

**Minutes of the WADA Executive Committee Meeting**  
20 November 2004  
Montreal, Canada

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The meeting began at 9 a.m.

**1. Welcome, Roll Call and Observers**

THE CHAIRMAN welcomed everybody to the third and final meeting of the Executive Committee in 2004.

The members, as well as those observers who wished to have their names recorded for posterity, were asked to sign the roll call. He extended a special welcome to the new member of the Executive Committee, Mr Jean-François Lamour, who was replacing Mr Mikkelsen as a member of the Executive Committee. Mr Mikkelsen was still at the table as an old and valued friend, so he would not be lost. Mr Lamour was the Minister of Sport in France, and an Olympic fencing champion, so WADA had somebody who was skilled both verbally and physically to take part in the meeting.

The following members attended the meeting: Mr Lamour, Minister of Sport, France; Mr Owen, Minister of State (Sport), Canada; Professor Ljungqvist, IOC Member and Chairman of the WADA Health, Medical and Research Committee; Ms Elwani, Member of the IOC Athletes' Commission; Mr Oyama, Division of Sports Medicine, Institute of Health and Sports Science, University of Tsukuba, representing Mr Shionoya, 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 Wade, Education and Planning Director for WADA; Mr Swigelaar, Africa Regional Office Director; Mr Hayashi, Asia/Oceania Regional Office Director; Mr Dielen, Europe Regional Office Director; Mr Howman, WADA Director General; Mr Andersen, Standards and Harmonisation Director, WADA; Ms Khadem, Communications Director, WADA; Dr Garnier, Medical Director, Lausanne Regional Office; Dr Rabin, Science Director, WADA; Mr Niggli, Finance and Legal Director, WADA; Mr Reedie, IOC Member and Chairman of the National Olympic Committee of Great Britain; Mr Stofile, Minister of Sport and Recreation, South Africa; Mrs Basser, 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; and Mr Larfaoui, IOC Member and President of FINA.

The following observers signed the roll call: Elizabeth Ferris; Michael Gottlieb; Yusaku Morioka; Søren Riiskjaer; Patrick Schamasch; Valéry Genniges; George Walker; Brian Blake; Nowetu Luti; Ichiro Kono; Terry Madden; and Karam Birdi.

**2. Minutes of the Executive Committee meeting on 21 September 2004 in Montreal**

THE CHAIRMAN asked whether the members had any comments regarding the minutes of the Executive Committee meeting on 21 September 2004 in Montreal. Some comments and minor revisions had already been received, and the version for approval was in the members' files. 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 21 September 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 and also in relation to recent events. He also wished to show the members two devices that WADA suspected had been used by athletes to cheat during major events. The NADOs and IFs had been alerted to the existence of such devices, and these had been exposed.

With regard to FIFA, WADA was expecting FIFA to introduce the changes to its legal rules in December 2004. The FIFA President had sent a letter to the WADA President, stating that he saw no urgency in making such changes. WADA begged to differ, and the President of WADA had sent a letter back to FIFA highlighting this fact. There were about five current football cases in which sanctions had been handed down and WADA suspected there had been deviations from the Code. There were at least three other cases pending in which WADA suspected that there would be similar results. WADA needed the support of its government friends and ministers to ensure that FIFA was very clear regarding the need to fully comply with the World Anti-Doping Code. He would be interested in ways and means with which to develop this with appropriate political pressure.

With regard to Interpol, there had been further correspondence, and WADA had received some very good material from the Australian customs people to show how a model might be developed and used by other countries to try to stop trafficking in steroids. One of the things that had been learnt recently was that there was more money to be made trafficking steroids than trafficking cocaine. This was a very serious issue, and Interpol looked to WADA to provide help so that appropriate rules or laws could be put in place in countries.

There were several symposia scheduled for the following year. WADA was always open to ideas and partnerships for specialised conferences.

It had been discussed at the recent directors' meeting that 2007 might be an appropriate time to stage another WADA World Anti-Doping Conference.

There had been recent discussions with ANADO, the organisation representing the present NADOs, most, if not all, of which were funded by, yet independent of, governments. ANADO currently held two meetings a year, and WADA saw significant benefit from its collective anti-doping knowledge and experience. WADA had already met with members of its executive body and exchanged views and ideas on how ANADO, as opposed to individual NADOs, might assist WADA in its activities. ANADO was a similar body to ASOIF and the collective bodies that federations had in which to come together.

There were two major objectives for 2005, one of which was the completion of the UNESCO Convention; the other was to ensure the provision of assistance for many developing countries in the world that currently had no education, no NADOs, etc. The idea was for developed countries to partner these developing countries, similar to the efforts made by the Canadian Centre for Ethics and Sport with France and the French African countries. There had also been a proposal by the Commonwealth to assist small Commonwealth countries. WADA saw that as an important matter, because athletes from developed nations were being tested frequently, and those from developing nations were tested very rarely. There was an unevenness that needed to be remedied from an athlete perspective as well. WADA sought to push further into some events the following year, including the World Athletics Championships, the World Swimming Championships and the Asian Games, which were scheduled for the end of 2006, with a trial event in 2005 in Doha in Qatar.

He continued to circulate current issues from the Communications Department, and he thought that it would be useful to table two or three that had happened over the past few days.

The Greek authorities were prosecuting the two Greek athletes involved in the scandal at the Olympic Games in Athens. WADA would look into the matter with a great deal of interest as, he was sure, the IAAF would.

WADA had been following the saga in relation to the horses and the doping cases from Athens, including the stolen sample case. WADA had no jurisdiction in relation to the sampling of animals. There was a clause in the Code, but animals were not monitored in the same way as humans were. The members needed to ask themselves whether that was the right way forward, or whether WADA needed to do anything further in relation to that. WADA also needed to make sure that the sort of events that had occurred with the theft of the sample would not occur with human samples.

There was also the controversy of the football player in the UK, Mutu, who had tested positive for cocaine in an out-of-competition test, and whether WADA should re-examine whether cocaine should be on the List for out-of-competition testing.

With regard to staffing, this would be the final meeting for Ms Khadem. She was leaving to get married in two weeks' time. WADA was sad to see her go, but wished her well. WADA would be using her on contract whilst it sought a replacement for her. Ms Khadem would be missed, and he was sure that all of the members would join him in congratulating her. Ms Pleau had also left; she had become a mother overnight, having adopted a child the previous week. WADA wished to welcome Mr Swigelaar, who was now the Director of the African Regional Office, and his assistant, Nathalie Bashala. There were now 22 different nationalities represented on the WADA staff.

The Performance Indicators had been completed for that year. WADA had done extremely well, and he commended the staff members for their performance.

THE CHAIRMAN asked whether anybody had any comments or questions.

PROFESSOR LJUNGQVIST referred to the two Greek cases. The IAAF had closely followed the matter and had had a body in place to deal with the issue as soon as the necessary information was available. The IAAF had been unable to take a decision until then. There would be a Council meeting in Helsinki in December, at which he supposed some sort of decision would be taken, in accordance with the IAAF rules, which meant that the IAAF would probably defer the cases for decision with its members in Greece, but it remained to be seen whether the members would take it on board or whether it would be necessary to negotiate with them to find another solution.

MR KASPER asked whether ANADO was financed by WADA or not.

THE DIRECTOR GENERAL replied that ANADO was not funded by WADA. There had been a proposal tabled by ANADO for the financing of a project, but WADA had put that to one side until it developed the strategy and the way forward on its programme development, and it would invite ANADO to take part in the strategy. Discussions were ongoing, and WADA would certainly value ANADO's input.

MR MIKKELSEN thanked the Director General for his comprehensive and useful report. In Denmark, some triathletes had said that they had not been tested whilst in competition in Eastern Europe, and that there had been no doping controls at all during their competition there. What was WADA's role in such a case?

THE DIRECTOR GENERAL said that WADA had an out-of-competition testing contract with the ITU, under which it tested triathletes out-of-competition. WADA also monitored IF compliance with the Code, and was working hard to encourage IFs to deal with testing issues and procedures.

MR OWEN had been very encouraged to see the growing collaboration with ANADO. As WADA tried to broaden its reach to countries with fewer resources and less experience than others, this seemed to be a logical and positive connection.

THE CHAIRMAN said that ANADO and other organisations tended to look for sources of funding, as everybody was immensely hungry and they were willing to see WADA as a cash cow. WADA had to be very careful when evaluating any requests for funding, but the areas of cooperation were certainly worth exploring.

MR LAMOUR referred to FIFA and the timetable for the implementation of the Code in relation to the Football World Cup in Germany in 2006? When would be the best time for the governments to intervene? The governments certainly wished to intervene, but were not sure when to do so.

THE CHAIRMAN noted that the problem with FIFA was complicated: it was the most important IF, but had been very reluctant to accept the concept of a two-year sanction, and it was testing WADA. The FIFA medical rules complied with the Code; but the legal rules did not. FIFA was putting off the decision and pretending that there was no urgency. He had received a two-line letter from Mr Blatter, saying that FIFA and WADA could meet the following year some time, and that there was no urgency. He had replied that the matter was urgent. The real problem was that Mr Blatter knew that he was not in compliance, he (as WADA's Chairman) knew that FIFA was not in compliance, and the media knew that FIFA was not in compliance with the Code. WADA was not afraid of having to report that FIFA did not comply with the Code. Perhaps, as an example of what governments might do, Mr Schilly in Germany should say that he would not host a football world cup event in Germany with an IF that was not in compliance with the Code. All of the governments should make it clear that FIFA had to comply with the World Anti-Doping Code; if not, there would be a big trickle-down effect.

PROFESSOR LJUNGQVIST added that members might wonder why football had been included in the Olympic Games programme in Athens. Football had been in Athens based on the agreement that compliance would be achieved in 2004. He was worried about this matter.

MR LARFAOUI noted that there had been an official agreement signed in Paris at the FIFA centenary celebrations. He had been somewhat sceptical at the time, and thought that the problem would persist.

THE CHAIRMAN said that FIFA had adopted the World Anti-Doping Code without reservation, but needed to amend the internal rules to ensure full compliance. WADA had tried to work with FIFA, but with no success. FIFA had shown a very unsatisfactory performance, with inconsistent sanctions.

THE DIRECTOR GENERAL informed the Executive Committee that the management had ideas and strategies as to how ministers could approach other ministers and therefore approach Mr Blatter.

THE CHAIRMAN referred to the opportunity of the MINEPS meeting in Athens. The FIFA rules would have to be changed in December; otherwise, WADA would have to declare FIFA non-compliant with the World Anti-Doping Code, which would have a waterfall effect as well.

As to the devices shown at the start of the meeting, these were not accidental; doctors, coaches, scientists and officials were involved in cheating as well as the athletes.

The Interpol matter raised by the Director General should be explored. The value of steroids exceeded that of cocaine and related substances in trafficking, which meant that WADA was dealing with a huge problem that sport could not solve on its own.

The 2007 World Anti-Doping Conference needed to be considered during the course of the following year. By 2007, WADA would either have been spectacularly successful with the Convention and the application of the Code in domestic law or spectacularly unsuccessful. In either event, a general assessment of where WADA was would be

useful. There were also some issues that needed to be addressed from a strategic perspective by the Executive Committee.

With regard to the Greek prosecutions, not only the two athletes and the coach were involved; there were 12 people being prosecuted, including the medical officials who had claimed that the athletes had been too injured to appear at the disciplinary committee established by the IOC at the time of the 'accident'. This was a complicated situation and he was sure that the members would await the outcome with great interest.

MR LARFAOUI wished to make a proposal to the Legal Committee regarding sanctions for athletes who deliberately used devices such as those shown previously; such athletes should be given longer sanctions.

THE CHAIRMAN agreed that this issue should be given consideration, but WADA was somewhat handcuffed by the Code at the moment. Those using such devices were not nice people, and such use was not accidental: these people were crooks.

#### DECISION

Report by the Director General approved.

### **4. Legal**

#### **4.1 Constitutional Amendments**

MR NIGGLI noted that there were two purposes to the amendments. The first was to clarify the constitution so that the Chair and the Vice-Chair of the Foundation Board would automatically be the Chair and the Vice-Chair of the Executive Committee. The second part of the change was to avoid reference to a secretary, as this was a position that did not exist. He asked the Executive Committee to recommend that such changes be approved by the Foundation Board the following day.

THE CHAIRMAN asked whether the members were comfortable to recommend the proposal to the Foundation Board.

MR NIGGLI noted that there had been a request to change the term 'Chairman' to 'Chairperson'.

THE CHAIRMAN agreed that he favoured 'Chairperson' as opposed to 'Chair', which sounded rather like an article of furniture.

#### DECISION

Constitutional amendments to be proposed to the Foundation Board on 21 November 2004.

#### **4.2 Working Group on Sanctions**

MR NIGGLI read through the document in the members' files, referring to the *Working Group on Sanctions Final Report*, which contained a summary of the cases received from the stakeholders. The outcome was that there was no recommendation to change the Code as it was too early. WADA needed to wait and see the trend under the new Code, but would continue to monitor case law that arose in relation to the Code. It would try to make such case law available to all stakeholders.

MR OWEN asked how these were organised. As jurisprudence developed over time, there would be different provisions applied with a variety of different results from different jurisdictions. Would there be a way to organise this on the internet under specific provisions of the Code to get summaries of the cases that might relate to that provision?

MR NIGGLI replied that WADA wanted to set up a case law database and had been thinking of having an annotated Code with references under the articles to the relevant case law.

PROFESSOR LJUNGOVIST said that he had been very impressed by the composition of the group, but wondered about the FIFA representative in the group.

MR NIGGLI responded that FIFA had originally wanted a representative but, when WADA had begun to set up the group, it had been decided that there would be only one representative of team sports, and a representative of the Ice Hockey Federation had ultimately been chosen.

THE CHAIRMAN said that Mr Madden, from USADA, had come to provide the members with an update on the BALCO situation. He thanked Mr Madden for coming to share whatever he could with the members.

MR MADDEN said that USADA was now 18 months into the BALCO situation. It had begun in June 2003, when a syringe from a coach in North Carolina had arrived on USADA's doorstep which had been forwarded on to the UCLA laboratory for analysis. Thus began the THG saga. During this time, USADA had worked extremely closely with the IAAF. There had also been constant contact with the Department of Justice in Washington D.C., the US Attorney for the Northern District of California in the San Francisco Bay area, members of the US Senate and the US House of Representatives. The White House was also following this situation very closely. To date, 12 athletes with connections to BALCO had been sanctioned, and these included those who had tested positive for THG: Kevin Toth, John McEwan, Dwain Chambers, Regina Jacobs and Melissa Price. All of those athletes had had high world rankings at various times. Three of them had been conducted before CAS hearings: McEwan, Chambers and Price. With regard to the positive modafinil cases, Eric Thomas, Calvin Harrison, Sandra Glover, Christie Gaines and Chris Phillips had all been sanctioned per the IAAF rules. This was Calvin Harrison's second positive in the stimulant category, and he had been banned for two years. All of the positive THG cases had received two-year sanctions, except for Regina Jacobs, who had not cooperated and had received a four-year sanction for what USADA considered 'egregious conduct'. In the area of the non-analytical positives, or the cases based on what the defence counsel was calling circumstantial evidence, two athletes had received specific sanctions. Calvin Harrison had accepted a four-year sanction for egregious conduct, and Kelly White had accepted a two-year sanction in May and had testified for USADA that week in San Francisco at the hearing of Michelle Collins. White had received a two-year sanction for her cooperation with USADA and would continue to testify at the Gaines and Montgomery cases, which were scheduled for June and July 2005. There had been four criminal indictments coming out of Northern California for Victor Conte, who had run the BALCO laboratory; his assistant, James Valente; Remi Korchemny, track coach from the Northern California area; and Greg Anderson, the trainer with connections to many professional athletes in the USA, specifically baseball and football players. He suggested that, although the Gaines and Montgomery cases had been delayed, this would be advantageous for the prosecutors (USADA). More could evolve out of the criminal cases. There might be other sanctions sought against coaches, medical personnel and others, depending on what came out of the criminal cases.

This had been a long and expensive 18 months for USADA, whose legal bills had surpassed the US\$ 2 million mark in the BALCO cases. USADA would not quit; it would proceed and see it through to the end. USADA was proud of the work that USADA had carried out thus far. He would try to answer questions that the members might have.

MS ELWANI congratulated Mr Madden on his work. What was the purpose of one athlete testifying in another athlete's hearing? This was a concern to athletes in general. Was this really necessary?

MR MADDEN replied that this was very necessary. It was essential to have evidence from athletes who knew what had been going on. With regard to Ms Elwani's specific concern about athletes testifying against competitors in their events, in this case, Kelly White and Michelle Collins had not been competing against each other. More athletes who had pleaded guilty and accepted sanctions had been approached and had not wished to testify.

THE CHAIRMAN added that the athletes' evidence would have been checked previously for credibility.

MR MADDEN noted that each and every athlete had been represented by lawyers.

MS ELWANI said that she was simply concerned about the procedure.

PROFESSOR LJUNGOVIST thought that USADA had every reason to be proud of what it had done and what it was doing, and thanked Mr Madden for his work. Did Mr Madden see a risk or possibility of further athletes or sports becoming involved? Had he any idea how long the entire BALCO affair would last?

MR MADDEN replied that this would depend on what came out of the criminal cases, which would dictate whether USADA could proceed further against other athletes, medical personnel or coaches. He did not know how long the matter would last, but he wished it would end soon.

MR LARFAOUI asked whether there were athletes who had received a four-year sanction.

MR MADDEN noted that, in the CAS hearings that had taken place with the analytical positives, the CAS arbitrators had awarded two-year sanctions. In USADA's discussions with athletes who had not cooperated or who had not come forward, because of the egregious conduct, they had accepted four-year sanctions, which USADA had recommended. Thus far, those athletes who had gone before the CAS had received two years; USADA had sought lifetime sanctions, but the athletes had agreed to four-year sanctions.

MR LAMOURE said that the THG discovery was a great step forward in terms of coordination, and the work of WADA also represented a great step forward. With regard to the athletes' entourage, the trainers and the coaches involved in trafficking, it should be possible to pursue these people. The UNESCO Convention should enable WADA to continue along these lines and then take action. The BALCO affair highlighted the importance of being able to carry out such action in order to keep sport clean.

MR MADDEN said that, thanks to the cooperation of the French Government and the laboratory, USADA and the IAAF had played a major role in retesting for THG after the IAAF Championships in Paris in 2003.

MS ELWANI said that the athletes had accepted a four-year sanction rather than a two-year sanction. Did this mean that, after two years, the athletes could come back again if they wished?

MR MADDEN replied that all of these cases had been prior to the WADA Code coming into effect. USADA had been operating under the IAAF rules at the time, which had carried a two-year to life sanction. USADA had sought life-time bans, and the athletes had agreed to four years.

MS ELWANI thought that this meant that athletes were being treated differently.

THE CHAIRMAN explained that it was not possible to apply a law retrospectively. The date of 13 August 2004 was when a new regime of sanctions had begun.

He thanked Mr Madden and congratulated USADA on the work carried out, which was a great example to all of the NADOs around the world to see what could be done in difficult circumstances with a difficult problem.

MR MADDEN thanked WADA.

MR REEDIE thought that, if sport wished for a judicial process to reach decisions at major events, the rules of competition had to be modern, up-to-date, and accurate. It seemed to him that it was probably necessary to try to persuade the IFs to look very closely and try to adopt WADA's model rules to make legislation accurate and even across the board. This would not be easy, but he thought that the effort had to be made.

THE CHAIRMAN said that the Code was a single set of governing rules. WADA staff members worked regularly with the IFs to get their rules as close as possible to a model set of rules, so Mr Reedie's suggestion was being carried out.

THE DIRECTOR GENERAL thought that there had been a good IF response to the Code.

#### DECISION

Working Group on Sanctions update noted.

### **5. Operations / Management**

#### **5.1 Working Group Committee Memberships – 2005**

##### 5.1.1 Athletes Working Committee

THE DIRECTOR GENERAL went through the document in the members' files, which requested that the WADA Executive Committee consider and approve the establishment of a new WADA working committee dedicated to athlete issues. Should the proposal be approved, the Executive Committee was asked to support the appointment of Mr Viacheslav Fetisov as the committee's chairman. Mr Fetisov was the head of Russia's Sports Committee and a WADA Foundation Board member. WADA would then look at the way of composing the committee in the normal fashion by seeking nominations and ensuring a balance between the sports movement and the public authorities, ensuring that the IOC Athletes' Commission was fully represented on the committee.

THE CHAIRMAN noted that the Executive Committee was empowered to establish a committee if it thought such a committee would be appropriate. The committee would consist primarily of athletes, to discuss matters common to the athletes and come forward to the Executive Committee and the Foundation Board with their recommendations. This would not be unlike the model of the IOC's Athletes' Commission.

MS ELWANI said that the athletes had always wanted to have a working group within WADA. It would be beneficial to hear what the athletes really wanted instead of just hearing her views.

PROFESSOR LJUNGQVIST supported the idea.

MR OWEN thought that, as the Executive Committee could appoint the Chairperson, Mr Fetisov was a good choice. What would the process for electing committee members be?

THE CHAIRMAN said that the proposals would be made by the Director General, the committee chairperson and the WADA Chair; they would seek recommendations according to the WADA Statutes. Should WADA proceed with the establishment of an Athletes Working Committee to be chaired by Mr Fetisov?

MR REEDIE said that this could do nothing but good from a public relations point of view.

MR LAMOUR asked who selected the committee members. Was the WADA Vice-Chairperson involved in the process?

THE CHAIRMAN said that, according to the WADA Statutes, the Director General, the Chairperson and the committee chairperson selected the committee members. The Vice-Chairperson was not involved in the process, according to the Statutes, although this point could be discussed.

#### DECISION

Proposal to establish an Athletes Working Committee, chaired by Mr Fetisov, approved.

Committee members to be appointed according to the WADA Statutes.

## **5.2 Foundation Board Memberships – 2005**

### **5.3 Appointment of Executive Committee – 2005**

With regard to the Foundation Board memberships, THE DIRECTOR GENERAL said that the IOC Athletes' Commission would not be naming its representatives to the Foundation Board until after its meeting on Wednesday. WADA looked to fill the gaps that it had with one or two governmental regions, and would do this before the following day. The same thing applied to the Executive Committee; WADA needed, for the following day, the names of those representing the governments from Asia and the Americas. These names would then be tabled at the Foundation Board meeting the following day.

#### DECISION

Foundation Board memberships and appointment of the Executive Committee to be finalised at the Foundation Board meeting the following day.

### **5.4 Election of WADA Chairperson and Vice-Chairperson**

THE DIRECTOR GENERAL said that there was one nominee for the position of Chairperson; the Statutes required a majority vote the following day. The management sought the endorsement of the Executive Committee for that. Similarly, there was one nominee for the position of Vice-Chairperson and, likewise, the management sought a recommendation from the Executive Committee to the Foundation Board. A voting process would be needed the following day. He hoped that both of the nominees would be elected unanimously and would therefore not require any counting but, if there was any sign of disagreement, he asked to be advised in advance in order to be able to organise some scrutineers. Otherwise, it was a matter of information only.

MR LAMOUR referred to the nominee for Vice-Chairperson, Mr Mikkelsen. Europe fully supported Mr Mikkelsen and he wished to note Europe's desire to participate actively in WADA.

THE CHAIRMAN thanked Mr Lamour for his comments.

#### DECISION

Executive Committee endorse the election of the Chairperson (Richard Pound) and Vice-Chairperson (Brian Mikkelsen) of the Foundation Board and Executive Committee.

### **5.5 Latin American Regional Office**

THE DIRECTOR GENERAL informed the members that there had been three expressions of interest to establish a regional office in Latin America from Montevideo, Uruguay; Bogotá, Colombia; and Santiago de Chile, Chile. The three candidates had satisfied the conditions established by WADA. WADA would now put together a management team to undertake evaluation in early 2005 in order to report to the Executive Committee in May 2005. As to cost of a possible regional office, WADA would explore the issue in order to get the best possible government and local authority response. He did not anticipate the budget exceeding US\$ 250,000, and the intention was to keep the figure lower than this. He asked the Executive Committee for the mandate to continue with the evaluation process for the selection and establishment of a regional office for Latin America.

THE CHAIRMAN asked whether US\$ 250,000 was for the evaluation or for the annual running of an office.

THE DIRECTOR GENERAL replied that the US\$ 250,000 would be the maximum cost of the annual budget for the office.

THE CHAIRMAN thought that WADA should pursue this to find out whether any of these sites would be appropriate and to seek what contributions WADA might extract from the successful candidate. If all of this could be done for no cost, it would be good, particularly in that region. The Director General would be given the mandate to come back with a recommendation in May regarding the regional office in Latin America.

#### DECISION

WADA management to continue the evaluation process for the selection and establishment of a Latin American regional office, and to report back to the Executive Committee in May 2005.

### **6. Finance**

#### **6.1 Government / IOC Contributions Update**

MR REEDIE went through the report that was in the members' files, in which the members could see the percentage of contributions made in 2002, 2003 and 2004. With regard to the US contributions, he had heard that part of the cheque was in the post and the rest was imminent.

MR BURNS reported that a cheque had been brought for the one month, pending finalisation of the budget. The US Congress was currently in what was called a 'lame duck session' and had worked through the night. He hoped to have news that day or the following day that the budget had been approved. He was making hourly calls and, if anything changed, he would let WADA know.

MR REEDIE said that, if one looked at the Americas, Argentina and Mexico stuck out a little bit. WADA needed to redouble its efforts for those that were relatively major sports countries, particularly Argentina, after the medals that it had won in Athens. One would have thought that it should have been easier to persuade a happy government to contribute to WADA. Pakistan and India also lagged behind somewhat. Things otherwise were moving forward acceptably.

#### DECISION

Government / IOC Contributions update approved.

#### **6.2 2004 Quarterly Accounts (Quarter 3)**

With regard to finance, MR REEDIE said that the Director General had reported on the relatively modest movements in staff; he thought that WADA was pretty steady from a staff point of view and that there were no major increases in costs. He thought that WADA was beginning to run the business reasonably well.

As the members could see, the first document in their files under the agenda item was the *Detailed Balance Sheet and Profit and Loss Statement – Quarter 3 2004*. On page 3 of the document, there was reference to a 'Provision for Bad Debt'; he was not sure that that was exactly the right description, but the committee was not clear whether it would be able to recover all of the federal general sales tax in Canada, and had thought it prudent to show that that financial situation might arise. On page 6, under the heading 'Operating Expenses', the members would see that the third quarter had been noticeably more expensive than the other two quarters. This entirely represented the efforts and the staffing during the Olympic Games in Athens, and one would expect that

to be at a higher rate. On page 7, the one figure that stuck out under 'Project Consulting Fees' in the third quarter, the US\$ 891,000, was strictly speaking rather more than consulting: it covered the whole design and preparation of the platform for ADAMS. Although the figure looked high, it was in fact much less than originally thought. On page 8, under the 'Administration Expenses', the rentals figure represented the absolutely sky-high rate card with which WADA had been faced in Athens. He was certain that this issue would be raised by other organisations with the IOC, certainly by the NOCs and also, he suspected, by the IFs, as the rate card had been charged at a stratospheric level. It would have been cheaper to go out and buy equipment and throw it away afterwards rather than rent it in Athens. Other than that, he thought that he was reasonably happy with the accounts at the end of September 2004.

MR REEDIE then turned to the *Actual vs Budget, Quarter 3 2004* document. Page 1 included the 'Laboratory Accreditation and Reaccreditation' figure. In fact, the income shown was only 41% of what WADA thought that it would get. The reason appeared to be that that covered both reaccreditations and new accreditations, but WADA had not had many new accreditations, although there was one in the files which, if successful, would make a difference to the figure. WADA simply had not accredited as many new laboratories as it had thought that it would, hence the reduction in income. Very detailed figures were given page by page, showing the cost, for example, of benefits and social charges, and it was all beginning to look reasonably accurate. On page 3, the figure under the heading 'Travel, Accommodation and Meals' seemed high, but the committee thought that part of this figure should probably be re-posted to another area. The 'ADAMS' costs represented a huge improvement from a financial point of view and represented a very good effort. On page 4, 'Projects and Other Activities' represented in the main the Outreach programme in Athens. There was a timing element, as WADA had not quite had all of the bills in, but he thought that the members could see that the programme had been run effectively and well by Ms Spletzer. In relation to the information on page 6, the members should note that there were outstanding commitments of just under US\$ 4 million for research projects, and this did not take into account the 2004 budget, which was just over US\$ 4 million. Therefore, although the members thought that there was a lot of money in the bank, US\$ 8 million of it was committed to research projects. There was less income to come, and high expenditure to make. On page 8, with regard to 'Out-of-Competition Testing', the budget for this area had been increased, so the budget figure was higher and the testers had clearly not quite caught up with the opportunity to spend the money.

He thought that the process was becoming ever more sophisticated. WADA was running slightly within the figures approved over a year ago, and he hoped that this gave the Executive Committee some confidence that WADA was efficient in handling its finances.

MR OWEN said that, when the 2004 budget had been set, it had been set at 90% of what had previously been projected to provide for any inability to collect fees. WADA was now at 92% of what had originally been foreseen. Did this mean that WADA would adjust the final quarter budget accordingly?

MR NIGGLI noted that the necessary adjustments had already been made in September. Mr Owen would see this in the revised budget and the minutes of the Finance and Administration Committee.

MR REEDIE said that, if there was talk of an athletes' working committee and a regional office in Latin America, he would be very comfortable with a 2% margin.

#### DECISION

2004 Quarterly accounts (quarter 3) approved.

## **7. World Anti-Doping Code**

### **7.1 Activity Update**

MR ANDERSEN said that he would be giving a more comprehensive report the following day, although the Executive Committee members had his report in their files. He wished to use the opportunity to present a Level Three document, the WADA doping control form, to which WADA proposed some amendments. The IOC Athletes' Commission had proposed the addition of the names of the coaches and doctors on the form. WADA had also added a column for extra blood samples, in order to avoid what had happened in Athens with the freezing of a sample. Lastly, there was the addition of one article concerning research by the laboratory on the samples of blood and urine, and the athletes would have to either accept or refuse research on their samples.

PROFESSOR LJUNGOVIST noted that the name of the doctor should not appear on the form that went to the laboratory, because that could be an indirect way of identifying an athlete.

MR ANDERSEN said that this point would be taken into account.

THE CHAIRMAN asked Ms Elwani to thank the IOC Athletes' Commission for its suggestion. Mr Andersen would make sure that the carbon copy system was such that the form that went to the laboratories did not disclose the doctors' names. As a lawyer, he liked small writing that nobody read, but wondered whether perhaps the writing on the doping control form could be made slightly larger.

MR ANDERSEN said that lengthy discussion had taken place regarding this matter. One option was to have one English form and one French form; in other words, two different forms. This would allow for larger letters, however the aim had been to have both languages on the same form.

THE CHAIRMAN appreciated the idea; it would be good to have both languages on one page if possible.

### DECISION

World Anti-Doping Code activity update  
approved.

### **7.2 Fast-Track Process for Amending International Standards**

THE DIRECTOR GENERAL referred the members to the document in their files, which proposed that the Executive Committee consider and approve the proposed process for the fast-track submission of changes to WADA's International Standards. The governments had expressed the desire to have a total of 15 working days for Executive Committee members to consider suggestions, whilst the Olympic Movement had been content with the ten days suggested initially. This was the decision that needed to be taken.

MR MIKKELSEN noted that he and some of his colleagues were uneasy with the ten-day limit. This was an open and transparent process in democratic countries, in which as many points of view as possible should be given a fair chance in the consulting process. He did not consider the European political and scientific channels of cooperation to be more complex than those of other continents, but thought that ten working days was a short amount of time in which to gather views from so many countries. At the previous meeting, he had asked for a minimum of 15 working days, and he repeated his proposal. As a result of the critical comments from the Monitoring Group on this issue, he also suggested that changes requiring fast-track decisions should be regarded as essential and weighed against four criteria: they should be absolutely necessary; they should have immediate effectiveness; they should be clear and operationally feasible; and they should be cost-efficient and beneficial to the fight against doping in general rather than being a marginal add-on.

MS BASSER also thought that the paper moved towards a good solution in terms of finding the balance to make decisions quickly and have a transparent process. She agreed that having more time for consideration was good; however, would also like some consideration of having some stakeholder participation as part of the process. WADA could perhaps strategically use ANADO and the World Association of Anti-Doping Scientists to provide advice on some of these quick turn-around decisions. These were the practitioners in the field and could provide the Executive Committee with insights in terms of the repercussions of suggested changes and their implications. Perhaps there might be some way within the additional five days that part of that time should be for some directed and targeted consultation with the key stakeholders that would better inform the Executive Committee in its decision-making.

MR OWEN said that, in September, it had certainly been indicated that some real rationale would be wanted, and he thought that that was a great addition; even with that, Canada felt more comfortable with the slightly longer period, given the expectations of consultation and the positive benefit that broad consultation could provide.

THE CHAIRMAN asked whether anybody was against having 15 working days rather than ten. WADA needed an exceptional process because it would have looked really stupid if it had waited a whole year to deal with THG, for example. When the process was instigated, it would contain the rationale for it and the need for a quick decision. As to the consultation process, he thought that that was one that WADA would have to leave up to the people who were going to decide. He would not want to build in to the process the necessity of consulting with particular NADOs or associations. The management would understand that the first hurdle was always going to be to justify an exceptional process, and the second hurdle would be that there would be 15 working days' notice of any proposed change.

#### DECISION

Process for the fast-track submission of changes to WADA's International Standards approved. A period of 15 working days to be allowed for Executive Committee members to provide opinion by circulatory vote.

### **7.3 Mechanisms for Establishing Substances on the Prohibited List**

THE DIRECTOR GENERAL felt that this item was a useful paper to re-table as there had been no opportunity for a full discussion in September. In view of some of the comments that had been received from the 'coal-face', it had been felt from a management perspective that this would be a useful paper to re-table. There were two parts to the paper: part A and part B. Part B was the suggestion made by some for an extra step in the List Consultation Process. At the moment there was a draft List sent out for consultation; consultation was received and considered by the List Committee; and then the draft List went through to the Executive Committee in September after approval by the Health, Medical and Research Committee. A second consultation was proposed in the paper, which would involve extra resources and extra cost, but this was balanced against the stakeholders' interest. In 2004, 1394 individuals and organizations had been sent the draft List, and 24 had provided submissions with 147 different aspects regarding the List, most of which were divided into three areas: steroids, cannabis and salbutamol. He thought that this proposed extra step in the process could be the way forward.

The other part of the paper was directed more at information that might be made available by the management to the Executive Committee when the members met to consider the List. The document had been put together as a result of some concerns expressed by NADOs and other bodies about issues such as cost, implementation timings, effect on laboratory analysis, and so on. It was not a requirement under the Code, so these could not be imposed. He had thought that, as a matter of information,

this should be raised as information that the management could provide if the Executive Committee so desired.

MR MIKKELSEN thanked the Director General for his paper, which was a constructive proposal. He was not a medical expert, and had often been approached by athletes and NADOs and told that the List was difficult, too long, and so on and so forth. How should he explain to the athletes and NADOs that the List was not too long? One of the objectives should be to make the List as simple, effective and short as possible; were there any procedures to ensure that the List did not get too complicated?

MR REEDIE thought that this was a good question. He was conscious of the fact that the List had to be published by 1 October, and he was under pressure towards the end of September to come to an Executive Committee meeting, and he had to get a List out as it took a week to get it printed and distributed. He favoured further consultation, but would move the timetable further away from the September date and let people have whatever consultation and debate they wanted, and give him more time in September, moving the September Executive Committee back by one week because, on a couple of occasions, there had been compromises of the List when there had not been full argument, consultation and disclosure. The principle was right; he just did not particularly like the detailed timing at the very end of September.

MR OWEN added that there was also the cost criterion. He was not sure exactly how that criterion was applied. Could the Director General give him some idea of the logic with regard to cost?

MR LARFAOUI referred to the use of products for therapeutic reasons. Some of the IFs had groups that decided as to the granting of TUEs. It said in the document that the IFs would inform WADA and that WADA could revise an IF decision. If the IF group refused a TUE, WADA could also reconsider the decision. He thought that it was necessary to avoid having recourse to appeals.

PROFESSOR LJUNGVIST said that Mr Mikkelsen had brought up a relevant matter. Many had said that the List was long and complicated. A considerably shortened list had once been proposed, but WADA had rejected it, as the stakeholders had thought that the longer list should remain in force. The List was the result of a proper stakeholder consultation procedure. He thought that WADA had reached a reasonable compromise, which was not perfect but reasonable and acceptable for the moment. He also thought that WADA should not exaggerate the consultation process. He thought that this proposal would not solve any problems; Mr Mikkelsen would receive the same comments from the athletes regardless of the consultation process put in place. Was this increased consultation process really necessary? Or could the List Committee convene three rather than four times a year? If WADA continued to accept requirements for further consultation, there would be only a handful out there interested in doing this and they would have ample opportunity throughout the year to give their opinions to WADA. The process should be kept as reasonable as possible, as it would never satisfy everyone.

MS BASSER supported the comments made by Professor Ljungqvist. She proposed the use of ANADO and WAADS forums to be able to provide information about the implementation of aspects of the List and whether there was some way that one or two representatives of the organisations could have some discussions directly with the List Committee during the consultation process. Of particular concern was the provision of the rationale for decisions as to what was going to be on or off the List. She thought that it was important in the consultation phase that key stakeholders understood the rationale, as that would help them to form their decisions to support or not the particular changes put forward. It would be very helpful if WADA could provide a summary of the proposed changes and a brief outline of the scientific evidence that had informed the decision to include or exclude certain substances during the consultation phase, targeted to the particular audience.

MR STOFILÉ supported a number of the views put forward, the first of which was that WADA should consider fewer meetings. Trying to discuss issues with ordinary athletes

and people was difficult as they found it very difficult to understand the terminology. He did not think that it would be possible to have a simpler and shorter list, as Mr Mikkelsen had suggested, given the speed with which the sophistication of science appeared to be growing in this field. Mr Kasper had spoken about the devices shown at the start of the meeting, saying that such devices had been around for ten years. He was shocked that, after ten years, such devices were being exposed only now. His question concerned the focus on scientific products themselves. How efficient was this compared to a broader approach or scientific research into foodstuffs that some of the countries and many children were being supplied with? Many children were being fed products pumped full of what he would like to call steroids, although he did not have the scientific proof to do so. For example, how could one explain the size of chicken pieces being produced in Queenstown which were smaller than those that came from elsewhere, as well as the size of the children fed such foodstuffs? It was necessary to broaden the research base and collaborate with the health departments and investigate the extent to which the foodstuffs contributed to the performance of athletes in the long term and the results that they were having.

MR OWEN said that, as the UNESCO Convention was developed, it would be necessary to consider the process for adding banned substances to the List. There might be an analogy with an existing convention against terrorism, whereby there was a list drawn up in a straightforward way without needing to renegotiate the convention. By way of the process, a listed organisation automatically became a terrorist organisation listed under each country's legislation. This could be a helpful model, and WADA needed to think forward as to how to deal with that.

PROFESSOR LJUNGQVIST noted the need to understand that, when the List was structured, the requirement for placing a substance on the List was that the substance had to fulfil two out of the three stated requirements, so performance enhancement was not a requirement, and any pharmacological product could be placed on the List if it was considered detrimental to the spirit of sport and dangerous to the health of athletes. The notion was that the substance needed to be performance-enhancing to some extent, although this was not necessarily a requirement.

MR REEDIE said that he was perfectly happy that a consultation process would be in place. With regard to cost, he did not think that WADA should begin to accept that it would not test for something simply because it was going to be expected. That would seem to him to be something that the List Committee would want to look at very carefully indeed. Common sense regarding the spirit of sport and the health of the athletes was one thing; cost was another one.

THE CHAIRMAN thought that the Executive Committee had had a good discussion of the issues. He asked the Director General to respond to some of the points.

THE DIRECTOR GENERAL gave a factual point of view of some of the issues raised. He told Mr Mikkelsen that WADA tried to make everything as simple as possible. There was some impediment to that in some cases. In response to Mr Reddie's comment, he would be happy to change the date of the Executive Committee meeting if that was the will of the members. The logistics for the Executive Committee meeting in September were not as difficult as they were for the Foundation Board meetings. As to what Mr Owen had said, cost analysis was hard, and WADA relied on the NADOs for data. He thought that ANADO could play an effective role here, with the way in which it could collect information. He told Mr Larfaoui that he was aware of the TUE issues and the need for harmonisation and consistency with regard to the TUE appeals. In response to the comments made by Ms Basser, there was a laboratory person on the List Committee, and there was a NADO person on the List Committee. WADA did produce an analysis of the List and the rationale behind changes. If more clarification was necessary, he was willing to see what he could do. As to what Mr Stofile had said, WADA agreed to the need to look at foodstuffs and whether the injection of steroids into animals could lead to positive test results. If there was any form of research that might be conducted in Mr Stofile's region, then WADA would welcome an application for research. Mr Owen had

raised the issue of the UNESCO Convention. WADA had been ensuring that there would be a process there for the List to be changed in the way in which Mr Owen had outlined. He hoped that those present at MINEPS would support that approach.

DR RABIN thought that it was necessary to realise that pharmacology involved tens of thousands of molecules in the world pharmacopoeia. When looking at the List, there were only a few hundred molecules involved, so it was not that complicated when one took science globally. Science was moving every day and he thought that doping reflected the complexity of science but also the ingenuity of the people using science. To illustrate the fact that science was constantly evolving, he referred to finasteride, which was a substance that had been added to the List that year; the report had been received from the research team in July. Therefore, moving the constitution of the List to an early date would place WADA in a situation whereby it could receive interesting results after the List was frozen. Contrary to what was going on in the public health environment, when a substance was considered obsolete and removed from the pharmacopoeia and was not necessarily available on prescription or over-the-counter, WADA had seen designer steroids and rogue scientists making drugs for doping purposes only.

THE CHAIRMAN referred to statistics: there had been almost 1400 draft Lists sent out for comments, and WADA was getting a response rate that was well under 2%. As to the List complications, the Code had to be applied by the deciders, so it had to be specific enough to make sure that, if a case came along, one would have the power to sanction somebody who had doped; therefore, it required more rather than less specificity. He was happy to look at the idea of a meeting earlier in September, but was not persuaded that an extra ten days would change very much. As to the rationale, it was necessary to be careful. This could be used by a person trying to thwart cases of doping. WADA should know, but should be careful as to how the rationale was expressed. As to a third consultation process, if WADA was dealing with fewer than 2% of the stakeholders, he was not sure that this was necessary. Nevertheless, he did think that responses to the letters should be sent to the stakeholders who made the submissions.

#### DECISION

Comments regarding mechanisms for establishing substances on the Prohibited List noted, and the process maintained.

### **8. ADAMS – Anti-Doping Administration and Management System**

MR DIELEN went through his report. The ADAMS process and detailed specifications had been presented to 15 organisations over a two-week tour in Europe. WADA had been consulting with the organisations to see whether they might be involved in user-acceptance testing. As to the hardware, a process of vendor selection had taken place, and a vendor had been chosen, although it was necessary to finalise the negotiation of the contract. Based on the proposals, ADAMS would be well under the budget. Security was a key aspect of ADAMS, and the actual hardware would be hosted in two high-security data protection centres. In 2005, user-acceptance testing would take place until February, and then implementation would take place from the end of March to the beginning of April 2005. ADAMS was a secure system that would be available early in 2005; however, he stressed that it would not be available to all stakeholders around the world during the first phase. It was, of course, an internet application, which presented certain challenges in terms of security, but all of the necessary commitments from the people involved illustrated that the programme would be possible. The team was also looking at the legal issues regarding privacy.

MR OWEN referred to the uniqueness of the developed software. It was heartening to see that the provider had a great deal of experience, but he was wondering how much could be brought in from proven systems, and how much was unique and unproven and therefore potentially more costly and unworkable.

MR DIELEN replied that the provider had a strong background in medical applications. WADA had also used the experience of USADA and stakeholder input. Many stakeholders had said that they were in the final stages of the development of a system but had not yet fully implemented it. Most things were being done in separate systems, but this would all be done in one. There was not a great deal that was unknown about the system.

THE CHAIRMAN thought that WADA had gone through a very good process in identifying a group to put the system together.

PROFESSOR LJUNGOVIST noted that a laboratory reporting system had been developed in the IOC. Had the result of that project been useful to WADA?

MR DIELEN replied that the system as such would not be used in ADAMS, but the experience would be helpful.

#### DECISION

ADAMS update approved.

### **9. Athens 2004 Olympic and Paralympic Games Independent Observer Reports**

THE CHAIRMAN said that there had been a very successful mission in Athens with a smaller team. It would be necessary to look at the size of the team for the future to make sure that it did not get too small. There had been great IOC and ATHOC collaboration, and he thought that the IOC was now a lot more comfortable about the idea of Independent Observer missions than it had been the first time, in Sydney in 2000. The Olympic Games Independent Observer team had been chaired by Professor Haas from Germany. The Independent Observer report had been circulated to the IOC and then to ATHOC for comments on any factual matters that the Independent Observer team might have got wrong. The team had made whatever adjustments had been required, and the report was now on the WADA website. It should be available early in 2005 in printed form. The same process had been applied to the Paralympic Games, and the Independent Observer team there had been headed by Mr Walker. The preliminary report was currently being studied by the IPC, and would be completed and posted on the WADA website in a matter of days.

The only matter of significance was that it looked as if, between the IOC and the WADA accredited laboratory dropping the ball, one case that was probably a positive infraction had escaped. WADA was hoping that there might be some way of putting Humpty Dumpty together again, but nothing had happened thus far. This was embarrassing for WADA, because of what had happened in the laboratory, and WADA had demanded explanations and assurances that nothing like that would ever happen again, and he assumed that the IOC was doing whatever it had to do internally to ensure that what had happened there would never happen again. It was somewhat embarrassing that this had happened, especially since the athlete in question had been tested a few days later in Spain, with precisely the same results that had been obtained with the previous A sample, backed up by the B sample. There was a good deal of teeth-grinding going on, internally at WADA and, he was sure, at the IOC. Apart from that, he thought that the conclusion was that the system had worked well. There were some improvements that could be made. The Independent Observer reports had always included suggestions for the IOC to consider for the future and, by and large, most of the suggestions had been taken into account and the improvements made. One issue that would have to be faced was the WADA / Independent Observer separation issue. WADA had the concept of a Chinese wall between WADA and the Independent Observer teams, but nobody else in the world made that distinction. As far as they were concerned it was a WADA operation. If that were the case, then he thought that the missions could probably be fine-tuned a little more in order to shape the reports so that they were consistent and could be compared from event to event.

THE DIRECTOR GENERAL said that Mr Wade and he had taken the initiative of pulling together the team leaders from the multisports events over the last two years and would bring them together in Montreal in February in order to do exactly what the Chairman had just suggested. This was an important step to take, and WADA would report to the May meeting of the Executive Committee.

THE CHAIRMAN thought that all of the Independent Observer reports had been excellent, although some had been more philosophical than others and perhaps more philosophical than they should be. The mission – that of reporting on whether or not the anti-doping rules had been properly applied during the Games - should not be forgotten. There were issues that would have to be wrestled with. What should Independent Observers do if they saw something that was clearly wrong going on during an event: should they keep quiet or not? The Independent Observers might advise WADA to bring an important issue to the attention of the IOC or the organising committee of the multisport event in order to avoid ending up in one of those foolish situations whereby something goes wrong and continues to go wrong.

PROFESSOR LJUNGOVIST referred to the issue of the US cyclist. Perhaps members were wondering why this had not been reported at the previous Executive Committee meeting when he had reported on the Athens events. He had not known at the time, as the sample had been reported as negative. Funnily enough, the day after he had returned from the Executive Committee meeting, he had become aware of the case. It was found out that the laboratory had changed its mind and ruled the sample positive.

The IOC had discussed the draft Independent Observer report with WADA and had made comments. There were still some minor things that the IOC wished to comment upon. He supposed that the IOC might issue a written comment to the report later on. The essential factual comments made had been corrected and the report looked fine.

#### DECISION

Independent Observer update noted.

### **10. Department / Area Decisions**

#### **10.1 Science**

PROFESSOR LJUNGOVIST informed the members that the new List had been published and posted on the WADA website. The research projects decided upon at the previous Executive Committee meeting were being negotiated with the researchers prior to the signature of contracts, and some ethical reviews of projects were being carried out. A panel of genetic experts had been established to go into further details regarding the future of gene doping, and he was happy that very eminent people in the field had been recruited. The laboratory statistics for 2003 had been published on the WADA website for the first time. There were three items in the members' files that required decisions, and these would be presented forthwith.

##### 10.1.1 Warsaw Laboratory Accreditation

DR RABIN went through the document in the members' files, and recommended the conditional approval by the Executive Committee of WADA accreditation for the Warsaw Anti-Doping Laboratory, subject to final approval by the experts of the WADA Laboratory Committee, which would be meeting the following week.

MR LARFAOUI said that, when the IOC had been responsible for accreditation, the laboratories had automatically informed the IF concerned as to positive tests, providing all of the relevant details. Recently, FINA had been asked to pay a laboratory for the details of a positive analysis, and he had been extremely surprised. He thought that a clause regarding the provision of information to the IFs should perhaps be inserted in accreditation contracts with laboratories.

DR RABIN replied that the laboratories had to provide an analysis certificate to the IF concerned in the event of a positive test. The document package backing up the positive test represented an additional cost for the laboratories. A decision would be necessary between the doping control authority and the laboratory concerned in this case.

MR LARFAOUI noted that he would not negotiate with laboratories; he simply required the result of the analysis.

### DECISION

Proposal to approve the WADA accreditation of the Warsaw Anti-Doping Laboratory subject to final approval by the WADA Laboratory Committee approved.

#### 10.1.2 EPO Technical Document

DR RABIN went through the report in the members' files, requesting approval by the Executive Committee of Technical Document TD2004EPO. The document had been finalised in mid-October, and then submitted for legal review. It was now before the members of the Executive Committee for approval. He believed that the content of the document represented a significant step in the right direction.

THE CHAIRMAN said that approval of the document as recommended would be sought.

MR REEDIE said that, if the world leading authorities had been brought together to come up with a new system to harmonise the practice of conducting the test, then he was simply not competent to say that he did not think that these experts had got it right. He thought that the document should be approved. He trusted Dr Rabin and the people involved.

MR OWEN said that the objective was harmonisation. Was there the capacity among the laboratories to harmonise up to the standard?

THE CHAIRMAN said that this would become one of the tests against which laboratories were accredited.

DR RABIN added that this was a Level Two document; it was a technical document related to the International Standard for Laboratories, so it would be mandatory for the existing or future accredited laboratories to follow these rules.

MR OWEN asked whether it was a realistic expectation, given the range of expertise, that the laboratories would be able to meet this standard.

DR RABIN replied that this was a step towards harmonisation; the top experts in the field had been brought together to look at all of the aspects of the test and provide the view on how to interpret and report on these results. He thought that this was the way in which WADA should operate, in order to raise the level and quality of tests.

THE CHAIRMAN thought that the question was really whether it was reasonable to expect that the laboratories could rise to the standard.

DR RABIN thought that they would have no choice. WADA was sending the laboratories proficiency testing samples and an educational sample had been sent that year to show the laboratories the way forward. A final report would be sent to the laboratories show them the overall performance of the laboratories throughout the world, and WADA would also show them where there was a need for corrective action. Then, as of 1 January 2005, WADA would tell the laboratories to use the technical document. It would, of course, follow up in the future with other EPO urine tests to ensure that the laboratories were performing according to the rules.

THE CHAIRMAN asked whether it was a realistic expectation that most, or all, would be able to rise to that standard.

DR RABIN said that that was what WADA was looking for, and there were two ways of doing this. One way was to educate the laboratories, and show them where they were not performing so well, which was what WADA was doing as part of its proficiency testing programme. The worst-case scenario, which had happened once that year, was that, if the laboratories did not perform well, they risked suspension.

MR LAMOUR asked whether there would be an increase in human resources or a modification of procedures. Would this increase the cost of running the laboratories?

DR RABIN replied that there was no increased cost; there would simply be a change in analysing the results and reporting on them.

MR STOFILÉ said that he had been wrestling with the concept and agreed with Mr Reddie's previous comments. As to the aspirational criteria, why was this not being introduced in a gradual process? In other words, for those laboratories that were already accredited and not necessarily compliant with the aspirational criteria, should they not be given a period of time to live up to the expectations? Should WADA not perhaps look at a grade system and avoid unnecessary backlogs and blockages when there were very few laboratories conforming to the requirements?

DR RABIN replied that, with this kind of procedure, there would be no increased cost for the laboratory to implement the content of the document; there would simply be a change in the way of applying the criteria in order to report. As to the progressive incorporation of new techniques or new analysis in the laboratories, this was what WADA was already doing. Educational testing samples for glucocorticosteroids, for example, were to be sent to the laboratories at the end of the following week, in order to inform laboratories that, in 2005, WADA wanted to have this procedure in place in all of the laboratories. Time was allowed for the introduction of new technology and for the laboratories to rise to the level of competence required. With regard to the different categories of laboratories, the system was established on the basis that all of the laboratories were able to perform on the same level, as a different system would raise other questions. All of the athletes needed to be tested in the same way by any accredited laboratory in the world.

THE CHAIRMAN noted that there was a philosophical and a scientific view. The idea was to have a worldwide network of laboratories that could meet certain minimum standards, and this was an example of being able to increase the general level of all of the laboratories by sharing expertise (for example, the sharing of the analysis for THG). There were obviously going to be some laboratories with a higher level of competence than others, but there had to be a base standard.

PROFESSOR LJUNGQVIST said that the discussion was interesting, and it was certainly partially philosophical. The ambition expressed by Dr Rabin was correct; WADA might find a situation, however, where a totally different methodology would have to be used. The laboratories were all chemical laboratories, but what would happen when gene therapy was used and gene analysis was necessary? This was the future that WADA would have to be prepared to face.

DR RABIN wished to talk briefly about the new blood-based tests. WADA had been very active in the development and validation of the new blood-based anti-doping tests in partnership with the IOC and USADA, and sometimes alone. There were three new tests, namely the test for haemoglobin-based oxygen carriers, also known as HBOCs; the test for human growth hormone; and the test for blood transfusion. These had been validated and implemented in a limited number of laboratories prior to the Olympic Games and, of course, at the Athens laboratory during the period of the Olympic Games. Following the Olympic Games in Athens, a debriefing session on these new tests had been conducted in Lausanne under the auspices of WADA to review all the scientific information gathered by the participating laboratories during and prior to the Olympic Games and, also, to prepare the transfer of methodologies to the other WADA-accredited anti-doping laboratories. WADA was currently entering the consolidation phase for these tests, in particular for the human growth hormone test, for which it would be necessary

to switch from the research antibodies used to industrially prepared antibodies. It was anticipated that the implementation phase would progressively occur across 2005 in the anti-doping laboratories. Athens, London and Sydney would act as reference laboratories for the human growth hormone test; Lausanne would act as the reference laboratory for the blood transfusion test; and the Paris and Athens laboratories would act as reference laboratories for the HBOCs test. WADA was also working with the anti-doping organisations to ensure that the blood samples were collected and arrived in sufficient number and a timely fashion at the laboratories.

THE CHAIRMAN said that WADA had requested that the IOC preserve the Athens samples, so those would be available for testing as science got better and better.

PROFESSOR LJUNGOVIST said that discussions had almost finished with the Lausanne laboratory to take the Athens samples and preserve them for eight years. There were just some small details to be finalised, but it had already been agreed that the samples would be transfer once the three-month limit had expired.

THE CHAIRMAN said that there might be folks out there who should be getting very nervous.

#### DECISION

Technical Document TD2004EPO approved unanimously.

##### 10.1.3 Therapeutic Use Exemption Amendments

DR GARNIER asked the Executive Committee to approve the amendments to the TUE Standard that had been proposed by the TUE Committee chaired by Professor Fitch. He went through the documents in the members' files, which included the *background document*; the *TUE Standard 2004 (proposed 2005)*; *new TUE forms*; and an *explanatory note summarising changes*.

THE CHAIRMAN asked whether the Executive Committee approved the proposed changes.

#### DECISION

Proposed amendments to the TUE Standard by the TUE Committee approved.

## **10.2 International Federations**

### 10.2.1 Monitoring of Anti-Doping Rules for Organisations Outside the scope of the Olympic Movement

MR DIELEN went through the paper in the members' files. Requests were being made by organisations outside the Olympic Movement that wanted WADA to accept and review their anti-doping policies. As this concerned matters outside the scope of WADA, guidance from the Executive Committee was requested. He also referred to organisations in conflict with the members of the Olympic Movement, noting that no resolution had been sought.

MR STOFIE proposed that organisations be assisted by WADA if they asked for assistance, as he did not see why conflictive relationships between federations should compromise the health and wellbeing of the athletes.

THE CHAIRMAN asked whether the Executive Committee was disposed to help such organisations. WADA should not get involved with internecine conflicts that might exist between federations. WADA should help and encourage if organisations wished to subscribe to the World Anti-Doping Code; however, testing would be on a fee-for-service basis. A lot of superb advice was given to WADA from scientists and experts around the world. He wished to record WADA's thanks and asked the chairpersons of the

committees and working groups to pass that down to the members of their committees and working groups.

### DECISION

WADA to assist those organisations outside the Olympic Movement that ask for WADA assistance with regard to their anti-doping policies. Any monitoring and guidance to be provided on a fee-for-service basis.

## **11. Suggested Policy Issues for Discussion**

THE CHAIRMAN said that the stakeholders had been asked to suggest issues for discussion. WADA had to make its own work, in a sense. For example, with regard to testing, should WADA be in the testing business, either in- or out-of-competition? What issues did WADA need to deal with? Stakeholders had to think about that sort of thing. With regard to the Independent Observers, were they really separate from WADA, or were they simply a working group of WADA? The issues should be put on the table as a notice that they would be coming up. There would be a meeting in May, and perhaps two or three of these issues should be on the agenda, but they had to be thought of immediately.

PROFESSOR LJUNGOVIST said that some very important issues needed to be discussed. At the World Anti-Doping Conference in Copenhagen, he had given one of the closing speeches after the adoption of the Code, and he had underlined the need, despite the adoption of the Code, for action and testing, as a Code was nothing without these things. How did WADA ensure that the IFs and countries around the world really conducted efficient testing programmes? That, to his knowledge, was not in place. When WADA was created, it had been discovered by the IOC and IAAF that only 12 IFs had out-of-competition testing programmes, and only 15 had rules that allowed for it. Now, there were rules that allowed for it, but did the federations conduct testing? Unannounced out-of-competition testing was still done by only a handful of IFs; was this acceptable? He thought that this was a major challenge to be taken on board.

THE CHAIRMAN asked how WADA should monitor and report on compliance with the Code. For example, if FIFA had not amended its legal rules by 1 January 2005, WADA would know that it was not in compliance; it would give the notice to the governments, the IOC and stakeholders that FIFA was not in compliance. Under the Olympic Charter, there was now an obligation on the part of the IOC, which was going to have its feet very close to the fire, and it was going to have to say that football could no longer form part of the programme of the Olympic Games unless the matter was resolved. Governments would have to say no to world cups taking place in their countries if FIFA was not compliant. A cycle of how to do this would be needed; for the Olympic sports this would be easy: it could be done in the odd-numbered years, in 2005 and 2007, in order to catch sports that wanted to be on the programme for the next Olympic Games. There would be trouble with a number of sports that did not have out-of-competition testing programmes. If the sports had no programme, they would not be compliant with the Code, and they would have to face up to that. There would be complaints about this, but this was WADA's job.

MS BASSER agreed, but thought that auditing and monitoring was the key role for WADA in the future. It was also related to the question as to whether WADA should be in the testing business. An unintended outcome of being in the testing business was that some IFs and governments had held back from because WADA was filling in the gaps. Should WADA strategically be moving towards auditing and monitoring and strengthening the capacity of IFs and governments to do the testing themselves?

MR LAMOUR said that he agreed with Professor Ljungqvist regarding evaluating and monitoring. The system in France did not allow for testing of athletes training outside

the country, and athletes had said that they were never tested when training in other countries. He favoured evaluation, but what should WADA evaluate exactly? Would it evaluate the testing procedures in countries; would it evaluate IF tests; or would it evaluate everything? Specific evaluation programmes were necessary.

THE CHAIRMAN asked whether, if WADA found a sport or a country without an out-of-competition testing programme, WADA should reserve the right to go in itself and perform some tests.

MR REEDIE said that WADA should be in the business with an ultimate hope that WADA would not need to perform tests at a later date. WADA had taken a clear policy decision to go away from quantity of tests to quality of tests. One of the great successes in Athens had been the IOC's ability to target and make the whole movement much more effective. He thought that WADA was going to have to be in that business, and for a number of years. At the same time, WADA must be able to explain to the IFs, WADA's contracted partners, that, at a future date, to remain Code-compliant, they would have to perform out-of-competition testing. But, until that effective process was there, WADA should do it and defend its right to do so. WADA should be the best around, and he thought that WADA should continue to do it. Hopefully, testing would decrease in WADA's operations.

THE DIRECTOR GENERAL said that a monitoring group was being formed within WADA, and WADA was going down the tracks suggested. The key to monitoring would be an enforcement programme for those that did not comply. The sports movement and the governments were needed to support and offer guidance in terms of sanctions that could be imposed. In September 2005, WADA had planned to have a strategic think-tank, similar to the one held in 2003. Perhaps this should be held in May rather than in September. He informed the members that all of the samples collected were not necessarily tested for the full menu, for cost and laboratory reasons. WADA had been able to address the issue to date on the basis that it was a learning curve and so on. This was a cost issue, but WADA could not continue along that track for much longer, because people were going to say that WADA was not actually enforcing its own Code. He would add this issue to the list of things to consider.

THE CHAIRMAN suggested that the management be ready to do this in May, at least with regard to the issues that pertained to monitoring compliance.

MR LARFAOUI thought that the harmonisation of views and activities with the IFs was necessary. Some IFs did not perform out-of-competition testing. Some athletes complained about multiple tests performed on them at the same time. ASOIF, AIWF and WADA should meet to discuss common procedures. There were problems, and it was necessary to have complementary and uniform activities.

THE CHAIRMAN asked the management to work towards May for a meeting on issues to be dealt with.

On the topic of suggested policy issues, there was the anti-doping development programme.

THE DIRECTOR GENERAL said that this was the initiative that the management had indicated that it was taking in September.

MR KOEHLER said that he would provide a more detailed update the following day on the actual process carried out. He wished to outline the structure that had been formed in the Oceania and South Pacific region. Four NOCs had been invited to the anti-doping project; unfortunately, Samoa had been unable to attend due to unforeseen circumstances, so there had been three NOCs involved. Mechanisms had been established in that they would be the national anti-doping agency in the countries; WADA was developing rules with them; and had taken time to talk about the process in Australia. In addition, doping control officers had been trained. There would be two DCOs per country to enable them to commence sample-collection immediately. Recognising that this group did not have the funds to operate single national anti-doping

agencies, it had been determined that ONOC would act as the regional anti-doping organisation to coordinate the activities of the NOCs. Within the short-term strategy, a staff member would use the ONOC facilities but would run the regional anti-doping organisation under the direction of the ONOC Medical Commission. The structure was that the RADO would be responsible for developing the overall test distribution plan (TDP) in coordination with the NOCs. Due to limited resources, the RADO would also ensure that education materials and standard procedures would be sent to the NOCs, as well as forming a result management panel, where all results would be sent to the RADO, with four experts on the panel. The fifth expert would come from the NOC of the athlete concerned, to build capacity, better understand the process and, hopefully, one day bring them to establishing an independent NADO. The group would also look at being a subset for TUEs and approving TUEs. As for hearings, it was too soon to implement something, so there had been discussions with the New Zealand Sport Drug Agency and ASDA to confirm whether the region would be able to use the existing appeals mechanisms and the RADO as an observer to learn and eventually implement its own programmes. The RADO would also be responsible for obtaining funding to try to support and become self-sustainable over a period of time, as well as expanding national programmes within the region. The short-term goals were to review the pilot project outcomes; the review was taking place internally with the Government Relations Department and the Education Department. Once the strategic plan was developed, it would be circulated to stakeholders for comments and consultation. WADA was working with countries with no money to contribute to the programmes. It was necessary to look to engage partners to ensure self-sustainability. An example was the Commonwealth region. It would be useful to look at volunteer aid. The Canadian Government and the Canadian Centre for Ethics and Sport had invested CAN\$ 2 million to help CONFEGES, and a portion of that was going to the fight against doping. The Council of Europe was investing with a conference in Belgrade, which had unfortunately been delayed. The New Zealand Sports drug Agency really saw the region and the importance of building capacity for its own athletes, and was willing to provide part of its test distribution plan to the South Pacific region. There was a need to look at resources. The key to the success of this project was the involvement of the partners, ONOC, the New Zealand Sports Drug Agency, and ASDA, as well as the International Rugby Board, in developing the programmes.

PROFESSOR LJUNGQVIST thought that this was a good example of what WADA should be doing. Hopefully, one day, there would be an independent anti-doping agency developed in the region.

THE CHAIRMAN congratulated those involved in the project.

#### DECISION

Suggested policy issues for discussion noted.

### **12. Other Business / Future Meetings**

THE CHAIRMAN referred to the suggested meeting dates in the members' files. He thought that the September ones were well ahead of 1 October, and hoped that that would suit everybody.

THE DIRECTOR GENERAL said that the management had anticipated a strategic planning meeting before an Executive Committee meeting; he did not mind whether it was in May or September. It was necessary to decide on the meeting dates in order to allow other meetings to be scheduled and also to be able to book meeting rooms for the Foundation Board meetings. There would be a report the following day from the directors. He was open to comments about the style and content of the meetings. Unfortunately, it had been necessary to issue a protocol whereby there were only two seats available in the room for accompanying people at the Executive Committee meeting.

MR REEDIE thought that it would be useful if the September meeting could be slightly earlier, for personal reasons. The Finance and Administration Committee meeting would probably take place in advance of September in Lausanne.

THE CHAIRMAN said that the stated reason was that WADA would be better placed to decide on a List five days earlier. Were the members more or less content with the suggested dates?

MR MIKKELSEN thought that WADA ought to consider holding a meeting not in Montreal, perhaps in Europe or at one of the regional offices.

THE CHAIRMAN said that it would be necessary to look at the costs of doing that. It was not just ministers and others; the entire staff had to support the efforts for the meetings.

MR MIKKELSEN thought that an Executive Committee meeting would be cheaper than a Foundation Board meeting.

THE DIRECTOR GENERAL said that perhaps WADA could invite offers to meet costs. The resources available in Montreal were what made meetings elsewhere slightly difficult.

MR MIKKELSEN said that he would like to host a meeting, and would like to pay some of the meeting expenses. He wished to set a good example.

THE CHAIRMAN suggested considering Mr Mikkelsen's proposal. WADA had gone to considerable effort on a policy level to take the office to Montreal to show that not everything in the world revolved around Lausanne. He thanked the Director General and the staff for preparing the meeting so well. It was helpful to have the Executive Committee and Foundation Board documents in the same file, so that everybody was aware of what was coming the following day.

THE DIRECTOR GENERAL raised the issue of the composition of the working groups. There was no need for approval, but it was important for members to be aware of the composition.

THE CHAIRMAN said that there was no reason to wait; the document could be distributed to the Executive Committee members later.

MR OWEN said that a cocktail was being offered that evening by the Provincial Government of Quebec and the Minister of Sport for Quebec.

The meeting adjourned at 12.50 p.m.

## **FOR APPROVAL**

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