



Minutes of the WADA Executive Committee Meeting
21 September 2004
Montreal, Canada

The meeting began at 9 a.m.

1. Welcome, Roll Call and Observers

THE CHAIRMAN welcomed everybody to the meeting of the Executive Committee. It was good to see them so soon after the Olympic Games in Athens. He thanked the members for coming. The meeting would be extremely important, as the List would need to be approved for application as of 1 January 2005. The Foundation Board would also be looking to the Executive Committee for recommendations for the following year's budget.

The members were asked to sign the roll call. The only new face at the table was the Honourable Stephen Owen, who was now Minister of State for Sport in Canada, and was warmly welcomed.

The following members also attended the meeting: Mr Mikkelsen, Minister of Sports for Denmark, representing Europe; Professor Ljungqvist, IOC Member and Chairman of the WADA Health, Medical and Research Committee; Ms Elwani, Member of the IOC Athletes' Commission; Dr Kono, Division of Sports Medicine, Institute of Health and Sports Science, University of Tsukuba, representing Mr Harada, Senior Vice Minister of Education, Culture, Sports, Science and Technology, Japan; Mr Burns, Foundation Board member and Chair of the Ethics and Education Committee; Mr Reedie, IOC Member and Chairman of the National Olympic Committee of Great Britain; Mr Stofile, Minister of Sport and Recreation, South Africa; Mrs Bassier, General Manager, Sport and Private Sector, representing Senator Rod Kemp, Minister for the Arts and Sport, Australia; Mr Kasper, IOC Member and President of FIS; Mr Larfaoui, IOC Member and President of FINA.

The following members of WADA's management group attended the meeting: Mr Howman, Director General; Mr Niggli, Finance and Legal Director; Dr Rabin, Science Director; Mr Andersen, Standards and Harmonisation Director; Ms Khadem, Communications Director; Mr Wade, Education Director; Mr Dielen, Lausanne Regional Office Director; Dr Garnier, Medical Director, Lausanne Regional Office; and Mr Swigelaar, Africa Regional Office Director.

2. Minutes of the Executive Committee meeting on 20 June 2004 in Montreal

THE CHAIRMAN asked whether the members had any comments regarding the minutes of the Executive Committee meeting on 20 June 2004 in Montreal. Unless any comments were made by noon, he proposed that the minutes be approved as circulated.

DECISION

Minutes of the meeting of the Executive Committee on 20 June 2004 approved and duly signed.

3. Director General's Report

THE DIRECTOR GENERAL wished to speak to one or two matters in relation to the report in the members' files (Annex DG Report). There had been a deliberate delay in providing the report because of the Olympic Games and the Paralympic Games. He had sent out a report in June, and wrote regular reports to ensure that the members were kept up to date.

With regard to FIFA, FIFA had said that it would be changing its legal rules to comply with the Code at its executive committee meeting in November. That was what FIFA had told WADA, but WADA had not been able to meet with FIFA over the past few months. WADA had had a meeting arranged with FIFA, but this had been cancelled by FIFA. He would appreciate any assistance offered by any Executive Committee member to ensure that FIFA was aware that WADA Executive Committee and Foundation Board members were interested in the outcome of the FIFA November meeting. He thought that WADA needed to show interest to ensure that the necessary amendments were made in November.

WADA had been in touch with Interpol and had made a presentation in Lyon in July. WADA was now interested in understanding more from governments and countries as to what they had by way of border controls to ensure that the trafficking of banned substances, which in Europe was now at a very high level (Interpol had said that trafficking in steroids was more valuable in terms of return to those who partook in such business than trafficking in cocaine), was reduced. There was a big market. WADA looked to leadership from countries. He would be meeting with the Australian Government in October. The Australian Government had a customs regulations law in place, and WADA hoped to develop a model that it might be able to advance with other countries.

Where staff issues were concerned, Ms Khadem would be leaving after the Foundation Board meeting in November that year. It would be a very sad occasion for WADA, but she would be getting married in early December and would be going to live in California. WADA wished her well in her future and thanked her for her input. Mr Hoistad had gone back to Norway for personal reasons. Ms Thom had also returned home for personal reasons, and had been replaced by Ms Soublière. WADA would advertise an appropriate position for the IT team once the ADAMS project had been furthered and it was understood exactly what might be required. Mr Boghosian had been employed as Laboratory Accreditation Coordinator, and that position had been forecast earlier in the year.

Time had been spent furthering government partnerships. He and the Chairman had met many ministers in Athens during the Olympic Games. He had been very active with meetings and presentations to various governments and government bodies, and suggesting ways by which to further the fight against doping together. Ideas had been given by a number of countries as to how they might offer personal assistance. Ideas were being developed relating to symposia in Germany, Norway and Sweden. A partnership with the UK had been commenced; the UK was developing a national model of the WADA Outreach programme. WADA was looking at an appropriate symposium with France to develop some work in the area of the jurisdiction of the CAS. Any other suggestions would be most welcome.

As to the idea of secondments, no interest had been expressed to date. The offer remained open and on the table, and he looked forward to the possibility of having people coming to WADA for a period of time to share expertise.

With regard to the working committees, the composition of the current working committees had been circulated to all Foundation Board members, highlighting those whose three-year term ceased at the end of 2004. Of course, those members were eligible for re-appointment, but WADA was now seeking nominations. The deadline was 15 October. He asked members to spread the word and to see that good and proper

nominations were submitted for the current positions. WADA would work on the principles set out in the Constitution to ensure the appropriate geographic, gender and expert balance.

THE CHAIRMAN asked if anybody wished to ask any questions.

PROFESSOR LJUNGOVIST referred to FIFA and its possible non-compliance with the Code when it came to sanctions. He had seen from item six of the minutes of the Executive Committee meeting in June that there was a working group on sanctions and that it would be tabling a report at the meeting in September. Would this be coming up later?

MR NIGGLI said that this report would be tabled at the Executive Committee meeting in November, but was separate from the issue of FIFA, which had to change its rules.

On the FIFA matter, THE CHAIRMAN noted the need to obtain help from the governments. There would be a huge event in 2006 and the governments, particularly in Europe, needed to say that they wanted FIFA to be Code-compliant. There was a certain amount of institutional jockeying going on here, and it was important for FIFA to understand from the governments, on whom FIFA depended for far more than it realised, that it had to be Code-compliant. WADA was only partially convinced that it should take FIFA until October or November to do this. FIFA's explanation was that it needed an executive committee meeting in order to change the rule, and that was fine, because if it happened as planned, then everyone would be delighted. It would be helpful for the government partners to make it clear to FIFA that WADA expected this to be done.

As to the secondments, he thought that they could be very definitely mutually beneficial. WADA would benefit from the additional help and expertise, but those who served would go back with a much better understanding of how WADA operated and some of the issues that it dealt with. For those organisations that had an interest, he urged them to take advantage of the opportunity.

DECISION

Report by the Director General approved.

3.1 Procedure for Election of WADA Vice-Chair

THE DIRECTOR GENERAL asked for approval of the proposed procedure with respect to the appointment of a vice-chair of the Foundation Board. At the previous meeting, the management had been directed to put forward such a protocol in order to have a similar process to that followed for the appointment of the Chairman. There were two differences to the appointment process for the vice-chair: one was that, because governments had asked that this be for a one-year term only, it was for a one-year term (the 2005 year). The reason behind that was that the governments had asked for a period of time to look for an appropriate candidate to be the next chair following the current Chairman. The governments felt that that would take some time but, in the meantime, there ought to be the recognition of the status of governments by the appointment of the vice-chair of the Foundation Board. That was one difference; the other was just the timing. Applications were to be made by 8 November. The cut-off date for the position of chair was 30 September. Those were the two differences; otherwise, the protocols were exactly the same.

THE CHAIRMAN noted that a decision was necessary.

MR MIKKELSEN thanked the Director General for his proposal. He welcomed the opportunity for a new situation, which would signal a true partnership between governments and the Olympic Movement in the leadership of WADA, and looked forward to the appointment of the chair and vice-chair at the November meeting. Furthermore, he supported the election period of one year. It gave governments an opportunity to develop a more permanent participation in the leadership. He had two practical questions, however. Would it be possible to move the deadline for the nomination of

candidates by one or two days, because he had a meeting in the European Coordination Forum on 10 November, and it would be most convenient if the names of the candidates could be circulated before that meeting. Secondly, there had been a meeting of the government representatives that morning and, in his mind, the vice-chair of the Foundation Board would become the vice-chair of WADA; therefore, it would be necessary to make sure that the vice-chair was an active member of the Foundation Board as well as the Executive Committee, like the Chair, but the Statutes were unclear on this point. Therefore, he would like to ask for an interpretation of the Statutes and, if necessary, a proposal to change them at the November meeting.

THE DIRECTOR GENERAL said that he had no difficulty with the timeline. The deadline would therefore be 6 November and the names would be circulated on 8 November.

As to the second question, there was a provision in the Constitution that provided for the Foundation Board to elect the chair and, of course, the Foundation Board elected the chair of the Executive Committee as well. At the same time, the Foundation Board could elect a vice-chair but, when it came to the Executive Committee, the provision in the Constitution said that the Executive Committee, if it deemed necessary, should appoint the vice-chair amongst its own. There was that confusion, and he asked for direction. If the Constitution needed to be altered so that, for example, the vice-chair of the Foundation Board had a position on the Executive Committee ex officio, or the vice-chair of the Foundation Board was also the vice-chair of the Executive Committee, but that there was no alteration to the five-five split so, in essence, the Executive Committee was being increased to 12, he sought direction from the group. If that were the case, the Executive Committee would expand by one to 12 members, and the casting vote, in case of any disagreement, would have to rest with the chair. He looked for direction so that something could be drafted accordingly. There would be an associated cost with that, but he was sure that all those familiar with the budget would be only too happy to pay for that.

MR OWEN noted that, if the governments' provisions were changed before November, or indeed before somebody was nominated, he believed that it was necessary to be a Foundation Board member in order to be eligible to be vice-chair. Keeping in mind that ministerial members of the government side would, as a practical matter, not be able to take up a full-time position or even to significantly increase their involvement, it seemed that the position of vice-chair was to be something of a bridge in alternating between the governments and the other authorities. It might be worth indicating in anticipation what governance changes were necessary for November so that these could be kept in mind when people were making nominations, so that people being nominated were actually able to take up the position.

THE CHAIRMAN said that he hoped it would be possible to avoid having four different people, for example, the chair of the Foundation Board and the chair of the Executive Committee and the vice-chair of the Foundation Board and the vice-chair of the Executive Committee. It was necessary to be lean and flexible and tactical to remain effective, so he hoped that it would be possible to have one chair of both and one vice-chair of both the Executive Committee and the Foundation Board.

MR REEDIE said that he supported this view.

MR MIKKELSEN agreed with the Chairman in order to avoid confusion and to send a strong signal. The governments supported the Chairman for the coming period, but also wanted to show that the governments were prepared to take on the responsibility, but it would be confusing if there were different chairs and vice-chairs. There should be one chair and one vice-chair.

THE CHAIRMAN thought that Mr Owen's point was particularly appropriate. If there was a rule that said that, in order to be chair or vice-chair, it was necessary to be a member of the Foundation Board, then governments, when they put forward that nomination, would have to bear that in mind. If it was necessary to change something,

perhaps the members might like to give some thought to it before lunchtime and have a clear idea of what they wanted to do.

THE DIRECTOR GENERAL said that this would probably be a two-step process. The Statutes could be amended that year to ensure that what had just been put forward was put into place, but that the vice-chair was a Foundation Board member. If the governments indicated that they needed somebody who was not a Foundation Board member, then it would be possible to consider another change the following year if required. It would be possible to do what had been decided that day by quite simple amendments, and he would suggest that they be tabled at the Foundation Board meeting before the appointment of the vice-chair to ensure that it was all done according to the Constitution. That would avoid any problem then and lead to discussion of what might be required in the future to take place over 12 months.

THE CHAIRMAN said that the Director General should be directed to do what was necessary to have the interim position in place for 2005, and more extensive consideration would be given during 2005 for a more permanent arrangement. The only change to the proposal was that the nominations would be in by 6 November and circulated by 8 November.

DECISION

Proposed nomination process approved, with nominations to be in by 6 November and circulated by 8 November.

4. Operations / Management

4.1 Athens 2004 Olympic Games

THE DIRECTOR GENERAL referred to the papers in the members' files that reported on the activities carried out in Athens. There had been a small executive team, which had been involved in a number of activities, including the meetings with various ministers and sporting heads. Mr Dielen had met with each of the 28 IFs to ensure that there would be a smooth transition with regard to the use of the Code. The Independent Observer team would finalise its report at the end of the month which should be available for publication in the first or second week of October. WADA had maintained silence in terms of the positive cases or Code violations that had occurred during the Olympic Games, because these were the province of the Independent Observer team. WADA had stayed away from public comment about the specifics. Hopefully, the members would see the report some hours before publication so that they could be prepared in case they had questions directed to them about it. The protocol was that it would be finalised and sent to the IOC, so that the IOC would have several days to peruse it to suggest corrections if there were factual errors, and then it would be published on the WADA website. An appropriate way would be considered through the Communication Department to ensure that everybody was aware of the report's contents.

Another potential Code violation had increased the number from 24 to 25. It was a blood doping case, and the B sample was to be tested that day. WADA had very strong rules concerning confidentiality but, on this occasion again, the athlete had decided through his team to publish his name and say that he had tested positive. He did not know what WADA could do to suggest the athletes keep quiet to protect themselves in such cases, but it was another example of breaches coming from those that the confidentiality were supposed to protect.

The Outreach team had slaved long and hard at the Olympic Village, seeing more than 300 people on a daily basis. Ms Spletzer was still there, for the Paralympic Games, and had done a sterling job of educating athletes and their entourage. As proof of the extent of the work carried out, many WADA caps had been seen at the venues in Athens,

which was testimony to the fact that people enjoyed wearing WADA gear and saying that they subscribed to the Play True philosophy.

The Pre-Games testing team had worked long and hard and in partnership with the IOC. This was another example of how WADA and the IOC could work together.

As to the Paralympic Games, Mr Walker headed the Independent Observer team, and Ms Spletzer was out in Athens in charge of Awareness. WADA had been involved in the executive level, which had led to further meetings with governments. He had had a one-on-one meeting with the Greek Sports Minister; he had met with the NADO; and had tried to persuade the Greek Government to provide sufficient funding to allow the NADO to work. He had also met the prosecutors, who continued to inquire into the incident that had taken place prior to the start of the Olympic Games with the two Greek athletes.

MR OWEN referred to the issue of confidentiality. It was for the benefit of the athletes, but it did create a certain buzz in the media. It was difficult if somebody was identified in the first test as having contravened the rules and then had to pull out of competition, which was identification in itself. He saw why the athlete would start to prepare a public defence. WADA was put in the situation of facing somebody with a public defence before the situation was concluded, but he was not sure that it could be addressed given the way that the rules were set up.

THE CHAIRMAN said that there were no additional sanctions that could be imposed on an athlete for doing that but, if the athletes went public and created a fuss, it might, arguably, affect the due process were WADA or other authorities to become involved in the public discussion of specifics. It was necessary to sit quietly until the process worked its course. There were some well-known athletes who had tried to be clever by going public and then saying that they were being tried in the media.

MR OWEN noted that this was a delicate situation for WADA but, if the way in which it was taken into the media was discrediting WADA's own process and its integrity, once the confidentiality was broken by the person for whose benefit it had been maintained, that released WADA or anybody else from any duty of confidentiality they might have. It was delicate, however, because WADA would be painted even more so as trying athletes in the media.

PROFESSOR LJUNGOVIST thought that this was a very important issue. There had been some experience of this in Athens. It was necessary to clarify whether this indeed meant that the confidentiality was therefore broken and that WADA was free from the confidentiality clause or not. Was WADA free to comment or was it still bound?

MR REEDIE thought that the athlete and the athlete's advisors leaked the news quite deliberately, as a matter of "winning the argument". Was WADA still bound by confidentiality or not? Until the due process was completed, he did not think that WADA could comment. He thought that WADA should be ready and quite clear and say that it could not comment. He would be interested regarding the issue of the two Greek athletes and their prosecutors. When would this be dealt with? It would help to put this to bed quickly.

THE DIRECTOR GENERAL said that several of the lawyers working for the major federations and NADOs had referred to him and said that the more politicians spoke in the media about pending cases, the more likely it was that one of those politicians would be called as a witness to the case, because the views that they were expressing were interfering with the process. When WADA looked at what to discuss when the breach of confidentiality occurred, WADA needed to be careful about saying anything except perhaps corroborating what the athlete had already said, and that the process had to be adhered to and WADA did not wish to interfere with the process. There had been discussion about establishing a form of protocol that might be of some help to everybody, and he would work on that over the coming weeks. Unfortunately, some unwise words had been said in Athens, and he did not wish those comments to come back and destroy a process.

In response to Mr Reddie, he had spoken to Mr Huw Roberts on Friday in Athens. The Athens prosecutors were being encouraged to share their information with the IAAF, and vice versa. It was said that the prosecutors would finish their task over the coming three weeks.

THE CHAIRMAN said that a process regarding confidentiality was necessary and, for example, WADA should issue a statement declaring that privacy issues had been breached by the athlete, but there was a process to be followed and WADA would not comment on the issue until the process was over.

He thought that the Athens experience had been very good. He had been very pleased with the level of cooperation from the IOC and ATHOC, and thanked them for that. He believed that the Athens Olympic Games would go down as one of the key milestones in the fight against doping in sport. He doubted that there had ever been such a thorough check of competitors going to Olympic Games as there had been prior to Athens. A lot of bad folk had not shown up at the Olympic Games. The range across which WADA had tested had been unprecedented. WADA should be very pleased about the progress made. The IFs had all adopted the Code, some more enthusiastically than others. He thought that, as their experience with it improved, they would see that it would be for the benefit of their sports as well.

The Olympic Games in Athens had shown that WADA needed a minimal executive presence. It was necessary to have a WADA person that people could get hold of, even if it was for WADA to say that they could not talk about individual cases. There had been a single WADA press conference prior to the Olympic Games. There had been no official presence thereafter. As WADA spokespersons, they had had nothing further to say, and he thought that that was probably a good policy to adopt. The Independent Observer team had been quite impressive, and he thought that the members would be very pleased with the quality of the work carried out. The Outreach programme had been terrific, and the athletes had learnt a great deal about anti-doping efforts. There had been a very user-friendly interactive game in ten languages.

As to the Greek prosecutors, he thought that WADA members should keep their heads down and not make any public comment until the investigation was over.

PROFESSOR LJUNGQVIST said that he had been asked to comment on the matter. The issue of confidentiality had caused problems in Athens; due to the short time at the Olympic Games between an A sample testing positive and a final decision, the confidentiality matter was not terribly difficult to manage. It was much worse in normal situations, where it could take weeks between the A sample and the due process being finished. If confidentiality was broken by the athlete at the start, then it was difficult to maintain the confidentiality and not comment on the matter. As to Athens, the fact that athletes had been caught violating the rules had been a great success, as it showed a new approach and sent a signal to the world that the fight was being conducted in a more efficient manner. The new element had been the institution of an Olympic period from the opening of the Olympic Village to the end of the Closing Ceremony. The full list of doping substances had been tested during that period, with successful WADA cooperation.

It had been the choice of the two Greek athletes and their entourage at the beginning of the Olympic Games to let the situation continue, as they had ended up in hospital. The IOC had repeatedly received information that they could not attend a hearing and, when they did attend after almost one week, no hearing had been conducted as they had simply surrendered their accreditations and walked out. From the IAAF's point of view, since it had its due process to observe, these athletes had not been heard. It was not possible to impose a ban on a person who had not been heard. The IAAF had decided to prepare for a fast-track mechanism to deal with these cases, hopefully before the next Council meeting in December. A Doping Review Board, which the IAAF had in place as a regular body, had been assigned to take the matter on board as the decision-making body on behalf of the Council, once the full information was available. One piece of

information was IOC information. Under point four on the IOC Executive Board decision, there was a request by the Executive Board to the Disciplinary Commission in place in Athens to report back to the IOC Executive Board on all circumstances surrounding the events that had taken place in Athens concerning the two cases. The report had reached the IAAF only three or four days previously. The IAAF also preferred to wait for the information from the prosecutors. It could not wait for months, of course. The IAAF would follow the matter closely. Mr Huw Roberts had gone to find out where the prosecutors were in the investigation. Once all the information was available, the Doping Review Board would take the case on. The IAAF would make sure that the hearing was conducted as soon as it deemed it appropriate. The IAAF rules said that the national federation was supposed to conduct the hearing and take a decision. He did not know if the Greek federation should carry out this procedure. Perhaps the IAAF should negotiate to take over the whole procedure. This was a delicate matter. It was not possible to take a decision yet, but it would be taken as soon as the necessary material was available and the right procedure had been agreed upon.

The Athens Olympic Games had been an enormous workload for the people involved in anti-doping. The normal number of samples analysed at Olympic Summer Games was 2,000. This number had been increased to over 3,000. Such numbers had not been foreseen seven years ago. There had also been new analytical procedures to test for substances such as growth hormone, artificial oxygen carriers and glucocorticosteroids. He commended the Greek laboratory and the Greek organisation for coping with the unexpected huge increase in workload in a most efficient manner.

THE CHAIRMAN advised caution in relation to the Greek cases.

DECISION

Athens 2004 update approved.

4.2 Regional Offices

4.2.1 African Office

THE DIRECTOR GENERAL asked the members to decide whether WADA should assume full responsibility for the operation of the African regional office, referring them to the report in their files for further information. The offices would be rent- and overhead-free, thanks to the South African authorities. If the Executive Committee decided to approve the proposal, WADA would take over responsibility from 1 November, and would advertise the positions of regional director and assistant before that time to ensure a smooth transition.

THE CHAIRMAN asked whether anybody wished to make any comments. Were the members in favour of taking over the operations of the African regional office? He thanked the South African Government for getting the office up and running and for helping out with the absorption of the expenses for the first year. WADA looked forward to its new role.

DECISION

Proposal for WADA to take over the running of the African regional office approved.

4.2.2 Latin American Regional Office

THE DIRECTOR GENERAL said that there was a proposal in the members' files to determine whether or not a Latin American regional office would be of benefit to WADA; if so, expressions of interest would be sought. If the members agreed, WADA would seek expressions of interest in the same way as it had done with the African and Asian/Oceanian regional offices.

From a financial point of view, MR REEDIE said that he would be happy for the work to continue. He thought that the development should be linked to the healthier collection of

contributions from that part of the world. He could see an office being helpful in that exercise, but thought that there was a balance to be struck. He thought that WADA should commence this exercise.

MR MIKKELSEN said that he supported the proposal and the remarks made by Mr Reddie; however, he thought that a broad discussion should be held as to the purpose of the regional offices. They had had a purpose, which had been to collect signatures and to convince governments to pay their dues, but how would they be used in the future? He suggested a broader discussion about this issue at a future meeting.

MR STOFILÉ supported the proposal to discuss the matter. Regional offices also faced the challenge of being seen as WADA representative offices in the countries in which they were located. Care had been taken in Cape Town to ensure that this meaning had not been portrayed. Because of its location, invariably the challenge was huge to define its terms of reference so that people would understand how to use the facility. He strongly supported holding a broad discussion with a view to developing clear terms of reference for the regional offices. He thought that they were a necessity, but that their role should be carefully defined.

MR BURNS said that he supported what Mr Reddie had said. The presence of an office would help with dues and showing that WADA had a presence in that region.

THE CHAIRMAN noted that there were three issues to be discussed. What was a regional office? WADA needed to know what it was going to establish, and needed to work out the role. If WADA started to seek expressions of interest, then it had already decided to have a regional office in Latin America. If it turned out that WADA did not have one, then there would be inordinate disappointment. The third issue was the process by which WADA would decide, if there were expressions of interest. WADA had two choices here: it could either set up a committee to review bids, visit and recommend a selection, or it could decide that it had enough internal expertise in WADA to make the decision and save the expense of an independent selection committee. He would prefer an in-house decision because this was an in-house operation. Before WADA could seek expressions of opinion, it had to let people know what it was looking for. Did WADA have terms of reference for the regional offices?

THE DIRECTOR GENERAL pointed out that the issue was somewhat clouded by the opening of the European office by leaving it there when WADA had transferred its headquarters to Montreal. The office there had been initially established to make sure that WADA continued to service IFs, and it now operated its medical work out of Lausanne, under the direction of Dr Garnier, the Medical Director. There were published terms of reference for the Cape Town and Tokyo offices. He thought that WADA should review the output and performance of the offices in order to see whether they were heading down the right track. There were political reasons for having the regional offices, which were fulfilling valuable functions, but these could be reviewed.

THE CHAIRMAN asked the Director General to distribute the terms of reference. There were also budgetary implications: the new regional office would cost a minimum of US\$ 250,000 per year. What was the members' pleasure? Should the decision be deferred until the terms of reference were available? There was clearly a political element in Latin America, which felt quite alienated from WADA, and the way in which Latin America expressed that was by not being very positive about WADA and not making any payments. It was currently the worst area for collection in the world.

MR KALTSCHMITT said that a regional office in Latin America would be helpful in terms of education and the collection of dues. It would be necessary to see the terms of reference.

THE CHAIRMAN asked whether, subject to being comfortable with the terms of reference, WADA should go ahead to seek expressions of interest and evaluate these in-house under the direction of the Director General rather than by some independent process.

Having retrieved the terms of reference, THE CHAIRMAN asked the members to decide whether or not to instruct the Director General to seek expressions of interest for an office in Latin America. Were the terms of reference clear enough for him to go forward on that basis, and were the members disposed to instruct him to do so?

DECISION

Proposal to seek expressions of interest for the establishment of a Latin American regional office approved.

5. Prohibited List

5.1 2005 Prohibited List

PROFESSOR LJUNGOVIST said that he hoped that the members had been able to read the material that had been circulated. This included a background and update paper, the List, a summary of modifications (possibly the most interesting piece of information), an explanatory note on glucocorticosteroids, and a report on glucocorticosteroids and their doping potential in sport. This had been added because the existence of glucocorticosteroids was the most debated matter of all the substances on the List.

The List and Health, Medical and Research Committees had proposed a 2005 List, which was not dramatically different from the 2004 List. The 2004 List had been the first WADA List, and it had been thought unwise to make many significant changes to the List so early on.

He went through the Draft Version 3.0 of the 2005 Prohibited List, noting the modifications with respect to the 2004 Prohibited List.

There had been some 1,000 TUE applications at the Olympic Games in Athens, which was an enormous workload for those who had to evaluate them. The majority of those TUE applications had been for the use of glucocorticosteroids and beta 2 agonists. So as not to put an unnecessary burden on people, it had been felt wise to have only a notification, rather than a full TUE, for the dermatological application of glucocorticosteroids. That initiative had been widely welcomed. It was an improvement that served as further argument for keeping glucocorticosteroids on the List. There had been a rather unscientific objection to retaining glucocorticosteroids on the List, which was that it was too heavy a workload and was not cost-effective. Now that some of the administrative burden had been lifted, he felt that support for maintaining glucocorticosteroids might increase.

With regard to the 2005 List, there were no major changes, no drastic or controversial inclusions of new substances or removal of old substances, just the results of increased knowledge. He was very pleased that there was now a mechanism to deal with the List on a yearly basis, and a good fast-track mechanism to deal with substances that suddenly came along, legally or illegally.

DR RABIN emphasised the excellent atmosphere within the List Committee.

With regard to the anabolic section, the T/E ratio had been lowered from six to four. This was not a sanctioning level, but a decision level in order to harmonise with the technical documents for the laboratories, which involved additional actions from the laboratories when they detected a T/E ratio above four. This would not change much, except for the ADOs, which had the duty to follow up where the T/E ratio was reported by the Laboratory as above four.

A new class of substances had been added to the masking agents, namely the alpha-reductase inhibitors, with two examples: finasteride and dutasteride. This had been based on WADA-sponsored research conducted in Cologne that clearly showed that the administration of anabolic agents could be masked by the use of alpha reductase-inhibitors; the steroid profile in urine could be significantly modified. Finasteride was

used medically as a therapeutic agent for prostate hyperplasia but also for male baldness. It was used quite extensively in Europe and North America. One needed to realise that, now that the substance was banned as a masking agent in- and out-of-competition, some male athletes might find it difficult to treat their cosmetic appearance with this substance.

Intravenous infusions not for medical treatment were prohibited. Doping Control Officers could now ask why athletes had IV lines and require medical justification for these.

With regard to glucocorticosteroids, two options had been presented to the members: one was the status quo (what had been in operation in 2004), and the other was the possibility of the free use of dermatological applications of glucocorticosteroids. If the second option was adopted by the Executive Committee, the intention was to ask the Laboratory Committee to establish an initial threshold to distinguish between the systemic and non-systemic potential use of glucocorticosteroids which, if this option were to be taken, would be refined by two research projects that had been proposed for adoption by the Executive Committee so that, finally, there would be a scientifically based threshold for the decision between systemic and non-systemic use of glucocorticosteroids. This objective was to facilitate the work of the laboratories in particular.

DR KONO commended the reports. He wondered whether somebody might explain the discussion paper. From his government's point of view, it had received the latest version of the Prohibited List some ten days ago, and wanted more time to evaluate it within the government.

MR OWEN commended the List Committee for the work carried out. There was a competing interest of the need to act quickly on new information on the effect of some drugs or new drugs being used, so expediency was sometimes required. Having said that, both for the credibility of the WADA process as well as the accuracy of the information being acted upon, he hoped for enough time (taking into account that emergency decisions might need to be taken) for the stakeholders, particularly the NADOs and laboratories, to be consulted, in order to build credibility and perhaps attract additional information.

MS BASSER thanked the List Committee for all the work put into delivering the List. She had a question and a statement that her New Zealand colleagues had asked her to read out. She read the statement first.

The New Zealand stance regarding List matters is unchanged from the strong concerns expressed as one of 12 signatories to the document tabled at the last Foundation Board meeting. We feel that List matters deserve wider consultation beyond the Health, Medical and Research Committee, to provide the Executive Committee with unequivocal evidence that validates the inclusion of all listed drugs. The status of glucocorticosteroids and beta 2 agonists is of particular concern to New Zealand, given the ubiquitous use of these medications for a range of conditions, including some very trivial dermatological complaints. The flood of applications for Therapeutic Use Exemptions displaces resources from educational work and other essential surveillance for proven ergogenic substances. Without convincing medical evidence or arguments other than those evoking the spirit of sport criterion, it is also becoming more difficult to retain the critical support of doctors, who currently endorse the anti-doping cause. We strongly endorse the sentiments expressed by our Australian colleagues and trust that WADA will accept these comments in support of the uncompromising fight against drug misuse in sport.

The other issue was that one of the proposed changes to the 2005 List was to prohibit hCG in women, whereas previously it had only been prohibited in men. It was believed that prohibiting hCG in women could present major difficulties, as it was produced naturally in early pregnancy. Scientific data suggested that, after one to two weeks of pregnancy, the urine hCG concentration would be greater than the laboratory reporting

level set by WADA, and would be reported as a positive analytical finding. There were reports that indicated that a significant percentage of conceptions terminated spontaneously before the woman was aware of the pregnancy. The embryo failed to implant in the uterus or was rejected by the uterus. This was followed by a normal or heavier than normal menstrual period. Some information put this figure at between 50 to 70% of all conceptions, but the reliability of the figures was unclear. In most of these circumstances, the women would not be aware that they had been pregnant; in this situation, a woman would be unable to provide evidence that the cause of the test results was a result of her physiological or pathological condition. She had been advised that it would be impossible to defend a positive hCG result in such a situation. With consideration of these issues, and the significant stress that such a situation could place on a woman, Australia did not support the proposal to prohibit hCG in women, and suggested that hCG continue to be prohibited in males only. She wondered whether the committee had given thought as to how to manage this issue if it occurred.

She noted Australia's continued objection to the inclusion of glucocorticosteroids on the List, and asked WADA to ensure that expert consideration of this issue continued. A number of research projects dealing with glucocorticosteroids use had been recommended for research funding under agenda item 9. This was applauded. Australia proposed revisiting the topic the following year if the research provided answers regarding cut-off values for laboratories to use in distinguishing the mode of glucocorticosteroids administration. Australia recommended adopting option 2, which would prohibit the use of glucocorticosteroids in all forms other than as dermatological preparations or where a TUE approval was granted.

As to beta 2 agonists, Australia also recommended that, as beta 2 agonists would now be prohibited both in- and out-of-competition, further consideration be given to setting a reporting threshold for beta 2 agonists other than salbutamol.

MR LARFAOUI commended the committee members. There was a great deal of controversy surrounding the issue of glucocorticosteroids, and he asked whether the committee took expert advice from the scientists at the IFs, some of whom had differing opinions.

With regard to the TUEs, there had been an increased number of TUEs, an increase in the number of asthmatics, and an increase in the number of exemptions granted. Had any measures been taken by WADA? Could information be provided with respect to this issue? He feared for the future of TUEs for banned products.

MR MIKKELSEN thanked the List Committee for its work. He supported option 2 with regard to glucocorticosteroids. He was very satisfied with Dr Rabin's explanation about the different methods.

He also wished to make a statement. He had been informed that the Danish NADO, together with other NADOs, had signed a call for removing cannabis from the List. In order to avoid any misunderstanding, he wished to clarify the matter. This was not the official position of the Danish Government, which had found that cannabis was against the spirit of sport and was a danger to health.

MR REEDIE recalled back to the previous year, to the very meeting during which there had been a long dispute regarding glucocorticosteroids. One of the problems had been that very few people had known what they were talking about. He remembered asking for additional information. He complimented the List Committee on producing 17 pages of very piercing scientific evidence on glucocorticosteroids, which had certainly advanced human knowledge as far as he was concerned. Members were now in a position to take a proper informed decision.

In support of what Mr Larfaoui had said, he had passed the paper to Dr Richard Budget, his senior medical officer at the British Olympic Association and an Olympic gold-medallist at the sharp edge of all of this. Dr Budget's reply was that he was still very unhappy. Glucocorticosteroids were used in so many preparations that it was of no

significance either way to say that 40% of samples contained glucocorticosteroids. Everybody had suffered from the huge bureaucratic burden that those 1,000 TUE applications represented. That was 10% of the Olympic athletes, and he betted that a lot of countries had actually missed out athletes. Great Britain had submitted Abbreviated TUEs for glucocorticosteroids on around 30% of its team, but he awaited the final figures. Athletes may have admitted abuse, but was the bureaucracy of the Abbreviated TUEs actually having any detrimental effect; Dr Budget doubted it. Only systemic non-therapeutic use fulfilled the WADA criteria; topical uses did not. He agreed that systemic use should be maintained on the Prohibited List, which related to the first two recommendations in the paper. If dermatological preparations did not require an Abbreviated TUE, then neither should any other topical route (and that was inhalation, nasal spray, ear drops and eye drops); but at least the exclusion of dermatological preparations was a great improvement. The last three recommendations were good. Dr Budget then said that, if it were put to a vote, he thought that Mr Reddie would have to support the exclusion of dermatological preparations, as this would be an improvement on the current situation. It was necessary to push for the other topical routes to be excluded from the Abbreviated TUE requirement too and, if he understood Dr Rabin's point, that was precisely what was planned with the research project over the coming year. He saw this as progress, having gone from a situation of uncertainty, WADA was moving it forward by saying that one dermatological preparation would be removed from the List, and looking to see whether others could be removed, ending up in the right shape in perhaps another 12 months' time.

THE CHAIRMAN had one observation concerning S5 (Diuretics and other Masking Agents) in the draft. WADA had, at least in drafting the Code, made a conscious effort to get away from expository explanations as to why a product was on the List. The List was the List, and a debate was not necessary. He did not think that this commentary was helpful.

PROFESSOR LJUNGOVIST agreed with Dr Kono that a wide consultation was highly necessary and that ample time should be reserved for it. The discussion paper was highly satisfactory in that it highlighted the problems that were inherent to producing a List at a given time and with the necessary consultation, and the fact that it was easy to add substances and methods to the List. There was no request in the criteria that substances needed to be performance-enhancing. Any substance taken could be a risk, but WADA needed to exercise common sense as well.

As to the present requirements for inclusion, there would always be differences of opinion. The List was a result of compromise after consultation. There had been different opinions expressed in the List and Health, Medical and Research Committees as well. If WADA introduced new substances and methods, it would be necessary to bear in mind the consequences at the next level, namely the laboratory and doping control levels, with effects on laboratories, increased costs, etc.

As to the question raised with respect to hCG in women, of course the List Committee and the Health, Medical and Research Committee had the necessary expertise, so such aspects had been taken into account. To his knowledge, it had not been openly discussed that time, but it had certainly been discussed when the 2004 List had been introduced and presented. As to the risk of women having had unknown pregnancies and abortions, the risk existed, but he did not accept the figure given. He did not think that it was reasonable. There were other markers by which it was possible to tell whether a pregnancy had occurred or not. It was possible to jump to the wrong conclusions sometimes, but he honestly did not feel that this was more than a hypothetical risk and, should such a case come up, there were ways to establish whether a pregnancy had actually taken place. There were other hormones that were not banned which became elevated as well.

With regard to glucocorticosteroids, much had been said, but the problem should not be exaggerated. There had been a heavy burden of TUEs and the committee idea was to eliminate this. WADA was striving for a cut-off level, above which it would be possible to

tell that administration had been systematic and below which there was no way in which systematic administration could have taken place. The first step was to remove the need for TUEs for dermatological applications, and this was certainly a step in the right direction. He thought that most experts would agree that the systematic use of glucocorticosteroids fitted in with the requirements for being introduced onto the List. The problem was differentiating between topical use and systematic use, when the analytical result was there. He thought that option 2 for glucocorticosteroids was strongly recommended by the List Committee, and then the following year further steps would be considered. One should not exaggerate, however; for example, in Athens, there had been approximately 3000 urine analyses conducted, with 1.5% of these positive (40 positive samples out of 2,800) for glucocorticosteroids, all with TUEs. This was not huge, but it had constituted a huge amount of work.

Beta 2 agonists were a problem, and WADA needed to cope with this. The fact that substances were widely used for legitimate reasons could not be an argument for eliminating them from the List. It was increasingly clear that beta 2 agonists served as anabolic substances. It was necessary to find a way to authorise the medically legitimate need for their use. This was why TUEs existed, and they constituted a heavy workload. In Athens, the Respiratory Laboratory had been a great help, but the fact was that beta 2 agonists were an efficient drug for the treatment of asthma and could also be used for doping, and a mechanism had to be found to deal with the problem. The mechanism to deal with it was the proper use of the TUE procedure, and it was necessary to establish whether beta 2 agonists were really needed or not. It was a problem.

MR STOFILÉ noted that it was a problem when a particular drug was performance-enhancing but also therapeutic. Did one assume that an athlete was misusing a drug before determining that it was necessary for therapeutic purposes? What came first?

PROFESSOR LJUNGQVIST replied that the proper treatment of a disease or a disorder was the number one priority, but people should not take medication unless there was a medical need. Some people were taking beta 2 agonists not because they were asthmatics but because they wanted to benefit from the anabolic effect. A mechanism was necessary to establish whether there was a medical need for the drug or not. If there was a medical need, then an exemption would be granted. In Salt Lake City, he had come across athletes who had been given beta 2 agonists by their family doctors without being asthmatics. To some extent, athletes had been helped with respect to proper treatment of their disorders.

MS ELWANI thought that perhaps WADA should decide how to diagnose. She did not like the fact that WADA was sometimes defending doctors who were not part of WADA or the IOC. Perhaps tests could be carried out in the Olympic Village or during the qualification period to decide whether or not somebody was asthmatic, for the benefit of the athlete as well.

THE CHAIRMAN said that he had received no answer to his question about the explanatory note forming part of the List.

PROFESSOR LJUNGQVIST said it had been there the year before.

THE CHAIRMAN noted that he was getting smarter, and wanted a different answer for the current year.

PROFESSOR LJUNGQVIST said that explanations were sometimes asked for, but these could be put together in a different paper. How would the office view this?

THE DIRECTOR GENERAL said that, legally, the explanatory note should be taken out, because it was inconsistent with other documentation.

MR LARFAOUI asked about the consultation of IF experts.

PROFESSOR LJUNGQVIST replied that the consultation of stakeholders included the IFs.

MS BASSER thanked Professor Ljungqvist for his explanation about hCG, which had caused significant concern in her country. Could he explain the scientific evidence on which the recommendation had been based?

THE CHAIRMAN thought that this might be better discussed in private, rather than taking up the time of the meeting.

It was necessary to think about wider consultation: should it be public or should the stakeholders be given a longer period of time during which to seek whatever advice they sought? A meeting could be held earlier.

MR OWEN said that the issue had arisen from concerns voiced by the Canadian Centre for Ethics and Sports. Perhaps further time for consultation might have resolved some of those issues. Underlying this was the extraordinary amount of expertise that existed among the stakeholders, and it would be a shame not to take advantage of it, as it would improve the decision-making and enhance the credibility of the result.

THE CHAIRMAN agreed that the members could chew on this to see whether a longer period of time would help. He did not think that WADA would want to say that a substance would not be tested for just because it was a pain in the neck for doctors to write out a TUE application.

There was one decision to take concerning the List. Did the members wish to choose option 1 or option 2 with regard to glucocorticosteroids?

As to the beta 2 agonist issue, members should not forget that 90% of the substances on the List had originally been developed for therapeutic purposes, and the mere fact that they were used widely or not should not prevent WADA from saying that, at a certain stage, where treatment was non-therapeutic, it was doping. He did not think that WADA should get soft in that area.

PROFESSOR LJUNGQVIST referred to glucocorticosteroids and the issue of systemic or dermatological use. The dermatological use of glucocorticosteroids could show up in low concentrations that were judged to have no systemic effect, therefore the sample would be reported as positive, as there was no cut-off limit. He was now saying that since it was known that dermatological use would result in such low concentrations, they would be forgotten about, and the aim would be to establish cut-off levels, below which it would be known that there was no systemic effect.

As to the use or misuse of beta 2 agonists, there had been 49 refusals in Athens for TUEs, most of which had been for beta 2 agonists; in some cases, it had been determined that there was no need for beta 2 agonist treatment, so medical assistance had been provided as well.

THE CHAIRMAN asked whether the members wished to approve the List with option 2 concerning glucocorticosteroids. It was an unstated premise that some research projects would be approved. He thanked the List Committee and the Health, Medical and Research Committee on behalf of WADA for such good work. WADA would make sure that this was circulated prior to 1 October in accordance with the provisions of the Code.

Did the members wish to approve the Monitoring Programme?

DECISIONS

1. 2005 Prohibited List approved. Option 2 within the List approved: 2005 recommended wording: *All glucocorticosteroids are prohibited when administered orally, rectally, intravenously or intramuscularly. Their use requires a TUE approval. All other routes or administration require an*

Abbreviate TUE. Dermatological preparations are not prohibited.

2. The explanation note in S5 (*Diuretics and other Masking Agents*) was to be removed.
3. Monitoring Programme approved.

6. Finance

6.1 Finance Committee Update

MR REEDIE noted that the Finance and Administration Committee had met the previous day, joined by Mr Valéry Genniges of France, who had made an immediate contribution. Unfortunately, Messrs Sprunger and Singh had not been able to attend.

For the members' information, the committee had looked at the 2003 audited accounts approved by the Foundation Board in June. An internal control memorandum had been sent by WADA's auditors. This was a list of items that told WADA whether it was accounting properly or not, including recommendations and suggestions, and WADA had taken on board all of the suggestions made, therefore the auditors had had no further questions on the internal control memorandum during the second part of the audit.

The committee had also discussed a potential change in investment policy. WADA currently held all of its funds in bank accounts, earning interest at very low rates; because interest rates were low the world over. The committee had thought that WADA could invest a small part of its capital in property, such as the House of Sport in Lausanne, but the committee was unsure, as the House of Sport might have certain restrictions in terms of sale at a future date or sale only to sports organisations. It might also be possible to speak to UBS, WADA's bankers in Switzerland, to see if a portfolio of government bonds would give WADA a better yield than it was currently getting on cash, but the committee did not believe that WADA, as an international agency, should be speculating, but it thought that WADA might be able to do a little better than the pretty appalling rates of interest that it was currently getting.

DECISION

Finance and Administration Committee update approved.

6.2 Government / IOC Contributions Update

MR REEDIE went through the sheets of the Contributions Position as at 3 September 2004. There were one or two areas of the world in which collection was difficult. There was clearly a difficulty in Africa, from which WADA was frequently asked to collect very small amounts of money, and the process was quite difficult. There was an agreement in principle in place with the Commonwealth Authorities in London, which might well be interested in supporting WADA with some form of modest block grant, and the Director General would go and see if part of that could be used to meet contributions that had been unpaid. Mr Genniges had said that the French-speaking countries would be meeting the following year in Paris, and he wondered whether the French-speaking countries in Africa could be dealt with in the same way. The CADE organisation in the Americas might also be interested in involvement.

The Olympic Movement had three sizeable countries in South America, and two sizeable countries in the Indian subcontinent that had not paid. The Director General had written to the presidents of these five specific NOCs, pointing out their governments' obligations under the Code. In the main, the contributions situation was better than it had been previously, and WADA had had considerable success in being able to encourage the public authorities to meet their obligations.

DECISION

Government / IOC contributions update noted.

6.3 2004 Quarterly Accounts

MR REEDIE referred to the quarterly accounts to 30 June 2004; the second part of that was an exercise to show those quarterly accounts as comparison with the budget agreed to one year previously. He was not going to belabour the issue, because it was all straightforward and there in front of the members. He thought that the six-monthly figures effectively showed the good collection of contributions, to which he had already referred. By the end of June 2004, 36% of the budget had been spent, so WADA had been less than half way through its spending process although it had been six months through the year. Salaries were almost all paid in Canada or Lausanne, and in both cases the Canadian dollar and the Swiss franc had moved against the US dollar, which explained why WADA was on average about 8 to 10% higher than it would otherwise have wanted to be, but that was a fact of the base currency in which WADA operated. On page six out of 14 in the document, the members could see the total research grants budgeted, paid, committed and outstanding committed. There was a considerable level of activity in the research payments, and the previous year's accounts, which had created the impression that WADA had made a profit of US\$ 4 million, were misleading. The outstanding commitment at that time was just over US\$ 4.3 million, and did not include the 2004 budget figure. Although the financial accounting system said that WADA could not, in its accounts, account for or put the money away for research commitment, in practical terms, this was precisely what WADA did.

DECISION

2004 quarterly accounts approved.

6.4 2004 Revised Budget

MR REEDIE said that WADA had done a lot better in terms of contributions collected that year. The total expected income was in excess of US\$ 19.4 million, which represented good collection of contributions and some arrears that had been paid for previous years. In the face of the income being higher, there had been more money to spend, so the Finance and Administration Committee had increased expenditure according to the Executive Committee's instructions regarding priorities. He referred the members to page two of 15 in the document, and then ran through the various departments. He had no particular comments to make regarding the Legal and Finance Department, as the revised budget was almost exactly the same as the budget. On page six of 15, under the heading *Executive Office*, there had been substantial savings on the budgeted cost for the ADAMS project. Using outside consultants in Montreal and approaching the problem in a very professional manner had proved to be a success, and a saving of US\$ 600,000 had been made. Page seven of 15 showed slightly increased costs under *Information and Communications*. On page eight, under the heading *Health, Medical and Research*, US\$ 1.4 million had been allocated to research grants, but the frequent meetings cost money. There had been modest reductions under *Education and Standards and Harmonisation*. The *Operational Costs* on page 11 were almost identical. Costs at the Lausanne had been slightly higher than forecast, and Cape Town had been a little bit of a guess, which had ended with a cost of about US\$ 35,000 for the current year. In Tokyo, the costs had been rather lower, as WADA benefited from the administration facilities available.

This gave the members some idea of how accurate or not the Finance and Administration Committee had been. He hoped that the members would agree that the process was becoming rather more accurate.

DECISION

2004 revised budget approved.

6.5 Draft Budget 2005

MR REEDIE referred the members to the revised figures from the previous Foundation Board meeting for the estimates for 2005. The figures had been given in US and Canadian dollars, so that the members could see the difference. The increase suggested had been 7.37%, but the Finance and Administration Committee had suggested 7.26%, which worked out in practice at the sum total of US\$ 735,000 between all of the countries of the world, which was not a huge sum, although there had been a lengthy debate regarding current pressures placed on governments as they went forward. The increase, measured in Canadian dollars, was 4.3%, and not 7.26%. The Finance and Administration Committee had also looked back to previous years, because it had been asked to justify why it had asked for an increase of 7.26%. It was rather more expensive to collect money in dollars to operate in Canada. There had been no budget increase between 2003 and 2004. There had been no inflationary element built in to costs. He thought that a case could be made that WADA was operating in real terms. The figures brought to the members were noticeably below the thresholds discussed and approved some years ago. However, and he thought that this was most significant, WADA's work, particularly the successful adoption of the Code, had greatly increased the workload, and it was necessary to have people to do that. WADA had taken on specific and new responsibilities under the Code, and if WADA did not do them properly, then the whole anti-doping system would not operate. There was also expenditure to assist the UNESCO Convention process, which was pretty important to the agency in making sure that the Convention would allow nations to adopt the Code in international legislation. The Finance and Administration Committee had tried to reduce the controllable expenditure and to allocate funds into those areas, which were definite areas of activity, which the agency had taken on or, as a result of Code approval, needed to increase its level of activity.

He went through the budget by departments. On page four of 13, the *Legal and Financial Department* would need an additional employee to deal with Code compliance; the amounts for travel and accommodation had been reduced; as had the payments in place for accounting IT back-up (Ms Pisani had mastered that exercise, so money did not need to be spent in that area); there was also a need to create and meet the costs of an ad hoc legal group for expert legal advice for cases that would inevitably have to go to the CAS. The Finance and Administration Committee had reduced the costs of that department by just over 1%.

As to the *Executive Office*, a new receptionist was needed; meeting costs had gone up slightly, and there was a whole series of government and sports meetings to attend; there was an Independent Observer programme. The big saving was the reduction in the ADAMS project; all of which resulted in a 15% reduction.

With regard to *Information and Communications*, WADA would be losing Ms Khadem, and would need to replace her in some way; and it needed to maintain the Outreach programme success, but there would be an overall reduction of 14%.

As to *Health, Medical and Research*, the Finance and Administration Committee had tried to get the Health, Medical and Research Committee itself to meet less, but there was a need to meet to accredit and reaccredit and certify laboratories; deal with the List; and carry out much work on TUEs. Research grant had been increased by US\$600,000, so there was an overall increase of 15% there.

There was quite a notable increase in *Ethics and Education*, and there was a whole range of activities, starting with education symposia and working its way down to a social sciences research fund. The additional cost of all of this was somewhere just under US\$ 400,000. He asked the Director General to take the members through the range of eight different programmes with which he wanted WADA to become involved, and to justify why that money should be spent.

THE DIRECTOR GENERAL said that some of the topics would be discussed by the Ethics and Education Committee at its meeting later that year; however, he wanted to

make sure that he highlighted the actual activities that had to be carried out by education. These included education symposia in developing countries. A specific qualified ad hoc committee would need to help the committee by doing the actual work. Mr Wade and his team had put together a five-year programme, which was a worldwide education campaign. An ethical review of the List and research projects was essential, and an ethical group had been formed and would operate accordingly. The other items included the YEAH project, which was going ahead without the requested European Union funding, as WADA felt that such a strong programme should be continued for school children and secondary school children. Materials had been gathered from many stakeholders, and would be distributed. A form of certification would be sought, with the assistance of the Council of Europe, so that it would be possible to have materials produced by countries, NADOs and IFs with a WADA seal of approval, thus enabling the different bodies to work in partnership. The educational research programme was a new item. There was a need to seek projects in the area of social sciences, for example, why athletes cheated.

MR REEDIE noted that the end result was a 31% increase in budget allocation under that heading.

On page nine, *Standards and Harmonisation*, the members would see increased allocations of US\$ 140,000 to out-of-competition testing, and then there was a whole area of anti-doping development, with an estimated increase of US\$ 350,000. WADA needed to be able to get away from the developed world in anti-doping matters and get to those countries that really needed help, and the cost of doing that was noticeable. The increase in Standards and Harmonisation was 20%.

As to *Operational Costs*, it was hard to keep these static, as things changed routinely every year. Liability insurance kept going up. WADA would buy and install a document management software programme to keep track of the huge numbers of documents that went through the office; and communication was increasingly expensive.

The *Lausanne Office* entailed a slight salary increase, as it was run in Swiss francs. A new employee was necessary to deal with the TUE work, and WADA wished to continue the noticeable success in running specific symposia for the IFs. There was a 21% increase in that area.

He hoped that the committee had been able to try to justify the request for a slight and modest increase. It had tried to reduce WADA's controllable running costs, and had allocated those savings and any additional funds to Health, Medical and Research, which was up by 15%; Ethics and Education, which was up by 31%; Standards and Harmonisation, which covered out-of-competition testing, and was up by 20%; and operational costs and the regional offices were up by about 10%.

Many of the members would remember the difficult days of actually having to stop activity. He thought that the Director General and the team had run the business well since then. A great deal more work had been taken on. Staff levels were much lower than had initially been planned. He thought that WADA had been successful in the collection of government contributions. He had agreed with the IOC that, rather than specifically matching dollar for dollar on payments, on an estimated total, it would make three larger payments to WADA over the years, which would enable a better cash-flow arrangement as well as saving the IOC bank charges. Nevertheless, the IOC would match dollar for dollar by a wind-up balancing figure at the end of the year, to make sure that the public authorities and the Olympic Movement had paid the same amount. It was nice to see that the Olympic Movement would happily meet the 7.26% increase on its contributions.

He thought that, over the past three years, WADA had performed pretty well and could happily absorb a relatively small increase.

THE CHAIRMAN said that informal approval of the budget was needed, as the Foundation Board would take the decision in November. This was the proposal as to how

the money would be used. The volume of work would increase a great deal the following year.

PROFESSOR LJUNGOVIST referred to the legal and financial budget, asking on what basis the CAS cases figure had been estimated. He was afraid that the figure would rise quite substantially.

As to the idea of only one meeting for the Health, Medical and Research Committee taking place somewhere around August or September to deal with the List, he felt uncomfortable with such a committee meeting only once a year.

MR OWEN noted that, given that the recommendation covered two years, the increase in work that was clearly necessary, the vagaries of the international exchange rates, and given that the amount was below the cap that had been foreseen in 2001, it seemed to be a very reasonable budget.

MR REEDIE told Professor Ljungqvist that if the Laboratory and List Committees met regularly, there would be less need for the Health, Medical and Research Committee to meet regularly. If additional meetings were necessary, then WADA would have to have these. His experience had been that the fewer meetings prospected had led to fewer meetings at the end of the day.

MR NIGGLI referred to the CAS budget; this had been a guess, as WADA did not know how much volume it would face the following year. WADA might need to appeal a decision; or its decisions might be appealed concerning TUEs; or laboratories could appeal against decisions taken in relation to accreditation.

THE CHAIRMAN hoped that WADA would not actually have to appeal. WADA could also reduce incremental costs by doing some of the arguing itself, as it had three lawyers who could do that sort of thing.

He asked whether the members ready to decide.

MR REEDIE understood that the Executive Committee thought that the Finance and Administration Committee had justified the request for an increase in budget. He thanked the WADA staff for the huge amount of work done and the clarity of the presentations provided. He was also grateful to members of his committee for working so hard.

DECISION

Draft budget 2005 approved.

7. World Anti-Doping Code

7.1 Activity Update

MR ANDERSEN referred the members to his report.

MR LARFAOUI asked whether the Code had been adopted by all of the IFs.

MR ANDERSEN specified that it had been adopted by all Olympic IFs.

THE CHAIRMAN added that all of the recognised IFs had also adopted the Code, with the exception of two: the International Automobile Federation (FIA) would not adopt the Code, and the Golf Federation would be adopting the Code the following month.

DECISION

World Anti-Doping Code activity update approved.

7.2 Process for amending the International Standards

MR ANDERSEN said that the paper and attachment in the members' files outlined the process for amending the International Standards and the proposed process for the fast-track submission of changes on the WADA Standards.

MR MIKKELSEN thanked Mr Andersen for the proposal, which was a necessary step. Nevertheless, a proper consultation process was necessary. He had to consult 46 governments in Europe and an unknown number of scientific experts before making a decision on behalf of Europe, so he asked for 15 working days in order to be able to make a decision.

THE DIRECTOR GENERAL noted that this had been intended as a discussion paper so that, once the Executive Committee had looked at it from a policy point of view, it would be tabled at the Foundation Board. Prior to its completion, consultation would be carried out with IADA and other members to ensure that what was done was done appropriately. WADA could alter the number of days from ten to 15, but 15 working days meant three weeks and, if a substance needed to be added to the List urgently, three weeks meant that there was more potential for cheating. The Executive Committee would be asked to take a decision in November, and the Foundation Board informed accordingly.

THE CHAIRMAN suggested putting the proposal forward with a footnote indicating that 15 days had been considered by some Executive Committee members to be more appropriate than ten. Subject to that, were the members content to approve the process?

DECISION

Process for amending the International Standards approved. Document to be reviewed by Executive Committee for decision in November, including the suggested footnote.

8. ADAMS – Anti-Doping Administration and Management System

MR BIRDI went through the report in the members' files, and used a slide presentation to highlight the activities carried out since the previous meeting.

As to costs, the 2004 licence fee for the software had been paid, and the ADAMS customisation costs would be paid as customisation was delivered. Professional fees were a part of the total as well, which came to US\$ 1.215 million. The outsourcing costs would be added to this once the proposals were received from the vendors. From a development point of view, the costs that would be going into 2005 would be year one maintenance and sport costs, which came to 10% of the licence fee, or US\$ 80,000.

He would be glad to answer any questions the members might have with regard to the ADAMS project.

THE DIRECTOR GENERAL noted that this was just an update to show the members how WADA was proceeding along the track mentioned in June. He thought that Mr Birdi had achieved everything that had been asked of him, and considerable savings were being made in the process.

MR REEDIE said that he had been sent a copy of the eSys contract; he could only assume that the Chairman had been out of town that day. Nevertheless, he had looked over it and, without being an expert in Canadian contract law, it had seemed to him that all the necessary protections had been there.

DECISION

ADAMS update approved.

9. Department / Area Activity Updates

9.1 Science

9.1.1 Research Projects 2004

DR RABIN said that the research proposals would be presented to the members for approval. Following the presentation and decision on the projects, Dr Garnier would update the members on the TUE activities.

PROFESSOR LJUNGOVIST went through the report in the members' files. The 17 projects proposed for acceptance had been highlighted in the document. These were: A6, *Extension of previous RHEPOSE project (unequivocal confirmation of recombinant erythropoietin rhEPO in human urine through structural evidence of specific glycosylation)*; B5, *Defining interactions between anabolic and peptide hormones: requirement for a robust test for growth hormone doping; a study extension*; B7, *The development of a methodology for detecting abuse with Growth Hormone in sport: GH-2004 – extension study*; C5, *IMAGENE: Non-invasive molecular imaging of gene expression useful for doping control: pilot study in animals after erythropoietin gene transfer*; C6, *The application of cellular chemistry and proteomic approaches to the detection of gene doping*, which showed that there were scientists (particularly Professor Goldspink) who were confident that it would be possible to detect gene doping; D2, *Development of pharmacological in vitro test systems for the structure independent identification of anabolic substances*; D4, *Detection of recombinant human LH as doping agent*; D5, *Improved methodology for detecting and confirming the abuse of glucocorticosteroids*; D6, *Bioassay-based screening and detection of novel designer androgens*; D16, *The detection of the misuse of testosterone gel*; D18, *Development and application of a tight bioassay-based control system for steroids and other prohibited substances in sport doping*; D22, *Application of time-of-flight mass spectrometry for the unification and expansion of the window of screening methods of the WADA laboratories*; D25, *Prevalence of the exercise-induced bronchoconstriction using the mannitol test, insight into potential ergogenic and deleterious effects of beta-2 agonists*; D27, *Criteria setting for the misuse of glucocorticosteroids*; D28, *Metabolism of "new" anabolic steroids: development of in vitro methodology in metabolite production and analytical techniques*; D29, *Development of a universal screening procedure for acidic, neutral and basic doping agents in urine*; and D32, *Endocrine study on the effects of testosterone gel application in male athletes*.

All of the other projects in the members' files had been evaluated and fell into a lower category of priority. Some of the projects were good and promising but had not been designed as the reviewers would have liked. There was ongoing dialogue with the applicants so that they could come back with projects that were better designed for WADA's purposes.

MR LARFAOUI asked whether D16 and D32 were not the same projects. They concerned testosterone gel use, and had the same laboratories and the same doctors.

DR RABIN noted that the two projects targeted the same issues. WADA aimed to go back to the two research groups to combine the best of their two projects and come back with one unified project.

MR LARFAOUI said that he was no expert, but wondered why projects D7 and D11 had not been considered.

PROFESSOR LJUNGOVIST replied that the two projects would not add anything new, as WADA already had the necessary information and analytical methods for those substances.

THE CHAIRMAN asked whether the members wished to approve the 17 projects. Having approved them, he asked Dr Garnier to provide information on TUEs.

DR GARNIER said that there had been 5,000 TUEs received to date. Documentation of the TUEs had been done manually, and he congratulated the Lausanne staff that had had to deal with these. Of the 5,000 TUEs authorised, some 3,000 had been related to asthma medication and beta-2 agonists in particular. There had been 2,000 related to corticosteroids, many for dermatological application. The recently approved decision should decrease the work related to locally applied corticosteroids. The NADOs that had sent WADA the most TUEs were those based in Switzerland, Canada, New Zealand, Italy, USADA and Portugal. The IFs that had sent the most TUEs were FINA, the IPC, the IAAF, the ISA and the UCI. The sports that had been most affected by TUEs had been swimming, with some 1,200 TUEs, cycling, athletics, football, rugby and fencing.

As to the review process, WADA had been asked to examine a TUE before the Olympic Games, and the initial IPC refusal had been reversed and the TUE granted. Another case had arisen during the Olympic Games regarding the IOC's refusal to allow an athlete the systemic use of corticosteroids and this had been reconfirmed by WADA. A third case regarding review had also been submitted. On 17 and 18 October, the TUE Committee would meet in Lausanne to analyse the activities carried out over the past seven months and review the difficulties regarding current standards and request forms.

DECISIONS

1. Proposed research projects approved.
2. TUE update approved.

9.2 Governments

THE CHAIRMAN said that Mr Imamoto had overtaken the overseeing of the development of the draft Convention from Ms Pigozzi, and Mr Thompson was present once again.

MS JANSEN went through the report and the attachments in the members' files, noting the total of 153 signatories to the Copenhagen Declaration, which was an increase of 43 over the past two months.

9.2.1 UNESCO Draft Convention

MR NIGGLI updated the members on the UNESCO Convention. In their files, the members would find the UNESCO Director General's Preliminary Report on the Preparation of the International Convention against Doping in Sport, and the Preliminary Draft of the International Convention against Doping in Sport. WADA intended to distribute this draft Convention to all of the Foundation Board members, along with the draft reply to UNESCO, so that each of the members could see whether they had any further comments to add.

He highlighted a few points where there were some issues. Article 34 regarded amendments to the Convention arising from amendments to the International Standards. The idea in the Convention was the International Standards would be annexed to the Convention and would therefore be an integral part of this. There was a mechanism for amendments to the standards. The way in which the article was written implied that there should be approval by the Conference of Parties after notification of the change to UNESCO. As a meeting of the Conference of Parties was foreseen to take place every two years, it was obviously unrealistic in terms of practicality. The suggestion made was that WADA would amend the standards, send them to the UNESCO Director General, who would circulate them, and they would come into force after 90 days unless the parties opted out.

Article 9 dealt with measures against athlete support personnel. Somewhere during the drafting process, the term "adopt" had been dropped, and replaced by "encourage," which was unfortunate. WADA thought that governments should adopt measures to act if necessary.

In Article 15, the term "co-funding" had also been used in the Copenhagen Declaration, but the information about the 50% with regard to the co-funding had been

dropped. WADA would rather see the term “equal funding”, which reflected the partnership that had led to the creation of WADA.

Article 32 related to the Secretariat of the Conference of Parties. WADA was discussing with the UNESCO Secretariat as to how to maximise the WADA/UNESCO cooperation, and there would be a meeting the following day with UNESCO in order to discuss these aspects.

Any comments received from Executive Committee or Foundation Board members on the documents that would be distributed would be passed on.

DECISION

Government report approved.

9.3 International Federations

MR DIELEN referred the members to the report in their files. The report had been written prior to the Olympic Games in Athens. Meetings had taken place with the IFs in Athens, and there had been a good meeting with the FIVB, which was important as the FIVB was one of the two IFs with which WADA did not have an out-of-competition testing programme, and there would be a follow-up meeting in Montreal in two weeks' time. Code implementation and laboratory reporting had been discussed with many IFs, and coordination with NADOs and governments had also been an important issue.

DECISION

International Federations report approved.

9.4 Standards and Harmonisation

MR ANDERSEN showed the members a photograph, which proved how far athletes went to try to beat the system. He had been alerted that devices such as the one shown in the photograph could have been used at the Olympic Games, and had therefore alerted the IOC.

He referred the members to the report in their files, particularly points 3 and 5, which referred respectively to anti-doping development and pre-Games testing.

THE CHAIRMAN said that the apparatus shown in the photograph gave the members some idea of the kind of people that WADA was up against. It was not all fun and games out there.

DECISION

Standards and Harmonisation update approved.

9.5 Communications

MS KHADAM referred the members to the report in their files. There had been a press conference prior to the Olympic Games in Athens, attended by more than 250 journalists. The paper annexed to the report showed the kinds of questions that had been asked there.

DECISION

Communications update approved.

9.6 Education

MR BURNS informed the members that a great deal of effort would be put into launching the Worldwide Play True Campaign the following year. He thanked Mr Wade and the staff for their work. He also thanked Ms Khadem for everything that she had done for the USA over the past year.

MR WADE referred the members to the education report in their files.

DECISION

Education update approved.

9.7 Strategic Plan

MR WADE referred the members to the report in their files, as well as the attachment on the 2004 Annual Plan Performance Indicators for review. In November, there would be further updates for the members. It was important to demonstrate WADA's success to the outside world.

THE CHAIRMAN asked the members to look at the Performance Indicators and, if there were some that were not there, to let Mr Wade know.

DECISION

Strategic Plan update approved.

9.8 Regional Offices

9.8.1 Lausanne

MR DIELEN informed the members that the project to move to the House of International Sport was going well, and he hoped to show them a plan in November.

DECISION

Lausanne Regional Office update approved.

9.8.2 Tokyo

THE DIRECTOR GENERAL said that Mr Hayashi was attending an Asian sports summit, and ran through the report on the regional office in Tokyo.

THE CHAIRMAN noted that there was an IOC Session in Singapore in July, and some thought might be given to what could be done there.

DECISION

Tokyo Regional Office update approved.

9.8.3 Cape Town

MR SWIGELAAR referred to the report in the members' files. He would be going to the Arab Games in Algiers. Immediately after the Olympic Games in Athens, a number of countries and organisations had contacted the office in Cape Town for assistance in education, and the stakeholders were keen to get the office involved in the area of education.

DECISION

Cape Town Regional Office update approved.

10. Other Business

THE CHAIRMAN had had an interesting meeting a week or two ago with somebody who had written a lot of political speeches and done a lot of political advising in America. This person had said that when the doping issue reached the top of the front page of the New York Times, it had "arrived" as a matter of public recognition. This was sign that a tremendous amount of progress was being made on the issue of doping in sports, so he thought that WADA had come a long way, and wanted to get on the front page even more often.

11. Future Meetings

THE DIRECTOR GENERAL thanked the members for their continued assistance and guidance. The Executive Committee meeting would take place on 20 November 2004, followed by the Foundation Board meeting on 21 November 2004.

DECISION

Executive Committee meeting to take place on
20 November 2004. Foundation Board
meeting to take place on 21 November 2004.

THE CHAIRMAN thanked everybody for coming to the meeting, congratulating the Director General and the staff members on their preparation of the files for the meeting. He also thanked the interpreters for making sense of what the members said.

The meeting adjourned at 1.30 p.m.

FOR APPROVAL

RICHARD W. POUND, QC
PRESIDENT AND CHAIRMAN OF WADA

MATTER FOR WADA EXECUTIVE COMMITTEE

INFORMATION

DIRECTOR GENERAL'S REPORT

This report has been written as close as possible to the Executive Committee Meeting on 21 September, to ensure that members have a current update and takes into account very recent activities at the Olympic Games and the Paralympic Games. I report as follows on activities:

1. ACTIVITIES

IOC

I am sure all members will agree that the Olympic Games in Athens were extremely successful. We worked very closely with the IOC on anti-doping matters, including assistance and guidance to IOC staff in preparing and producing the Anti-Doping Rules for the Games. We published those Rules on our website and assisted in their dissemination and publication. These Rules were accompanied by a Doping Control Guide, which we also helped to complete.

At the Games our Standards and Harmonization Team were partners with the IOC in pre-games testing, and from time to time provided additional expertise and advice where appropriate.

IPC

Likewise, we worked very closely with the IPC to assist in the production of their Anti-Doping Rules for the Paralympic Games, and again worked in partnership with the IPC to assist in pre-games testing.

FIFA

We continue to get asked many questions about FIFA, FIFA's acceptance and implementation of the Code. Scheduled meetings with FIFA Management for 10-11 July, 2004, were canceled by FIFA. We are advised by FIFA that the appropriate changes to their legal rules will be considered by the FIFA Executive committee at its meeting in December.

In the meantime, there have been several football decisions which we are investigating fully, as the sanctions appear to be outside of the expected sanctions.

INTERPOL

Our Communications Director made a presentation to INTERPOL in Lyon in July.

This meeting focused on the trafficking of anabolic steroids and included participants from the police forces of a number of countries, as well as government representatives and the IOC. The presentation centered on WADA's activities and discussed ways in which the Agency could help with the exchange of information regarding the trafficking of prohibited substances.

With the aid of Governments, we will work further with INTERPOL to see what practical and proper steps can be taken to prevent international movement and trafficking of banned substances.

JEROME YOUNG

This matter has still not been concluded. An appeal against the decision of the IAAF to recommend that the IOC remove the gold medals from the 4 x 400m US relay team at the Sydney Olympic Games has been lodged by the USOC with the Court of Arbitration for Sport. The IOC has therefore decided to hold any decision on removal of medals until CAS decision is known.

STAFFING

We are both very pleased yet very sad that Farnaz Khadem is leaving WADA to marry in early December. With her husband, she plans then to reside in Modesto, California, and therefore will be leaving WADA following the November Board Meeting. We are extremely sad to lose Farnaz, her experience and expertise will be difficult to replace, but on the other hand we are extremely happy that she is leaving for such a wonderful reason.

Andreas Hoistad, our Senior Manager in IT, has left WADA to return with his family to Norway for personal reasons. We wish Andreas well in his future endeavors, and thank him for his skilled work for WADA commencing from the establishment of the office in Montreal in early 2002.

Both positions will be carefully redefined and then advertised.

In early July, WADA was pleased to welcome Thierry Boghosian as Lab Accreditation Coordinator to the Science Department.

In August, the Standards and Harmonization Department recruited Janie Soublière to replace Caroline Thom who left WADA to return home to Switzerland.

We are presently awaiting acceptance from a prospective new Legal Manager, whose mandate is to start January 4, 2005.

OPERATIONAL MATTERS

The Montreal Office is operating extremely successfully following the introduction and implementation of proper financial policies and extremely good assistance from the Finance Department. I am sure that all members will notice the major differences between the financial position as posed in June 2003 to that tabled in

September 2004. All staff have been fiscally responsible, but I single out the Finance Department for special thanks and credit.

ATP

Following the release of our Report, we have had communications from the ATP. They have agreed that the particular supplement issue seemingly confronted in the world of men's tennis ought to be the subject of a research application. To date an application has not been received, but we are told it is forthcoming.

GOVERNMENTS

The Chairman and I, of recent months, have been involved in a number of meetings with Ministers and their staff. During the Olympic Games in Athens, we met with a number of Ministers and their advisors, and also other governmental representatives to discuss matters of mutual interest. In addition, I presented to a meeting of many European Ministers during the Paralympic Games in Athens, and met with the Greek Minister for Sport to advance issues of concern.

Also, during the Olympic Games in Athens, the Chairman and I made presentations to the Commonwealth Ministers Meeting. A very fruitful outcome of this meeting was the pledge from the Commonwealth to make £150,000 available for expert assistance in the programme development planning to ensure that Commonwealth countries where no present anti-doping programme currently exists will be benefited.

EXPERT SYMPOSIA

We continue to look to partnerships with countries and sporting bodies to hold symposia of experts. We seek expressions of interest, and topics of interest in that respect.

Although for some time I have suggested, to Governments in particular, that WADA would be interested in secondments for periods of time to ensure fertilization of ideas and management. We have not yet received applications or suggestions, however we continue to welcome them.

WORKING COMMITTEES

As directed by the rotation policy (3-year terms) for membership on our three Working Committees, we have recently circulated a request to all Board members for nominations for positions that end their 3-year term this year. We are seeking responses by October 2004 in order to finalize these groups in November.

FUTURE MEETINGS/OCTOBER

Future meetings with Governments include a DCO course to be held in Tehran in early October, a meeting with the countries from the Arabic states, attendance at the European Sports Ministers Meeting in Budapest, and meetings with Australian Government officials in late October.