



Minutes of the WADA Executive Committee Meeting

15 May 2005
Montreal, Canada

The meeting began at 9 a.m.

1. Welcome, Roll Call and Observers

THE CHAIRMAN welcomed everybody to the first meeting of the Executive Committee in 2005. The Executive Committee meeting would deal with some of the progress made by WADA across a number of its mandates, and the Foundation Board would be meeting the following day. The newly formed Athletes Committee would be meeting on Tuesday and the Wednesday.

This was the first official meeting that Mr Burns was attending in his capacity as a member of the Executive Committee. He replaced Mr Owen, who was now the Chairman of the Ethics and Education Committee and sat at the table in that capacity.

WADA now had a wonderful addition to its memorabilia collection from great athletes. Mr Lamour had presented WADA with one of the sabres that he had used to win the Olympic Games in Seoul in 1988. He wished to show the members the sabre.

The Chairman would circulate the roll call for those who were members or attending formally and, for the observers, there was a special opportunity to sign.

The following members attended the meeting: Mr Mikkelsen, Vice Chairman of WADA; Mr Lamour, Minister of Sport, France; Mr Owen, Minister of State (Sport), Canada, and Chairman of the Ethics and Education Committee; Professor Ljungqvist, IOC Member and Chairman of the WADA Health, Medical and Research Committee; Ms Elwani, Member of the IOC Athletes' Commission; Mr Watanabe, Director of the Competitive Sports and Youth Bureau, representing Mr Shionoya, Senior Vice Minister of Education, Culture, Sports, Science and Technology, Japan; Mr Burns, Deputy Director of the ONDCP; Mr Reddie, IOC Member and Chairman of the National Olympic Committee of Great Britain; Mr Stofile, Minister of Sport and Recreation, South Africa; Mr Lyons, Acting Chief General Manager, Arts and Sport Division, Department of Communications, Technology and the Arts, 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; 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 Hunter, Communications Director, WADA; Dr Garnier, Medical Director, Lausanne Regional Office; Dr Rabin, Science Director, WADA; Mr Niggli, Finance and Legal Director, WADA.

The following observers signed the roll call: Nobulali Zinganto, Tadashi Arai, Michael Gottlieb, Brian Blake, Jean-Sébastien Fabry, Sue Neill, Hanne P. Refslund, Peter Schønning, Elizabeth Ferris, Shin Asakawa, Patrick Schamasch, Valéry Genniges, and George Walker.

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

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

DECISION

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

3. Director General's Report

THE DIRECTOR GENERAL informed the members that there were two copies of his report in their files (one of which had been written in March, consistent with the bi-monthly Directorate General reporting policy; and the other had been prepared for the meeting that day). The agenda had been prepared on the basis of the members' wishes. Two items of significant political decision-making had been included for the members to discuss.

The directors' reports were to be given to the members of the Foundation Board; if members had any questions about these reports, the directors would be happy to answer them.

WADA had had a very good 2004; but WADA had obviously collected the 95% of the dues only late in the year. The Executive Committee had entrusted WADA with a budget for activities based on the assumption that only 80% of total contributions would be received. The fact that WADA had reached 95% was late collection, and the funds that WADA had therefore collected the previous year had not been available for WADA activities during the fiscal year. That bonus meant that it was therefore necessary to reallocate the funds for 2005. WADA had remained fiscally prudent; kept a lid on staff and increased staff output; and increased partnerships, sharing financial and human resources. WADA formed part of a small community, and it needed to work together with its partners at all times.

UNESCO was a priority for WADA in 2005. The previous year, WADA's priority had been the Code signatories: the IFs and the NOCs. WADA had spent most of the previous year ensuring 100% Code acceptance by those stakeholders and it had achieved that. In 2005, the same would apply to the governments. WADA had attended many regional international meetings to ensure that WADA and the Code was presented, so that those responsible for engineering and signing the UNESCO Convention would be aware of what they were doing. Mr Andersen had attended the Council of Europe meetings the previous week in Strasbourg; Mr Pound and Dr Garnier had attended a UN convention in Tunis some weeks previously; and Ms Jansen and he had attended the Iberian-American meeting of Sports Ministers and the CADE meeting in Mexico the previous week.

There had been significant advances made in Latin America. When he had taken over as Director General of WADA, WADA had not been known in that part of the world. WADA's presence there had initially been seen as people who imposed rules and conditions, and no information had been available in Spanish; however, over the past 12 to 15 months, this view had been turned around: documents had been made available in Spanish, and governmental meetings had been attended by WADA representatives in Latin America. WADA was aware of their issues, and they were now aware of WADA's issues. Such sharing would lead to beneficial partnerships and understanding. This region of the world was strongly dominated by football; many of the governments were not as strong as the national football federations; certainly, the NOCs were not as strong as the national football federations. They had all thought that they were doing the right

thing down there because they were complying with FIFA regulations. In that part of the world, and he was hazarding a guess, because he did not know the accurate figure, there were at least six non-accredited laboratories receiving substantial samples from football federations. Many of those countries were big countries and had not paid their contributions to WADA. Argentina, Paraguay, Bolivia and Mexico had thought that they were in compliance with what they ought to do in the anti-doping world. WADA had been approached by representatives of those countries the previous week, who had said that they had not known that they were supposed to be accredited, nor that what they had been doing for FIFA was not in compliance with what WADA wanted. They had thought that FIFA was part of WADA. That indicated the strength of football, and the need to make sure that the word was spread in the most appropriate way in this part of the world. WADA would approach those countries with non-accredited laboratories and would offer them assistance to see whether they would like to apply for accreditation. WADA would also make them aware of the need to adhere to the Code.

With regard to the UNESCO Convention, WADA was already planning for the ratification process. 163 countries had signed the Copenhagen Declaration; WADA continued to seek more signatories, and was now dealing with the small developing countries. There was assistance from those in areas in which there were strong links, such as The Netherlands and in parts of the Caribbean. The Copenhagen Declaration should not be confused with the UNESCO Convention. WADA had to concentrate on the UNESCO Convention because of the timelines prior to the Olympic Games in Turin in 2006. WADA was working to ensure that the developing countries were aware of their responsibilities and how they could effectively sign onto the Code through the Convention prior to the Olympic Winter Games. WADA relied very heavily upon its partners and governments to assist it in this role and he thanked all those involved for their assistance.

FIFA always seemed to be on his list of topics, and Mr Niggli would deal with the issue later on.

With regard to the Independent Observers, the WADA missions for that year had been agreed with the relevant IFs. There was a clear mandate and signed agreements. Mr Wade had made sure that each of the IFs involved had a full account of the mission, including the manual given to those serving on the Independent Observer teams. WADA was experimenting that year with a pilot scheme for the World Games in Duisberg. WADA had called it an 'audit', but it was an informal programme in which WADA helped those organising the event to ensure that their doping controls were carried out properly. There would be no formal report; the event was to be managed in a friendly assisting manner. The pilot programme would be reviewed at the Executive Committee meeting in September to see if this was something that the members would wish WADA to continue with.

With regard to other activities, WADA was carrying out the mandate with which it had been entrusted. The Operational Plan, which extended 12 months into the future, had been prepared, and WADA was clearly following the management directions that the Executive Committee had requested be undertaken, bearing in mind that the Executive Committee was responsible for the governance of WADA.

With regard to ANADO, he had been told that ANADO would not be able to meet with WADA in September, and had proposed a meeting in November. Unfortunately, that was not a great time of the year for WADA, but he would see what could be done.

It seemed to WADA, in the sporting and the government world, that the year fell into two significant parts, with conferences, meetings and symposia over the first five months, and events over the next three or four months. WADA went to events and was therefore making plans bearing in mind that this was the way that the year was divided up, and would be able to progress on a 12-monthly calendar basis even more effectively in the future.

WADA had asked the Executive Committee members to assist it with presentations, and he thanked Messrs Mikkelsen and Reddie for so willingly giving up their time to do this. WADA was increasingly asked to go to international symposia, and tried not to decline, as members knew that these offered opportunities to spread the word. He thought that success bred more work. Rather than the NADOs accepting responsibility for comments on various issues related to the List, questions were now being referred to WADA, putting WADA under some strain and pressure. WADA would not buckle, but was making sure that it prioritised.

The Chairman of WADA would attend the CAS meeting in June and make a presentation. This would be an opportunity to alert members of the CAS to the need to try to sit only as arbitrators and not arbitrators and advocates; however, WADA was significantly impressed by the decisions delivered by the CAS in relation to the Code. A precedent database was being created as a result, and the CAS was upholding the sanctions and the sanction process in the way in which WADA had predicted. The meeting in June would be interesting.

There was significant movement with the major leagues in the USA. The pressure had been on the US major leagues (WADA was aware of at least 100 other professional leagues in the world), which were always the leagues that set the example, and the ones on which others relied in giving excuses. The shift had been fantastic. The mood in Washington was significant, and he hoped that the work that WADA was doing in that respect was having an impact. Matters were often referred by WADA to Mr Burns and his team at the White House, and WADA was also providing the major league people with information to ensure that they moved much more quickly in the direction of Code compliance.

With regard to symposia, there would be educational meetings in Egypt and Russia; a test distribution plan experts meeting in Norway at the end of the month; a gene doping conference in Sweden at the end of the year; and RADO meetings to extend anti-doping in parts of the world in which there was none at the moment: Central America, the Caribbean, the Gulf States and Africa. WADA continued to look at opportunities in order to partner with its stakeholders for assistance and expertise.

On the staffing front, two members were leaving for maternity leave, and WADA was taking the opportunity to fill that period of time with people who were experts in the areas required. One was the out-of-competition testing and doping control area, and the other was education, and more than 45 applications had been made for each post. The standard, quality and the international component of the applications received had been extremely encouraging. The previous year, there had been fewer than ten responses for vacancies advertised.

WADA was planning well into 2006, carefully looking at weekly operations to make sure that it maintained priorities. He thanked the staff, as the success of WADA was built on its staff, significantly aided by the work of the members as volunteers.

WADA was also looking at secondment, and had received a proposal from IDTM to second an employee to WADA. He thought that this was a significant gesture and had accepted it.

He wished to end on a nice note by welcoming Ms Elizabeth Hunter, who was the new Communications Director of WADA. She had fitted in very well and was already working extremely hard. She would play a vital role in the way in which WADA operated in the future.

THE CHAIRMAN asked if anybody had any comments or questions.

MR OWEN thanked WADA and the staff members for their tireless efforts to work with the governments and the UNESCO Convention process. Looking at the travel schedules, it was absolutely extraordinary that everybody still looked so young and vibrant. He thanked everybody, as this was clearly an immensely complex organisation and it was tremendously successfully run.

MR REEDIE noted the distinctive management issue as WADA was more successful and more organisations wanted WADA represented at their meetings. It was necessary to prioritise meetings in a yearly plan and, the more important the meeting, the more important the representation. He could give practical examples of going to meetings of the regional organisations of NOCs, to which it was not worth sending an absolute expert like Mr Andersen to speak for five minutes to the European Olympic Committees. Somebody else could do this. WADA needed to explain the basis of what it was doing at those meetings, and then those interested could come and ask the technical questions and would be put in touch with the necessary expert. It would be necessary to grade meetings accordingly. It would be a good idea for some of the members of the Foundation Board to take on that sort of responsibility on some occasions. He had attended the latest meeting in April at the World Golf Conference; golf was one of the very few sports to maintain a clear distinction between amateurs and professionals, but there was a very clear understanding that much of the world was moving ahead in terms of anti-doping, and there was a marked reluctance within the US Golf Association even to begin to do this, because the image of golf, in their eyes, was pretty near perfect. If WADA was to be effective with a given amount of money, it needed to be very skilful at who it sent where and when.

THE CHAIRMAN asked whether the Director General had any further observations.

THE DIRECTOR GENERAL thanked the members for their comments.

There were 12 ministers present at the meetings in Montreal that weekend; that was significant in terms of ministerial involvement, bearing in mind the way in which they had to conduct their business. This was the first time that WADA had double digit numbers of ministers.

With regard to management, there was a 12-month calendar, and travel by management was not allowed without at least two missions to undertake. WADA was now quite aware of the position of the NOCs, and no longer needed to visit them in the same way as it had done the previous year. WADA was now to concentrate on the governments. The following year, it would concentrate on monitoring and assistance in terms of the way in which things were running. There was already a plan for 2006, and there was regular review. Any offers to help would be gratefully received.

THE CHAIRMAN said that the issue of doping in sport had clearly arrived. More people were interested in it and more organisations wanted to find out what was going on, why they should be involved, what the Code meant, and so forth. This was a good sign; however, success bred success. There was an exponential increase in the number of highly qualified people who called him asking for jobs with WADA. The calendar year was a problem, as many meetings were not scheduled in advance. If a member was to go and form part of a panel and speak for five minutes at a meeting, it was not worth it. If a member went to give a keynote address, that was different.

He would be going to the CAS workshop because there would be 150 arbitrators present who needed to understand how to approach an anti-doping case; what the burdens were; what the impact of a TUE might be; and the impact of having people who, one day, were acting as advocates before the CAS, and the next day were sitting as arbitrators. WADA had always been uncomfortable with people playing both sides of the street, and needed to get the CAS to understand that, at least in doping cases, it was not appropriate for somebody to be both an advocate and an arbitrator.

DECISION

Report by the Director General noted.

4. Operations and Management

4.1 Athletes Working Committee Composition

THE DIRECTOR GENERAL said that there had been a fantastic number of nominations, which had been very diverse, and the decision as to the composition of the Athletes Committee had been made by the Chairman and the Committee Chairman, in consultation with himself as Director General. The 12 members selected were outstanding athletes. The committee included Ms Elwani from the IOC Athletes' Commission. He was aware that the members of the IOC Athletes' Commission had thought that it would be a good idea to have all of their members on the WADA Athletes Committee. He had indicated to them that not all board members sat on other working groups. The committee represented as many different nationalities and continents as possible, and an invitation would always be extended to the members of the IOC Athletes' Commission to attend.

The cost of the meeting the following week would be US\$ 60,000, which was a normal cost for the holding of a working group meeting. He was very enthusiastic about the meeting that was to be held and looked forward to input from the athletes as to all of WADA's activities, including the way in which they felt that they might be better served in the messages that WADA gave and the activities that it undertook. As soon as the meeting was completed, the results would be shared with the members of the Executive Committee, and notes and outcomes could be prepared, in order to make everybody aware of the direction that the athletes felt WADA should be heading towards.

THE CHAIRMAN noted that the Athletes Committee could prove to be a very important committee, and WADA members should all think about the kinds of questions on which they hoped the committee could focus. All of these athletes were major international achievers; they knew what was going on and had been there themselves, and might have some insights that would be very helpful to WADA. The Director General would monitor at least the first meeting. Mr Fetisov was the Chairman of the committee, and he looked forward to some great output.

THE DIRECTOR GENERAL said that he would introduce the members of the Athletes Committee to the Foundation Board on the morning of the following day. Also at the Foundation Board meeting, there would be a brief presentation after lunch by Kelli White, the US track and field athlete who had transgressed very severely through her involvement in the BALCO case. She had been sanctioned for a long period, but had made herself available to USADA and the IAAF and had said that she would give evidence in relation to others. She had done that, and wanted to tell the Foundation Board members the following day why she had transgressed, what she had done subsequently, and what her feelings were as a cheating athlete, with words of advice to those who were tempted to cheat. She was not being placed on a pedestal; but WADA was giving the Foundation Board members the opportunity to listen to somebody, supported by USADA, who could speak openly and fully about her experiences.

MS ELWANI said that she was happy to have the Athletes Committee in place within WADA. It was a good opportunity for athletes to relay their views to the Executive Committee and the Foundation Board. A role needed to be established with regard to international events and whether it was the IOC Athletes' Commission or the WADA Athletes Committee that should be present, in order to avoid confusion. The role of the WADA Athletes Committee was to act as a consultant group for WADA, working in favour of the education of athletes and offering advice to WADA on certain issues; but, at international events, the WADA Athletes Committee should have a very limited role in order to avoid confusion.

THE CHAIRMAN thought that the committee probably needed to discuss that matter.

MS ELWANI said that it was the Executive Committee that needed to decide as to the level of involvement of the committee outside the agency.

THE CHAIRMAN said that this was a WADA committee and it was not attempting to be anything more than that.

MS ELWANI noted that she was concerned about confusion during major events.

In terms of the importance of the Athletes Committee, MR OWEN said that, from an educational point of view, there was probably no better resource than the athletes in order to have the broadest possible reach and the greatest impact on young athletes. He thought that the creation of the committee was a great step forward.

DECISION

Athletes Working Committee composition noted.

4.2 Strategic Plan – Update and Revisions

THE DIRECTOR GENERAL noted that, for the members' information, the Strategic Plan had been revised in a simpler fashion than the original. WADA continued to revise it. In conjunction with the Strategic Plan, WADA prepared the Performance Indicators, which could be seen in the members' files. This was a matter of information for the members and gave them an opportunity to make comments. If there was a need for fuller information, this could be given. The Strategic Plan was tabled and WADA was currently working in relation to it.

THE CHAIRMAN pointed out that the Strategic Plan was a constantly rolling five-year plan; it was not something that was static, and it was already being pushed farther down the road. The members got some idea of where WADA thought that it was going. If there were any things that WADA should be doing, the Executive Committee ought to raise the issues for consideration.

MR LARFAOUI said that there was no mention of out-of-competition tests in the Strategic Plan. Were such tests provided for in the plan?

PROFESSOR LJUNGOVIST noted a detail with regard to Objective 3 in the Strategic Plan. As he understood it, there were some amendments proposed which appeared in bold. He did not fully understand the first bullet point under the 'Performance Indicators' heading, which said: *World class anti-doping research programme completed and in place and reviewed annually*. It was difficult to read and understand fully what this meant. He thought that two bullet points were necessary, one explaining that research programmes were ongoing and reviewed annually, and the other referring to research programmes that had been completed. He also thought that the term 'world-class' was not the best terminology. Nobody could tell at that time what a world-class research project was. It was usually the case that the Nobel Prize was given to individuals who had made research achievements decades previously. The term should be deleted, as the programme had been evaluated by the proper mechanisms within the WADA structure and guaranteed the quality of the research programmes as they were currently judged.

THE DIRECTOR GENERAL told Mr Larfaoui that out-of-competition testing was covered under Objective 4 in the Strategic Plan, in which WADA looked at increasing the capacity of anti-doping organisations, and also, according to the fifth strategy under that objective, aimed to *coordinate and conduct effective out-of-competition testing*.

WADA would take into account the matters raised by Professor Ljungqvist. He fully understood the issue of the definition. The aim was to maintain the international status of WADA. WADA would think about how to better describe this. Another bullet point would be sensible. The changes were indeed highlighted in bold.

DECISION

Strategic Plan update and revisions, including suggestion made by Professor Ljungqvist, noted.

4.3 Latin American Regional Office

THE DIRECTOR GENERAL said that WADA had been asked to look at the establishment of an office in Latin America, and this was part of the initiative that he had mentioned previously in his report. Up to June 2004, WADA had hardly visited, let alone paid any attention to, Latin America. Nor had WADA concentrated on having its materials translated into Spanish. There had been significant assistance from Spain in that respect and leadership from the Spanish Government in helping WADA get a toe-hold in Latin America and a level of understanding. The cost of the regional office would be US\$ 200,000 a year, and that should be considered. This was the same cost as the African office. It was not anticipated that this cost would rise. Each of the prospective bidders had offered free rent, equipment, etc. WADA would need to employ staff itself and ensure that the IT was its own, which would be the only two expenses in relation to having an office.

He had come back from the meetings in Mexico the previous week with a strong shift from that region. The previous year, WADA had attended meetings in Venezuela. He thought that it would be an understatement, but accurate, to say that there had been hostility towards WADA. Significant antagonism had been expressed by those in that region for the following reasons: Latin America had not been included in government meetings over the previous years and had felt excluded; it could not understand the way in which the funding split had been determined; and, finally, the football influence. It had taken considerable work, encouraged by Messrs Owen and Burns, to build friendships and partnerships. The result had been a significant shift the previous week, because WADA had done what it had said it would do and had helped Latin America. There had initially been considerable resistance by Latin American countries, such as Venezuela, to a number of the UNESCO Convention clauses and now, Venezuela's approach had been significantly supportive. A way to ensure the proper spreading of the anti-doping message in Spanish-speaking countries was to open an office there and to operate in the same way as in Africa and Asia. This could not be done from Montreal. If WADA had the presence, it would be able to spread the word and attain the 100% it would so dearly like.

He referred the members to the reports in their files regarding requests for information. Each bid city had responded appropriately to the request for information. The site evaluation revealed that each of the bids had an appropriate set-up in terms of office, communications, and so on. He thought that the issues that needed to be confronted were political ones. He could provide background information but did not wish to give political answers as to where WADA should be. Each city had its own advantages in terms of what it could provide; the way in which the country was currently running its anti-doping programme; proximity to WADA; the way in which it might have influence on other countries in the region, and so on. If the members wished for more information, then WADA would supply it. He felt strongly that it was the right time for WADA, bearing in mind UNESCO and the way in which this part of the world had felt neglected and had reacted over the past years, to open an office. This could not be done under any conditions; WADA could also pull the plug on the offices, and review the functioning of the regional offices.

He was very pleased about the advances that had been made in Asia and Africa. The European office had always functioned well. This was a chance to show the remaining part of the world WADA's interest and commitment to it.

THE CHAIRMAN asked whether Mr Burns would give the members a sense of the issue.

MR BURNS thanked the Chairman for the warm welcome he had been given to members earlier in the meeting. He also thanked WADA for starting to concentrate on Central and South America and the Caribbean. The participation of these countries was understandable given the fact that, until recently, there had been no Spanish translation or communication. Substantial efforts had been undertaken to create a vehicle to deal with doping on their own. He thought that WADA had turned this situation around. As the regional representative, he had committed to these countries that he would be their voice, that he would liaise better, and that he would do everything within his power to bring WADA to them and them to WADA. Ms Neill would attest that there had been a sea change in their attitude and hopefully in their future participation, including the payment of dues, an issue that had been discussed openly and privately with Argentina, Venezuela and Mexico.

As to whether a regional office should be established, he would urge support of such a decision. As to when, he would ask emphatically that this be as soon as possible. As the regional representative, he would recommend Bogotá, as Colombia had been one of the first countries to sign the Code and make payments. All of the facilities were equal, and he thanked Chile and Uruguay and Colombia for their presentations. Nevertheless, Colombia's early compliance and support of WADA was of note. Colombia had been very active at the meeting in Mexico and all of the Latin American countries had appeared to embrace the Colombian sports minister there. Also, in terms of location, Colombia was central to the Caribbean and Latin American countries.

THE CHAIRMAN asked whether the Director General had any comments.

THE DIRECTOR GENERAL said that he had no comments further to the written report and the consideration of the factors listed on page 2 of the report. He thought that WADA could resist the obvious political changes occurring from time to time in that region. There had been a change of government in Uruguay during the evaluation; there had not been a change in the attitude of Uruguay towards anti-doping and the hosting of an office. It was significant that the commitment remained the same. He did not wish to impose any views, other than to say that WADA had been welcomed in each of the towns and had been reasonably comfortable with each in terms of the logistical issues. The key component would be the appointment of a regional director, who would probably come from the country in which the host office was.

THE CHAIRMAN said that the Executive Committee members would now know how the IOC members felt when they received the evaluation reports.

MR REEDIE noted that, every now and again, one found oneself faced with dual responsibilities. He thought that it would be fair to say that the Olympic Movement was not necessarily sceptical, but needed convincing, with regard to the issue of regional offices and, at the moment, he thought that there were a few holes in the planning. He wanted to know what a director of that office would cost and what the duties and performance indicators would be, etc. He was not against the principle at all, but he thought that WADA needed to advance the issue further.

There would be a meeting of the Finance and Administration Committee in Lausanne on 20 August. If WADA could tie up the whole thing neatly and tidily by then, and if the IOC could be brought alongside, he thought that this could be resolved up by the next meeting of the Executive Committee. He needed to be convinced by Mr Burns; he thought that it was slightly strange to open a regional office in Colombia. He thought that there was one further stage in the sales process and, if WADA did that, then he thought that it would be nice if the proposal could be approved unanimously.

MR STOFILÉ had read the report and listened carefully to the presentations made. His view was that, for WADA to be successful in its objectives, maximum support was needed from the countries of the world. If corners of the community continued to be outside WADA programmes and understanding, WADA would always run the risk of limping rather than running straight. One of the causes for such hesitancy or reluctance to support, in his view, was usually the absence of knowledge and, from the report, it did

seem as if that part of the world had not had much access to information about WADA. When people had no access to knowledge, they had a sense of feeling left out and, invariably, developed resistance or hostility. They also became liable to whatever seemed to be a window into the world, so to speak. He was addressing himself somewhat prematurely to what the Director General had referred to as the belief that, because FIFA had been seen not to comply with anything, they had assumed that they were in compliance with world standards and norms. That was a very dangerous thing. He did not want them to go deeper into that dangerous situation, as this also strengthened the hesitancy of these IFs to comply with multi-lateral decisions. If there was resistance to WADA, there was no compelling reason why FIFA, as a composite body, should want to comply with the WADA codes of conduct. The best advocates were the people from the area itself, once they were convinced. He strongly believed that WADA needed to consider opening an office in Latin America.

MR OWEN said that it was necessary to establish a regional office in Latin America. Skipping over the site, he thought that the reasons that Mr Burns had given made it compelling that WADA do this as soon as possible, given the clear momentum that had been gathering in the region, and he would hate to see the enthusiasm curbed in any way. He thought that WADA should at least accept the idea in principle to be able to give an immediate indication to those countries concerned that their needs and enthusiasm and participation were being recognised, even if WADA was not yet at a point to pick the site.

MR LAMOUR said that, if he understood the matter correctly, there was a problem of information that did not reach certain countries that should form part of WADA. It was a matter of having the information necessary to be able to adhere to the principles of WADA and apply the Code. However, WADA had a development strategy when it came to opening the regional offices. What would happen to the regional offices once the information had gone through and the Code had been applied? He would like to assess the operation of the African and Asian offices and the use of the offices prior to February 2006 and after that date. If the problem was one of information and awareness alone, he wondered what would happen to the offices after the problem of information and awareness had been resolved.

MR LARFAOUI referred to the principle of the Lausanne Regional Office. WADA had said that it would need to wait and see the results of the regional offices to see if they were useful. What was the situation with the offices in Africa and Asia? Were they really useful? Perhaps WADA should wait for more information to examine the usefulness of such an office, which would cost a great deal.

MR LYONS said that Australia supported the comments made by the two previous speakers. Australia had no view as to which of the three countries should host the Latin American office. Australia did support the establishment of a regional office in the area, but thought that it would be essential to have appropriate business plans that specified the outcomes and objectives of the office and the existing offices and performance indicators that would allow the Executive Committee to measure their performance.

THE CHAIRMAN noted that there was certainly a sense of alienation in Latin America, some of which was rather self-serving. Nevertheless, the region felt ignored, and had been ignored. WADA had previously identified a need to have a regional office in Latin America; it had now identified the availability of possible sites. He wondered if the answer was not somewhere in the middle of all of this. WADA had made some great progress to date and, if WADA adopted the principle that a regional office there was important, then it could announce that. In fact, it had sort of announced that already. The timing was where he thought WADA had room to play. It could be made clear that the UNESCO Convention was the number one priority for 2005, and the message would not be lost. As for location, he would ask Mr Burns whether this should be announced immediately. What would the impact be on the region prior to the decision on the UNESCO Conference? There was the larger issue of whether or not this was a good idea for WADA. What were the benefits? How cost-effective were they? What would happen

if there were no regional offices in Europe, Africa, Asia and Latin America? His anecdotal gut reaction was that, because of the particular nature of the organisation and the particular governance structure, WADA probably should have regional offices, and would try and run them as effectively as possible. Nothing was for ever. An office could be closed down if it was found to be in the wrong place or not doing the right kind of work. At least some step forward should be taken as soon as possible after the UNESCO Convention and after the members were satisfied that the regional offices were a good allocation of resources.

THE DIRECTOR GENERAL stated that the risk of delay would lead to resistance to the UNESCO Convention, because this was another message sent that put the Latin Americans on the back-burner. If WADA were to put off a decision, it should do so in the firmest possible way, so that the Latin Americans would be aware that there would be an office there. The cost would be US\$ 200,000 a year maximum, which was less than 1% of WADA's projected income. If 1% of WADA's income provided 5% of an outcome, in that it got the whole region accepting the UNESCO Convention and paying WADA, he thought that that was significant. It was necessary to take the chance. The IOC had regional committees; FIFA had confederations, and had a confederation in Latin America. He could not speak strongly enough in terms of what WADA would feel from a political backlash as far as UNESCO was concerned. He would be led by his friends in government, who knew how these processes would proceed.

MR BURNS said that the worst thing that WADA could possibly do would be to wait. WADA might as well tell Latin America that Asia and Africa had been supported, but WADA was not interested in establishing an office in Latin America. The Latin American countries had been told that WADA was in the process of determining a location; they had gone through the process of selection. If two of the bid countries were told why they had lost, he believed that they would understand. The effect prior to the UNESCO Convention would not be good; it would be worse to wait. He thought that the Director General was correct in saying that the more the countries that were involved, the more collection of dues and participation there would be if WADA showed Latin America that it was interested in that part of the world and that it wished to involve the region. The countries would accept any decision made with regard to location, and he thought that time was of the essence.

MR LAMOUR understood Mr Burns' point of view. WADA had an objective, which was the signing of the UNESCO Convention, so that the governments would be able to apply the Code. The problem was not whether the countries would sign the Convention or not, but how to follow up financially. WADA needed the support of all of the countries in UNESCO for follow-up to be financed in accordance with UNESCO. The support of all of the countries was a must in this sense.

THE CHAIRMAN thought that the members needed to decide. He asked whether somebody would propose a motion that could be discussed and, if necessary, voted upon.

MR BURNS proposed the motion that WADA establish a regional office in the Latin American region as soon as possible, and that such decision be made that day.

MR STOFFLE seconded the motion.

MR MIKKELSEN said that his personal view was very positive, as he thought that it was good to have that region with WADA. He understood that the Olympic Movement was not ready to make its decision, and consensus on the decision regarding the regional office was essential. Could the Executive Committee not decide at the meeting in September? He thought that, if the members voted immediately, he would vote in favour of the establishment of the office, but WADA needed to discuss what the regional offices were doing and where WADA would find the US\$ 200,000 (which were not in the draft budget for 2006). How would the region react if WADA decided in September? He was very positive about the issue of establishing a regional office in Latin America.

THE CHAIRMAN pointed out that this was not a new subject. Some time ago, WADA had decided in principle that it needed to be present in the region. WADA had decided positively enough that it had sent an evaluation commission to the region, having requested expressions of interest from the region. WADA needed to be able to make decisions and should not be handcuffed into constantly delaying them. He thought that this was a delay for no useful purpose.

Having heard the debate, MR REEDIE said that he was happy enough for WADA to proceed along the lines that an office would be established. Then WADA would need to decide where it would be, what it would do, how much it would cost, etc. Then there should be a decision to say that WADA would open an office in the city chosen. If it took three or four months to bring everybody around the table happily to the party, he thought that as much as possible out of both views expressed was to be gained. If it was very important that WADA be seen to make progress, then it should make progress. If he were to be asked to vote on one of the three cities, he would not have a clue. He simply did not know (and he had read the papers). Somebody needed to analyse this, work out exactly what it would mean, and put it in place in September, and the Finance and Administration Committee would build it into the budget. This would give WADA an opportunity to bring everyone involved around the table, gaining the major value of progress and only a modest delay.

In response to the question asked as to what the harm in waiting would be, MR BURNS said that, when WADA had left Mexico, the region had assumed that the Executive Committee had spent some time on the issue and was expecting a decision. If WADA continued to delay, Latin America would take it as a statement that an office would not be established, or that WADA was waiting until after the UNESCO Convention, or that it was not fully supportive. With respect to the location, the same thing applied. What further due diligence did WADA have planned? What more could be done than to submit the information that the members already had before them? Should everybody visit each site? What protocol had been used for Africa and Asia? In his opinion, delay would not be helpful.

PROFESSOR LJUNGOVIST said that this was a difficult question to deal with, and some new elements had been brought into the discussion, including the obvious relation to FIFA in South America. With regard to the Olympic Movement and the reservations, these were not strong, as it would look remarkable if the Olympic Movement were not to favour the establishment of an office in Latin America when it had supported the establishment of offices in other parts of the world. It was necessary to seek consensus on what to do immediately. Perhaps the decision could be postponed until after lunch? In this way, members could consult amongst themselves. He did not have strong feelings either way. The site was a rather urgent matter to be dealt with, having heard what Mr Burns had been saying. There would be time to discuss the matter and then decide after lunch.

THE CHAIRMAN said that the decision could be taken after the coffee break. The Executive Committee was not dealing with rocket science. With regard to the site, he thought that, in areas of this nature, WADA needed to rely heavily, but perhaps not exclusively, on the appreciation of the people in the area. He was not personally a great fan of one of the countries but, if the members thought that this was the best country, then that should be taken as an indication of the views. The motion and the location should be decided after the break, and the exact mandate and precise budgeting for 2006 would be made as soon as possible.

Following the coffee break, THE CHAIRMAN asked whether everybody had had time to consider the proposal, which was that WADA agree to establish a Latin American regional office as soon as possible. Were the members in favour of such proposal? Since nobody was opposed to the proposal, the second issue regarded location. The members had received information on three cities, Bogotá, Colombia; Santiago de Chile, Chile; and Montevideo, Uruguay. Some suggestion had been put forward that Bogotá be the

location; he had heard around the table that another place would be preferable, for a variety of reasons, including security, but he supposed that the members should decide.

MR BURNS stressed that it was important to decide immediately.

MR REEDIE said that, in general, Montevideo fitted the bill for the Olympic Movement representatives. The IOC had its own information that Bogotá presented a number of specific issues. While he understood the potential public relations consequences of choosing Bogotá, he thought that there was a huge public relations downside as well. On balance, he thought that the Olympic Movement was in favour of Montevideo.

After the vote, THE CHAIRMAN noted that Mr Burns was the only member in favour of Bogotá; six members had voted for Montevideo; and Santiago de Chile had received no votes. Montevideo would be the site of the WADA Latin American Regional Office. As soon as possible, the Director General would work out the details and the process for appointing a regional director, as well as the budgetary implications. Waiting until after the UNESCO Convention was clearly not what people wanted to do, and he thought that that was probably right. The Foundation Board would be informed of the decision and a press release would be issued the following day.

THE DIRECTOR GENERAL said that the details would be worked out and circulated to the Executive Committee members within a fortnight. WADA was working closely with Colombia, and was looking at having a RADO in Colombia. WADA would also be working closely with Colombia since the Central American Games were to be held there in the near future. This was an expression of the value of that country.

DECISION

WADA Latin American Regional Office to be established as soon as possible in Montevideo, Uruguay. Six votes in favour; one against.

4.4 World Conference 2007 – Tender Document for Approval

THE CHAIRMAN noted that, by 2007, WADA would have seen the impact and implications of having the Code in place as of 2003; the outcome of the UNESCO Convention; at least some of the outcomes of how countries had acted to put the Convention into force in their countries; and a variety of other issues. It should not be taken as a decision in principle to have these conferences every four years, as he thought that these should be held on an as-needed basis. Certainly, it had been appropriate to have the first conference in 1999, as everything had been in a mess; it had been appropriate to hold the second conference in 2003 because, for the first time, there had been indication that there would be enough consensus to lead to a single World Anti-Doping Code; and, four years later, WADA would want to assess how the Code had been applied and what the implications were for the future.

THE DIRECTOR GENERAL said that the tender document (which had been requested in November) had been prepared on the basis of the previous 2003 experience. The current thinking was for the conference to be held towards the end of 2007. If the conference was to be used as an occasion to look at prospective changes to the Code, then it would leave time to consult widely and properly in respect of those suggested changes. WADA management had undertaken a summary of suggested amendments; there were some holes to plug and changes to be suggested and raised. WADA did not want to suggest those formally until the Convention was in place and the governments had had experience in applying it.

As to funding, there were some ideas. A total of US\$ 200,000 had been spent in 2003, and the aim would be not to exceed that sum in 2007. He knew that there were some cities that would be very pleased to host the conference. Unless WADA management were told to stop, he would like to post the tender document immediately and reflect on the response to the document at the meeting in September.

PROFESSOR LJUNGOVIST noted that the Olympic Movement supported the organisation of such a conference in 2007 for obvious reasons. The 2003 conference had been a great success and had been necessary. From 2003 to 2007, many things would have happened, hence the need for update and follow-up. The UNESCO Convention would be signed in 2006. At the same time, a decision was necessary to clarify that a conference would not be mandatory every four years and that any conference for the future should be decided upon based on the needs at the time.

THE CHAIRMAN thought that this was splendid idea.

MR LYONS said that Australia also supported the proposal. The tender document did not include any reference to gaining information from countries as to their security capacity. He wondered whether that was an issue that would be addressed at a later stage of the process.

MR LAMOUR said that, one year after the adoption of the Code by the governments, it would be very useful to have a conference in 2007, and he supported the idea.

MR REEDIE pointed out that the conference should not be held only to make changes to the Code.

THE CHAIRMAN said that the agenda was something else. The conference would certainly not be limited to changing the Code. His concern was related to the fact that there had been some 1200 delegates in Copenhagen. The issue was going to be huge by 2007, and perhaps WADA should be looking for a capacity that might run from 2000 to 3000 delegates. With regard to security capacity, he thought that WADA would be negligent if it did not raise this as an issue.

A decision by the Executive Committee was necessary to authorise the posting of a request for expressions of interest for a conference in 2007, either at the end of summer or at the end of winter.

THE DIRECTOR GENERAL said that the management had thought about holding the conference in October or November 2007. A tender document would be made in English, French and Spanish. The deadline for expressions of interest would be 31 August 2005, so that these could be discussed at the meeting in September. How to narrow down the applications would also be an issue for discussion. The document would certainly include the issue of capacity, and the security issue would be included in the matters to be considered.

THE CHAIRMAN wondered whether this should be a cut-off date. Perhaps it would be better to do this in November. As far as he could tell, at any given moment from 1 June to 15 September, at least half of Europe was on holiday.

PROFESSOR LJUNGOVIST noted that the 2003 conference had been held in March. If the conference in 2007 were to be held later in the year, it would probably not be possible to apply any amendment to the Code for the Olympic Games in 2008. If, on the other hand, the conference took place early in the year, it would be possible to apply amendments.

THE DIRECTOR GENERAL said that he would do as he was told; however, he felt that, the longer in the year, the more time there would be for people to get the Code in place. Therefore, as far as governments were concerned, they would have more time to see how things worked practically. Perhaps two dates could be included in the tender and the cut-off date could be set at 1 October to take account of the European way of living?

THE CHAIRMAN noted that the first conference had been in February 1999; the second had been in March 2003.

MR REEDIE wished to tell the Communications Director that he had been asked by the European Olympic Committees to ask WADA if there was any way that it could mount a small Outreach exercise at the European Youth Olympic Festival in early July. This did

have financial ramifications, but it could be done by people in Europe. He asked the Communications Director to think about this.

THE DIRECTOR GENERAL noted that the 2005 Outreach plan was already in place, and the Outreach team would be working at the same time at the Mediterranean Games. This was a question of human resources rather than financial resources. He was only too happy to consider the request, but it would stretch WADA to the limit.

THE CHAIRMAN thought that this was a management decision.

DECISIONS

1. 2007 World Conference tender document to include two dates; cut-off date to be set at 1 October 2005.
2. Conferences not to be mandatory every four years. Any conference for the future to be decided upon based on the needs at the time.

5. Finance

5.1 Finance Update

MR REEDIE asked Mr Niggli to provide the members with a finance update.

MR NIGGLI referred the members to the report in their files. The Finance and Administration Committee would be meeting in August later that year. The reason for this was that the Finance and Administration Committee would have seven months of operation available before looking at figures for the following year's budget; also, it would be early enough so that the committee could present the results of the meeting to the Executive Committee in September.

As at 11 April, WADA had improved in terms of collection of contributions by governments compared to the previous year. This was a very good sign.

DECISION

Finance update noted.

5.2 Government / IOC Contributions Update

MR NIGGLI noted that 59% of contributions had been collected, which signified huge progress. The documents under agenda item 5.2 illustrated that past dues had been collected pretty well the previous year. There had been 100% payment made by a number of regions. Europe was already at 94% that year (36 countries had managed to pay early in the year) and Oceania had paid 100% of its dues, as usual. There was a matching IOC payment, which was now routine, made within approximately 48 hours of the request being made by WADA. The figures illustrated that WADA was now collecting faster and better. WADA was very grateful to the efforts of the governments.

From the governments' side, US\$ 6.5 million had been collected that year and, with payments to be made shortly by Japan and the USA, WADA would reach the same level as the previous year. Hopefully, with the remaining countries, WADA would achieve the same percentage collection, if not better, this year. Everything was moving in the right direction.

DECISION

Government / IOC contributions update noted.

5.3 2004 Accounts

MR REEDIE referred the members to the accounts as at 31 December 2004. These were to be presented formally to the Foundation Board for approval the following day. The accounts had been prepared under the International Financial Reporting Standards which, in his view, was not the ideal format for organisations such as WADA, or for the IOC, but that was a different issue. The system was designed in the main for major companies that had quotations on stock exchanges, so potential investors could see and have a uniform understanding of the method of presenting accounts. It had made WADA change its systems and present the accounts in a specific way. In the notes, which became ever longer, WADA had to explain, in particular, the contingency arrangements for the research commitments into which WADA had entered. The accounts should be looked at closely overnight so that, if the members had any issues, they could ask Mr Roth the following day.

The *Management Report*, which made up the last two pages of the 2004 accounts, tried to explain the very complex issue of money being added back into the accounts and the change from 2003 to 2004.

One of the observations made by the Olympic Movement, which contributed major funds to the agency, was that the WADA accounts appeared to show a fund balance of just over US\$ 19.8 million. WADA made no other investments; it held money in cash only. The total cash was there, but it was not all freely available for distribution.

He referred the members to the paper entitled *Allocation of WADA Funds as at 31 December 2004*, and went through the document. The accounts showed the story if they were presented under the IFRS, but this was not the accurate story as far as the Executive Committee members were concerned. There were issues here regarding whether WADA spent money on education and whether a contingency was retained or not; however, the point he wanted everybody to clearly understand was that the figure of over US\$ 19 million in the accounts was a purely accounting exercise and was a feature of the method that WADA had to use. WADA was not quite as rich as that. That having been said, the more that WADA kept in the bank and invested wisely to produce interest, the more interest would accrue for WADA that could be used for WADA's purposes. He was happy that the accounts could go through to the Foundation Board the following day. He would present them, also going through the explanation of how WADA got from over US\$ 19 million in the accounts down to money that was available for expenditure.

THE CHAIRMAN asked Mr Reedie whether he was looking for approval of the Executive Committee to submit the accounts to the Foundation Board.

MR REEDIE said that he was not seeking approval; the report was purely for information purposes. He thought that the accounts were in the correct form.

THE CHAIRMAN noted that there was a clean audit report from the auditors.

MR LARFAOUI referred to the figure of US\$ 19,156,680. Could WADA not increase the amount set aside for testing?

MR NIGGLI replied that, when WADA had presented the budget the previous year, the use of the extra funds available had been agreed upon by the Foundation Board. If another proposal were to be made, a decision as to the allocation of the funds could be taken.

MR LARFAOUI asked whether the Executive Committee could make such a proposal as there were US\$ 7 million that were not being used.

MR NIGGLI replied that the US\$ 7 million were used, as they had been allocated to research projects. This was simply a question of timing.

THE CHAIRMAN said that he would be reluctant to have the Executive Committee purport to change a Foundation Board decision. He asked the Executive Committee to

think about going forward rather than trying to reinvent something that had already been decided for 2005.

MR REEDIE referred to the document entitled *Actual v Budget, Period ending 31 December, 2004*, which was in the members' files. This was becoming an increasingly sophisticated exercise, and began to give WADA a feeling for movements and expenditure. Looking through it quickly, figures that were wildly above 100% caused problems, and figures below 100% were, from a purely financial point of view, welcome. The end result was that WADA had collected in excess of 90% of its income the previous year, and it had spent 76% of its budgeted expenditure, so WADA had been a little high in terms of what it had thought that it would spend. Much of it was due to good management. This was a very useful tool because, as it was moved forward, it became ever easier to make a budget for the following year, because the committee had a much more accurate understanding of the kind of routine expenditure in which WADA was involved.

WADA had been advised by its financial advisers that, in 2004, there was US\$ 1 million of expenditure capitalised into the ADAMS project.

DECISION

2004 accounts noted.

5.4 2005 Quarterly Accounts (Quarter 1)

MR REEDIE referred the members to the *Detailed Balance Sheet and Profit and Loss Statement – Quarter 1 2005* and the *Actual vs Budget – Quarter 1 2005*. The accounts showed a relatively modest expenditure. The reason for that was that most of the higher figures involved in research commitments came in towards the end of the year. The accounts were in very considerable detail. He thought that this was transparency at work and nobody could be under doubt as to how WADA raised its funds and spent them.

THE DIRECTOR GENERAL said that, from a management perspective, monthly reports were received. These reports were looked at vis-à-vis activities, and each director could answer questions as to why the amount spent in his or her area was not yet spent. There seemed to be some certainty regarding cash flow. As a result, WADA could reflect wisely on the way that it spent money. For example, historically, WADA had had Health, Medical and Research Committee meetings in September to approve research projects. There were no reason whatsoever why a meeting could not be held in March, so that the research money could go out earlier. Such issues would be discussed at the September meeting, as they could advance the way in which the figures were perceived.

There was, as Mr Reedie had said, a hugely better collection rate. WADA was currently at 60% of the total; two years ago, it had been at 6% at the same time of the year.

He would look at the way in which WADA spent, in order to ensure even spending and an easier way for Mr Reedie and his team to report, so that the members would see that funds were being wisely spent.

DECISION

2005 quarterly accounts noted.

5.5 Draft Budget 2006

MR REEDIE informed the members that the document in their files, *2006 Draft Budget*, was a first attempt at a 2006 budget. It was a very preliminary draft to determine well in advance the public authorities' contribution rate, since their budgeting processes were longer and often more complex than those of the Olympic Movement. He had ended up with a figure that looked as though, if it were approved, it would come in at an increase of approximately 2.7%. He rather believed that, if there was inflation in the world, WADA needed to take this into account because, if it did not take inflation into

account, it would end up with the suggestion that, five years down the line, there should be huge increases in contributions and that, in his experience, tended to bring about a certain degree of resistance.

He did not want the Executive Committee members to spend any time on how WADA might spend the money, as the Finance and Administration Committee meeting in Lausanne on 20 August would deal with the matter. He hoped that the *Budget Notes* that had been added to the item would be of help to the members. They gave the members some idea of the kind of programmes with which WADA would be involved and the kind of priorities that WADA would include in the budget and bring to the Executive Committee for approval at the meeting in September. This was a level of contribution that, if accepted, the Finance and Administration Committee would work on. If it were not accepted, then the committee would have to work on a slightly different figure.

MR OWEN noted that there had been quite a considerable budget increase of 7% the previous September. He gathered that that was because WADA was catching up for not having built in inflationary caution. Was that the reason, or was it expanded programmes?

MR REEDIE replied that it was a little bit of both. In principle, it was based on inflation. That was the basis of the suggestion.

MR NIGGLI noted also the drop in the US dollar the previous year and a number of new activities.

MR MIKKELSEN said that the European Coordination Forum had discussed the item, and he wished to list the recommendations that had been drawn up. First of all, that indicators be developed and presented. For example, the staff costs needed to be presented in a transparent way. The Forum had emphasised that government budgets faced strong constraints everywhere, including in anti-doping, and that governmental authorities were, in principle, hesitant to authorise an increase. At the same time, the Forum had recognised that some programmes might require development, and had agreed to any increases that were properly motivated and the merits of which could be considered.

THE CHAIRMAN said that it was clear to the Finance and Administration Committee that the budget increases, if any, were driven by the activities that had to be performed. It was necessary to consider the costs to WADA of the exercise of the independent right of appeal to the CAS. There were a lot of athletes who could mount very expensive defences, and WADA was going to have to be able to deal with them. It would be important not to get bad decisions because WADA was outspent. The CAS decisions thus far had been good. There was an increased level of confidence that the CAS was able to sort through a lot of the nonsensical issues that were raised and then decide. Nevertheless, WADA had to be there, and that was going to be an expense that WADA had not yet begun to incur.

It would be necessary to decide something else at some time: it might be possible to go out and raise private sector funds, but there was no incentive to do so if that would cause the stakeholders to say that they would then not need to pay as much. WADA was operating on a bare-bones budget here. If WADA could raise more funds, then it would require a decision of principle from the Olympic Movement and the governments that there would be no excuse for pulling back existing levels of support. He asked the members to think about this point. This was a bridge that would have to be crossed, and he thought that there was definite potential, but he was not prepared to do it if it meant that the stakeholders simply put the money back in their pockets.

MR REEDIE thanked Mr Mikkelsen. He would be interested to have the thinking from the European Forum. If this helped to improve the transparency of the accounts, he would be happy to look at it. As to the issue of additional funding, the Finance and Administration Committee had taken the view that it would try to encourage it on a project basis. It was very well aware of the risks involved.

He thanked the members for their work and for reading the papers, and also thanked Mr Niggli and Ms Pisani for the quality of the information. He thought that the members received full information on the finances of WADA.

THE CHAIRMAN said that the lack of questions indicated that the information was full and transparent.

DECISION

Draft budget 2006 noted.

6. Legal

6.1 Legal Update

MR NIGGLI said that, with regard to ADAMS, things were progressing from a purely legal point of view. This had been done in two steps. The first step had been to ensure that the software would be compliant with legal requirements. The second phase involved putting into place the appropriate contractual relationship with the users of the system. There would be on line contracts and paper contracts for the various users. The legal part of ADAMS was a work in progress.

The first attachment to the report, *Results Management and Appeal Procedure*, was a detailed document on how WADA was managing internally the information that it received with regard to adverse analytical findings leading to disciplinary decisions by the IF and the question of whether WADA should or should not appeal. In a nutshell, there were two situations: either WADA received a decision with which it was satisfied and it filed it, or WADA had a decision that was not entirely in accordance with the Code and, after having considered the elements, WADA either liaised with the IF to discuss the issue but did not appeal, or WADA decided that it would like to appeal, in which case a detailed report was drafted internally and a decision was taken by the Chairman and the Director General on whether or not to go ahead and launch an appeal. The whole process had been detailed for the members.

PROFESSOR LJUNGOVIST said that, on behalf of the Olympic Movement and some IFs in particular, he had been asked to comment that the individual case management should absolutely include a clause stating that no comments would come from WADA during the course of dealing with the case at IF level. Only after a final decision had been taken should WADA be able to intervene, namely, to decide whether or not to appeal. He thought that this principle should be clarified.

MR LARFAOUI stated that there was a problem related to the IFs taking a decision. Certain IF statutes said that interested parties could appeal to the CAS. If WADA could appeal, what would happen to IF decisions and what would the role of the IFs be in the fight against doping?

THE CHAIRMAN said that there was one distinction to be made. He felt entitled to comment on doping cases. WADA did not take any action to appeal until there was a right to appeal, but WADA could say that it was not prepared to comment on any case that might be under decision. He certainly agreed that WADA should not act until there was a perfected right to act.

With regard to what Mr Larfaoui had said, if a decision was taken at a national level, that perfected a right on the part of the IF to appeal or not. If the IF decided to appeal and went to the CAS, WADA could join the IF and intervene in the appeal. It would not be possible to go back to the CAS twice. If WADA did not like what the CAS decided when an IF pleaded a case, then WADA would be out of luck. Some IFs, none of which were around the table, would not mind losing sometimes. WADA needed to discuss this matter better with the IFs.

THE DIRECTOR GENERAL said that Mr Niggli had not yet expressed the second addendum to his paper in the verbal presentation. WADA looked daily at these cases,

along with IF decisions. WADA spoke with the IFs. With regard to the Knauss case, for example, WADA was liaising with the FIS; the athlete had lodged an appeal and WADA was working together with the FIS in the way in which the appeal should be answered and hoped to be together with the FIS at the hearing. That was the approach.

As to the Hamilton cycling case, the athlete had threatened to appeal. He had not done so yet but, when he did, WADA would join the UCI or USADA and work together to make sure that the proper case was presented. WADA had spoken in the past of such information being made available.

THE CHAIRMAN said that all of the IFs needed to understand how the procedure would work. Perhaps the matter should be discussed under an agenda item so that all of the IFs would understand.

MR NIGGLI said that WADA had the right of appeal, which ran at the same time as the IF right, so WADA had to find out what the IF planned to do so that WADA could decide whether to appeal or not. WADA had to liaise with the IF for a coordinated approach. On some occasions, this had been perceived as WADA putting pressure on the IFs, which was not the case at all. WADA had to prepare accordingly and know what the IF planned to do.

THE CHAIRMAN said that it might be possible to say that the IFs could decide, and then WADA had a further thirty-day period.

MR NIGGLI replied that that would be the best way of doing it, provided it was included in the IF rules.

PROFESSOR LJUNGOVIST said that, if WADA had a case for which it felt it should appeal, it was not known who took the decision on behalf of WADA. Was it the administration? Or was it an appeals board within WADA? In his IF, there was a doping review board, composed of three council members, two of which were legal experts, the other being a medical expert. How did WADA intend to proceed?

THE DIRECTOR GENERAL said that the fact that he was a lawyer might be of some help, and the fact that the Chairman was a lawyer was of great benefit to WADA. As soon as a commission of lawyers was constituted, a lot of ideas were put forward and it took a long time for them to make up their minds. One of the practical approaches that had been adopted was that a recommendation came from the Legal Department, going through a number of lawyers before reaching the Director of the Legal Department. Then a recommendation was made to the Chairman and the Director General, who would make a final decision.

If there was a lack of confidence in their ability to act, he hoped that the members would say so, and other people would be added to the decision-making process. Otherwise, the whole process would be elongated to a degree of having legal arguments, and it would set up another process that, in his view, would only delay matters.

MR NIGGLI said that this was the kind of decision that was made five or six times a week. WADA depended on the IF rules. It was not like an IF dealing with its own case. It was necessary to adapt to circumstances and be ready to react.

PROFESSOR LJUNGOVIST stressed that he did not lack confidence; this was a matter of principles. He was happy with the way in which the matter was being dealt with at the moment, but there could come a time when the chairperson and director general of WADA were not lawyers. Where would WADA be then? He wished to put a principle on the table. It might be necessary to revise the decision in the future, should the composition of the office be different in terms of competence.

He therefore proposed to agree to the way in which cases were dealt with at the moment, but there could be different circumstances in the future that meant that such decision should be revised.

THE CHAIRMAN agreed. He thought that that was perfectly fair. He was quite satisfied with the way in which things were currently done. However, if the personnel changed, a change might be required but, until that happened, he thought that the system worked well. There was a broad range of consultation, not just with lawyers. He thanked Professor Ljungqvist for raising the issue, which was worth flagging for the future.

MR STOFIE was happy to hear that it was not just lawyers taking those decisions.

MR NIGGLI referred to the second attachment to the report, entitled *Summary of Cases*, and went through it.

Since the report had been written, two other cases had been appealed, one of which involved motorcycling, the other of which involved basketball. Both cases were in process and related to sanctions that WADA believed were not appropriate.

PROFESSOR LJUNGOVIST thanked Mr Niggli for the extensive report. He referred to the case of the tennis player, where it was correctly mentioned that the ATP had not signed the Code, although he believed that the ITF had. What was the relationship between the ITF and the ATP?

MR NIGGLI said that the ITF was in charge of a number of competitions, such as the Davis Cup and the Grand Slams; the other competitions were under the authority of the ATP.

PROFESSOR LJUNGOVIST understood that there were some agreement relating to the application of anti-doping rules and case management between ITF and the ATP.

THE DIRECTOR GENERAL said that there was movement towards that; however, the ITF had indicated that it would take ownership over the issues that had been created from the ATP and the WTA to see if all of them could be brought under the same umbrella; in other words, the ITF rules. Significant progress was being made. WADA was happy with the progress, bearing in mind the situation some years previously.

MR REEDIE noted that the ATP was one of seven sports that had come before the Reform Commission of the US Senate. He thought that all of the messages that the ATP was getting were the correct messages, and he thought that WADA could be encouraged by that.

MR NIGGLI referred the members to the two documents in their files in relation to FIFA. The first document, entitled *FIFA / WADA Issue*, recorded the meetings and events that had taken place in relation to FIFA since 2004. There had also been meetings prior to that date.

The previous week, WADA had received FIFA disciplinary rules, and there were a number of major issues that meant that these rules that were not Code-compliant. The second document in the members' files, entitled *Changes to be made to FIFA Regulations to be Code-compliant*, detailed these issues, which related to individual case management, sanctions, appeals, the TUE process, and mutual recognition.

In a nutshell, this was the situation, and the conclusion was that FIFA regulations were not in line with the provisions of the Code.

THE CHAIRMAN concluded that FIFA was not compliant with the Code. What should WADA do about this?

MR MIKKELSEN thanked the staff and the Chairman for the excellent work carried out in trying to put pressure on FIFA to comply with the Code. From the government side, it was of utmost importance that FIFA comply with the Code. At the European Coordination Forum meeting the previous week, it had been agreed that the governments would continue to encourage their national football associations to exert pressure on FIFA. Governments could put pressure on FIFA through their national football associations and through UEFA. It was time to discuss whether or not WADA should make harsh

decisions. The rules were pretty clear. If a federation did not comply, it would be sanctioned. He hoped that the IOC would be ready to take up the challenge.

PROFESSOR LJUNGOVIST said that he was encouraged to comment. He echoed Mr Mikkelsen in commending WADA's work to get FIFA on board. For the Olympic Games, no sport was welcome if its IF had not adopted the Code, and he had thought that the FIFA Congress in Paris had adopted the Code for the Olympic Games in Athens. It had turned out that the redrafted FIFA rules were not in compliance with the Code on fundamental matters, which was totally unacceptable and came as a great surprise to him. Of course the IOC had to deal with this. It was necessary to have a decision, as some countries would have to host the 2006 FIFA World Cup. This was a matter that had already been drawn to the IOC's attention for the Olympic Games. It was a great disappointment that FIFA had not lived up to expectations that had been created upon the clear declaration made by FIFA at its Congress.

MR LARFAOUI agreed that congratulations were due to WADA. ASOIF needed to put a great deal of pressure, along with the IOC and governments, on FIFA in order to bring it to meet the commitment made at the Paris Congress. He had been quite sure that the Code would not be respected. He thought that everybody needed to put pressure on FIFA.

MR OWEN asked what WADA assumed was the source of FIFA's reluctance.

MR NIGGLI replied that, from a legal point of view, he had no answer.

THE CHAIRMAN pointed out that this was not a legal issue. It had become a legal issue. There was a view that was prevalent in FIFA that it was more important than any other organisation and/or government on the face of the planet. The Director General and he had been at the Paris Congress. The FIFA Congress had adopted the World Anti-Doping Code without reservation. There had been a unanimous vote. FIFA had changed its medical rules and just did not want to budge with regard to the legal rules. It was necessary for the stakeholders of WADA to work together on the matter. He had a suggestion. WADA could either say that FIFA was non-compliant and ask the stakeholders to do what they should do; alternatively, WADA could make a preliminary determination that FIFA had to do what was necessary to make its rules comply with the Code and, if not, the determination would be definitive and everybody would then decide what to do.

MR KASPER said that, on 7 and 8 July, the famous vote would be taken on each individual sport and whether these should remain in the Olympic Programme or not. He thought that, if WADA declared that FIFA was not in compliance with the Code, FIFA might be under some pressure to make sure that it did not fall out of the Olympic Programme.

THE CHAIRMAN stated that, rather than go nuclear right away, WADA could say that there would be nuclear fallout if FIFA did not do precisely what WADA told it.

MR STOFILÉ thought that this was sheer arrogance on the part of FIFA. He heard that WADA should perhaps advise FIFA before the decision in July that it was non-compliant and, as such, that it would be excluded from the Olympic community. He was not confident that this would be adequate. He had had some dealings with FIFA over the past 14 months and he did not think that they would be very impressed with WADA's ultimatum. He thought that, if WADA dealt with the matter as a collective of governments and the Olympic Movement, the onus would be placed on the governments themselves to make a declaration that, insofar as this impacted on the governments' own citizens, they should not allow FIFA matches on their own soil. Germany was now running the preliminary games for the 2006 World Cup. FIFA needed to realise that the hosting of the 2006 World Cup was in great jeopardy. Africa was biased, as it was hosting the World Cup in 2010, but would not like to have to resolve matters at that point; he would rather Germany resolved the matter straight away. Particular actions, taken by the IOC and the governments, were necessary.

MR MIKKELSEN said that he had been in contact with Mr Schilly, the German Sports Minister, who was being very firm in his stance vis-à-vis FIFA. He supported the second suggestion made by the Chairman. WADA should indicate to FIFA what to do to be in compliance with the Code, and FIFA would have to be in compliance before a certain date. Governments needed to put all pressure possible on the national football associations, and then the WADA partnership would hopefully show that the IOC and the governments could pressure FIFA to comply with the Code.

MR REEDIE said that it was necessary to be sensitive to the issue that the IOC would face on 8 July, which was more to do with the size of the Olympic Programme than the behaviour of any IF.

He thought that very short deadlines were probably more dangerous than longer ones. WADA needed to be quite clear in what it said and it was necessary to record what had happened up until FIFA had unanimously accepted the Code at its latest Congress. It should be recorded that the medical rules and not the legal rules had been changed, and WADA needed to record exactly which legal rules needed to be changed. WADA needed to say to the world that FIFA had a congress in September 2005 and the world was watching and insisting that those rules be changed because, if they were not, there would be further implications. That could be dealt with by the IOC, although the IOC had time to do this, as the next IOC football competition was not until the Olympic Games in Beijing in 2008. One of the really difficult issues would be for the German Government, which was running 'the biggest show on earth' in 2006, and a very strong comment around the table from governments suggesting to their national football associations and to FIFA that they expected FIFA to be Code-compliant to take part in any major international event would help a lot. It would be very attractive to say that FIFA was wrong. If WADA could tell the world every attempt it had made to bring FIFA in line and indicate that governments and the Olympic Movement were unhappy with the situation, and set in advance WADA's knowledge of a FIFA congress in September, as much of the pressure as possible would be moved onto FIFA at that time. The WADA Executive Committee meeting in September could be a fun-filled occasion.

MR BURNS referred to the materials. It would appear that FIFA had been sent notice on multiple occasions.

MR NIGGLI said that, in particular, two letters detailing the issue had been sent to FIFA, with requests to change the legal rules.

MR BURNS asked what the response had been.

MR NIGGLI replied that the response had been received one week previously.

MR LAMOUR said that it was necessary to be very specific with regard to the path to follow. At that time, there was a mixture of issues: the application of the Code and the decision as to the Olympic Programme. It was necessary to avoid mixing these two issues. WADA was an organisation that brought together governments and Olympic Movement representatives. It should not associate the two problems to a decision that could have serious consequences.

In Berlin, at the Sport Accord meeting, other points had been made, including one that WADA was only a service provider. He was sure that the Code would be applied eventually; however, it was important to discuss what had been mentioned with regard to WADA being a service provider. This called the agency into question. It added to the complexity of the problem linked to the application of the Code by the various stakeholders. He agreed with Mr Reddie's suggestions. The other decisions that might interfere in the application of the Code should not be confused with this issue.

PROFESSOR LJUNGOVIST agreed 100% with what had been said by his colleagues. FIFA was very aware of the Singapore IOC Session and the decision that would be taken there. He knew that the Olympic Games were not important to FIFA; however, FIFA's image was important. The FIFA World Cup was by far the most important event. WADA should set the deadline for the time of the FIFA Congress.

THE CHAIRMAN said that, to date, the staff had not had the weight of an Executive Committee decision behind it. He favoured saying that, as of that moment, FIFA was not compliant with the Code. There were things that had to be done before the FIFA Congress, failing which the provisional nature of the non-compliance declaration would be removed and WADA would advise its stakeholders formally that FIFA was not compliant with the WADA Code. FIFA could not take the risk that governments would not allow it to have any events on their territories. The combination of the governments and the sports movement would be what was required to resolve the problem. FIFA had to acknowledge that it was no different, despite being bigger and more powerful, to any other IF.

MR REEDIE said that the wording was crucial as well. He suggested pointing out the areas of the Code with which WADA believed that FIFA did not comply, rather than saying that FIFA was provisionally non-compliant.

The distribution of that piece of paper was important. A very powerful message would be for the governments to send it to their national football associations and say that they were very concerned about the matter. He thought that stating the areas with which WADA was non-compliant had an implicit threat, rather than stating that WADA had decided that FIFA was provisionally non-compliant.

THE CHAIRMAN objected that WADA was dealing with an organisation that regarded it as less than an ant. Being afraid to say that FIFA was non-compliant sent a bad message to the world. He thought that WADA should tell FIFA that if it did what was necessary, then the problem would go away. If it did not do this, then FIFA would be stuck.

MR OWEN referred to the ratification of the UNESCO Convention. Would it not oblige stakeholders to require their national sports organisations to be Code-compliant?

THE CHAIRMAN replied that, in theory, the UNESCO Convention should, in time, oblige stakeholders to require sports bodies to be compliant with the Code.

MR LAMOUR noted that the governments had not yet adopted the Code as they had not finished drafting the Convention. This weakened the governments' position. The governments would be asked to adopt the Code in February 2006; however, some would need more time to do so. He preferred Mr Reddie's suggestion, which stated that there were areas with which FIFA had not yet complied. If FIFA did not react, then it would be considered to be in bad faith. Pressure should be exerted on FIFA at its September Congress. For February 2006, he knew that many governments would not be ready to apply the Code, so he preferred the version suggested so that governments could make all interested parties aware of the issue. The deadline for FIFA to comply with the Code would be the FIFA Congress in September. This would be a firm approach taken by WADA as an organisation that brought together the Olympic Movement and governments.

MR LARFAOUI pointed out that not only would the European governments be concerned; the governments of the five continents would be involved.

THE CHAIRMAN noted that a decision was needed so that, if FIFA did not do what was required, WADA would declare FIFA non-compliant. FIFA was a big player and did not think that WADA or Mr Schilly would do anything about the matter. That was why he would suggest stating that WADA had determined that FIFA was provisionally non-compliant and telling FIFA what to do to get out of that bind.

PROFESSOR LJUNGQVIST thought that everybody agreed that a deadline by the time of the FIFA September Congress was a deadline and, if FIFA was not compliant at the time, WADA would openly and officially declare that it was not compliant.

THE CHAIRMAN said that, internally, FIFA was playing WADA like a two-dollar fiddle.

THE DIRECTOR GENERAL stated that the FIFA management was treating WADA management without respect. Rather than submitting FIFA's new legal rules to WADA

for advice (like all other IFs), FIFA had printed the rules in glossy form and then sent them to WADA a month later. WADA had had very diplomatic meetings with FIFA and had withdrawn on each occasion, thinking that FIFA was going to come up with something concrete, which had not been the case. The Executive Committee needed to know that the WADA management would do as the Executive Committee decided; but another weak message would just add strength to the way in which WADA management was dealt with by FIFA.

MR MIKKELSEN said that the bottom line was that FIFA was not in compliance with the Code; however, he agreed with the Chairman's suggestion. FIFA needed a strong signal from WADA. If FIFA was not compliant by the time of the FIFA Congress, then the matter would go on for ever.

FIFA said that there were no problems. A strong signal and a deadline were necessary. Compliance was essential, and he supported the Chairman's view.

MR REEDIE also expressed his support for the Chairman. The issue was the presentation of how WADA did this. WADA could outline the problem that Mr Mikkelsen had outlined, stating that FIFA had signed up and changed the medical rules, but had not changed the legal rules, and that, if FIFA did not agree to adopt the whole Code by September, FIFA would suffer the consequences. The message would be that the world would know in every detail why FIFA was non-compliant.

THE CHAIRMAN asked whether, if somebody in a press conference asked whether FIFA was presently Code-compliant, he could reply that FIFA was not compliant and had a deadline for completion of the necessary details.

The decision regarding the issue would therefore be that WADA understood that FIFA was not Code-compliant; WADA understood that FIFA had to become Code-compliant; and WADA understood that FIFA should do this before its next Congress and, if the matter was not fixed, there would be Olympic and governmental consequences.

He asked the members to keep the decision regarding FIFA confidential until WADA had advised the Foundation Board the following day.

DECISIONS

1. Legal update noted.
2. Proposal to advise FIFA that WADA understood that FIFA was not Code-compliant; WADA understood that FIFA had to become Code-compliant; and WADA understood that FIFA should do this before its next Congress and, if the matter was not fixed, there would be Olympic and governmental consequences approved.

7. ADAMS – Anti-Doping Management Administration System

THE CHAIRMAN introduced a brief progress report on ADAMS.

7.1 Progress Report on User Acceptance Testing and Implementation Plan

MR DIELEN said that the members would be able to test the system the following day.

He reported on the project milestones achieved. Specifications had been validated and testing scripts finalised, and then the scope of the first phase of implementation had been determined. The organisations with which WADA would work initially included the IPC, FIBA, UCI, FITA, FIS, IIHF, IRB, ISU, UIPM, USADA, CCES, JADA, ASDA, SAIDS and the Swiss Olympic Committee, as well as the Montreal, Lausanne, Athens, Tokyo and Bloemfontein laboratories. Implementation would be based on using part of the ADAMS system (such as whereabouts) or a small number of athletes (such as track cyclists).

Training had been conducted for stakeholders in Lausanne and Montreal. He thanked the IOC for permitting WADA to use its classroom and for providing the list of sport disciplines. The training had taken place over one and a half days, which showed the ease of use of the system, and a lot of feedback had been received.

The staging and production servers were ready; the helpdesk was operational; and WADA was in the final stages of its user acceptance testing programme, with approximately 70% completed as at 9 May 2005. The preparations for the legal framework had also been finalised, and contracts now needed to be signed with the different partners.

In terms of user acceptance testing, close to 1500 testing scripts had been executed during this phase by users from NADOs, IFs, WADA and athletes.

As was to be expected with any development, some issues had been raised, although no 'blocking problems' had arisen thus far, which was a huge success for a software development. Also, one third of the issues raised had already been solved.

MR DIELEN then demonstrated how the system was used, noting that users could access the system from wherever they happened to be.

Upcoming project milestones included the conclusion of user acceptance testing; live production of ADAMS; and preparation of the second implementation phase for August/September 2005. The second phase would include some 25 to 30 organisations, and priority would be given to the laboratories and winter IFs (participating in the Olympic Games in Turin in 2006). The initial product would be built upon in a third phase towards the end of the year or at the beginning of the following year.

In terms of finances, expenditure in 2004 had been US\$ 1,265,283, which included the US\$ 1 million capitalised. This had been related mainly to license fees and development. A budget of US\$ 1.8 million had been set aside for 2005. Development costs should go down drastically.

MS ELWANI referred to the information on the internet. With regard to the problem of hackers, she was interested in knowing what precautions WADA had taken.

MR DIELEN replied that WADA was using the best technology available. There would be questions for the athletes and call-back systems to make sure that information was not given to somebody who was wrongly accessing the system; all of the technology was at the same level as banking applications. Of course, if an athlete posted his or her identification code on a website, the problem would not be solved.

There would be very clear legal statements, and the liability of giving access to another person would be strictly clear in the contracts.

PROFESSOR LJUNGQVIST thanked Mr Dielen for the report on ADAMS, which was progressing well. With regard to the Olympic Games in Turin in 2006, preparations were in full swing. What were Mr Dielen's expectations? He felt it might be difficult to introduce new requirements at this stage. It would certainly be very interesting to be able to incorporate as much as possible into ADAMS.

MR DIELEN replied that WADA wanted to be available with the information that was in the system, but there would no obligations for the IOC or for TOROC to put certain things in place in Turin. The system would be there to assist in the planning in Turin. WADA wanted to have all seven IFs in the system so that it could be of assistance in some way.

MR LYONS asked how ADAMS was tracking in terms of the original implementation plan. Would there be any interface problems related to downloading information?

MR DIELEN said that the plans were slightly behind schedule, mainly because WADA wanted to ensure the involvement of other people in user acceptance testing; however, WADA was as on schedule as possible with an IT project. In terms of interfacing, the import mechanism should be ready the following week. All of the laboratories had seen an initial format and knew which fields they would have to provide. A laboratory that

used non-electronic format would need to go manual. In terms of other interfaces, it was necessary to make sure that the system worked 100% before WADA could interface with other systems.

MR REEDIE said that there would be a great deal more work if the system was as successful as he thought that it was going to be. He raised the issue of the help desk. The more efficient the system was, the more challenges there would be to manage it, and it might be necessary to employ more people. He was very happy with the process thus far, and thought that WADA had done very well to get it to the current stage.

MR DIELEN replied that most help desk operations were outsourced, which meant no need for additional staff within WADA.

THE CHAIRMAN thanked Mr Dielen for his report. ADAMS was a tremendously powerful tool, and would make the coordination of the fight against doping in sport much easier than it had been. It was a very ambitious project. WADA was trying to find the highest level of security that was available.

DECISION

Progress Report on ADAMS User Acceptance Testing and Implementation Plan noted.

8. World Anti-Doping Code

8.1 Activity Update

MR ANDERSEN referred the members to the reports in their files, informing them that he would be going into the difficult areas related to the Code.

The NOCs were of concern to WADA. All 202 NOCs had signed the Code. 54 NADOs had signed the Code. After consultation with governments on where NADOs were identified, there were 33 NADOs that had not signed the Code, which brought the figure to a total of 87 NADOs worldwide, and 119 countries in which there was no NADO. The Code provided that the NOC was the NADO by default where there was no NADO in the country. WADA still had a way to go; however, as he did not think that the 119 NOCs in those countries were in the process of taking on the duties that a NADO was supposed to carry out.

With regard to Code implementation, there was not a very positive report on the work that was being done. WADA had received rules from only 18 NOCs. It awaited seven for revision and translation for two out of these 18 NOCs. WADA had approved only seven NOC sets of rules.

With regard to the NADOs, 27 sets of rules had been received, and three were under review; eight were being revised; and seven were ready for translation. WADA had approved only eight sets of rules out of the existing 87 NADOs. These were low figures. WADA had written again and again to governments, NOCs and NADOs to remind them that they were obliged to send their rules to WADA for review.

As to the issue of Code compliance, knowing that WADA would have more than 500 signatories to monitor, an internal group had been looking at the kinds of questions to be raised, and how to use ADAMS to monitor compliance, although this was still in an initial phase.

THE DIRECTOR GENERAL said that, from a political and overall management point of view, most of the countries that had NADOs were developed countries, and all of those countries that did not have NADOs were developing countries. WADA was developing a Regional Anti-Doping Organisation (RADO) system, where one body could encompass several countries, thus using an umbrella approach. WADA had five RADO projects under way that year that could cover as many as 60 or 70 countries. An important role was played by the NOCs. It was necessary to make sure that they could implement the Code,

and the help of the Olympic Movement was necessary. The way in which WADA was trying to address the issue was probably the politically correct way of doing it and probably also the only way forward. It was necessary to respect the NOCs in small countries, as they did not have large numbers of staff.

THE CHAIRMAN assumed that WADA had a priority list. Countries that were able should do what they could do. If they were unable, they should be helped. If they were unwilling, they should be encouraged.

MR LYONS referred to the issue of cost-effectiveness of the Code compliance system, particularly the cost to the countries and to WADA for monitoring compliance.

THE DIRECTOR GENERAL replied that, with regard to operational planning, WADA was relying heavily on self-reporting. Code compliance was looked upon in terms of the signatories and the governments. The governments would fall into a category whereby there would be duplicate monitoring with UNESCO. WADA would report on the Code. There could be additional matters on which UNESCO would need to report. An appropriate programme for that would be established.

Therefore, he thought that WADA could cover the government side with self-reporting and the partnership, as well as the assistance of the Council of Europe, which already had a monitoring programme in place. With the other signatories, WADA was already doing this. The decision that needed to be taken, and this would probably have to be taken in September, was whether the Executive Committee wanted WADA management to provide monitoring reports on an annual basis for IFs, NADOs and NOCs, or whether these should be biennial, as WADA was to do for governments. WADA would try to ensure that the work was done on a roll-over basis, so that there would be no cut-off point at any one time in the year.

MR REEDIE said that the NOCs had taken on huge obligations under the Code, when there had not been NADOs in their countries. There were several challenges, one of which was that, the more often a regional organisation was created, the easier it was for the NOC to do nothing until one was created in its region. Perhaps WADA needed to look at the trial project in Oceania. Throughout all presentations to NOCs, the basic advice had been to try to have a NADO established in their country. He suspected at the end of the day that WADA would simply have to work its way through that. He thought that the regional idea would work particularly for the smaller countries. WADA could use the help of Olympic Solidarity to get the model rules through to the NOCs. One of the experiences had been that some established NADOs did not work closely with the NOCs, which was all down to personality battles. Luckily, it was legally necessary to cooperate. This was not an easy process and it would take quite a long time.

MR ANDERSEN said that WADA had given the NOCs a checklist on what they needed to do in order to establish a NADO. They were made aware of their obligations and assisted in order to establish a NADO. They also had the NADO Model Rules.

THE CHAIRMAN said that this default was something that, whilst working towards the development of the Code, the Olympic Movement had wanted and the governments had not wanted. He was not sure that the Olympic Movement understood that this was the default and that there was a responsibility at the NOC level to do this.

DECISION

World Anti-Doping Code activity update noted.

9. Department / Area – Decisions and Activities

9.1 Science

DR RABIN referred the members to the report in their files.

9.1.1 Prohibited List 2006 (Progress Update)

DR RABIN wished to focus on the List process. The draft 2006 List was almost ready for consultation. WADA planned to have more than two months' consultation from the end of May to early August. Comments received from stakeholders would be submitted to the List Committee members for review on 6 and 7 September. The List would then be passed to the Health, Medical and Research Committee members on 8 September for final review, before being submitted to the Executive Committee on 20 September.

In 2005, WADA would make increased efforts to send the message to the stakeholders that it had received comments and would do its best to provide feedback.

There were two or three elements related to the List. With regard to the issue of hypoxic chambers, the approach had been to look at all of the available literature and bear in mind the three criteria set forth in the Code. On this basis, it had been concluded that hypoxic chambers increased performance by increasing the amount of erythropoietin and the mass of red blood cells. With regard to the second criterion, the committee had expressed concern as to the safety of the method, simply because nobody knew what would happen in extreme uncontrolled conditions and on people with known or unknown medical conditions. Finally, after debating on the criterion regarding the spirit of sport, the List Committee had concluded that it did not feel that the issue fell within its field of expertise and had recommended that ethical opinion be requested.

With regard to HCG, the List Committee had discussed the reporting of the eight cases. HCG could be traced to pregnancy, a secreting tumour, or doping. Based on these three elements, the committee had decided that it was still important to keep HCG on the List, but it was necessary to be careful in the way in which such results were handled by the testing authority, recommending that this be followed up by a medical officer within the testing authority. The committee was working on additional pregnancy markers so that, at the laboratory level, it would be possible to differentiate between pregnancy and a potential doping situation. The issue would be reconsidered at the next meeting of the List Committee in September.

As to recent press releases regarding caffeine, there had been reports that it had been used in some sports in the southern hemisphere. Caffeine was not considered to be a prohibited substance and was not on the List, but formed part of the monitoring programme, which had shown to date that caffeine did not significantly improve performance over the threshold of 12 mcg/ml. Between 6 and 12 mcg/ml, however, one laboratory had reported no change compared to past years, whereas another laboratory in Australia had reported a significant increase of caffeine levels. It was very difficult when talking about values of around 6 to 8 mcg/ml to relate it to performance enhancement purposes. The List Committee had decided to further monitor caffeine and the potential variation in caffeine consumption and review the status at its next meeting.

MR OWEN noted that, the previous autumn, concern had been expressed with regard to the adequate time for consultation on additions to the list. It sounded as though that had been adequately addressed. What time periods were involved?

With regard to the conference on nutritional supplements that would be taking place in Leipzig, there had been a recent press report where the Canadian Food Inspection Agency had gone on a week-long blitz the previous autumn, testing the composition of nutritional supplements, and had found that 71% had failed to meet Canadian regulations in terms of adequately describing or failing to disclose the ingredients in supplements. The Canadian Government was carrying out an overhaul of the situation. The unregulated foodstuffs put athletes at great risk of inadvertent consumption. This was a topic that, from a Canadian point of view, WADA might wish to take to the conference in Leipzig.

MR WATANABE noted that, looking at the list, one particular area of interest was hypoxic chambers. In Japan, there were facilities that offered hypoxic chambers, as it was very difficult for Japanese athletes to train for high altitude events and, without such

preparation or pre-conditioning, athletes could experience health problems whilst competing in events at high altitude. Such chambers were used to avoid these negative health consequences. He was not aware of any negative health effects as a result of the use of hypoxic chambers by athletes. As to whether hypoxic chambers should be banned, he thought that this was one issue about which WADA should be cautious.

MR LYONS referred to the issue of consultation with stakeholders. Australia would seek to ensure that consideration be given to consultation with ANADO and the World Association of Anti-Doping Scientists.

With regard to HCG, would it be correct to say that there was not a conclusive test for that at the moment?

PROFESSOR LJUNGOVIST said that the issue of food supplements was a difficult one; this was why symposia had been staged and were being organised. The major problem was the unregulated markets, which resulted in substances being found in supplements that were not supposed to contain them. A study had been carried out some time ago in which it had been found that more than 20% of supplements contained banned substances that were not listed on the labels.

He agreed that there were arguments for and against hypoxic chambers. This could be regarded as an artificial means of gaining a competitive edge; on the other hand, it could be compared with the material found in modern gyms that was available for elite athletes. With regard to the health risks, Mr Watanabe was right when he said that, when properly used, under proper conditions and when properly supervised, hypoxic chambers presented no risks. The concern arose if such chambers were used by inexperienced people.

Dr Rabin had not discussed the consultation on the matter, the latest having taken place at the conference that had been held in Banff, bringing together hypoxic experts. These experts had come back with a not very conclusive report, but had said that they would issue a statement later in the year. There would be a new discussion in September on the issue, along with a proposal. What that proposal might contain was an open question.

His colleague had misinterpreted one issue. There was no lack of detection methods for HCG; the problems were related to the differentiation between the intake and the natural production of the substance. There were means of differentiating between the two. This was not a problem for male HCG positives, of course.

DR RABIN said that he thought that Professor Ljungqvist had covered most of the points that had been raised.

That year, WADA was trying to make the consultation process as long as possible. It was necessary to compile all of the information, submit it to the members of the List Committee and ensure that everybody had received the information prior to their meeting in early September.

THE DIRECTOR GENERAL said that there was a mailing list of almost 1500 people. Members would recall that 25 had responded the previous year. WADA would make sure that it courteously responded to all replies.

He told Mr Lyons that every NADO and laboratory received the List. WADA wanted to make sure that each member of the anti-doping fraternity would receive a copy.

THE CHAIRMAN referred to the issue of labelling. There had been a decision in a US court regarding an athlete who had sued a nutritional supplement company for US\$ 800,000.

There was a lot of work going on in relation to the List in the US Congress. In-depth hearings were taking place. He had met and talked to Senator McCain, the Chair and ranking member of the committee that was holding the hearings, as well as a New York congressman who had worked with Senator McCain on introducing the precursor

legislation. It was his sense that the Congress was really into this issue now. It had realised that professional sports had not been very responsive or responsible and was giving serious thought to legislation, working much more thoroughly to make sure that all of the sports were involved. A member of WADA's own List Committee had testified twice. There was some general recognition that WADA's Code and List were the so-called 'gold standards'. WADA had indicated its willingness to appear or help, should they want somebody to help them with draft legislation. There was a good working relationship at that point with the Congress. Progress was being made. It made good sense to start there. This would be a very important year for the professional leagues in the USA, and was built on the State of the Union address made by Mr Bush in the spring of 2004.

DECISION

Prohibited List 2006 progress update noted.

9.2 Governments

9.2.1 UNESCO Convention – Financing Model and Ratification Process

MR MIKKELSEN said that the UNESCO Draft Convention fulfilled the political commitment set out in the Copenhagen Declaration, and represented a united response from governments. It was essential to follow up the basic work carried out.

He wished to talk a little bit about the very latest development of the UNESCO process regarding the International Convention against Doping in Sport. Discussion had been focused on the issue of the financing model. Two weeks previously, the result of the plenary meeting of the UNESCO Executive Board had showed that there was overwhelming support to fund the Convention through the regular budget of UNESCO. That decision had been supported by all of the member states, including the USA. Funding of the Convention would be derived from the regular budget of UNESCO with the understanding that there would be a strictly limited budget and the possibility of additional funding on a voluntary basis. This was a very important step towards the final adoption of the UNESCO International Anti-Doping Convention at the General Conference in October 2005. After this positive development, member states might prepare their ratification process. The time between the UNESCO General Conference and the Olympic Games in Turin was very limited.

WADA needed to realise, in spite of the good results achieved, that nothing had yet been decided. There was a common interest to continue the work to have the Convention adopted and ratified, which was of benefit to the anti-doping fight.

THE DIRECTOR GENERAL thanked Mr Mikkelsen and his team of ministers. WADA had been greatly aided by the sports ministers of the world in advancing the Convention. On this occasion, considerable mileage had been achieved through the unique partnership under the WADA aegis and Mr Mikkelsen could be happy with the mileage that he had achieved in the approach to the UNESCO Executive Board. WADA would continue to make sure that the information was available to the ministers and spread around the world. WADA was already talking to countries about how they could be Code-compliant prior to the meetings in October. He was heartened and knew that it was necessary to work as closely as possible with the government partners.

MR OWEN informed the Executive Committee that he would not be able to attend the Foundation Board meeting the following day, as there was a dynamic situation in Ottawa at that moment.

He thanked Mr Wade and his team for their work. Mr Wade had been in Paris in April to strengthen relationships with UNESCO on the education issue, getting down to the grass roots, and a UNESCO representative had been invited to be on the Ethics and Education Committee. These were positive steps forward.

THE CHAIRMAN said that one of Mr Mikkelsen's points was that, until October, nothing had been decided. If there was anything that WADA could do to help, he would be very

happy. It was necessary to recognise the commitment of UNESCO itself, and particularly its Director General, to getting this done on a fast track. This would be a real achievement for UNESCO as and when the Convention went through.

DECISION

UNESCO Convention update noted.

9.3 Independent Observers

9.3.1 Audit Programme

MR DIELEN said that the idea had been to see whether WADA could take another approach during a sports event. It was to be seen as a consulting activity designed to add value and improve an organisation's operations. WADA aimed to consult major event organisations to give the best possible programme during the World Games, which would be tested in pilot form. WADA had made a draft reference of the programme, but it was clear that this would change during the operations over those two weeks. WADA would come back with an extensive report on what had and had not been achieved to make sure that there was a need for such a programme and then act accordingly.

Unfortunately, Mr Gabriel Dollé of the IAAF would not be able to attend; he would be replaced with another very capable person the following week.

PROFESSOR LJUNGOVIST asked how the obvious issue of conflict of interest had been addressed.

THE DIRECTOR GENERAL noted that this would not be an event with an Independent Observer team present; it would simply be a team to assist. This should not be confused with the Independent Observer teams at all. He was confident that the expertise of those involved would not allow conflict to arise.

THE CHAIRMAN said that conflict could arise only if a sample was messed up.

DECISION

Audit programme report noted.

10. Strategic / Policy Issues for Discussion

10.1 Menu Analysis

DR RABIN gave a PowerPoint presentation, explaining the reasoning behind the need for discussion. He asked the members to consider a number of issues. The theory was that doping control samples would be analysed to detect prohibited substances and methods identified on the Prohibited List and other substances as directed by WADA pursuant to Article 4.5 of the Code. The reality was somewhat different. Not all of the laboratories had the technology to analyse the samples for specific substances, and their analytical capabilities were not universal. Should WADA make it mandatory for all laboratories to have the technology to analyse all of the substances on the List? Why was it that the laboratories that had the capabilities were not systematically analysing all of the substances on the List as outlined in the Code? Also, could deviations from the rules be justified? Limits to rules enforcement needed to be considered. New laboratories in most cases would not be in a position to test for the full menu upon entering the programme. Was this acceptable? Where did the flexibility for the laboratories start, and where did it stop?

MR ANDERSEN took over from Dr Rabin. As to who was performing blood collection and whether all of the organisations had the experience and expertise to do this, there were very few anti-doping organisations that had such expertise. If blood collection were to be required when collecting a urine sample, did this mean that a NADO would cancel a session if a trained officer were not available? These statements raised more questions than solutions. If WADA left it to an anti-doping organisation to determine what should

be tested, did that mean that detection would be less effective? If the ADOs were not collecting samples for the analysis of all samples, how should WADA resolve the issues? Should mandatory substances or sport-specific substances be tested for? How should WADA deal with new substances on the List that required new collection methods? Should there be a transition period or should the laboratories be asked to do this immediately and the ADO ask for such analysis immediately?

WADA was responsible for making the decision as to what should be analysed. Should this change, or should the ADO be responsible for taking these decisions? Should the Standards oblige laboratories to analyse for all substances in order to be Code-compliant? What were the consequences in terms of staff, equipment, etc? Finally, should the testing be managed with some flexibility or should there be strict enforcement? These were some of the questions raised; he was hoping for some guidance from the Executive Committee. He did not foresee a clear resolution. He had been in Europe the previous week, and had been asked to request that there not be a clear resolution that all substances be tested at all times.

THE CHAIRMAN asked who was going to volunteer the solution.

MS ELWANI asked whether the questions could be given on paper, as there were only two contained in the paper in the members' files.

THE CHAIRMAN advised members not to assume that these were the only questions.

MS ELWANI said that, from an athlete's point of view, when a sample was taken from an athlete, it was expected that it would be free of everything that was on the List. It was necessary to test for everything on the List and not one particular substance.

MR REEDIE said that, logically, the perfect answer was for all of the laboratories to test for everything; however, there were practical issues. It was a question of how close to 100% WADA was ever going to get. The laboratories all around the world could not do what WADA wanted and test for all substances at all times.

MR OWEN pointed out that, assuming that the laboratories could not do this, looking at the matter from a risk analysis point of view, it seemed that there were different consequences for enhancement performance from different substances in different sports. He thought that WADA needed to prioritise at least by sport and by the substances that could have the highest impact on the performance.

MR KASPER noted that the problem was a question of time. If it was necessary to use two laboratories for every test, because one was not capable of doing all of the testing, it could take months. It would be best if the menu were the same for everybody. The IFs expected exactly the same tests for all of the athletes.

Also concurring with the comment made by Ms Elwani, MR BURNS said that, if an athlete was clean, an athlete was clean.

PROFESSOR LJUNGOVIST said that, unfortunately, the desired scenario was not the case, for technical, scientific and financial reasons. As for event-specific testing, it was a waste of money to analyse shot putters for EPO, for example. Certainly there should be some sort of basic menu, but there would always be, and he repeated himself, substances that could not be analysed by every laboratory because not all had the necessary expertise. For example, gene doping would require specialist laboratories, which should probably be reserved for certain athletes in certain events. If not, WADA would spend its money for very little benefit and at a high cost. He proposed that WADA arrive at a basic menu for in- and out-of-competition testing and then add specific substances to that menu and make use of certain laboratories to do it.

MR LAMOUR noted that WADA accredited the laboratories. It was now being said that the laboratories did not have the same capacity. There appeared to be a problem regarding accreditation, in terms of the analyses carried out, with two categories of laboratory: one that could perform a wide range of analyses and one that could perform

less. There were two speeds, and the costs of the analyses differed. This was an important strategy question that involved WADA's credibility.

MR MIKKELSEN said that this was a very important document. The financial consequences should also be considered. He believed that, in principle, testing needed to be all-encompassing. If this was not possible, the issue of relevance needed to be discussed. A full menu would be negative from an economic point of view. He encouraged the management to sketch up models of test menus that included the financial consequences. A form of testing that was based on out-of-competition testing would prove the most effective. WADA's priorities needed to be to expand the out-of-competition testing procedure. There should be no difference between in- and out-of-competition testing sample analyses.

MR BURNS stated that the List was the List. He thought that the discussion was making it more complicated than it was. It was incumbent upon WADA to say that this was the List and, privately, it should do its best to test for the appropriate substances; however, he did not think that WADA should come out with a statement disclosing what it would test for in each sport. This would not be a good idea at all.

THE CHAIRMAN referred to the differences in the laboratories. Either they should not be accredited if they were not world-class, or those laboratories below a certain level should do only national testing. Maybe the testing menu should vary depending on whether or not the tests were in- or out-of-competition.

The Executive Committee would probably not come out of the meeting with a solution; the questions and the range of alternatives were good enough that WADA should probably ask the staff to prepare some models. One thing that had to be decided was what a WADA accreditation meant. There were clearly two classes of laboratories. Was there a difference between in- and out-of-competition testing? If the sport was known, could certain types of test be eliminated as a practical matter? He was worried that, if WADA said that it would test for A, B, C, D and E and not F, G, H and I, this would be an invitation to the athletes. There was an extensive and fairly subtle range of issues to be considered. He was concerned that there were holes in the testing programme. He was concerned with the local anti-doping organisations deciding what to test for.

The discussion needed to continue, and so he suggested getting some of these issues on the table. He thought that staff input would also be useful. By September, there should be some answers as to what should be done.

PROFESSOR LJUNGOVIST agreed with the Chairman's summary and approach. His advice was that he thought that WADA should look at the analytical competence of its laboratories as a resource to be used in a clever and wise manner. If WADA believed that everything needed to be analysed for everything at any time, it was losing sight of what was reasonable. At the moment, it was EPO that was the trend; tomorrow it would be another drug. It was necessary to make a rational approach based on good information. Using EPO as an example, if WADA expected a minimum of 100,000 out-of-competition tests to be conducted worldwide, it would cost some US\$ 100 million to have every athlete tested for everything including EPO. WADA had a budget of US\$ 20 million. All of these issues needed to be taken into account. The analytical competence was a resource to be used in the best way possible by WADA.

THE CHAIRMAN said that he wanted every athlete, coach and trainer to be nervous enough about using anything on the List.

MR REEDIE noted that clearly not all laboratories were as competent as others in terms of capacity. Before taking any logical decision on who should do what, it was necessary to know which laboratories could do what. He suspected that the staff might need to tell the Executive Committee about the high priority problems and provide the list of the laboratories that might be able to solve all or part of those problems. Was it possible to train DCOs to collect urine and take blood? It was not all that complicated.

Could the DCOs be taught to take blood at the same time as they collected the urine sample?

MR ANDERSEN replied that, yes, this would be possible, by having phlebotomists as DCOs.

THE DIRECTOR GENERAL said that the WADA management would prepare the information that had been requested. Nevertheless, he did not want to get into a situation whereby there was laboratory shopping, in the same way as there might currently be shopping for countries in which no controls would be taken. WADA would work along with the mandate of harmonisation, and would produce information on views and costs to enable further discussion at the next meeting.

MR LAMOUR noted that it was of concern to know that WADA did not wish to establish a list that summarised the incapacity of some laboratories to test for products. WADA was thereby accrediting laboratories that could not test for products.

DR RABIN replied that there were two categories of laboratory, the first being for substances for which all of the laboratories had to test; time was given for the laboratory to adapt to certain tests, and some could not do so for financial reasons. There were substances for which all of the laboratories had to test. The second category was for particular substances, such as EPO, or spectral analyses. The laboratories could have a contract with another laboratory to perform tests. So, for the FIS championships, two laboratories had been involved: one to perform all tests, and the other to perform more specific analyses.

The lack of harmonisation was perhaps more to do with performance. WADA had a perfect test developed. There were laboratories that had problems responding to specifications and, if a laboratory failed WADA tests, it could be suspended. This minimum laboratory performance level could be harmonised to bring the laboratories closer in terms of performance and could perhaps be more demanding.

MR REEDIE said that he did not disagree; however, WADA could produce these statistics without identifying the laboratory. He needed the data. Until somebody told him who could do what, he could not take a proper decision on how to allocate testing priorities.

THE CHAIRMAN tried to explain this to avoid the members getting more worried than they should. If there was an accreditation process in medicine, or general surgeons, there was a certain level of confidence that applied to general surgeons but, if they found a brain tumour, they would bring in a neurosurgeon. The laboratories did the same thing; it was not that there were laboratories that were no good. He did not want WADA to give the impression that it could not find everything between all of the laboratories. Another possible issue that he could think of was to say that, when the samples were collected, whether in or out-of-competition, the whole range of substances and procedures on the List would be tested for, but maybe only 10% or 20% were tested on a random basis for the full menu. He did not know whether there were theoretical holes in that approach, but WADA's goal should be that everybody should expect that the full range would be tested.

MR KASPER said that the FIS used two different laboratories. There were very precise rules as to the transport of samples. If an open sample went from one laboratory to another, there were no rules. When the FIS used two laboratories, there were no negative results as, he was sure that, from a legal point of view, the FIS would lose the legal dispute in the event of a positive test.

DR RABIN informed the members that there were 33 accredited laboratories. An additional 17 or 18 had expressed an interest in being accredited. The issue was how best to serve anti-doping, either by having a limited number of highly qualified laboratories, knowing that, in some countries, it would be virtually impossible for those laboratories to join or by allowing laboratories to step in with some of the requirements

but leaving the tougher requirements to be covered by other laboratories. These were questions that WADA faced regularly.

He wished to say that, at the ILAC (International Laboratory Accreditation Cooperation) meeting the previous year, WADA's proficiency testing programme was one of the toughest that had been presented. WADA was way ahead of many other organisations in terms of testing the laboratories. It was necessary to bear in mind that this was a very specific area, with only 33 laboratories involved, and it was very expertise and resource demanding. It was necessary to ask how WADA could best serve the testing of samples.

THE CHAIRMAN asked what, assuming that a laboratory could qualify, the incremental investment was that would be required in order to get from there to the full menu.

DR RABIN replied that, depending on what was necessary, it cost from between US\$ 4 to 6 million to create a laboratory, and then an additional US\$ 1 to 2 million depending on the equipment.

MR REEDIE said that, if WADA needed specific additional testing capacity on rare occasions, then it might be wise to invest some resources to make sure that that would be possible.

PROFESSOR LJUNGQVIST noted that, for the athletes, the List was there, providing the information. WADA should never announce officially that there would be banned substances that would not be tested for. WADA should not give the impression that there were laboratories with different quality levels. All of them were highly qualified scientific laboratories. It should not be made compulsory for every laboratory to test for everything, for example, EPO at the moment, as it was a waste of money. There were not laboratories at different scientific levels; they simply had different menus.

THE CHAIRMAN said that WADA should not lose sight of the fact that doping was rarely accidental. WADA was dealing with people who were trying to cheat and trying to hide the fact that they were cheating. This had been a helpful discussion.

DECISION

WADA management to prepare issues for discussion regarding menu analysis. Further discussion to take place at the Executive Committee meeting in September 2005.

10.2 Out-of-Competition Testing

THE DIRECTOR GENERAL said that several comments needed to be added to the paper. He had attended an ASOIF meeting at which he had presented the WADA activity report. The views of President Oswald and some of the IFs, including FIFA, were that WADA should be a service organisation, serving IFs, and that it should increase the number of out-of-competition tests carried out. The Chairman would be meeting Mr Oswald and Dr Rogge in mid-June to discuss these two aspects. It would be interesting to understand the views of the members with regard to these issues that had been expressed.

The out-of-competition testing programme had commenced in 2000 and, at the strategic planning meeting in September 2003, a decision had been taken to prioritise research and education as WADA's key target activities, although WADA would continue with the out-of-competition testing programme; in 2004, the number of tests had been based on an 80% budget. In 2005, WADA could conduct more out-of-competition tests and would do so. An additional 600 to 800 tests could be possible. This increase was based on the continuation of current staffing levels, the continuation of the approach that WADA had adopted of making each test count by targeting, and by ensuring that WADA was collecting samples in parts of the world in which either very few or none were collected.

This was to be viewed in conjunction with what WADA was doing with developing programmes, by way of the RADO concept that he had discussed previously, to ensure more anti-doping programmes and more samples collected in parts of the world in which none were being carried out. This would ensure that it was not just athletes from developed nations who were subject to testing; WADA aimed to concentrate on the developing countries in the way in which it prepared its activities. In September 2003, the aim had been to continue the programme whilst increasing the capacity of IFs and NADOs to work together in the field of out-of-competition testing. At the IF symposium in April, WADA had brought together the IFs and NADOs, which had created a great friendship and a great ability to work together. In terms of where WADA was heading, there was the potential conflict of interest if WADA was encouraged to expand its programmes so that it became a testing agency itself. A member at the September 2003 meeting had said that it was awkward for WADA to operate in a field in which it set the rules; there was a potential conflict in WADA setting and maintaining the standards on the one hand, and then operating under them on the other. It was that conflict that placed WADA's unique authority in some sort of jeopardy. WADA needed to maintain its task of monitoring compliance and reporting on it, rather than falling into the trap of doing what the IFs had to do in accordance with the Code. It was known that only very few IFs conducted out-of-competition testing themselves; the others relied on WADA to perform these tests. WADA was currently managing the programme in-house, as directed by the Executive Committee. WADA could sub-contract tests if necessary. The policy was the matter for which a debate was necessary.

MR MIKKELSEN wished to emphasise the unique cooperation and coordination role of WADA for the delivery of high-quality, unannounced, out-of-competition testing programmes. He had already publicly expressed his understanding for WADA decreasing the number of out-of-competition tests. The bad signal that might be given by reducing the amount of tests should not be underestimated. He wished to keep out-of-competition testing at a higher level, and he thought that the Director General's idea of an additional 600 to 800 tests per year seemed pretty good. He would also like to increase the number of targeted controls in sports and countries without testing programmes in order to obtain the best assurance of added value.

At the European Coordination Forum meeting the previous week, a recommendation had been made to improve the efficiency of the controls by developing appropriate test distribution plans in order to achieve optimal patterns of control for different pools of athletes in sports. The IFs could not count on WADA to carry out all of the testing. The IFs needed to do a major part of the testing. He supported WADA's partnership strategy with the IFs in order to assist with the development of anti-doping programmes and engaging the IFs to take on their responsibility and establish doping control programmes.

PROFESSOR LJUNGQVIST said that, at the start of WADA's existence, he had strongly argued for out-of-competition testing as one of the major tasks of WADA. He had reason to revise his opinion based on reality and the competence around the world. In 1999, the IAAF had carried out a survey and found that only 12 IFs performed out-of-competition testing. Six years later, 15 IFs performed out-of-competition testing; therefore, nothing had changed. At that time, the IAAF had been conducting 60% of tests, and FINA had been conducting 20% of all out-of-competition tests. He believed the figure was substantially the same. Nothing had really happened. This was not the way in which WADA should work. WADA's existence was there and WADA was expected to take over the out-of-competition testing, but it could not do so. The standard menu of substances would cost approximately US\$ 300 per test. Laboratories performed 170,000 analyses per year, or 150,000 tests, because some were double tests. A total of 150,000 tests per year was too little. If some two-thirds of those were supposed to be out-of-competition, that made 100,000 tests per year. It would cost US\$ 30 million (WADA's budget in full plus 50%), and how on earth could anybody expect WADA to take over? The real need was to make the IFs and the NADOs aware of their responsibility to perform out-of-competition testing under the Code by making sure that it was done, and

for that he thought that WADA should increase the budget, not for WADA to perform more tests, but to increase the efforts to involve the NADOS and IFs in the matter.

MR LAMOUR said that he understood the view taken by Professor Ljungqvist and the Director General. At the moment, WADA was in a particular phase, in which media and public opinion was very important. WADA's decrease in the number of tests performed with no explanation had not sent out a good signal. WADA should have said at the time that the IFs had increased the number of tests that they were carrying out; but only the negative news had come out. The governments and the media did not really understand the issues behind the reduction in figures. Professor Ljungqvist had given the long-term objectives: that the IFs should deal with the matter. Media-wise, however, WADA needed to maintain a level that was equivalent to what had existed previously. It was necessary to announce yearly figures and results, thus increasing efficiency in terms of communication.

MR LARFAOUI said that this was a sensitive issue, and everybody wanted to see an increase in the amount of testing carried out. Not only should the IFs and WADA increase the number of tests; countries and governments should also participate, performing random tests.

MR KASPER noted that his federation had spent over US\$ 1 million that winter on doping controls. He thought that his IF was also involved to a large extent.

Conceptually, MR STOFILÉ agreed with the view that it was necessary to increase the amount of testing, and that the IFs should be entrusted with the responsibility of performing the tests; however, something in him was wrestling with his agreement with all of these things.

In Athens, he had raised the issue of cheating, which had preceded the birth of Jesus Christ himself. He had also raised the issue of the collusion that had taken place between IFs, NOCs and governments. Now, people with that capacity were being told to be their own police. What would happen if an IF had to attend the Africa Cup of Nations and the striker of the national squad was found to have taken a banned substance by one of the laboratories? Could the members imagine the real possibility of collusion between him and the laboratory and the coach because they wanted their own national team to win? This was a real possibility. He had some doubts as to supporting IFs as the sole custodians of the tests. The governments now appeared to be coming out of their colluding cocoons and were taking anti-doping very seriously, which was a good thing. Nevertheless, it was early days and, having studied human nature, he was not very confident. When the chips were down, he was not very confident. He was worried about the possibility of what was designed to be a tool to assist WADA. He agreed that this should be the function of the federations and the governments, to ensure that the federations complied and did not cheat in the execution of this very important responsibility.

He advised taking the step with caution. It was necessary to have braces as, if their belts broke, their trousers should not fall to their ankles. Some safety mechanisms should be sought. WADA should motivate the IFs and laboratories and assist in building capacity, whilst policing them to avoid sweeping bad results under the carpet.

MR REEDIE said that the three IFs falling within 13 that performed out-of-competition testing were represented around the table. The Executive Committee and the Foundation Board had decided not to continue increasing the amount of random out-of-competition testing simply for the statistics; WADA would apply it more accurately. If there were pressures on governments, which he could fully understand, then WADA could change its view. If the IFs said that WADA should do more testing, he thought that it could. Having spent only 76% of the budget in 2004, he thought that WADA had sufficient funds to increase the amount of random out-of-competition testing carried out.

At the meeting with Dr Rogge and Mr Oswald regarding the issue of WADA being a service organisation, he thought that it should be noted that the term 'service' did not

appear anywhere in the WADA Statutes. It was important for WADA to cooperate fully with sports organisations. There was quite enough work to be done by WADA. The Chairman of WADA should go to that meeting and suggest that the IFs should make a greater effort to fulfil their obligations. In the meantime, WADA would do more out-of-competition testing and ask the IFs to do more, but everybody should get away from the impression that WADA was only a service organisation. WADA was a meaningful organisation doing much good work.

PROFESSOR LJUNGOVIST said to Mr Kasper that the FIS was on the ball with regard to out-of-competition testing. Mr Kasper was in the unfortunate position of having to perform EPO tests for his sport; therefore, it cost the FIS a lot of money to make a good effort. The FIS was an example of an IF taking responsibility. To his understanding, there were 21 IFs that did not comply with the Code. How would the IOC deal with this? He respected the arguments of the ministers that the image of WADA decreasing the number of out-of-competition tests had been badly reflected in the media. WADA could increase numbers on a superficial level; however, only the NADOs and IFs could do what really needed to be done.

THE DIRECTOR GENERAL referred to the addendum to the paper. The idea had been to establish an office to which smaller IFs without out-of-competition testing programmes could subscribe. A collective approach to anti-doping for the smaller IFs could be set up. He recommended forming a strategic planning group to develop such an office, for example, in the new House of Sport in Lausanne.

MR LYONS said that Australia would support the suggestion made by the Director General rather than the increase in out-of-competition tests.

MR BURNS echoed the previous comment. He did not know that WADA had been created to be a worldwide NADO. His understanding was that WADA had been created for education, research, monitoring and compliance purposes. WADA should not lose focus and should remember what its core missions were.

THE CHAIRMAN noted that it was clear that out-of-competition testing performed by WADA was always intended to be incremental. It was convenient for some IFs to get out of this duty. When WADA had cut back in 2003, it had been in the midst of a real financial crisis, and had not wished to give up research at the expense of out-of-competition testing. He did not want anybody to say that WADA would not pursue cheats to the very end because it was too expensive to do so. His country was not big, yet it made a yearly contribution of three-quarters of a million dollars. That was four pennies per year for each Canadian, which was not much. WADA should not be patting itself on the back. He did see the difficulty if the public thought that WADA was backing off. Maybe WADA should limp along, performing as many tests as it could, until 2007, and then one of the issues at the World Conference could be the question of who should be doing the tests. This would be helpful to the staff.

As to the meeting with the presidents of the IOC and ASOIF the following month, he thought that the idea that WADA was nothing but a service organisation to IFs should be stopped. WADA was more than that. It did provide some services, but WADA had an independent role that went beyond the mere provision of service. He would like to take the support of the Executive Committee that it simply did not accept any view of WADA as simply a service organisation. Hearing no dissent, he would take such support.

THE DIRECTOR GENERAL asked whether the Executive Committee could approve the pursuit of the strategy to set up a collective body with the ASOIF and the IOC people in order to look at such an office being developed for the smaller IFs in Europe, perhaps.

THE CHAIRMAN said that he was unsure whether WADA should be setting up offices; however, WADA should certainly work together and see what the smaller IFs might find useful. He suspected that a lot of WADA's tests could help out the small IFs.

DECISIONS

1. Out-of-competition testing update and discussion noted.
2. WADA Chairman to clarify that the WADA Executive Committee rejects any view of WADA as simply a service organisation.

11. Other Business / Future Meetings

THE CHAIRMAN referred to the suggested meeting dates in the members' files. The next meeting of the Executive Committee would take place on 20 September 2005. On 20 November 2005, a further meeting of the Executive Committee would take place, followed by a meeting of the Foundation Board on 21 November 2005.

Of all of the Executive Committee meetings, this one had probably been the most interesting. There had been a terrific level of participation and preparation, and he thanked everybody involved.

DECISION

Executive Committee meeting to take place on 20 September 2005; Executive Committee meeting to take place on 20 November 2005; Foundation Board meeting to take place on 21 November 2005.

The meeting adjourned at 16.40 p.m.

FOR APPROVAL

RICHARD W. POUND, QC
PRESIDENT AND CHAIRMAN OF WADA