongoing issue, but the Executive Committee would ask the governments to suggest an alternative that worked more easily for them; recommendation 7 would be supported as long as it could be expanded to all of the stakeholders and provided that there would be no additional work for WADA staff; and recommendation 8 did not need Executive Committee approval.

The real objective of this work had been to find a way to allow the governments to make their payments on a timely basis but according to a somewhat different schedule.

DECISIONS

1. Recommendation 1: already being dealt with by WADA.
2. Recommendation 2: no decision required by Executive Committee.
3. Recommendation 3: not necessary as already being dealt with.
4. Recommendation 4: rejected by Executive Committee.
5. Recommendation 5: approved.
6. Recommendation 6: approved as an ongoing issue; governments to suggest an alternative that works more easily for them.
7. Recommendation 7: approved subject to its expansion to all of the stakeholders and provided that it places no additional burden on WADA staff members.

8. Recommendation 8: Executive Committee approval not required.

6.5 Action on Unpaid Government Contributions

MR NIGGLI said that this item was probably covered by the government recommendations, and referred members to the document in their files that requested a decision by the WADA Foundation Board to accept the inclusion of a new paragraph under Article 6.6 of the WADA Statutes.

MR MIKKELSEN fully supported the inclusion of the new paragraph excluding non-paying governments from the Executive Committee and Foundation Board. He also hoped that the IOC would be able to implement the proposed sanctions on non-paying governments. The strength of this message would not damage the individual athlete, but it should damage national self-esteem.

MR LARFAOUI thought that the Executive Committee and Foundation Board members did not represent their countries; they represented their regions, so WADA should not prohibit one member from representation on the Executive Committee or Foundation Board because of the actions of his or her country.

THE CHAIRMAN noted that the point was precisely to create the pressure to ensure that the country that did not pay should not sit on the Executive Committee or Foundation Board, and that a country from the region that had paid should perhaps take its place.

MR LARFAOUI said that the continent should take such a decision, and not WADA.

MR DEVILLERS supported the amendment in principle, in that a country that had not paid should not sit on the Executive Committee; the difficulty was in determining non-payment in the system. Who would be the court of appeal in determining payment? Whilst he supported it in principle, he had difficulty seeing its application.

THE CHAIRMAN said that that might be resolved if WADA happened to pick a date such as 30 June, or some measurable date, following which, if the day came and went and the country had not paid, it would be in formal default. It was important to have a rule around the table so that these questions did not need to be asked all the time. The Foundation Board could state that it would decide who was entitled to stay and, if the country had not paid, then it would not stay. This was a very positive statement.

DR SCHAMASCH thought that Mr Larfaoui had made a good point. Each stakeholder should ensure that the person it nominated did not represent a country or a body that had not made its payment.

THE CHAIRMAN agreed, as long as WADA decided which stakeholders would decide that.

MR NIGGLI asked whether the Executive Committee could make a formal recommendation to the Foundation Board the following day.

THE CHAIRMAN asked whether the Executive Committee members were prepared to make a recommendation to the Foundation Board.

DECISION

WADA Executive Committee to recommend that the Foundation Board accept the inclusion of the new paragraph under Article 6.6 of the WADA Statutes.

6.6 Budget 2004

MR REEDIE informed the Executive Committee members that the Finance and Administration Committee had been sent away after the previous meeting to make modest amendments to the budget. These had, in the main, been done. The budget

figure had been reduced to the levels that had clearly been agreeable to the Olympic Movement representatives and, he thought, satisfactory to the public authorities representatives. If the income from the public authorities came in, and if it were matched by the IOC, then WADA would wish to increase spending on research projects, education and out-of-competition testing. Any failure to meet the contributions had a knock-on effect on these three very important areas of WADA's operations.

On Page 3 of the draft budget summary that was in the members' files, the committee was keeping about US\$ 85,000 under the heading *Government compliance with the Code*, although the committee was not yet certain how to apply that.

With regard to the ADAMS figure on page 4, he would be very interested in any saving that WADA could make on the start-up costs. He was pleased to hear that Mr Hoistad would produce justification for why it would cost US\$ 2 million a year thereafter.

With regard to the running costs, the original symposiums and the Council of Europe partnership had been built in under *Education and Planning*, and he was waiting to see the development of these programmes.

Under the *Health Medical and Research* heading, figures corresponded to two additional employees, one of which had already been recruited. The other employee would be recruited shortly, so he thought that these figures were pretty accurate.

Research was budgeted at US\$ 2.7 million. The Executive Committee should be aware that it was only scratching the surface of what it should be doing. He would have thought that WADA needed to be spending approximately US\$ 5 to 6 million a year on research. It the view of the Finance and Administration Committee that WADA would be able to meet all ongoing payments on research projects that had already been approved.

With regard to auditing costs, WADA had negotiated a substantial discount, although auditing costs would not remain static if there were regional offices in Tokyo and Cape Town.

As for the US\$ 186,000 for liability insurance, the market for this particular type of risk was extremely tight, and he thought that Mr Niggli had done a very good job in getting it on board at an increase of less than 15%.

The members should also note that there was the thick end of US\$ 1 million of IT costs, not including the ADAMS project, therefore the relationship between the expenditure on technology and the efficiency of the organisation was one that the Director General and the staff would have to monitor.

With regard to the Lausanne regional office, the committee hoped that the long-term costs would come down when WADA took occupation of the House of Sport project in Lausanne, which would release it from its current offices in Lausanne and make savings.

The budgeted income had been restricted, particularly at the request of the Olympic Movement representatives, and a number of cost items had been reduced to make sure that WADA would have sufficient funds, if properly and timeously paid, to run the operations the following year.

If the members were happy with the draft budget summary for 2004, then it would have to be put formally to the Foundation Board for approval as, in accordance with the Statutes, the Foundation Board had to approve the WADA budget for 2004 by the end of November 2003.

THE CHAIRMAN thought that the Executive Committee needed to be comfortable that the revised budget reflected the strategic direction that had been approved at the meeting.

DR SCHAMASCH congratulated Mr Reddie and the Finance and Administration Committee. Was WADA within the benchmark or normal position regarding running costs?

THE DIRECTOR GENERAL thought that WADA was getting closer to what was acceptable. WADA had included the running of the Executive Committee and Foundation Board meetings in the running costs. This could be done differently if the Executive Committee so desired, but he thought that the management was working hard to get to an acceptable level.

THE CHAIRMAN noted that figures should not be tortured just to meet some imaginary benchmark. It would be better if the members knew how the money was being spent and were satisfied with it.

PROFESSOR HENDRICKS observed that some provision had been made for the Cape Town regional office, although no provision had been made for the salaries, benefits and social charges. Even if South Africa were to be able to carry the budget for 12 months, he thought that some provision would have to be made by WADA over the course of the following year to take over the costs. He was simply flagging the matter.

THE CHAIRMAN replied that he was not unaware of the problem. This was a large question mark about the Cape Town regional office.

MR REEDIE assured Dr Schamasch that, in terms of expenditure, he had looked very hard at reducing costs in the building in favour of funding projects. This was a philosophy that, in his view, was working, and was clearly understood by the management.

MR MIKKELSEN said that, at the meeting of the European Coordination Forum regarding the budget, the members in Europe had been satisfied. It would be most useful to have a more detailed budget for 2005, with activities described by objectives and linked to WADA's strategic priorities. This was necessary in Europe, as the budget had to be presented with two categories: one with operational costs, and the other with capital costs. The possibility of presenting available information in important key figures should be explored as soon as possible, and the risk control regarding particular budget costs should be clearly identified. To this end, the governments of Europe would be pleased to offer the governmental experience that they had at a national level in the field of public finance to assist WADA in the preparation of the 2005 budget.

THE CHAIRMAN thanked Mr Mikkelsen for his very helpful offer.

Were the members ready to recommend the budget to the Foundation Board the following day?

DECISION

Draft Budget Summary 2004 approved for
recommendation to the Foundation Board on
21 November 2003.

7. Legal

7.1 Modifications to Statutes

MR NIGGLI referred to the documents in the members' files, which requested the Executive Committee to approve the recommendation to the Foundation Board of certain changes to the WADA Statutes and the Swiss Trade Register.

DR SCHAMASCH said that, from the Olympic Movement's point of view, it would seem that the amendment of Article 11 would pose a number of problems, and he did not think that it should be amended.

MR NIGGLI noted that this issue had been cleared with the IOC.

THE CHAIRMAN asked whether the Executive Committee members approved the recommendations for proposal to the Foundation Board.

DECISIONS

1. Executive Committee to recommend that the Foundation Board accept the proposed changes to the WADA Statutes.
2. Executive Committee to recommend that the Foundation Board accept the proposed changes to the Swiss Trade Register.

7.2 Court of Arbitration for Sport

MR NIGGLI noted that the CAS had two divisions, one of which was ordinary and settled commercial disputes, whilst the other dealt with appeals. The implementation of the Code would increase the role of the CAS. It would remain an appeals body, but it would also be an appeals body for IFs and WADA against decisions taken by independent courts on a national level. These changes would necessitate changes to the CAS rules.

With regard to TUEs, the CAS would be the body to authorise such exemptions. The rules would need to be changed and simplified in order to enable the CAS to react quickly.

CAS would have a future role in relation to non-compliance with the Code.

Discussions were also being held regarding the decentralisation of the CAS, to enable easy access by athletes to the CAS, and regarding CAS arbitrators.

He had met with the CAS in Montreal in September and in Lausanne in October 2003. WADA had sent its suggestions regarding the amendment of the CAS rules and the CAS had informed WADA that it had recently set up a drafting committee to amend its rules. He hoped that the rules would be in place by 1 January 2004, which was when the new List would be in force.

THE CHAIRMAN noted that this was a very important step for WADA as, in Copenhagen, WADA had accomplished about three all miracles at once: one had been to get everybody there to agree on a single Code with a single List; but even more important had been the agreement on the dispute resolution mechanism. All of these cases were going to be directed towards the CAS, so it was important that the CAS be ready to deal with them. WADA had tried to do its best to impress upon the CAS the need to have a procedure that could be expedited and people sitting as arbitrators who actually knew the doping field.

The Director General and he were pursuing an initiative to approach some of the local law firms, especially those that had an alternative dispute resolution practice, to say that, if they had a young lawyer available to learn about arbitration right from the ground up in an interesting subject, WADA would be prepared to provide a non-paying internship for three to six months, and could take somebody half-time of full-time for that period, just to get up to speed with the kind of procedures and arguments that WADA would have to use, if, as and when it was called as a party to arbitration, or if it wished to initiate the appeal under the World Anti-Doping Code against a sanction that it considered to be either excessive or too lenient. WADA would report on that as it received some takers. It would make more sense to have local firms, as then there would be no accommodation costs, and there were some very good firms in Montreal.

In summary, the CAS would need to be ready to go as of 1 January 2004, as there could be action very early on in 2004, and there might very well be action leading up to the Olympic Games in Athens.

DECISION

Report on the CAS approved.

8. Strategic Plan

8.1 Revised Strategic Plan

MR WADE referred to the document in the members' files requesting a decision by the WADA Foundation Board to endorse the revised Strategic Plan. The proposed Strategic Plan was also in the files, along with information that he would go through the following day for the Foundation Board members.

He provided the Executive Committee members with an overview of the Strategic Planning Workshop, which had taken place on 22 September 2003, and the key conclusions drawn. It was important that the members provide feedback following the presentation, as any proposals could be tabled for the Foundation Board the following day. The purpose of the SPEG had been to review the mission, role and overall purpose of WADA. With the changing environment, there was no doubt that WADA had new responsibilities, and these were reflected in the revised Strategic Plan. The approach taken by the group had involved an overview of the World Anti-Doping Programme and the Code, and to look at the Code and WADA's responsibilities.

There had been general agreement on the vision, mission, key objectives and activities of WADA. The key activities included the implementation of the Code, education, research, increased anti-doping capacity worldwide and financial viability. The Strategic Plan itself was a simpler approach, and there had been input from the SPEG. It had also been agreed to continue with the five-year business plan. The structure included a foreword, the vision, mission, the core values and the five key objectives linked to the activities that he had just mentioned. The vision was the same vision that had been agreed upon: *a world that valued doping-free sport*: and the mission was slightly different: *to promote, coordinate and monitor on an international basis the fight against doping in all of its forms*. The Core Values that had been looked at were independence, an ethical approach, accountability, professionalism, best practice and innovation. These were all important things for WADA as an organisation.

The structure of the objectives comprised an objective statement, followed by an outcome, then the strategies and performance indicators (all of which were identified). The first objective was to oversee, support and implement, as well as monitor, compliance of the World Anti-Doping Code. The second objective was to educate and inform the signatories to the Code, governments and athletes and support personnel about the dangers and consequences of doping abuse. The third objective was to lead, coordinate and support effective, world-class anti-doping research programmes. This was one of WADA's key priorities. The research conducted with the THG was a classic example of sharing information so that everybody could benefit from that to have effective deterrents throughout the world. The fourth objective was to increase the capacity of ADOs, to implement anti-doping rules and programmes to ensure compliance with the Code. The fifth objective was to achieve the financial viability and resources to enable WADA to implement this Strategic Plan. It was essential to ensure that WADA worked actively and intelligently with its partners in order to get the funds and also to ensure that resources were being combined and that WADA was making the best use of all of the resources around the world.

The Strategic Plan was a simpler document and read a bit more easily. He would continue to develop the five-year business plan and the annual operational plans once there was agreement regarding the document that was before the members.

DR SCHAMASCH noted that the final page of the proposed document was a diagram, which stated the role of WADA. He thought that the role of WADA should be to *identify and approve best practice in anti-doping policies, programmes and practices*.

THE CHAIRMAN asked whether the members were comfortable with the proposal.

DECISION

Proposal to submit the Revised Strategic Plan to the Foundation Board approved.

9. World Anti-Doping Code

9.1 Activity Update

MR ANDERSEN informed the members that the Director General had appointed an Internal Code Implementation Team to oversee the WADA Code responsibilities; maintain an overall plan for the Code implementation; to create sub-plans contained within the overall plan; and to ensure that the plan was properly followed up.

DECISION

Activity update approved.

9.2 Code Implementation Plan and Project Team

MR ANDERSEN noted that the timelines for the key action items could be seen in the Draft Code Implementation and Compliance Plan . The Level 3 Model Rules and Regulations were still in the process of being developed. As Mr Niggli had mentioned, the appeals were being worked on, and a process needed to be in place for appeals related to sanctions as well as TUEs. Once the Code was signed and implemented by signatories, WADA would be obliged to monitor Code compliance every second year. An important element involved assistance strategies for ADOs. WADA was working daily on this with input from ADOs worldwide. The team was also working on the worldwide symposia that had been mentioned earlier on in the meeting. This was just a brief overview of the Code.

DECISION

Code Implementation Plan and Project Team approved.

10. Department/Area Updates

10.1 Communications

MS KHADEM said that the department had undertaken a review and update of all of the content on the WADA website. There had been an increase in visitors to the website. The department would continue to do as much as it could to make the website as user-friendly as possible, given that it was becoming one of WADA's main communication vehicles.

With regard to WADA Outreach, the All Africa Games had been extremely successful. This was the first event that had been handled by the WADA office in Cape Town. Mr Swigelaar had put together a great team from the African continent and, from what she had seen, it had been a great success. There would be a feature on this event in the upcoming edition of *Play True* magazine. WADA was already working on Outreach events for the following year, and was putting together an Outreach team for the Olympic Games in Athens. Ms Spletzer and MS KHADEM might reach out to the members for assistance in finding the appropriate people to be on the team.

As for publications, there would be one more edition of *Play True* magazine in 2003, and one more *Athletes' Passport* publication. The main focus of *Play True* would be on the List and the TUEs.

She, along with Mr Donzé, the Media Manager, had undertaken a number of visits to IFs in Europe that month. These visits had been incredibly useful, and good suggestions had been made by IFs as to how WADA could better communicate with them. More

would be done by WADA to highlight the work done by the IFs in the fight against doping.

WADA was planning to hold a seminar for journalists on 29 January at the Olympic Museum, and was in the process of sending out invites to journalists as well as IFs. This seminar would cover all of the areas dealt with by WADA, and would offer journalists a good opportunity to learn more about WADA.

THE CHAIRMAN noted that he was circulating two archival copies of the World Anti-Doping Code signed by those who had been present when the Code had been adopted in Copenhagen. Two copies would be kept in Montreal, and one copy would be given to the Olympic Museum and Studies Centre for its permanent records.

MR DEVILLERS suggested that it might be a good idea to make the press release issued subsequent to each meeting part of the meeting agenda, thus enabling the members to see the communication prior to its release and ensuring that all the members would be on the same page when they left the meeting.

THE CHAIRMAN said that he certainly had no objection to the proposal, although he did not want to turn this into a drafting committee. Unless there was something incorrect or tremendously offensive, the members should not start making amendments to the release.

MR DEVILLERS assured the Chairman that he would not start changing commas or semi-colons.

THE CHAIRMAN noted that WADA tried to have somebody from each of the stakeholder groups present at the press conferences that followed WADA meetings to respond to the questions, but these releases were certainly not secret.

MS KHADEM said that she drafted the releases as the meetings went along and tried to get the releases ready prior to the end of the meeting. If this was the wish of the Executive Committee to do so, this would need to be an agenda item before the adjournment of the meeting.

THE CHAIRMAN thought that the members could try this and see if it worked, but they would not be able to start drafting.

Everybody should be alert to the potential of the Lausanne conference for the media in January. Hopefully the public authorities, the IFs, and the NOCs and NADOs would participate. It might also be possible to see if the CAS might be prepared to have some role in it and explain what it was going to do, as it was very important for the world to understand what CAS was and what it was going to be doing.

DECISIONS

1. A new agenda item to be introduced, enabling members to see the meeting press releases prior to their issue.
2. Communications report approved.

10.2 Education

MR WADE referred to the report in the members' files that he would be presenting to the Foundation Board. The members had information before them with which they were familiar, although there were a number of things about which he wished to update the members.

The first in-person meeting of the new committee had been held, and it had been a good meeting, highlighting the importance of educating all those affected by the Code on relevant aspects of the Code. There had been agreement on revised terms of reference, and a discussion of ethics reviews. Key target groups had been identified, as well as main topics to be adapted relevant to the target groups.

The committee had recently sent a letter to all partners, letting them know that the education programme was functioning and was once again up to speed. The partners had also been sent a questionnaire, with the objective of developing a resource education library in WADA. The message that the committee had wanted to get out was that partnerships were necessary; education could not be achieved by the committee alone, although leadership and guidance could be provided.

The Ethics and Education Committee was looking to establish regional symposia in key regions of the world to raise understanding among countries, organisations and regions about the Code and their main responsibilities, as well as to conduct assessment of their capacities and build a programme or approach to assist in developing programmes and systems to assist in compliance of the Code. This was a good approach, as it would ensure ownership in the regions. Five symposia would be conducted over an 18-24 month period. The extent to which these would be conducted in 2004 would be budget/resource driven. WADA would also partner with its established Outreach/Awareness programme to communicate with athletes at key events and opportunities, such as Athens. It would also partner with government awareness activities where possible. The focus for the next 18-24 months would be to educate those affected by the Code.

MS BASSER asked how Mr Wade envisaged setting up the regional symposia teams and whether every region would have one.

MR WADE replied that every region would have a team, and all those involved would be well informed. WADA was also looking at shared costs: perhaps countries would be able to host the actual symposia. Clearly, the expenses for countries to attend these symposia would be the responsibility of those particular countries.

THE CHAIRMAN highlighted the need to focus on how the Ethics and Education Committee would work vis-à-vis the Code. He wanted to make sure that the WADA management had really assessed that interaction. There were other things to do if WADA was trying to create the doping-free environment, and there was an educational and ethical component to that which was broader than simply the application of the Code. He knew that this was a committee that specialised in long backswings, but sooner or later it would have to start moving at the ball.

MR WADE replied that, clearly, that was in the strategies that had been developed. The Code was a short-term strategy, but general information on doping-free sport was essential and would happen.

DECISION

Ethics and Education report approved.

10.3 Government

MS JANSEN referred to the report in the members' files that would be presented to the Foundation Board the following day. She wished to introduce Mr Genniges, who would be speaking to the members about the UNESCO Convention. He was the rapporteur of the experts' group that had met recently in Paris.

MR GENNIGES said that he represented the experts' group, and his position was independent of the government that he represented or his nationality.

He noted that, for countries, there were three legal bodies: WADA, the Code and the country involved. The main question that his group had asked was how countries could apply the Code. The purpose of the Convention would be to focus on four main objectives: the application of the Code by countries, transposing the rules set out in the Code into the national legislation; the coherence of the different systems in the various countries involved regarding the fight against doping; the organisation of cooperation between the various countries and the formalisation of their relationships under UNESCO;

and the commencement of relations with the sports movement so that all parties and stakeholders would be involved. The aim was to be all-inclusive.

The third expert meeting would take place in December. The first draft of the Convention would be submitted at the ministers' meeting towards the end of January 2004, and there would be another meeting in 2004, at which the ministers would be presented with a further draft. Countries were committed to having a definitive Convention in October 2005.

With regard to the Canadian recommendations, specifically recommendations 5 and 6, with regard to the financing of WADA, it was necessary to be very specific. Did the recommendation aim to improve the method of funding or did it aim to force countries to pay their contributions? The Council of Europe mechanism had been used in Europe to enable European countries to pay, but this did not affect the obligation to pay. The experts said that the financing took place according to the principle of parity. If the recommendation was that countries should be forced to pay, then there should be a sanction mechanism for non-payers. Would the countries be prepared to accept sanctions? Even if there were to be agreement on that principle, WADA's financing system would have to undergo international negotiation, as there was currently a tacit agreement between the countries, and there would be a need to negotiate financing principles. In legal terms, WADA was a private law foundation. It was necessary to recognise the principles according to which WADA should act.

MR DEVILLERS noted that it was not the objective of the Convention to oblige countries to pay; it was to provide a new means by which to pay. Many regions of the world did not have a body similar to the Council of Europe, and a means to make the payments was needed for those regions.

With regard to WADA's status, he thought that whether it was an organisation or not was an internal issue.

MR LARFAOUI wanted to have more details on the international Convention that would be submitted for ratification in 2005. What was its content?

MR GENNIGES replied that there were four objectives, the main one being to allow countries to transpose the Code into their own domestic legal systems. Another objective was to enable the countries to cooperate in a more systematic manner when it came to anti-doping activities. The aim was to formalise the agreement between governments and the sports movement and other stakeholders. The first draft of the Convention was being worked on.

MR DEVILLERS said that the Convention would not change WADA's rules; it aimed to provide a means of paying by way of an international mechanism. The Convention would not change the relationship between the IFs and the governments within WADA.

THE CHAIRMAN said that, when he or the Director General travelled, they did their best to meet government officials. He had recently met with the French and British sports ministers, and would be meeting the German sports minister in the near future. The new European representative of the Foundation Board, Mr Fetisov, was Russian. It was important that WADA maintain that contact with the governments. The British sports minister would be taking up the matter at the next Commonwealth heads of government meeting. WADA should not give up getting governments to sign the Copenhagen Declaration just because a UNESCO Convention was being drafted.

DECISION

Government relations report approved.

10.4 International Federation Liaison

MR DIELEN referred to the report in the members' files that would be presented to the Foundation Board the following day. It was encouraging to note that 78% of recognised IFs had now accepted the Code.

THE CHAIRMAN thanked Mr Dielen and encouraged him to keep up the good work.

DECISION

International Federation Liaison report approved.

10.5 Independent Observers

MR WADE referred to the report in the members' files that would be presented the following day to the Foundation Board. For 2004, WADA would be going ahead with the Independent Observer Team Leaders' Meeting in the third week of January 2004, and was reviewing whether or not this would evolve into an expert team leader's meeting, which would serve the purposes of the Independent Observers and the experts that WADA might train to help out with the regional symposia. Other than that, he had nothing to add to what the Director General had mentioned that morning.

THE CHAIRMAN referred to the Independent Observer report on the Tour de France that year. There had been an accusation of a leak prior to the release of the report, but the UCI was now satisfied that the leak had not come from WADA. The UCI had taken issue with the number of statements in the Independent Observer report, and WADA had undertaken to put the UCI's comments on its website as a matter of goodwill. Having reviewed those comments, the Independent Observer team had not wished to make changes to the Independent Observer report.

DECISION

Independent Observer Programme update approved.

10.6 Standards and Harmonisation

MR ANDERSEN said that there had been progress on the in-house out-of-competition testing management, and this was going well. There was also focus on capacity-building worldwide, and educating ADOs to carry out tests. Pre-Games testing was going well, and WADA was happy to have the IOC's cooperation.

MR LARFAOUI referred to the number of tests done (4634). Would it be possible to have the figures per sport? The IFs were interested in knowing what happened elsewhere.

MR ANDERSEN said that this had been mentioned in September. He would try to get those figures.

THE DIRECTOR GENERAL noted that not all of the information had yet been received from the laboratories. Such information was necessary to create all of the statistics that WADA would like to publish. The information on the laboratories currently went to the IOC and not to WADA but, as of the following year, WADA would get all of that information and would be able to publish information regularly.

MS BASSER asked about the DFSC annual report, particularly the programme report for 2002.

MR ANDERSEN noted that Mr Koehler would provide this information the following day.

THE CHAIRMAN noted the need to manage the cut-off period between the out-of-competition tests leading up to Athens and the start of WADA's separate role as Independent Observer. He assumed that the necessary protocols were being, or had been, developed.

THE DIRECTOR GENERAL had total confidence in WADA's ability to deliver. It would make sure that the relevant protocols were in place.

THE CHAIRMAN highlighted the importance of this point.

DECISION

Standards and Harmonisation report approved.

10.7 Science

10.7.2 Glucocorticosteroids – Specified Substances on List

DR RABIN recommended that glucocorticosteroids be identified as Specified Substances for the 2004 List of Prohibited Substances, meaning that the sanction would go from a simple warning to a two-year ban. This had been discussed by the Health, Medical and Research Committee as well as internally, and had been approved by the Chairman of the Health, Medical and Research Committee.

THE CHAIRMAN noted that a substance was not being added to the List; its placement within the List was being changed. He asked whether the members agreed to this proposal.

DECISION

Proposal to identify glucocorticosteroids as
Specified Substances for the 2004 List of
Prohibited Substances approved.

10.7.5 Approval of Technical Documents

DR RABIN noted that, in order to allow more flexibility in the preparation phase and to avoid unnecessary delays in the implementation time of technical documents, it was proposed that the responsibility to approve technical documents be transferred from the WADA Executive Committee to the relevant WADA technical committee or committees.

THE CHAIRMAN said that the members might be happier to say that approval could be given as of a certain date by the technical committee, but this would need to be ratified by the Executive Committee at its next meeting.

DR SCHAMASCH noted that there was a decision to be taken regarding new detection methods, and referred to the legal validity of the methods. When a technical committee decided on a certain method in 2004, would this need Executive Committee ratification?

MR MIKKELSEN observed that this item had an important political dimension. The decision should be taken by the Executive Committee, and not the technical committee.

THE DIRECTOR GENERAL said that these decisions would be circulated and a vote would be requested by return fax. It was a matter of acceleration of process rather than delay, but WADA was not trying to hide anything, therefore the proposal made by the Chairman would be satisfactory.

THE CHAIRMAN thought that, with the modern post-Enron standards of governance that applied, he would not want to be responsible for something that he had not considered, so he thought that WADA should have a mechanism for a postal or e-mail vote.

DECISION

Approval of technical documents to be given
by the relevant technical committee, but
decisions to be ratified by the Executive
Committee by post or by e-mail.

11. Other Business

THE CHAIRMAN asked whether there were any other items of business that the Executive Committee needed to discuss.

12. Future Meetings

THE DIRECTOR GENERAL said that two Foundation Board meetings had been proposed for June and November 2003. These dates needed to be confirmed as soon as possible in order to be able to reserve meeting rooms, so he asked for confirmation of the proposed dates. There would have to be an Executive Committee meeting in September 2004, for the purpose of the List and approval for the following year. Three Executive Committee meetings would be needed around the proposed dates although, if the members wished, they could propose an additional meeting.

DECISION

Exact Executive Committee and Foundation Board meeting dates to be confirmed.

THE CHAIRMAN thanked everybody for coming to the meeting, congratulating the staff members on their preparation of the files.

The meeting adjourned at 12.30 p.m.

FOR APPROVAL

RICHARD W. POUND, QC
PRESIDENT AND CHAIRMAN OF WADA