

**Minutes of the WADA Executive Committee Meeting
20 September 2005
Montreal, Canada**

The meeting began at 9 a.m.

1. Welcome, Roll Call and Observers

THE CHAIRMAN welcomed everybody to the meeting of the Executive Committee.

He would circulate the roll call for those who were members or attending formally and those observers who wished to be noted as having participated were welcome to sign as well.

The following members attended the meeting (in alphabetical order): Mr Burns, Deputy Director of the ONDCP; Ms Elwani, Member of the IOC Athletes' Commission; Mr Fetisov, Chairman of the WADA Athlete Committee; Mr Kasper, IOC Member and President of FIS; Mr Lamour, Minister of Sport, France; Mr Larfaoui, IOC Member and President of FINA; Professor Ljungqvist, IOC Member and Chairman of the WADA Health, Medical and Research Committee; 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 Sports, Australia; Mr Mikkelsen, Vice-Chairman of WADA; Mr Nishisaka, Deputy Director General of the Competitive Sports and Youth Bureau, representing Mr Shionoya, Senior Vice Minister of Education, Culture, Sports, Science and Technology, Japan; Mr Owen, Minister of State (Sport), Canada, and Chairman of the Ethics and Education Committee; Mr Reddie, IOC Member and Chairman of the National Olympic Committee of Great Britain; Mr Stofile, Minister of Sport and Recreation, South Africa.

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

The following observers attended the meeting: Mr Arai; Mr Asakawa; Mr Blake; Mr De Pencier; Mr Fabry; Mr Genniges; Mr Gottlieb; Ms Hoogland; Ms Neill; Ms Nene; Ms Refslund, Mr Schamasch, Mr Schouenborg, Mr Scott, Mr Tugarin, Mr Van Ryn, and Mr Zinganto,.

2. Minutes of the Executive Committee meeting on 15 May 2005 in Montreal

THE CHAIRMAN asked whether the members had any comments regarding the minutes of the Executive Committee meeting on 15 May 2005 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 15 May 2005 approved and duly signed.

3. Director General's Report

THE DIRECTOR GENERAL informed the members that they would have had the opportunity to read his report, but there were a number of matters to which he wished to speak in order to give more information and new information.

With regard to the Independent Observers, a management evaluation of the Independent Observer Programme was to be completed by the end of the year; it would be tabled at the November meeting. It would look at the issues that had been raised from time to time around the table, including the cost-effective nature of the programme and the value of it. In doing so, WADA members were reminding themselves that they were, when observing the doping control programmes at major events, effectively observing the NADOs, or IDTM, in their collection work, and observing the WADA accredited laboratories in their analysis work, so WADA had to balance the observation of these activities with the task that it already had under the Code of monitoring compliance. That was what would be done with the Independent Observer Programme, and he hoped to provide the members with a good report in November.

There had been some difficulties over the past few months with national cases, and the reason for the difficulties was that many National Federations had not yet become Code-compliant, despite the International Federations apparently being so. WADA needed to ensure that this was overcome, and had some ideas that would be raised with ASOIF, AWOIF and GAISF as to a suitable clause that International Federations might have in their rules to ensure that the member federations were Code-compliant. An example of such a rule was present in the ITF anti-doping rules. WADA also knew that it could get assistance from governments and NOCs to ensure that, within their jurisdiction, their members were Code-compliant; that would be helpful, because there had been a couple of decisions, as the members may have seen from Mr Niggli's report, where the sanctions were inappropriate and WADA could not appeal, nor could the International Federation interfere, because of a difference in the rules.

This led him to the issue raised previously of bodies accepting the Code where such bodies were not under the Olympic Movement umbrella, nor could they be included as being under the government umbrella. Members would see some examples of this in his report. In fact, WADA had, at that stage, many examples of sports organisations writing to WADA asking that WADA accept their acceptance of the Code, in addition to WADA accepting to peruse their rules to ensure that they were Code-compliant, and then of course WADA needed to consider what happened when they gave effect to the rules, in other words, should WADA monitor their compliance? This was something for which WADA was not yet being paid for by the contributions received from the IOC and governments. This had been raised at a previous meeting, suggesting that there be a fee for service, and he was quite happy to proceed on that basis, but he was looking for some guidance as to how that fee should be set, because it could be an annual fee, a one-off fee in terms of the acceptance, or WADA could bill, like lawyers billed, on an hourly rate. He did not mind, but needed direction, and this was an issue that was clogging WADA's resources almost on a daily basis, and members would see when looking at the list of those that had recently applied why it was becoming quite tricky. He would be quite happy to go to the Finance and Administration Committee with some other ideas if that was the direction of the Executive Committee.

THE CHAIRMAN noted that the difference between International Federation and National Federation rules was something on which it would be very helpful to get the advice of the International Federations: how would the International Federations suggest that WADA act, using International Federation mechanisms or other mechanisms, to make sure that the National Federations adopted the rules that the International Federations had adopted? He did not think that an answer was needed then and there but, if WADA could ask the International Federation representatives to consult their colleagues and come to the WADA November meeting with some suggestions, that would be helpful.

MR LARFAOUI believed that the answer was simple: generally speaking, for the National Federation to be part of the International Federation, it had to comply with all of the rules of the International Federation.

THE CHAIRMAN said that that was very helpful. Perhaps WADA could ask the International Federations to make sure that that rule was followed and consult with each of its member federations to confirm that the national rules were in conformity with the International Federation rules; that was to say, with the World Anti-Doping Code. If that was a process that could be undertaken, perhaps the International Federations could undertake it and say to the National Federations that they needed to be able to report to the WADA meeting in November whether or not the rules were in conformity. Did that sound like a workable proposal?

MR LARFAOUI wished to add that, for some National Federations, in their own constitutions, they had to comply with national rules, and that was where there was a conflict. This did not occur with all National Federations.

THE CHAIRMAN said that, as WADA worked forward with the Convention, those national rules, if there were differences, should fall in place. It was necessary to be informed in order to avoid a huge difficulty.

THE CHAIRMAN referred to the issue of non-members of the Olympic Movement. Governments and the Olympic Movement were supporting the cost of WADA on a fifty-fifty basis. If there were other organisations that wished to accept the World Anti-Doping Code and become compliant, that was good and it should be encouraged. The question was, if they were not making any financial contribution, was it appropriate that they have their rules checked for Code compliance, and subsequently monitored if they were not paying anything. That was the direction that the Director General was seeking. If it was the feeling of the Executive Committee that there should be some kind of financial contribution, he thought that WADA management should be asked to come forward in November with a proposal as to how that financial obligation should be satisfied. Was the principle acceptable, that the ones not paying anything thus far should pay some portion of the costs? If the feeling were yes, then WADA management would be asked to propose the modalities of that contribution.

THE DIRECTOR GENERAL said that, as far as the symposia were concerned, along with all of WADA's other management plans for 2006, WADA was well in advance of a full calendarised programme and had some proposals from countries and federations that it was considering. WADA would, by the November meeting, have a calendar for 2006 that it could share with Foundation Board members to show them the way in which WADA was going to run its activities in 2006, dovetailing with the activities of the various stakeholders, including the important sports meetings and government meetings. That was the aim so that members could see the tasks that WADA was following and the jobs that were being completed in terms of running symposia in various parts of the world. No further discussion about this was necessary; he had simply wanted to raise it as a point of information.

Regrettably, the meeting scheduled for the previous week with Interpol had had to be postponed, but WADA would continue to work to see whether it could advance matters of the trafficking sort and so on with that body. If anybody were able to help WADA in that effort, then WADA would welcome that assistance.

He had raised the question of corruption and bribery in his report. It was a matter that some of the International Federations had been confronting at recent times with the influx of betting on sport. He had had discussions with one International Federation, where the amount involved in a contest for the winner had been one fiftieth of the amount involved in the bet on that contest. It did not take a brain surgeon to work out that, therefore, one of the competitors could be subject to a bribe that would be a lot

higher than the prize money that he or she might gain from the competition itself. WADA had to look very carefully at similar sorts of approaches that might befall the doping control officers, laboratory technicians, and so on. WADA was looking, with one or two of its International Federation friends, into ways in which this could be combated. In doing so, even over the past few weeks, WADA had been informed of an example whereby death threats had been made to the doping control officers sent to collect samples from athletes out of competition. While that might not fall into the bribery and corruption area, it certainly fell into the area of evil, and he would have to categorise it along the same lines. It showed that the stakes were getting very high and it showed that WADA was in an area where evil was predominant. WADA was therefore looking at ways in which it could combat such a problem but, again, if any of the members had any ideas or mechanisms already in place, he would welcome hearing from them. As a separate example, he had spent a few days in Denver at the Hamilton hearing, and there had been evidence given that a member of the public had approached Hamilton, prior to his being advised of his positive test result from the laboratory, and advised that there would be a test result and, if he committed something like 200,000 Swiss francs to a suitcase that would change hands at the airport in Geneva, then that positive test would disappear. The result of that was currently in the hands of the police in Switzerland, but it had been part of the evidence at the Hamilton appeal hearing. He could not comment any further, but it was an example of a threat to the whole viability of the process in which WADA was involved. He had wanted to make sure that people were alert to the matter.

He had mentioned in his report that the working committees were complete and that WADA had no vacancies for 2006. This was a result of the WADA rotation system that effectively meant that 2005 was a lay year; since then, however, and Professor Ljungqvist could confirm this, he thought that there was one vacancy on the Health, Medical and Research Committee as a result of a member deciding not to continue, so there would be one vacancy for which nominations would be sought.

THE DIRECTOR GENERAL said that he had referred to the cost of anti-doping programmes in his report. He realised that this was a big subject; it was also mentioned under another item in the agenda. It had become quite obvious over the past weeks that many of the issues confronted by WADA were counted by those in the field or close to the coalface as too expensive or requiring too many human resources. WADA was under pressure to respond to these kinds of messages, because they were becoming more and more frequent. WADA had operated since day one on the basis that this was a pure programme and that it did not look at issues of cost when deciding whether something should be put on the List and so on, but it was getting to a situation where it was being raised more often, and he had wanted to table it in his report. Perhaps discussion could take place later when the issue was looked at more thoroughly under the item on menu analysis. He raised it because it was affecting his management team in terms of the responses that had to be given almost on a daily basis.

Referring to management, WADA had conducted a very lengthy internal review of its processes and activities carried out, bearing in mind the increasing load on WADA's shoulders as a result of the Code. The management had looked at ways in which some of those areas were burgeoning, for instance, science. WADA had more and more pressure on the Science Department to undertake work and, when looking at the department's responsibilities under the Code, which covered TUE and laboratory accreditation, the List, research, etc., it could be seen that the department was being stretched. There was similar stretching going on in the Legal Department, and WADA was involved almost on a daily basis in reviewing cases, determining whether to appeal and then partaking in the appeal. As WADA went on, this issue would get even bigger. Again, reflecting on the Hamilton case, the appeal in Denver, which was only partly heard, had already had four days of hearing. For the record, WADA was paying the lawyers who were representing USADA a substantial amount of the fee involved. However, not only did it involve the cost of the lawyers, it involved the cost of the laboratory director from Lausanne, who had been there for a week; UCI had had its own

lawyer and experts there for a week; and he had been present for some days of the hearing, so it was a cost that could be measured only in human hours, not in black and white numbers. If one was a clever defence lawyer, and he had regarded himself as one in the old days, one looked at every piece of information to put before a tribunal, and so one would sit there and squirm when pieces of newspaper reports were put before witnesses to ask whether they could comment on what the laboratory director had said, or on what the WADA Foundation Board member had said at such and such a time. This was all information that had been put before tribunals, and he thought that everybody needed to reflect on that when making statements or comments, because it was information upon which defence lawyers pounced. He had had to sit there squirming while the defence lawyer had been saying that the nandrolone test and the EPO test were no longer any good. What WADA had to reflect upon was that these appeals were all directed at the three wise people who were hearing them; they were the only people in the room who were really important. If these people did not have sufficient background, they might be swayed in one way or another by this sort of information, even if lawyers realised that it was not good evidence; it was persuasive information. WADA was therefore looking at ways and means in which WADA is present at some of these important hearings could even be upgraded to ensure that the full WADA message was heard and not just pieces in the hands of defence counsel.

That was in addition to other matters that were being looked at, such as monitoring, ADAMS, and so on. WADA had looked at the way in which it would conduct its activities for 2006. All of the directors had realised that the load on them was increasing; they were getting requests on a regular basis, normally from people who might otherwise have gone elsewhere but were referred to WADA for answers, and WADA was prioritising the way in which it would have to deal with all of these activities.

Regarding ongoing matters in relation to International Federations and testing at international events, and whether NADOs could test at events at which the federations were not, Mr Andersen and his team were looking at protocols that might be developed and aired at the International Federation symposium to take place the following March and ways and means of addressing that where everybody understood what was going on, because many of the federations had complained that the NADOs were interfering, and many of the NADOs had complained that the International Federations would not allow them to test. The Code provided the ability for these things to occur, but better communication was necessary, so a protocol was being developed to deal with it.

He had raised the Hamilton case; there had been discussions with FEI on the doping of horses, as he had written in his report, where the doping of the horse had been undertaken by the rider and where the sanction process for that was currently under the horse regulations and not under the athlete regulations. If the rider had doped him or herself, the rider might be subject to a two-year sanction; under the horse regulations, the rider might get only three months. WADA was talking to FEI about trying to resolve that.

The members probably all knew that the BALCO hearings were culminating in sentencing on 18 October. That day would be significant because it would depend on the information put to the court as to whether further matters were pursued, either at the sport level by USADA or at the federal level by the federal agencies. WADA had asked Mr Terry Madden to attend the Executive Committee meeting in November to provide a full update.

Finally, everybody in the past few weeks had seen a lot written about Mr Armstrong and the matters raised in the media. He would be succinct: WADA had offered to assist the UCI; it had provided the UCI with information; it had written to the UCI recently to suggest that the investigation ensure that the truth of the matter be inquired into; it had also responded to questions raised by Mr Armstrong's lawyers, and the members would know why lawyers were involved; and WADA was effectively providing all that it could. Nevertheless, there were many people out there making comments that might not be factually correct or accurate, and he thought that it was necessary for WADA to devote a

little bit of time and energy to ensuring that the factual position was righted because, at present, he could describe the situation only as a lot of spin with regard to the factual basis.

This concluded his verbal report.

THE CHAIRMAN wished to add to something that the Director General had already mentioned, which was that now that WADA had the Code in place, and was very close to the UN Convention, that would be the law governing all doping matters. Where people were going to be pushing and testing would be in the matter of process. Were the tests properly performed? Were the laboratories properly analysed? Had the legal steps been properly followed? There was no longer a possibility of arguing about whether substance X should or should not be on the List. Those members with experience knew that the job of a defence lawyer was very seldom to encourage all of the facts to come out, but to try and head off the facts by saying that there had been some irregularity. WADA could therefore expect, especially in those sports in which a great deal of money was involved, a lot of pressure on the laboratories, the process etc. and that would take a fair amount of time and money on WADA's part to make sure that the arbitrators in the cases did not get led off in the wrong direction. That would involve more and more time, particularly on the Director General's part, and on Mr Niggli's part, and their helpers, to keep the right facts getting to the courts.

One other issue was that CAS, which did not always get things right. It had decided the Jerome Young case (the track and field case arising out of the 4x400m relay in Sydney). The effect of CAS decision was that it was possible to have, between the heats and the finals, five totally doped-up, knuckle-dragging people in a relay race that won, and only one person of the six who was not doped, and the result would stand, and that person could keep the medal. This was an outrageous decision, and it had looked as though CAS panel had been playing some sort of parlor games with the IAAF, and anybody who knew anything about sport would not have reached such decision. WADA had written to the IOC saying that the decision was outrageous and, even if, under the IAAF rules, there had been some arguable basis for reaching that decision, which from his respectful view there had not been, this did not reflect what the Olympic Games ought to be, and that the IOC ought to take its own steps on that. He thought that the Executive Board would be considering the issue some time soon, but it was a perverse and anomalous result.

MR LARFAOUI said that the Director General's report was quite complete, and he had referred to the Armstrong issue. On behalf of ASOIF, he wished to ask for the necessary explanations regarding the case. He asked for some light to be shed on the matter.

THE CHAIRMAN said that he understood that Mr Larfaoui had been asked to file a letter from the President of ASOIF with WADA; that letter should be on file so that an answer to Mr Larfaoui's question could include responses to the points raised in the letter. He asked the members to turn their minds back to what had happened. On 23 August, in the French newspaper *L'Equipe*, there had been a story linking some samples in the French laboratory that had been re-analysed for EPO with doping control forms from the 1999 Tour de France signed by Mr Armstrong and with matching code numbers. This is what had given rise to the whole problem. The moment that the story had come out, the spin-doctors for various parties, Mr Armstrong, the UCI and others, had begun their campaign of trying to explain why this was wrong and improper. WADA would try to provide all of the facts, but the basic charge against WADA was that WADA had released confidential information, which was not true. The matter would be dealt with under item seven, but the letter from ASOIF should be submitted so that it could be dealt with.

PROFESSOR LJUNGOVIST said that the Chairman had mentioned CAS decision on the Jerome Young case; that was the second decision that IAAF did not fully understand. Earlier on, CAS had taken a decision stating that it had not been necessary for the USATF

to follow the rules laid down by the IAAF, in terms of relaying the necessary information to the IAAF. The IAAF did have some concern with some of the decisions taken by CAS.

His second observation was to confirm that the Health, Medical and Research Committee did have a vacancy and action would be taken to fill the position.

He wished to raise a matter regarding cost-effectiveness. There was one aspect that was often forgotten, which was that the danger was there when it came to these very complicated legal matters, where laboratories came under fire. WADA had to understand that the laboratories were working on a voluntary basis. They were paid, but this did not pay off. In order to be able to conduct all of the necessary work that they were doing, they needed governmental and other types of support. They were doing voluntary work at an ideological level and were becoming increasingly burdened by legal complications, coming under fire in the media, etc., and he simply wished to advise that the laboratories were working for WADA on a scientific, voluntary basis, and that WADA should protect the laboratories wherever possible.

DECISIONS

1. International Federation representatives to report back to the Executive Committee meeting in November with regard to the issue of conformity between National Federation and International Federation rules.
2. With regard to the issue of payment of dues by non-members of the Olympic Movement wishing to adopt the World Anti-Doping Code, WADA management asked to come forward in November with a proposal as to how such financial obligation should be satisfied.
3. Director General's report noted.

4. Operations and Management

4.1 World Conference 2007 – Timeline Update

THE CHAIRMAN said that WADA was working towards a third World Conference on Doping in Sport; it had been agreed that 2007 would be the appropriate year in which to have it, and the Director General and the management team had been working on this.

THE DIRECTOR GENERAL said that the paper in the files referred to the timelines. Essentially, WADA was asking for all bids to be submitted by 14 October, at which time WADA would look at a review of the bids received and prepare a paper along with recommendations for consideration in November so that, at the November meeting, the management would ask the Executive Committee to make a recommendation to the Foundation Board to adopt a city for the hosting of the conference in 2007.

THE CHAIRMAN noted that all that needed to be done was to make sure that WADA had made it as broadly known as possible that 14 October was the closing date for expressions of interest.

MR LYONS said that, at the previous meeting, Australia had raised the issue of whether the people or the potential bidders putting in expressions of interest would have the security capacity to hold the event. That might have been picked up in the expression of interest that had been put out. He was just wondering whether the security issue would be looked at before recommendations were made to the Executive Committee.

THE DIRECTOR GENERAL replied that, if the issue had been omitted from the expression of interest that had been put out, it had been by accident, and WADA had certainly intended to include that. Discussions had already been held with some of the cities that had expressed interest to ensure that the issue of security would be included in the final bid document.

DECISION

Third World Conference on Doping in Sport timeline noted. All bids to be submitted by 14 October at the latest and report to be provided at November 2005 meetings.

4.2 Private Funding – UK Proposal for Anti-Doping Trust Fund

THE DIRECTOR GENERAL noted that this issue concerned a proposal that Mr Caborn, the UK Minister for Sport, had raised and asked WADA to consider. He and the Chairman had met Mr Caborn and members of Mr Caborn's team, as well as some pharmaceutical companies, in London the previous week, and he thought that the best way to describe the matter was that it was very early days in the discussions, and rather difficult to predict any financial outcome, but some useful contacts had been made that might lead to a better scientific sharing of some of the information that was readily available from the pharmaceutical companies. WADA was now looking forward to another meeting, or more meetings, between the pharmaceutical companies and WADA staff, and he thought that he might be in a position to comment further on the matter in November.

MR MIKKELSEN, THE VICE-CHAIRMAN OF THE EXECUTIVE COMMITTEE, said that he believed that Mr Caborn's idea of establishing a trust fund was very interesting and represented a possibility to be developed. It was very important that any trust fund support be fully devoted to the priorities of WADA and that the risks for commercial bias be confronted from the very beginning. He had been in contact with Danish pharmaceutical companies and hoped that there would be a platform for further development of the concept in his country.

MR LARFAOUI said that he was somewhat sceptical when it came to the possible financial involvement of the pharmaceutical companies. It was necessary to be cautious, because WADA was fighting against doping, and who produced the products? WADA should be quite careful in this particular matter.

MR LYONS supported the comments made by the previous two speakers about supporting the idea in principle but being very cautious about governance and conflict of interest issues. He knew that the paper circulated indicated that the private sector would want to have control of the type of projects funded and should perhaps be given seats on the board or a right to say on the appointments of trustees to the board, and he thought that both issues should be very carefully looked at.

MR MIKKELSEN said, regarding the comment made by Mr Larfaoui, that the interesting thing was that he had had a talk with some very big pharmaceutical companies, some of the biggest in the world, and they had had the same idea as WADA. They would like to eliminate doping; they were not interested in illegal pharmaceuticals. These were the big companies, the clean companies, and, if contacts with them could be extended politically and economically, that would be good for WADA.

MR LAMOUR wished to provide an example of something that had occurred a few years back in France. French laboratories had been asked to explain the dangers underlying some products in the List, and the laboratories had been very reluctant to identify their products as being a doping substance. WADA would have to be convincing in order to encourage the laboratories to truly carry out preventative work, because that

would be the aim of their participation. WADA would still be the pilot of all of the research projects.

THE CHAIRMAN said that this was an initiative that was worth exploring as far as possible. He would not hold out much hope that the pharmaceutical industry was going to be willing to contribute on a financial basis to a research fund. His sense, from the representatives of the industry with whom WADA had met in London, was that they had no interest in doing that. Their view, on a political basis, was that such involvement would imply that they might have some responsibility for the use of these products in doping. They also thought that most of the products being used for actual doping were generic, or products that were no longer protected on a proprietary basis by patents, and that, generally, it was not a good idea for them to be involved. They understood the conflicts that members had raised, and were willing to share some scientific information with WADA (the structures of molecules and that sort of thing, and possibly the means of testing for such properties), but it would be on an ad hoc basis, depending on the kinds of products that they had made or on which they had done research. He did not think that WADA should get too attached to the idea that there would be a research pool of US\$ 100 million or something out there to enable WADA to carry on research directed by WADA and provided by the pharmaceutical industry. That said, WADA should see what sort of avenues of cooperation could exist, because there was no doubt that there was a huge amount of scientific knowledge out there that the pharmaceutical industry might be willing to share with WADA.

MR REEDIE, THE CHAIR OF THE FINANCE AND ADMINISTRATION COMMITTEE, said that he shared the view. When Mr Caborn had discussed the issue with him some months ago, he had suggested that the strength of Mr Caborn's argument would be greatly helped if he could bring clear evidence that the pharmaceutical companies were interested in this, as opposed to just having a debate about it and, in fact, nothing had happened since then that would make him change his mind. However, if, out of this initiative, WADA did have much clearer discussions with the pharmaceutical industry, whose products were abused by athletes, this would do nothing but good.

PROFESSOR LJUNGQVIST thought that the Chairman was correct in his comments and the IOC had made attempts in this direction without success. The Chairman was also right in emphasising the need for an exchange of research and scientific information, and one good example was the incident in Salt Lake City, whereby a new substance had been found simply due to good collaboration with the pharmaceutical industry, and that was a way in which relations could proceed.

DECISION

Private funding report and UK proposal for an Anti-Doping Trust Fund noted.

4.3 Turin 2006 Olympic and Paralympic Games Update

THE DIRECTOR GENERAL said that the update was in the members' files for their information; there was nothing more that he could add to it.

DECISION

Turin 2006 Olympic and Paralympic Games Update noted.

4.4 Staff Update

THE DIRECTOR GENERAL noted that the staff update was in the members' files for their information; he wished to take the opportunity to bid farewell to Mr Dielen, who had provided WADA with sterling service in the years during which he had been a member of WADA management and a good friend, a good ally to him and the other directors. He wished to record his thanks to Mr Dielen. WADA had conducted a search for the replacement of Mr Dielen, which was not an easy feat, but had had interviews and was down to making a decision and hoped that such decision would be made over the next couple of days.

The other appointment made was that of Director for the Regional Office in Montevideo. The appointment had been made and WADA was currently completing the contractual negotiations with the individual concerned, Mr Diego Torres.

The other staff movements were well documented within the report.

THE CHAIRMAN joined the Director General and the Executive Committee in wishing Mr Dielen the best, despite the tragic mistake that he was making in leaving WADA and going to an International Federation! He thanked Mr Dielen for a terrific job and for the support that he had given to WADA in its early days.

DECISION

Staff update noted.

5. Prohibited List

5.1 2006 Prohibited List

THE CHAIRMAN asked the members to consider the recommendations made by the Health, Medical and Research Committee for the 2006 Prohibited List; it was for WADA to consider those recommendations and agree or not agree with them, adopt the List for 2006, which would then be circulated and published prior to 1 October, coming into effect on 1 January 2006.

PROFESSOR LJUNGOVIST, CHAIRMAN OF THE HEALTH, MEDICAL AND RESEARCH COMMITTEE, informed the members that they had the material before them, with which he believed they were quite familiar, including earlier versions of the List and the 2005 Prohibited List, which was the basis of the work that had been conducted. As could be seen from the document, the List Committee, which is a sub-committee of the Health, Medical and Research Committee, was a very hardworking group. It had met three times and, in the meantime, a lot of work had been conducted by the office to administer the whole procedure. During the meeting in January, the committee had reviewed the experience from the 2005 List and updated recent information in order to come up with ideas as to what the 2006 List should look like. The draft List had been finalised in April and circulated to stakeholders around the world (some 1700 stakeholders). WADA received some comments from 50 stakeholders. WADA should not be too concerned about the low figure of responses since the majority of the replies had summarised replies from several organizations. All the responses had been reviewed at the meeting in September, and a final proposal had been given to the Health, Medical and Research Committee, which had evaluated the proposal on 8 September. A great deal of work had been done, and the proposals that the Health, Medical and Research Committee had come up with were very much based on the 2005 List. Some attempts had been made to revise the List in a more fundamental manner, one of these being to combine the stimulants in the 2005 List banned only in competition to make them banned in and out

of competition. This had been supported by some but rejected by the vast majority. All of the responses had been discussed and the List had been revised based on these responses.

A summary of major modifications had been provided and which he would briefly go through as there were some aspects that might need to be explained. With regard to group S1, the anabolic steroids, there was not much difference, except that, at the request of certain people, the committee had tried to stick to the international non-proprietary names and, where such names were not in use, the generic names or the chemical definitions were provided, which meant that there was a more uniform and easily understandable list of steroids for people to look up if necessary in available literature.

The endogenous anabolic steroids had not been changed in any essential manner; there had been some requests to move back from a T/E ratio of 4 to a T/E ratio of 6. This meant that a testosterone case was normally looked at as possibly positive earlier on, when the T/E ratio was about 6 or above. WADA had moved down in 2005 to 4 and above, which had meant a lot more work for the laboratories, and more follow-up studies conducted on athletes which had turned out not to reveal testosterone doping. There had again been a cost benefit question raised by stakeholders as to whether it was really a good idea to move down. The reason that the committee had decided to move down was because it had had good evidence that there were indeed testosterone cases with a ratio below 6 which had escaped in earlier years, but he thought that the committee had to blame itself a little in that it had not combined that with the necessary pedagogy and good explanation as to why it had made the change. People had been somewhat surprised, as it had come as a proposal after the previous year's circulation and consultation round. The committee had unanimously decided to retain the 1:4 ratio because it had acquired more information and thought that it was a good idea to go down, and now that the laboratories were prepared and knew why the move had been made, he was sure that there was more support for the decision. Once the committee had more information, it would be able to present the evidence for the 2007 List to see whether there was a reason to move in either direction or stick with the 1:4 ratio. This was an issue about which NADOs might approach members, so he wished to provide that extra explanation.

One major change made at the request of the stakeholders was that, under S2, the ban of hCG and LH for women had been removed. That had been introduced the previous year; Human Chorionic Gonadotropin and Luteinising Hormone had been banned for men in earlier years and, the previous year, it had been decided that there was no reason not to ban these for women as well since they could take them as doping substances in the same way as men. The problem here was that those substances are produced during pregnancy. He had mentioned earlier, particularly at the request of the Australian member who had expressed concern, that there were indeed ways in which one could differentiate between a pregnancy (even an aborted pregnancy) and exogenous intake, but those ways meant a questionable intrusion into the privacy of certain women. Therefore, WADA did not have an easy way to identify that which would not be in conflict with the interests of the individual concerned in terms of privacy and ethics. The committee had therefore admitted that the step had been premature and had taken a step back to institute research instead to see whether the right markers could be found that might be of use in the future. It remained to be said that there were no suspicious cases of hCG doping by women that year, so he thought that WADA was on fairly safe ground for the time being in that respect.

There were no other major changes with respect to the List. There were editorial changes, some related to beta-2 agonists, others in the chemical and physical manipulation section, enhancement of oxygen transfer, etc.

It remained to be said that, under S6, stimulants, a number of further examples had been added. Some of those were stimulants that could be obtained over the counter and therefore serve as a basis for unintentional and inadvertent doping. Therefore,

accordingly, the list of so-called specified substances had also increased (this could be seen on page 4). Also, with regard to section S9, further topical use of glucocorticosteroids that no longer required TUEs had been accepted. This was an adaptation of the actual daily life with regard to TUEs and athletes taking this vastly available medication for 'innocent' skin disorders, and athletes had to be able to take such substances (which had no effect on performance) to cure their disorders.

The Monitoring Programme was a programme in which substances that were not necessarily banned were listed and followed closely to see to what extent they were misused and then an attempt was made to find out the reason behind such misuse.

That concluded his presentation; he was open to questions.

THE CHAIRMAN asked whether Professor Ljungqvist was proposing the document as the List for 2006.

PROFESSOR LJUNGOVIST replied that he was proposing the 2006 Prohibited List for approval.

MR OWEN referred to the cost issue. There seemed to be a number of categories that challenged this, and one of these was simply the lack, or the state, of scientific knowledge at the time as to whether a substance was performance-enhancing or not. Another aspect seemed to be the capacity of the NADO or whoever was performing the test, and he wondered if it would be possible to consider a way of taking this issue apart a little (maybe with a committee of WADA officials; Canada would certainly be willing to take part in it) to bring it back in some way that was not purely based on cost benefits. He feared that, when the members got into the discussion of cost benefit, this would bring up issues that might potentially comprise WADA's principles. Obviously they were not, but it raised that spectre, and it was maybe more helpful to look at it from the point of view of whether WADA had the capacity to advance the science and testing on the ground with the certainty required to produce consequences from it at the other end. He thought that, as WADA spread around the world, it was obvious that its scope was expanding quite quickly, which would increasingly challenge this issue of certainty against perfection.

MR LARFAOUI added that, in paragraph 2 under section S6, stimulants, in the French version of the List, it said that certain stimulants had been reintroduced as examples. Were these prohibited or not?

MR LAMOUR referred to the issue of hormones. The List Committee had covered well the risk of being overly intrusive in the personal life of women and had been right in its decision to withdraw the hormones mentioned from the List. He had a question regarding stimulants. In the first proposals made about those stimulants reintroduced for the out of competition list, there had been discussion about cost benefits, and now stimulants were being moved over to the Monitoring List. The French laboratory was doing a lot of monitoring and those were added costs, so he wanted to know what kind of strategy WADA would take when it came to the various substances on the List. Could these be on the List for in or out of competition issues? What was the strategy involved in the Monitoring Programme aspect? This was very costly for laboratories; it was up to the laboratory to bear such costs and it caused quite a problem when it came to anti-doping costs.

With regard to salbutamol, he knew that, for more than 1000 ng/mL with or without a TUE, salbutamol was deemed as a doping substance, yet it appeared that WADA was asking an athlete with a rate higher than 1000 to specify why he or she had reached such level. It seemed that there was some contradiction between the fact that the Code stated that, beyond 1000 ng/mL, salbutamol was deemed to be a doping substance but, if the athlete was asked why he or she had such high levels... He asked whether somebody could clarify the matter for him.

MR LYONS said that he welcomed the removal of hCG and LH from the List for women and also supported the changes to the topical applications of glucocorticosteroids for the

2006 List. He was also pleased that there had been a timely process for consultation and an intensive process for review of comments. Australia would support the suggestion made by Canada for some sort of working group to look at the cost benefits and economic consequences. Australia did, however, have some concerns about the process on a more general level, in that it believed that the process of putting out the draft list should be accompanied by a clear list of what exactly the proposed amendments were, the rationale for the proposed amendments, ideally who the proponents of the proposed amendments were, and what the scientific evidence to support those amendments was. Unless WADA did that, it would not have sufficient transparency, and it would not have informed decision-making, and so he invited discussion on that issue and perhaps a move to greater transparency in the process.

MR REEDIE saw that, at the risk of displaying considerable ignorance, under the section on stimulants, there was levmetamfetamine and methamphetamine (-D). There had to be a difference between the two amphetamines described, because they were spelt slightly differently. He used to be a world expert on methamphetamine after the Salt Lake City Olympic Games, but wished to know whether he was reading this list correctly or not.

MR MIKKELSEN thought that Professor Ljungqvist and his team had been doing excellent work; he was just a politician, so he thought that as much transparency as possible was very important for WADA and the political system. This was why he supported the view expressed by Mr Lyons, because he thought that transparency was a key word for WADA's work, and he found it of utmost importance that there be full transparency concerning the process behind the List. He supported the work carried out by Professor Ljungqvist, and he trusted the work that the committee was doing, but he also believed that it was necessary to be fully transparent.

THE CHAIRMAN asked Professor Ljungqvist to respond to the List issues; the committee structure and philosophical matters could be discussed once a decision had been taken with regard to the List.

PROFESSOR LJUNGOVIST referred to the question asked by Mr Larfaoui, who had said that certain stimulants had been added as examples; these were examples and they were banned. All examples were banned, and then there was the general clause, saying that substances with similar physiological and biological effects and similar chemical structure were likewise banned.

In response to the matter of procedure, he believed that the committee had had some accompanying letters sent to the stakeholders to explain why certain proposals had been made and certain changes had been proposed in relation to the 2005 List, so he thought that there had been a degree of transparency; whether that could be improved could certainly be looked into.

He would like Dr Rabin to comment on the Monitoring List, as there was a limited number of laboratories involved in the Monitoring Programme, and these had different responsibilities.

With regard to salbutamol, it was a widely used substance for the treatment of asthma, and a TUE mechanism was in place should such medication be required. The question was that it could also be taken orally as a medication, and thereby an athlete could get excessive concentrations, which would have a doping effect, and possibly even an anabolic effect. This was why there was a cut-off level of 1000, above which, even a case with a TUE would not be accepted as therapeutic use, because non-therapeutic use only resulted in those types of high concentrations. This was simply to prevent the excessive use of salbutamol.

He asked Dr Rabin to respond to the issue raised by Mr Reddie.

DR RABIN referred first to Mr Lamour's comments on the strategy used by WADA for the Monitoring Programme. WADA had asked some laboratories to participate in this programme, and had aimed to have a fairly wide world coverage in order to try to pick

up some geographical differences, and also in terms of sport, WADA wished to work with laboratories exposed to different sports and to international samples. That was the first element. Thus far, what WADA had done was to work with those laboratories on a voluntary basis because what had been requested to date was that some of the substances detected in competition be reported to WADA, so there was no added cost for the Monitoring Programme other than reporting to WADA and interacting with WADA for statistics on the Monitoring Programme. What is new this year is the stimulants out of competition, and there is a whole list of stimulants that has been included on the Monitoring Programme; this would mean extra work and extra costs for the laboratories, and what WADA had agreed with the List and Health, Medical and Research Committees is to have the financial support given to the laboratories with which WADA would work, so that there would be some money dedicated from the research programme to support the laboratories for the extra cost generated by the analysis and reporting of out of competition stimulants, so that point had been taken into account by the Health, Medical and Research Committee.

To refer more specifically to bupropion, which was a well-known stimulant also used for smoking cessation, this had been part of the Monitoring Programme since the beginning of that year, and what had been seen over the first six months of the 2005 Monitoring Programme was that there had been only seven cases of bupropion reported, which was not a lot, particularly for a drug used to stop smoking. Some more research had been published over the summer, which could eventually lead to a ban consideration when WADA had all of the information from the Monitoring Programme in addition to new scientific information. That was something that was looked at very closely.

The Monitoring Programme had been completed for 2004, and the statistics would soon be made available. There were some trends that the List and Health, Medical and Research Committees would like to see confirmed before any definitive decision is taken regarding the substances.

Finally, in response to Mr Reddie's question, the issue that WADA had with methamphetamine was that there are different isomers, some of them with an INN, like levmetamfetamine, whereas the methamphetamine –D did not have an INN and so it had to be reported differently. This was why there was a distinction between the two, and the level of potency of those drugs is different, justifying a different treatment on the List.

MR REEDIE thought that there should be a threshold for levmetamfetamine so that the mistakes made before could be avoided. This could be discussed during the coffee break.

THE CHAIRMAN agreed that that was a coffee break discussion.

The members had heard the explanations and had the recommendations regarding the List. It was, essentially, a consolidation list; there were no major changes on it. Probably the first time that WADA would be in a position to consider major changes would be at the World Conference on Doping in Sport in 2007, which was probably appropriate. The question for the Executive Committee was whether it approved the recommendations of the Health, Medical and Research Committee with respect to the 2006 List.

Were hCG and LH on the Monitoring List?

PROFESSOR LJUNGOVIST replied that these substances were not on the Monitoring List.

THE CHAIRMAN said that there was a three-step process involved in the List every year. There was a List Committee, which was a group of scientists and physicians with particular experience in this matter. WADA had tended to ask them for their scientific views as to whether something should be on the List or not, without concerning themselves with the cost. Those recommendations then went to the Health, Medical and Research Committee, which took the scientific result and leavened it to some degree with

a cost benefit analysis, and might have some recommendations for the Executive Committee. The Executive Committee then made a determination on the List. He had always been reluctant to have WADA say that somebody could go ahead and dope because it cost WADA too much to discover whether or not that person was cheating. That was not where WADA ought to be on the matter. On the other hand, he did not wish to catch 14-year-old girls using nose-sprays for a cold while the medical teams involved in organised sophisticated cheating got away with it. Somewhere in there, there had to be a balance, and he thought that it might be helpful to have such a committee, which should certainly have government representatives, because they would be able to speak for and bring to the committee the experience of the laboratories. Frankly, a lot of the information that WADA had on costs was anecdotal. WADA did not really know what the real costs were and how they were being accounted for. He thought that a similar balance was needed from the world of sport, because that was where people knew what was actually going on. He would be interested in having a committee but did not want a committee that would take five years to report. The committee would have to come in and do a quick, incisive study; ideally, he would like to see it in time for the November meeting, although that might be unrealistic, but certainly not later than the first meeting in 2006. Was the Executive Committee in favour of striking such a committee? If so, within the next couple of weeks, if the members could give suggestions as to who might be useful contributing members prepared to work on the committee, they should send them in and WADA would try to get the committee established as soon as possible.

On the point that had been made by Mr Lyons, he was not so sure that it was a transparency issue as much as one for as much information as possible in order to understand why there was a change or not, and it was essentially procedure and, to the extent that WADA could make it easier for the stakeholders to assess what was being proposed or not, WADA should do that as it was a useful suggestion.

Following up on something that had been mentioned by Professor Ljungqvist, although there had been only 51 or 52 responses that year, which did not sound like much for 1700 stakeholders, it was actually twice the number of responses that had been given the previous year, so there was increasing interest, and consolidating interest among many of the stakeholders. There was a lot of attention being paid to this, and the suggestions, by and large, had been good. Those who did not have suggestions could be viewed as either too lazy to do anything or responsible stakeholders who really thought that the proposals looked fine to them. WADA could take a high degree of comfort that the consultative process was effective and extensive.

PROFESSOR LJUNGOVIST strongly welcomed a group to look into the cost-benefit matter and had interpreted discussions within the List and Health, Medical and Research Committee as a move that they, too, felt was badly needed. The cost benefit aspect could not be disregarded. WADA should make use of the money that it had in the best way possible.

THE CHAIRMAN asked those who would be making recommendations regarding the committee to include suggestions as to the mandate.

DECISIONS

1. 2006 Prohibited List unanimously approved.
2. Establishment of a working group to look into the economic issues related to anti-doping programmes approved.

6. Finance

6.1 Finance and Administration Committee Chair Report

MR REEDIE said that the format of the presentations had been changed, and he would follow the format by asking the members to look at the notes at the end of the various financial papers, rather than just throwing page after page of figures at the members.

The annual Finance and Administration Committee meeting had been held in Lausanne on 20 August and, just out of interest, a little exercise had been done to work out whether it was cheaper to meet in Lausanne or in Montreal. By about US\$ 5,000, it was cheaper to meet in Lausanne. This would depend on the make-up of the committee, but the exercise had been considered worthwhile.

One of the things that had been looked at was that, after each full set of accounts was prepared, a management control letter was received from WADA's auditors, PricewaterhouseCoopers, which told WADA whether it was operating properly or not, and it made detailed comments on aspects of WADA's financial operations. He was pleased to inform members that comments made by the auditors on the 2004 accounts had been fully implemented and WADA had been able to deal with all of the relatively small number of observations made to date, and the Director General had clear instructions as to how some of that would continue in the future. The quarterly accounts for 2005 up until the end of June, the revised budget from 2005, government contributions and the 2006 draft budget (to be finalised in November by the Executive Committee and the Foundation Board) had been looked at.

The Finance and Administration Committee had been pleased to have the company of Mr Thierry Sprunger of the IOC. He signed the cheques for fifty per cent of WADA's income and dealt in many ways with the same kinds of issues that WADA dealt with, and had been pretty helpful. WADA had looked quite hard at its current bank accounts; it had looked at an alternative investment programme rather than simply holding money on deposit, and the committee's advice was to delay any decisions until November, as the feeling was that the dollar would strengthen and there might be alternative opportunities at that time.

DECISION

Finance and Administration Committee report noted.

6.2 Government/IOC Contributions Update

MR REEDIE noted that this item was the factual statement of contributions received up until 12 September 2005, showing the funds received from the public authorities and the Olympic Movement. It then showed the 2005 and 2004 contributions from governments split on a geographical basis. He had no comment to make, other than that it seemed that WADA would achieve contributions at approximately the same percentage in 2005 as had been done in 2004, which was the best year that WADA had had.

DECISION

Government/IOC Contributions update noted.

6.3 2005 Quarterly Accounts

MR REEDIE said that the accounts up to 25 June had been looked at. One observation had been made by the Olympic Movement, with which he wished to deal specifically. It was an item that appeared on page 3 of 7, on the balance sheet for 30 June 2005, which said 'provision for bad debt' at just over US\$ 646,000. This related entirely to the question mark over whether WADA could recover general sales tax from the Federal Government in Canada. WADA could recover it from the Provincial Government but, at that moment, was not sure whether it could recover from the Federal

Government. It had therefore been thought wise to make a provision just in case the committee was unsuccessful. If it was successful, then clearly that provision would disappear and, in accounting terms, the money could be reallocated.

In the notes at the end of the section, the obvious question, if one was holding US\$ 27 million in the bank, was why? The Finance and Administration Committee had tried to set out a set of figures that showed that WADA had to hold some money in its capital account; WADA had very substantial commitments for research that the Executive Committee and Foundation Board had approved over the years. These commitments would have to be met, and were met too slowly in his view, from a purely financial and accounting point of view, but it had been explained to him that the speed at which funds were drawn was dependent entirely on the laboratories and the research that WADA was funding and when the laboratories actually asked for the money. Until they asked for the money, WADA would keep it and get some interest on it. WADA was committed to very substantial amounts of money for research. There were other decisions that had been taken whereby WADA had funds in place that it had to spend, for example, on out of competition testing, money that had come from previous years. He thought that, as at 30 June, the cash allocated had been in excess of US\$ 20 million, which left a relatively modest balance of US\$ 6.8 million. He knew what the rough monthly expenditure was for the remaining six months of the year and had taken into account the fact that WADA would receive a large donation, principally from the USA, as well as some other countries, which would then be backed up by the Olympic Movement, so, at the end of the day, the actual accounting for the year looked as though it might have a surplus of somewhere around US\$ 800,000. He hoped that that kind of note was clear so that no members were under the misapprehension that WADA was sitting on US\$ 27 million and doing nothing with it; WADA was actually applying it properly.

PROFESSOR LJUNGOVIST thought that the material had been very informative. With regard to page 3 of document 6.3, there was a provision for bad debt, and he did not know what this meant.

MR REEDIE responded to the question. The bad debt provision was the potential inability to recover general sales tax from the Federal Government in Canada. If WADA could not recover such tax, the Finance and Administration Committee had thought it necessary to have in the budget a provision to meet the loss of income. It was a question of recovering tax from the Canadian Government.

DECISION

2005 quarterly accounts approved.

6.4 2005 Revised Budget

MR REEDIE said that, again with experience, the 2005 figure had been changed. He referred the members to the notes at the end of the section. WADA was involved in legal cases much more than it had been and the Finance and Administration Committee had decided to increase the 2005 budget by US\$ 100,000, simply to meet the costs of the litigation in which WADA was involved. He had asked Mr Niggli to list the cases that WADA was currently dealing with and to list the estimated costs, so that the members would all know that this was an issue. In the Executive Office, the Independent Observer budget had been increased by US\$ 90,000 to cover the World Games audit on which somebody would report later on during the meeting. He might have a discussion with Professor Ljungqvist during the coffee break about the costs in Helsinki to see if any issues might be resolved.

The ADAMS issue was actually about US\$ 300,000 less than the original budget. He thought that WADA could be reasonably happy that it had been possible to retain the costs, as nobody had been quite sure exactly what all of this would cost. To date, he thought that the programme had been managed rather well and it had cost rather less than originally thought. Whether it would in 2006, 2007 and 2008 was the next 64,000-dollar question but, looking at it for 2005, it was fine.

With regard to the Health, Medical and Research area, there had been a feeling that the work done in the gene doping area should be continued and WADA had reached an agreement with the Swedish Government to hold a symposium in Stockholm in November that year. WADA would do rather less well on laboratory accreditation because it was not accrediting as many. It had been thought that three laboratories would be accredited; in fact, only two would be accredited.

With regard to Standards and Harmonisation, the amount allocated for testing was half a million dollars higher. The members would remember that, at the previous meeting, WADA had been instructed by the International Federations to do more out of competition testing, and this reflected the costs of doing a minimum of 3,000 random out of competition tests in the year.

If WADA opened a regional office in Montevideo, it was going to have to pay for it. The Finance and Administration Committee tried to watch operational costs closely to make sure that running the business from Montreal did not get any more expensive than it already was. This involved employment policy and watching costs, and the Director General did that very well.

DECISION

2005 Revised Budget approved.

6.5 Draft Budget 2006

MR REEDIE said that the draft budget for 2006 was the principle issue before the members. At the very start, there was a summary; page 3 of 16 showed that a budget was approximately in balance, involving an increase in contributions of around 3%. Again, if the members looked at the notes, they could see that the total increase was US\$ 651,000, which was US\$ 325,000 between the governments of the world and the Olympic Movement. He thought that this was affordable. In general terms, there was a thing called inflation that affected governments, WADA and everybody else, and members should understand that it was there.

Members could look at where the Finance and Administration Committee thought that the increased expenditure was to be. The litigation budget had been increased by a further US\$ 100,000; he had had a discussion with the Chairman before the budget had been drawn up, and both had thought that this was an area that was likely to be higher and higher each year.

The Independent Observer area, the Outreach Programme and the Executive Office were expensive. Those familiar with going to the Olympic Games would know that this was an expensive area. The Finance and Administration Committee questioned whether WADA should continue without examining the scale and scope of the Independent Observer programmes, but that was an Executive Committee call and not a Finance and Administration Committee call. It was up to the Executive Committee to decide whether those high costs should be met.

The next issue was pending: laboratory proficiency testing. Traditionally, it appeared that the laboratory in Barcelona had been the one that tested the other laboratories. The Finance and Administration Committee was not entirely sure that that was the ideal situation and, apart from anything else, the Barcelona laboratory had come back suggesting a new contract at vastly increased cost. The Finance and Administration Committee had been out onto the market and had seen two other tenders that indicated that the high costs were likely to accrue, so the Finance and Administration Committee was negotiating again with the Barcelona laboratory. Maybe they had thought that they were the only people in the market place; clearly, they were not. Now that they knew that they were not, perhaps a better deal could be done. There was an issue there on how laboratory proficiency testing was handled, whether there should be an independent organisation or an alliance of existing laboratories. The Finance and Administration Committee had increased the budget by US\$ 500,000 on the grounds that it thought that that was what it might cost in a worst-case scenario, but it might be possible to improve

on that figure, and he thought that any improvement would be thrown back into the research budget, from whence it had come.

The Finance and Administration Committee had shown the Montevideo full year costs and, having saved money on ADAMS, genuinely believed that, as it began to fully implement the system, the original budget should be taken up by half a million. It was quite clear that all of these costs were in excess of any increased income, so WADA was using money carried forward from previous years and was trying hard to make sure that other costs did not go up. On the other pages, the Finance and Administration Committee showed the detail of that: the US\$ 400,000 that it wished to have in Legal and Finance; the Executive Office covered this question of Independent Observer missions; the ADAMS budget was shown; the Health, Medical and Research Committee budget was shown; the committee dealt with the laboratory proficiency testing expenditure; showed the research budget, which had been reduced slightly and might well go back up. The Finance and Administration Committee believed that, for 2006, there were sufficient funds there to maintain the minimum of 3,000 out of competition tests, the target that had been set. Finally, so that nobody could forget the detailed work that had been done, the Finance and Administration Committee showed the budget notes, which had been distributed at the previous Executive Committee in May 2005, so that people could see the detailed thinking that had gone into the process.

The Finance and Administration Committee had been reasonably happy with its first draft; quite clearly, from everything said at that meeting, there would come a time when WADA simply needed more resources to achieve everything that it was currently doing. As the finance systems became ever more sophisticated, he now got actual versus budgeted expenditure on a monthly basis. Anybody who wished for a copy could have it; this was very accurate information to enable the committee to see when departments were running ahead of what the committee had thought that the budgeted expenditure should be. He was very grateful to those involved for all of the work that they had done in presenting these figures.

THE CHAIRMAN did not think that there were any decisions as such to take on this but asked whether anybody wished to make any observations or ask any questions.

MR OWEN thanked Mr Reddie and the team for the extraordinary work that continually went into the finance reporting procedure. He noted that the budget that was proposed for 2006 was still below that projected in 2001 and, at that time, a five-year projection had been set out. He was wondering if that was the intention for the subsequent five years. He also noted that it was based on a 92% collection rate of dues from governments and the Olympic Movement, and wondered if that remained a realistic target or an unsatisfactory low target. What sort of progress was being made in terms of collection of attributed dues?

MR BURNS echoed appreciation to Mr Reddie and WADA on the excellent presentation. He also thanked Mr Dielen for his good work. The USA had a couple of questions and issues, the first of which was the 1% issue. Perhaps that was somewhat internal but, when the USA and Canada and the 40 or so countries that they represented had sat down, the USA had agreed to pay 50% and Canada had agreed to pay 25%, and they had prepared to do that. As members were probably aware, both houses of congress had agreed to US\$ 2.9 million; that money would be coming, but it was not helpful when the USA got letters saying that it owed US\$ 30,000 or 40,000, and it was also not helpful when talking about an additional 3% increase when, as Mr Owen had appropriately pointed out, and it was probably no good to name countries, but Argentina, which owed US\$ 191,000 a year, had never paid anything; Venezuela, which owed US\$ 285,000 a year, had never paid anything; and Mexico, which owed US\$ 300,000 a year, had finally paid a US\$ 100,000 sum. The comment and question would be whether there would be a possibility to sit down and revisit this and try to come up with realistic numbers and, if those countries were not in a position to be compliant, perhaps WADA could engage in some of the pressure and persuasion that had been used in the past.

MR LYONS referred to the US\$ 1.5 million figure regarding the implementation of the ADAMS system. The estimate for 2006 to 2008 was US\$ 2 million. Perhaps he would have thought that, as WADA moved from establishment to implementation, the cost of ADAMS would start to come down over that period. He wondered why the estimates were fairly solidly going into the two million level.

MR LAMOUR said that, when it came to out of competition testing, only 12% of the budget had been used to date. There were only four months left in 2005 and he wondered how the remainder of the budget was to be used up.

MR REEDIE replied to the comments and questions. In response to what Mr Owen had said, he had been through this business of five-year projections twice before. He could remember the public authorities wanting a five-year projection on increases in budgets and, the first time that the Finance and Administration Committee had come along with a five-year projection, everybody had said that they did not want to have a five-year projection, and then it had been hauled back. The Finance and Administration Committee had actually proceeded on a practical basis of understanding that the previous year's increase of 7% had been a struggle for the public authorities; therefore, WADA was trying to keep increases as low as possible. However, WADA did flag up with almost static staffing in the office, trying to control costs. As members wanted to have, for example, a committee to work on the cost benefit analysis of testing, it was necessary to bear in mind that that cost money. At some future date, therefore, it would be necessary to look and see what other sources were available.

This matter ran on a little bit to what Mr Burns had been talking about. The answer, quite clearly, was that there was a percentage of WADA's budget that it did not collect, and it did not collect it for a whole range of reasons, the most obvious one being that people simply would not pay WADA and there were certain parts of the world where the actual cost of collection was perhaps lower than it was worth. There were significant difficulties in Africa, where WADA asked countries for a very small level of contribution, and collecting that was an issue. Again, WADA should probably look at trying to find a central agency to meet all of Africa's contributions. The lack of payment was particularly true in South America, and there had been a clear discussion between the USA and Canada, who would carry most of the burden of the Americas' contributions, and he understood the irritation when other countries did not meet their full contributions. How WADA got those contributions was an issue; WADA worked at it constantly. It was something that had to be done and, for example, with the PASO Games coming up in Rio de Janeiro, there was an element of modest pressure that could be brought to bear on the governments of South America, saying that their biggest continental sports organisation would include countries whose governments had not contributed to a campaign that everybody thought was a good campaign. That was the kind of pressure that WADA might be able to apply, but that would certainly make a difference; if WADA could collect another 6% of its contributions, it would be a very substantial amount of money.

In response to Mr Lyons, he would ask Mr Birdi to deal with that specific issue when discussing ADAMS later on. The Finance and Administration Committee had found this one quite difficult to handle, and had been doing it on a year-by-year basis. What was the cost of actually getting the research, the contracting and the system development done, and then what was the cost of encouraging people to make use of it? As the Olympic Movement was very well aware, if there was to be an expensive web-based system, the sooner everybody was using it, the better. WADA was well aware that that would have cost implications, and had taken an additional US\$ 500,000 into the budget for the following year to account for encouraging people to use the system properly.

In response to Mr Lamour, the figure that had been brought up was the first one that he had also looked at and wondered why WADA had spent only 12% of its budget. He was pleased to note that the figure was now much higher and, as of that date, WADA had completed 2,400 plus random out of competition tests, so the 12% was much higher, but he was very well aware that that was what the Olympic Movement and the

International Federations had wanted WADA to do when they had met in Berlin in the middle of the previous year.

THE CHAIRMAN said that WADA was more than happy to assist the governments by putting pressure on the countries that had not paid their contributions. He had been holding off somewhat until the adoption of the UNESCO Convention; he did not want to create some kind of an emotional panic non-support in certain parts of the world for the Convention but, once it was there and in place, he thought that non-compliance would really become an issue upon which WADA could focus.

On the issue of ADAMS costs, as the system was rolled out and more and more people were using it, there would be additional costs involved.

MR REEDIE noted that the Finance and Administration Committee had just been able to renew WADA's liability insurance at the same premium rate, which was a very good effort. It would most definitely not be the same the following year.

THE DIRECTOR GENERAL noted that there were two regions of the world in which some countries were not yet contributing: Asia, where progress was being made, particularly through the efforts of the Regional Office there, and the Americas, particularly Latin America. Since May, some monies had been received from Mexico, which was a first, and WADA would be receiving some monies from Argentina, which would also be a first. WADA was gradually getting into those areas in which it had not been before, and he thought that members would find accordingly that the credit side of the ledger would be improved.

He told Mr Owen that, the previous year, WADA had worked on a budget of 80% collection, and a 12% increase in terms of what WADA was working on that year would, he thought, be quite acceptable to a government. He did not want to rest; he would like to see 100%, and WADA was working very hard in that direction, but it took each country to contribute, and WADA needed the help of those members in the regions.

DECISION

Draft Budget 2006 approved.

7. World Anti-Doping Code

7.1 Code Compliance Activity Plan

MR ANDERSEN referred to the paper in the members' files. He would add a couple of points to the paper to emphasise certain areas. WADA was looking into the importance of using web-based assessment in order to reduce the need for human resources in-house. This was important in order to monitor compliance with the Code. WADA was now seeking partners in that respect in order to develop a tool in that direction, and already had several interested partners. The third element was then to develop the questions that needed to be raised through such a system in order to get good answers and monitor compliance with the Code.

THE CHAIRMAN noted that this was going to be one of the principal elements of WADA's mandate, and it was that monitoring process that was going to help WADA to identify anomalies in testing protocols, laboratory procedures and all of the other elements that went into making a comprehensive testing programme. Those attempting to avoid the application of the Code or attempting to dope would be using increasingly sophisticated methods, and it would be up to WADA to try and anticipate those and make sure that it would be able to deal with them. A good part of it would involve the education of the stakeholders, making sure that they understood what ADAMS was, along with the requirements by way of information and communication that would make this work, and a confidence that the system did work, that it was sufficiently

compartmentalised, that only people who needed to have access to certain types of the information on there had such access, so this was an essential element of WADA's work.

DECISION

Code Compliance Activity Plan noted.

7.2 Fédération Internationale de Football Association (FIFA)

THE CHAIRMAN recalled that, at the meeting in May, the Executive Committee had decided that FIFA was not Code-compliant. That decision had been communicated in a general sort of way, and WADA had said that it would refrain from making it definitive because there was a FIFA Congress coming up before the end of the year. That congress had taken place earlier that month in Marrakech; there had been changes to some of the FIFA regulations, and WADA now had to decide what it wanted to do.

THE DIRECTOR GENERAL briefly outlined the paper that had been prepared and asked the members to refer to it, because it included a brief analysis with a recommendation that, essentially, there was a conflict of view between the lawyers representing FIFA, who suggested that the way in which they had changed the FIFA rules now made them fully Code-compliant, and WADA's own legal views. One way of resolving the issue, which he had thought might be sensible for the Executive Committee to consider, was to seek an advisory opinion from CAS, which could be done under CAS rules. This would not be binding, but it would be illuminating, and would certainly straighten the situation rather than continuing to have a legal squabble between the respective bodies.

MR NIGGLI said that, since the previous meeting of the Executive Committee, FIFA had had its congress and made a number of changes to its rules, including the right of appeal for WADA; therefore, it was fair to say that some progress had been made. He was not going to turn the meeting into a drafting session; he felt that there were still issues, some of them probably from a drafting perspective, or of a more serious nature but, rather than arguing, perhaps it was time to have a neutral opinion on the issue to solve the drafting matters rather than holding a debate that could go on for a long time.

THE CHAIRMAN said that, in essence, he thought that WADA's best course would be not to withdraw the decision that FIFA was not Code-compliant but simply to suspend any further action in respect of that decision until it gained an advisory opinion from CAS. Thus far, there had been nothing but a series of media statements, with him saying that FIFA was not Code-compliant and FIFA saying that it thought that it was Code-compliant, and so on. There would always be some room for discussion. He would be reluctant, faced with what he thought was essentially a good faith view on the part of FIFA, although he did not think that it was necessarily right, if WADA gave the notification that it was not Code-compliant. That affected the IOC in that the entire process for the football tournament in Beijing in 2008 would be interrupted if the IOC did what it was supposed to do and, by the same token, if WADA gave the notice to the governments at that stage, there would be quite a serious impact on the 2006 World Cup. Did WADA want to take that on under its own responsibility based upon a difference of opinion between lawyers or not? WADA could tell FIFA that FIFA had made some adjustments and that it was clearly a better situation than it had been before, but that WADA had some questions and would like to refer the matter to CAS, to let somebody who was independent decide. If CAS concluded that FIFA was compliant, then WADA would be happy; if CAS concluded that FIFA was not compliant, he thought that part of the reference would involve knowing what FIFA had to do in order to be compliant. Then FIFA could be told that an independent tribunal had given the opinion and that the matter should be resolved. If FIFA was not prepared to resolve the issue then, of course, there would be a problem. His guess was that FIFA would. He had had some correspondence of an exploratory nature with the President of FIFA, who had said that FIFA would participate in any reference of that sort if WADA considered this necessary. That was his recommendation to the Executive Committee.

MR LARFAOUI agreed with what the Chairman had just proposed. If CAS said that the FIFA rules were in compliance, what would the consequences be? Other International Federations would also then be able to introduce changes.

THE CHAIRMAN thought that this was the risk that WADA would be taking. If CAS said that the FIFA rules were Code-compliant, WADA would have to accept that decision and remove the possibility of the declaration that FIFA was not Code-compliant. If other International Federations wanted to play with their rules, WADA could not stop them but, if they were not Code-compliant, WADA could either say that they were not Code-compliant if it was certain, or it could use the same process. WADA really did not have serious issues with any other International Federation. The objective was to get everybody compliant with the Code and, if it took references to CAS to do so, that was fine. Otherwise WADA could say that it did not accept the rules.

MR STOFILE said that he thought that the final objective of the Code was to make sure that there was alignment among the nations and International Federations of the world as to the application of the World Anti-Doping Code. If, as the report informed, FIFA had taken into account some of the criticisms levelled by WADA and attempted to align its regulations with the prescripts of the Code, that should be regarded as a positive step. He was not necessarily saying that that should be categorised as compliance, but it was progress. He had also been told that lawyers never agreed, so he thought that the FIFA lawyers and WADA lawyers should be given the benefit of the doubt. If CAS pronounced either way, both sides should be willing to accept the pronouncement. He suggested that WADA take the matter before CAS and, in the meantime, WADA should uphold its decision taken in May until there was a declaration on the matter.

MR KASPER agreed to the proposal, although he saw a certain risk. He felt that, if CAS accepted the interpretation of FIFA, many of the International Federations would immediately change their rules and adopt the rules that FIFA had adopted, mainly in regard to sanctions. It was getting difficult in his International Federation to convince it that it should follow the Code, when everybody could see what FIFA was doing. There had been a CAS case whereby CAS had accepted that FIFA had a fairer way for the athletes. There was a certain risk that CAS would say that the interpretation was correct, and then other International Federations would move towards the FIFA rules; he did not think that this was good for the future of WADA. On the other hand, he saw no other way to proceed for the time being.

MR LYONS said that he agreed with the proposed procedure, but was wondering whether there was the risk that CAS would come up with a qualified opinion, a non-definitive view that would still leave room for argument between the parties, based on the interpretation of non-model clauses.

THE CHAIRMAN replied that the challenge then was for WADA to ask the right questions, and he was satisfied that WADA could ask the right questions and explain that it was important to have a yes or no response, rather than a political response.

MR BURNS agreed with Messrs Kasper and Larfaoui. WADA was opening the door for everybody to change the rules and advocating whatever authority it had to CAS. WADA would no longer be a determiner; CAS would be. He asked the Chairman whether there was any chance that FIFA was even close to complying with the Code.

THE CHAIRMAN replied that this was a good question. One way or another, WADA would end up before CAS. If there was a difference between the Code and WADA took an appeal and noted what the Code said, FIFA would disagree and note what its rules stated, and then somebody would have to decide. The second issue was that, at its Congress in Paris the previous year, FIFA had unanimously adopted the World Anti-Doping Code without reservation. It had not followed up adequately with its internal rules, even though it had adopted the Code. This was a way in which WADA could short-circuit the process and make it clear that, no matter what, it was necessary to be Code-compliant, and somebody would determine whether or not the body concerned was,

either in an actual case (which he would not want to lose) or in an advisory opinion (whereby WADA would neither win nor lose; it would just get an answer).

MR REEDIE said that he was not aware of the case at CAS mentioned by Mr Kasper, and would be interested to find out the details of exactly what had happened. In these referrals to higher authorities, much depended on the quality and status of the paper that went to them; the right questions had to be asked as, if not, one ran the risk of getting a less than perfect answer. If FIFA was happy for WADA to take this situation to CAS, WADA would have to make sure that the questions that it took to CAS were absolutely correct because, he thought, everybody who had looked at the two sets of rules knew where the differences were, on individual case management and TUEs. FIFA's rules were different and, if they had accepted the Code, it seemed to him that, almost by definition, they were non-compliant. WADA had to make sure that the CAS arbitrator knew exactly what WADA was looking for in order to avoid any political expression; it was a strict legal interpretation of what the two rules said.

THE CHAIRMAN said that WADA would not be asking for some sort of philosophical discussion as to which CAS thought was the better rule. WADA would ask whether or not FIFA was Code-compliant, in respect of the rules where WADA thought that there might be an issue.

MR MIKKELSEN strongly supported the Chairman's suggestion because, even though WADA had to be tough on those countries and organisations that did not apply the Code, this was the only possible way of getting out of this mess. There should be no difference in the application of the Code by different bodies. WADA had had a war of words with FIFA for some years now; this war had to stop, and CAS was the right organisation to stop it.

PROFESSOR LJUNGOVIST thought that the end of the road had been reached in terms of discussion with FIFA, and a new mechanism needed to be put in place. Probably the proposed mechanism was the right one. There had been a similar case, as he had briefly reported earlier on, whereby the IAAF had had a member federation that it had found to be non-compliant with IAAF rules. The case had been brought before CAS and CAS had ruled very strangely that the federation was non-compliant but was excused from complying with IAAF rules. He was a little afraid as to what CAS decision might be. Before taking a decision, it would be wise to look at alternative scenarios. Should WADA state that FIFA was not Code-compliant, would that not mean that FIFA would bring the case before CAS? It would be of some interest to know whether that had been in the air at all in the discussion with FIFA.

THE CHAIRMAN noted that one thing that was very clear was that the legislation was the Code. There were three possibilities: WADA could maintain its decision and say that FIFA was not compliant. It could notify the authorities and the IOC and leave the matter up to them. He was not convinced that those responsible would necessarily do what they should do in those circumstances. Or WADA could say that FIFA had made some changes and WADA was satisfied that they were alright. Anybody with a first-year law school education would conclude that that would be a silly decision. Alternatively, WADA could take the middle course, which was to say that it was going to end up there sooner or later, either with the first doping case that WADA appealed or if WADA declared FIFA non-compliant, as FIFA would have the right of appeal. Why not anticipate this and go directly there? Accept their profession of good faith and let somebody else decide.

PROFESSOR LJUNGOVIST asked whether, if WADA did as the Chairman proposed, which sounded sensible to him, it was understood that FIFA would accept the ruling of CAS, or would the battle go on? Would it not be wise, if so, to make an agreement with FIFA to go jointly to CAS and commit to abide by the decision reached by CAS?

THE CHAIRMAN replied that he would just as soon not get into negotiating with FIFA what the terms would be. WADA had questions that it wanted answered and would suspend its decision until it got an answer. If the answer was that FIFA was compliant, then WADA would be satisfied; if the answer was that FIFA was not compliant, then it

would have to make the changes. If FIFA was not willing to make the changes, then WADA would let FIFA live with the consequences. He did not want to negotiate the terms of some questions that were going to be put forward to CAS; that was WADA's call.

MR BURNS asked what would happen if CAS said that FIFA was not compliant but allowed it to continue to be non-compliant.

THE CHAIRMAN responded that, if CAS said that FIFA was non-compliant, then that would be WADA's responsibility. The CAS would be asked for an independent opinion as to whether or not WADA's concerns were well founded.

MR LAMOUR noted that Professor Ljungqvist had referred earlier to a decision by CAS that had placed the IAAF in a difficult position. He wanted to know, if WADA decided to turn the matter over to CAS, what the procedure would be, who would choose the arbitrators, etc. The decision to be handed down would be extremely important; therefore, the procedure was significant, and would have to be carried out in total transparency.

THE CHAIRMAN replied that the President of CAS chooses the arbitrators and WADA would note that it was of the utmost importance to choose arbitrators who were not in any way connected with football. The difference between that case and the IAAF case was that the IAAF had said that the national federation was required to follow the rules of the international federation but, because this had related to actions that had taken place two or three years previously, in the case of those athletes, they had been led to believe with the passage of time that the issue had been solved and it was not fair to go back and open up these cases. It was not a very good decision, but at least it had been retrospective, whereas WADA's was prospective.

PROFESSOR LJUNGOVIST asked whether it was not the case that each party had appointed one of the judges and they had agreed on a chairman.

THE CHAIRMAN noted that that was in the case where there was a dispute. This was not a dispute. This was an advisory opinion and was submitted to the President of CAS who looked at it and decided who to appoint and, if there were some clarifications required to the questions, the President was entitled to make those clarifications.

MR LARFAOUI asked whether it would be necessary to follow the advice given to WADA by CAS.

THE CHAIRMAN thought that, morally at least, unless it was clearly wrong, WADA would have to follow the advice. There were three possibilities: WADA might be unable to decide; WADA might be satisfied that there was compliance and there would be reasons for it; or the decision might be that FIFA was not compliant for a number of reasons. Certainly, in terms of WADA's monitoring of the Code, if it got an answer that said that FIFA was non-compliant, it would have the advantage and could tell FIFA that, unless it was prepared to make the changes, WADA was prepared to declare FIFA non-compliant. FIFA could reply that it would go to CAS; and WADA could then tell FIFA to take CAS opinion with it and see whether FIFA could get another CAS panel to change that opinion. As far as WADA was concerned, if WADA was told that the rules were compliant, then, when there was an appeal, WADA could look at the Code since there was no difference in effect.

MR LARFAOUI asked whether this was a reconciliation procedure, since both parties would have to agree to go before CAS and abide by the opinion.

THE CHAIRMAN noted that WADA would be seeking an advisory opinion to help it decide whether it wanted to maintain its decision or not maintain it. If it had a dispute, matters would be different. The aim was to seek the opinion of an independent arbitrator before making a decision.

MR KASPER highlighted the possibility of CAS declaring that both parties were right and that they should resolve their issues. He did think that the procedure would have to be followed.

THE CHAIRMAN pointed out that, if CAS played a silly game like that, it would look bad for CAS. They would look deliberately bad, whereas they inadvertently looked bad if they made wrong decisions.

MR STOFILÉ remembered that, in May, everybody had been boiling with rage, but he thought that WADA should not take its eyes off the ball. The issue was that WADA wanted all of the International Federations to comply with the Code. The Chairman had reported that the FIFA executive body had unanimously accepted the Code and wanted to comply. The document that FIFA had put together had been deemed by WADA non-compliant. Now it seemed that FIFA was convinced that its rules were in compliance. WADA was not convinced. This did not mean that FIFA had refused to comply. If WADA were to act in good faith, it would be only fair to say that FIFA had its own conviction and WADA had its own conviction, and to go to an independent third party to ask whether this was a real issue of non-compliance. WADA would not be asking CAS to exempt any elements of FIFA's rules. WADA would decide what to do with CAS opinion. Nobody could accuse WADA of having been stubborn, arbitrary or unilateral. WADA could take its next step on the basis of CAS opinion.

THE CHAIRMAN said that, since the proposal had been approved, WADA would get the matter under way as soon as possible, since it was in everybody's interest to have it done as quickly as possible. He hoped that CAS would be able to act quickly enough to enable WADA to report in November, but he thought that that was somewhere between optimistic and wildly optimistic, although WADA would press for a speedy resolution of the matter.

DECISION

Proposal to seek an opinion from CAS as to whether FIFA's rules are in compliance with the World Anti-Doping Code approved.

7.3 ASOIF Letter

MR LARFAOUI asked whether he might speak about the ASOIF letter. He referred to the letter that he had received that morning from the President of ASOIF, and he wondered whether the members might be able to shed some light on the Armstrong case so that he could be properly informed and know exactly where things stood.

THE CHAIRMAN thought that it would be helpful to have a review of the facts as WADA understood them, bearing in mind that there were other parties involved and that WADA did not know all of the facts.

THE DIRECTOR GENERAL advised members that the Paris laboratory involved in the refinement of the EPO test was regarded as being at the forefront of improving and refining the EPO test. All of the laboratories that were accredited strove to be better laboratories and provide analyses that were continuing to get better. It was under these conditions that the laboratory in Paris, continuing its work in EPO and its refinement of the EPO test, had been able to look at samples that it had stored from previous contests to see how things were going. The first point to make was that this had not been a WADA research project conducted under the WADA research programme, contrary to what members might have heard or read. This had been an internal refinement of a test, which he presumed could be loosely described as further research, conducted by the laboratory in its day-to-day activities as required of accredited laboratories.

The samples in the laboratory had been the property of the laboratory or those who governed it. WADA had done some studying of the rules in place in 1999, and the rules in place at the time had been the Olympic Movement Anti-Doping Code. The IOC had been responsible for accrediting laboratories. There was a brief statement within that document in relation to the accreditation process for laboratories but no guidelines as to what should be done with samples. The UCI, in 1998/1999, had the discretion to ask

that samples collected be given to the UCI to conduct research. The UCI had not exercised its right in relation to these particular samples. That was the legal position in relation to 1999.

WADA had been informed that the French laboratory was continuing its refinement of the EPO test and had, of course, encouraged that, because WADA's job was to ensure that more cheats were actually caught. WADA had asked to see the research. He had a copy of it and was quite happy to pass it round the table for anybody to look at. This had been couriered to WADA and received by him but not opened until 25 August, because, prior to 25 August, he had been travelling in Europe. The article in *L'Equipe* had been published on 23 August. If members had a look at the document, there was no way in which anybody around the table could say from whom any of the samples that had been the subject of this refinement had been taken, as it was anonymous. That was all that WADA had. WADA knew, from revelations made through a report undertaken by the UCI, that in fact the UCI had given documents to the reporter. He could not speak for the UCI, nor did he wish to try to, because that was not being fair to the UCI, which was conducting what it had described as a global reassessment of the position. The UCI had asked WADA for information; WADA had sent a long letter with responses to questions posed to WADA. The UCI had written again, and WADA had written back to say that part of WADA's task was to ensure that the truth was discovered and would the UCI commit to the search for the truth, because if it were just a personality witch-hunt or an attempt to label somebody as being a leak, then WADA had felt that this was not an appropriate enquiry to be part of. WADA had not yet heard anything in relation to that. WADA had also been approached by the lawyers representing Mr Armstrong with a request to answer certain questions, and had answered these questions. He thought that what was quite misleading in terms of the way in which it had been projected in the media was that a lot of people were saying that a lot of rules had been breached. He had carefully and closely examined all of the rules under which WADA operated, which included the International Standard for Laboratories and the World Anti-Doping Code, and had carefully examined the rules in place in 1998 and 1999, and it was almost impossible to find one rule that had been breached. There appeared to be a lot of issues floating around saying that there had been breaches of confidentiality. Neither WADA nor the laboratory had breached confidentiality, but certain documents with the rider details and so forth had been released by the UCI to a reporter and were now in the public domain. He understood that they might even have been released with the consent of the rider. That had nothing to do with WADA and nothing to do with the programme, but everything to do with those who had agreed to let the information go forward to the public. That was probably due to the art of a reporter who also did not come beneath WADA's jurisdiction or could be subject to any enquiry that WADA might conduct. This might be a very clever reporter, but he had information. WADA was quite happy to respond to the ASOIF letter in a very proper fashion without resorting to emotion and without resorting to hyperbole because, within the document, there was the suggestion that there were numerous violations of the World Anti-Doping Code. Normally, when one had that sort of information, one would expect to see it delineated, but there was nothing, and that was why he wished to respond with a little more time in order to be able to provide an accurate, yet total, answer to the note, so that it would be clearly understood by those who had written the note. He did not think that he could add any more to the situation; WADA did not have any other information that it could add.

THE CHAIRMAN thought that the letter that WADA had been sent from ASOIF was unfortunate in the sense that not only was it insulting to many of WADA's stakeholders, in particular one country, it was based on facts that were clearly wrong and contained an awful lot of misleading information and assertions that did have to be dealt with. It had been bad judgement on the part of the President of ASOIF to have written that letter, who also had had it co-signed by the Chair of the IOC Athletes' Commission, and had copied all of the Olympic International Federations. It was a letter that had been designed to provoke, and he thought it important that WADA respond in measured terms but in no uncertain terms. It should be a matter of concern to WADA's government

partners as well, because there were essentially threats about international sports events being held in a particular country. One other variation that needed to be considered as WADA went forward on this was that there was an effort being made in the publicity surrounding the case to suggest that the samples were samples that had been provided for basic research. This was not the case. The samples had been provided in a competition for purposes of anti-doping controls and it had been known at the time, or suspected at the time, that EPO was being used and that there was no viable test for it. As it happened, there had been some samples still available, there was now a test, and that test had been performed. These were samples provided within a regulatory context. The other thing was that it was being suggested that, even though WADA had not existed in 1998 or 1999 when the samples had been taken, and the World Anti-Doping Code had not existed until 2003 and had not been adopted by the UCI until the day before the Olympic Games in Athens, all of the provisions in the World Anti-Doping Code should be applied back to 1998 and 1999. If that was the case, then presumably all of the provisions of the Code should be applicable, one of which was that it was possible to go back eight years and retest samples, which seemed to have been forgotten. There was a lot of misinformation out there; WADA had responded to questions and given what factual information it had been able to give. He had dealt with many calls, and had been very careful to say that WADA had not seen all of the information and could not pass a judgment on whether the documents had been forged or the analysis had been properly done, but he had said that the laboratory in Paris was at the cutting edge of the science in relation to EPO, and if that laboratory said that it had found EPO in some of the samples, the identities of which neither the laboratory nor WADA had known, there was a very high degree of probability that there had been EPO in the samples, but that was as far as he had gone, and he had stayed away from mentioning any particular athlete. He had said to the President of the UCI that WADA would be happy to help in an investigation if it was an investigation; that was to say an investigation into all of the aspects, including how the information had become public and the truth behind it. The giving of information that had allowed for a match to be made had come from the UCI; WADA had a letter from the President of the UCI saying that, so why everybody was looking to WADA as the source of a leak of this information was a mystery to him; it was all part of the publicity. In any event, WADA would follow through on it. He advised members to bear in mind that WADA, in the case of the athlete who had been named, was dealing with somebody who was very litigious. To his knowledge, there were about half a dozen or more outstanding lawsuits involving this athlete, so WADA wanted to be careful what it said to avoid becoming an unnecessary target in any litigation, but he was sure that there would be litigation surrounding this.

MR BURNS was compelled to make a brief statement, and would not refer to any athlete or the facts that had been presented, as he thought that these were irrelevant. There had been talk earlier about there being a lot of spin; WADA should not be involved in spin. The professionalism or attributes of a particular laboratory had been discussed. This was irrelevant. What was relevant was due process and process of reasonable expectations by athletes and governments. It was the antithesis of what was done at WADA to not follow rules and to not wait for the process to be followed and to speak out or speculate precipitously, especially in public, based on speculation or tabloid sensationalism or intuition or, as some would say, wishful thinking. WADA was about getting it right, and he thought that it was bad for WADA, sport and government when WADA lost the trust of athletes. In his country, he could tell members, it was damaging to every person in that room. The talk was about something that had happened years ago, a B sample, and people were talking about that sample for a specific purpose. There was already talk of athletes refusing to participate in the rules set because there was no trust, because some laboratory somewhere had picked a country, held up a vial and said that the sample had been tested, and immediately WADA had said triumphantly that it could go back eight years, it had known this all along, perception was reality whether or not rules had been broken; WADA was in the middle of it and should not be in the middle of it. WADA should be the adults in the room every time on issues of this nature, and it was disappointing.

MR LAMOUR said that it was indeed a very important topic and WADA would do best to avoid dealing in approximations and talking about cases in any old way. Mr Verbruggen, the President of the UCI, had submitted the case, and his government need not have replied if it had not wished to do so, because an International Federation could not force a government to reply, but the French government had replied by listing a number of principles, which he would read to the members. More specifically, when it came to the objectives of the laboratory for doping control, it was a public institution and its statutes specifically stated that it was allowed to carry out research, adapt testing methods, fight doping and undertake technical progress and ensure the value of the results. The results provided by the laboratory had to do with the mission of the laboratory and had to do with substances that had been banned as of 1998/1999 and not, as stated earlier on, with general research on all kinds of products but on banned substances only. The laboratory had acted within its field of competence without any intervention or validation by anybody else. This was what the laboratory did, and it was done within the rules that governed the laboratory. What was somewhat surprising, given some of the reactions heard, particularly those expressed by the UCI, was that already the results of the 1998 samples had been scientifically published in a scientific journal in 2000, and nobody had made any specific comment on the results. This information could have been used to pre-empt those vials or continue an investigation. The laboratory would continue to be active in this manner, which might worry some people. There would be a French agency for anti-doping activities set up very soon, given the law to be voted on shortly by the parliament, and he thought that it would happen before 1 February 2006, when the governments had to ensure that the World Anti-Doping Code would be applied by February 2006. He also reminded the members that the work carried out by the laboratory had been carried out within a scientific network together with WADA according to section 19.3 that gave WADA a specific coordination role when it came to research, and he thought that WADA could welcome the work that had already been done, for EPO or growth hormone detection. WADA was moving ahead and should be quite satisfied with the progress made.

Moving back to reality, when talking about samples that were no longer anonymous, that could be done only if one looked at the tickets or labels that gave the number and name of the rider. One might be surprised, some things needed to be confirmed, but it would appear that a person could obtain such a label, enabling a relationship to be established between the test result and the name of the rider. He wished to specify that neither the laboratory nor anybody in France had the ability to put together a number or a name; if there were leaks, these had not come from his country, and he had gone to see the laboratory director to make sure of that. What would lead to the truth? The laboratory still had the infamous vials, in which there was enough urine upon which DNA tests could be carried out and also, of course, to see whether the vials for all athletes contained banned substances. These vials would be available for a court, if necessary, which could verify that they had to do with the athletes involved and that banned substances were present. He had not seen the letter from ASOIF, and would like to know whether the President of FINA, the IOC and the Chair of the IOC Athletes' Commission had been informed as to this request to withdraw the accreditation of the laboratory. Was this a decision that had been taken within a smaller group? Or had it been taken following large consultation of the members of the IOC Athletes' Commission and the members of ASOIF?

MR LARFAOUI said, with regard to the questions asked about the withdrawal of the laboratory's accreditation, that he had known nothing about the matter and had just found out upon reading the letter.

MS ELWANI said that she had also found out about this matter four days previously, when the letter had been circulated to seek opinions. Maybe it was not the answer to suspend the laboratory; she did not think that the letter had sought to do that. She thought that the letter had been written to find out where the leak had come from or the problem that needed to be solved to enable athletes to trust the system. The World Anti-Doping Code said that samples could be tested eight years back; nevertheless, on the

doping form, athletes had to agree for their samples to be used as research. This was a personal decision that athletes made. There had been no time for the athletes to discuss the matter as a group, as the notice had been too short.

THE CHAIRMAN asked whether the WADA Athletes' Committee had been involved in the matter.

MR FETISOV replied that he agreed with Ms Elwani. The rules had been set up in an attempt to protect the athletes. Any mistakes should be prevented in the future in order to increase the trust of the athletes, who worked hard to get results.

MR REEDIE said that, in listening to the debate, it seemed to him that the laboratory probably had not made any mistakes in terms of testing samples; however, maybe athletes needed to be well aware of the circumstances under which laboratories had been established and that their samples could be used. He thought that the athletes were seriously entitled to confidentiality. He thought that the letter did need to be replied to, and there were two issues in the last paragraph; one was that WADA should conduct a thorough investigation. He failed to see why WADA should conduct a thorough investigation when clearly WADA had known nothing about the matter until a newspaper report had been published. Lastly, the demand that, pending the investigation, WADA suspend one of its senior laboratories. He did not think that WADA had any grounds for the suspension of a laboratory and he thought that, as a matter of some urgency, WADA should respond along these lines to the letter and, unfortunately, the response would have to be copied to everybody because the matter was now out there. If this information came only from reading newspapers, and if it was clear that the chain of confidentiality had been broken by the International Federation, it seemed to him that the International Federation was the one that should be carrying out the investigation and not WADA. He thought that the letter should be responded to quickly and WADA should place the obligations where, he thought, they currently lay.

THE CHAIRMAN said that WADA had done that; he had said that this was a possible doping infraction in an event organised under the authority of the International Federation in one of its showcase events, and WADA should have thought that the International Federation would be interested in all aspects of this and, if WADA could help, then it would do so.

There was a substantial difference between retesting a sample given in the course of an anti-doping programme for prohibited substances and the use of a sample for general research. The WADA rules were far more protective of the athletes than the UCI's or almost any other International Federation that he could imagine because WADA required that, before the sample could be used for research, consent had to be given. The UCI had not had such a rule. The UCI had had the right to ask for the samples and take ownership of them, but the UCI had not asked, and was now complaining about what had happened. He thought that athletes should be delighted with the kind of protection that was afforded to them; those athletes who were competing clean should be delighted by the fact that WADA could go back, under the terms of the Code, for a period of eight years, to find out based on new technology whether somebody had been cheating at the time. That was WADA's mandate; it was not in the habit of breaching confidentiality, and had not had the opportunity to breach confidentiality in such matters. The disclosure that had enabled the matching of anonymous samples with particular athletes had come from the International Federation. If the forms had been disclosed, it would have been easy to cover off the code numbers, but the IF had not done this. Everybody believed that a response was necessary. WADA would have to decide whether or not to get into the copying game, that of sending a response to every International Federation on the planet, or simply to the authors of the letter. WADA should probably not answer a letter written on 20 September on the same day, when WADA had its own views as to what was behind it.

PROFESSOR LJUNGOVIST had a better idea of what had happened and would hopefully understand what would happen afterwards, but there was one element that

could be of importance to WADA and that was to guarantee the anonymity of a sample if it went off for research. There was a huge difference between a retest within the eight-year period and the conduct of some further research into a sample, and perhaps there should be something in the rules that clarified that, should a sample go for research, consent as well as a complete decodification of the sample were necessary so that the sample could not retrospectively be connected to anybody.

THE CHAIRMAN thought that that was basic standard operating procedure for research. One thing that had come out of this, and about which thought would have to be given, was that, with the eight year reach-back period, it would be the case almost 100% of the time that there was no A sample. The A sample would have been analysed at the time of the competition or the test and would have been negative. So there would be only a B sample. What should be done with it? Should it be divided into two, in order to have a B1 and a B2? WADA would have to think of something, because he thought that this was a gap in the rules at the moment. Maybe scientists could tell him. Was it outdated to have an A and a B sample? Was a B sample necessary? WADA had moved on from the days of 1968 and 1969 when the science had not been that good and there had not been many laboratories to do this sort of thing. It was an issue that should be addressed because it was going to be only half satisfactory if B samples could be analysed and WADA could say that a doping violation had occurred but the athlete requested a C sample. It was as much a legal problem as it was scientific, but an answer needed to be sought.

THE DIRECTOR GENERAL informed the members that, since WADA had become responsible for the laboratories and the doping control forms and so on, WADA had had on its forms a specific section for athletes to sign, in which they consented to research. Alternatively, the athletes could refuse. Many of the International Federations did not have such a possibility, so it might be useful if the Athlete Committee were to conduct a survey of the International Federations to see whether they had this section on their forms. WADA knew for sure that the federation about which the members had been talking did not have such a section. If people were looking at putting an emphasis on WADA and what WADA had to do, he thought that everybody had to say what they were doing for the athletes. This was not a mandatory requirement, but WADA did it because it very much believed in the confidentiality and anonymity of the samples for research. He thought that this matter should be made clear.

PROFESSOR LJUNGOVIST reported that the List and Health, Medical and Research Committees had looked into the A and B sample aspect. Some years ago, it had certainly been felt that an A sample would be sufficient but, unfortunately, over the past few years, there had been too many cases in which the B samples had not confirmed the A samples, so he thought that this was one reason for which it was necessary to stay with the A and B samples from a routine point of view. With the rules that allowed for retesting during a period of eight years, an unbroken sample would be necessary for the retest. From a scientific point of view, there should be no problems with retesting during such a period because, if a B sample had been preserved under the proper conditions, it could be divided in front of the athlete into two samples. Not much urine would be needed at that time because the scientist would know what he or she would be looking for. The amount of urine would be sufficient within the B vial for having an A and B analysis conducted for the purpose of identifying a particular substance. It was a matter of drafting the necessary rules.

MR LAMOUR stressed that the laboratory in question had carried out the analyses not for the purpose of doping control but strictly for research purposes, and the laboratory had been within its rights to perform such research. The fact that it was possible to analyse samples years afterwards was a major advance. The aim was to strengthen doping control and the fight against doping. He was not questioning what an athlete or federation had done, but he thought that the laboratory had complied with the rules.

How had an International Federation been able to give the information as to how to identify a vial to a reporter? Apparently, the UCI had given information to a reporter as

to how to identify a vial. If was not the fault of WADA or the laboratory, and he thought that the behaviour of those behind the letter written by ASOIF was not commendable.

If WADA was not to perform its role, as set out in the World Anti-Doping Code and the Statutes, what was the point of all of the money that was being given to the fight against doping?

THE CHAIRMAN noted that this was the same organisation that had suggested that WADA was simply a service organisation for the International Federations. That suggestion had, he thought, been disposed of fairly quickly at the previous meeting. WADA had had a meeting with the President of ASOIF and the President of the IOC and it had been acknowledged that WADA was far more than that. WADA did not need all of the money contributed by the Olympic Movement and the public organisations in order to be a service organisation for a few International Federations. WADA would deal with the matter. By the meeting in November, he hoped that things would be much clearer.

MR BURNS wondered, if it was a research activity, why WADA was speaking out about potentially positive or negative doping tests. When did research morph into doping, and what were the rules and what could the athletes expect? If there was not a chain of custody, if they were not to believe that there would be identification made, whether it was on the form or not, his understanding and the prevailing view was that it was for research and athletes could put their heads on their pillows at night and go to sleep, but now WADA was saying that all of this research had been morphed into potential doping cases and that the laboratory had no responsibility. Why was WADA speaking out about research issues that had now somehow become doping scandals?

THE CHAIRMAN noted that it was important to remember that WADA did not impose any sanctions; all WADA did was collect information, analyse the results management process and reach a conclusion that there was or was not a case of doping. If WADA reached a conclusion that there had been, or might have been, this would be pushed off to the responsible authority to decide. In this case, that authority was the International Federation. Assuming all of this was true, there was enough information to match a positive result in a laboratory with one of the athletes. If WADA was satisfied about that, it handed the matter over to the International Federation concerned, which might say that, because there was no C sample, perhaps there was nothing that could be done about it. At least, however, the facts were out there.

MR BURNS pointed out that the facts might be allegations.

THE CHAIRMAN responded that he was assuming that the matter was true. If it was not true, nothing would make him happier than to have a real hero who had overcome all sorts of obstacles and been able to win one of the toughest events in the world not once, not twice, etc. That would be swell. It was a great story. However, if it was not true, then it was also a story, and it was important that the truth be known. That was all that WADA's role was.

MR BURNS did not think that anybody in the world would disagree, as long as the truth were known with the process and procedures and rules in place, because, frankly, that was what sport and fairness was all about. To come back later and not follow the procedures and, before the dust had even settled, make pronouncements and judgements was very troubling.

MR LAMOUR wanted to know who, in Mr Burns' opinion, had gone against the procedures. Had the laboratory gone against the rules? Could Mr Burns confirm that?

MR BURNS had no idea. He had spent 20 years of his life as a prosecutor in a courtroom, and had had to deal with the chain of custody of guns and knives and blood and DNA, and would never have presupposed, reading a newspaper or magazine or letter, to make a judgement. His concern was that WADA had now put itself in a position of making judgements and responding to letters and opining on whether something had happened. He believed that WADA should be the respected body in the world and say that, until procedure was followed, it would not say anything. That was his concern.

THE CHAIRMAN said that the confidentiality issue would become clear. The confidentiality issue had come from the International Federation, by its admission, with the consent of the athlete. All of a sudden, when the two were put together, the first part disappeared and the blame was put on WADA or the laboratory or somebody else.

MS ELWANI asked about the consent given by the athlete.

THE CHAIRMAN replied that he had been advised by the president of the IF that the athlete had agreed to disclose doping control forms to a journalist.

MS ELWANI asked why an athlete would do this. Was that the same doping form that said that the athlete had been found to have a certain substance in his urine?

THE CHAIRMAN said that, no, the doping control form was what the athlete signed upon providing the sample. The name, code number and everything on that form had been disclosed to a journalist, with the consent of the athlete.

MS ELWANI said that, if she were an athlete who was taking illegal substances, she would not do this.

THE CHAIRMAN replied that Mr Verbruggen had advised him that both he and the athlete's lawyer had advised him not to do this, but he had.

PROFESSOR LJUNGQVIST thought that the discussion could on for a long time. He had been approached by several journalists, and had said nothing. He had abstained totally from commenting on the Armstrong case because, in his opinion, there had been no doping case to deal with. His question was, could it ever be a doping case in the absence of the B sample? According to the WADA rules, his interpretation was no, because there was no B sample. Was he wrong?

THE CHAIRMAN replied that Professor Ljungqvist could be wrong.

MS ELWANI asked about the eight-year issue. The B or C sample matter needed to be resolved, because any athlete who was doping and who got away with it in one competition would realise that it was off his or her back for ever, even if the B sample were tested again.

THE CHAIRMAN agreed that that was a problem; it was a gap in the rules that had not been fully addressed at the time that the Code had been put in place.

DECISION

ASOIF letter noted; a suitable response to be carefully prepared.

8. ADAMS – Anti-Doping Administration and Management System

THE DIRECTOR GENERAL informed the members that the report on ADAMS was in their files; Mr Birdi had done a very good job in adhering to timelines. Any questions could be answered.

THE CHAIRMAN said that Mr Lyons had asked a question about the US\$ 2 million for the next couple of years and asked Mr Birdi to address that.

MR BIRDI said that the budget of US\$ 2 million was expected to remain for the next two to three years. As a minimum, US\$ 1.5 million was required for hosting and software maintenance costs, and then telephone helpdesk numbers worldwide, whereas the other US\$ 500,000 was more to do with expected changes such as training costs. A ceiling of US\$ 2 million would be maintained as far as possible.

THE CHAIRMAN noted that WADA was in the process of rolling out ADAMS, and it was important to identify any possible bugs in the programme early, which was why there

were pilot projects and a great deal of consultation as WADA moved forward. Hopefully, as ADAMS progressed, there would be fewer and fewer problems.

DECISION

ADAMS Anti-Doping Administration and Management System update noted.

9. Department/Area Activity Updates

9.1 Science

9.1.1 Health, Medical and Research Committee

PROFESSOR LJUNGOVIST said that it was very encouraging for him to convey to the members the fact that the research programme was expanding and gaining increased support from the scientific community, very much due to the fact that WADA had been able to recruit very competent people to the Health, Medical and Research Committee who, in turn, had a network of scientists around the world, which made WADA's research programmes widely known. This was exemplified by the fact that more and more applications from scientific laboratories outside the regular or normal sports movement and outside the WADA accredited laboratory group, and also the accredited laboratories, were starting to interact more with satellite laboratories outside the accreditation system. It was clearly reflected in the documents in the members' files, in which they would be able to see all of the applications that had been received over the past year and those recommended for support. The fact that the committee now had a steady budget, which would hopefully be increasing, was significant. Scientists knew where there was steady funding available and that encouraged them to come up with more long-term projects, which were the kinds of projects that WADA needed. To find out new and improved methods for the detection of doping substances was a long-term commitment.

DECISION

Health, Medical and Research Committee update noted.

9.1.2 Research Projects 2005

THE CHAIRMAN said that there were 22 projects to be recommended to the Executive Committee; he promised that huge detail on 22 projects would not be heard.

DR RABIN said that he had tried to be extremely simplistic in the way in which the projects would be presented to the members. This was a huge effort for a scientist, which he was sure that everybody would appreciate.

Prior to the deadline of May 2005, a total of 60 applications had been received, compared to 57 the previous year and 31 the year before that. It was nice to see that the applications came from 19 countries spread throughout all five continents. Several applications had come from the same country, and sometimes from the same research teams. He thought that it was very interesting that more and more of the applications were coming from major researchers not related directly to anti-doping laboratories, which showed that the WADA programme not only fulfilled some of the immediate needs of the anti-doping laboratories, but also expanded beyond the borders of the traditional anti-doping laboratories, which was a healthy sign for the project.

As to the breakdown of the projects, there were 11 projects in the category of *Compounds enhancing oxygen delivery*; 9 projects in the category of *Compounds and methods enhancing growth*; there was a record high of 14 projects in the category of *Gene and cellular technologies applied to sports*, which he thought really reflected the interest in all matters related to gene transfer. WADA had a real need to prepare for the next generation of detection tests and methods. There were also 26 projects in the category of *Projects relating to the Prohibited List*.

There was a very well established process, working with the members of the Health, Medical and Research Committee, who established independent panels for the scientific review of those projects. All of the projects were submitted for review by the Health, Medical and Research Committee, and that had been done in September. It was still necessary to complete the independent ethical review of those projects. This was an area in which difficulties were experienced every year, since not all of the projects could be submitted on time to the local ethical panels, and there were more and more rules from certain universities that required that a grant be received by the research team prior to submission to the ethical panel. At the end of the process, approval from the Executive Committee was necessary for all of the projects.

A total of 60 projects had been received, and 22 projects had been recommended by the Health, Medical and Research Committee for a total of about US\$ 5.2 million. He thought that 22 out of 60 projects was a good ratio for a world organisation, and he would certainly not recommend that all 60 projects be supported, as he did not think that they were relevant.

As to the research proposals, there were six projects related to the detection of blood manipulation, and whether it should be at a biochemical or physiological level, or even a genomic level. Those were very different approaches, some trying to address some of the issues being faced today, others looking to the future.

There were four projects related to growth factors; unfortunately, almost every month, new growth factors were discovered. Modern medicine and the pharmaceutical industry were making growth factors even closer to the ones produced by humans, creating a real challenge for WADA. The four projects addressed those issues based on biochemical markers, also bringing in genomic technologies for the detection of those factors.

There were three projects to extend or improve on the detection of anabolic steroids. There were always some of those new anabolic steroids being released on the market, legally or illegally, and so such issues should be faced, and different approaches found to provide the information required regarding the abuse of such substances.

There were three projects on the improvement of current detection methods; two projects on new EPO detection methods; and two projects on the synthesis of reference material, which was key for laboratories to achieve the level of performance that WADA asked for from those laboratories. There was one project on the ergogenic effect of glucocorticosteroids, and one project on the stabilisation of urine samples to try to achieve or address some of the issues faced in relation to unstable urine samples over the past few months.

The total commitment for the research projects that year was US\$ 5.2 million; as agreed by the Executive Committee at previous meetings, there was some money set aside for targeted research which allowed WADA to contact research teams or tenders on some key issues being faced, and also WADA kept 7% of its budget for reactive research, when there were new issues that could be dealt with, such as designer steroids, or even sometimes research projects on new substances in development. As everybody was well aware, many substances were currently in development by pharmaceutical companies, so these issues had to be addressed on a reactive basis.

He wished to give the members an idea of how the WADA research programme was delivering, as it was important to know about the achievements. Several methods had been developed based on WADA's financial support; there had been three methods developed for the detection of haemoglobin-based oxygen carriers, which was quite an important new approach in the category of blood doping. WADA had participated, in collaboration with the IOC and USADA, in the development and implementation of the human growth hormone test. This was a very important project and had cost all of the organisations a great deal of money, but it was important that such tests be implemented. WADA had also been involved in the development and validation of the homologous blood transfusion test in collaboration with USADA. WADA was still putting a

lot of energy into the detection of autologous blood transfusion. There had been new data generated on finasteride as a masking agent; there had been a very concrete conclusion, which had led to the inclusion of this substance in the List of Prohibited Substances in 2005. There were also some added technical elements, including the systematic refinement of the detection of anabolic steroids. WADA had also supported the development of software to analyse the EPO images to help the laboratories to analyse those complex images, and this software was continually being refined based on all of the new knowledge that could be gathered. There had also been the development of methods for the detection of aromatase inhibitors, substances that had been added to the List but for which detection methods had not been completely satisfactory in the past.

To measure the impact of WADA in scientific publications, there were currently 41 scientific publications acknowledging WADA's support for the research. He had been pleased at the Cologne workshop, at which almost all of the directors of the anti-doping laboratories had been present, to note that the support of WADA had been widely acknowledged.

If members had any more technical questions to ask, he would be more than happy to respond.

MR KASPER congratulated the committee on the work done. With regard to page 12 of the document, the applicants were the president, treasurer, secretary or director of an International Federation and the item was artificial intelligence. What kind of research project was this? He was not against this federation, but had some doubts as to whether the staff of the federation were the applicants or the researchers.

MR REEDIE clarified that he was not anti-research, and Dr Rabin's report was quite clear. Going back to the establishment of WADA, progress had been slow in relation to research projects, and now it was much faster. There was a commitment to research and funds were held because they were committed. If WADA could get the message out that it was actually doing things and carrying out research as opposed to holding the money in the bank, that would be a good thing.

THE CHAIRMAN added to this the fact that WADA had an accounting system that was idiotic in its treatment of these commitments.

MR REEDIE agreed that the system was archaic and did not help. He had been told that WADA should consider an investment policy, but the problem was that WADA never quite knew when a laboratory was going to ask for money. It was all very well investing money more wisely, but there was no point in borrowing it.

DR RABIN referred to the biathlon project. An important point had been raised by Mr Kasper. One had to realise that some federations, having access to the athletes and gathering information, could see elements that it was sometimes harder for pure research laboratories to see and observe and use this information, so he thought that this project combined some of the information gathered on the field from the athlete and how to exploit this information to improve on the anti-doping test; in that sense, the approach proposed by the federation was very original.

PROFESSOR LJUNGOVIST said that this was sort of a pilot project; it had been allocated a very low sum of money, but it had been thought that it would be worth trying it out to see what could be achieved.

THE CHAIRMAN asked whether everybody was content with approving the proposed research projects. It was nice to see that the results were starting to come through now after a few years. Perhaps WADA might state that one of the conditions of obtaining a WADA grant was that research teams had to acknowledge the financial contribution from WADA?

DECISION

Proposed research projects 2005 approved.

9.2 Governments

MS JANSEN said that the members had the government relations paper before them; she would go through two areas, contributions and the Copenhagen Declaration, before handing over to Mr Mikkelsen so that he could update members on the UNESCO Convention.

With respect to the funding, the contributions were coming in, and she would agree that 92% was a realistic figure for 2005. WADA had 15 new countries making payments. WADA had received two advance payments from Tunisia and the Seychelles for 2006. WADA continued to aim for 100% but, as had been pointed out, WADA had to be careful in terms of how the issue was pushed, particularly in the UNESCO Convention year.

With respect to the Copenhagen Declaration, WADA had 179 signatories, which was 16 more since the previous meeting, and three more than noted in the written paper (Central African Republic, Mongolia and Bolivia). There were 22 non-signatories remaining. The countries concerned were relatively smaller in sporting terms, and she thought that this information would be helpful.

MR OWEN thanked WADA and the team for what had been done with remarkable success in working with UNESCO to get countries signing on to this important document. From Ethics and Education Committee discussions, he noted that the partnerships with the Council of Europe and UNESCO would be particularly important in reaching through the UNESCO network globally to teach about ethical sport and doping.

THE CHAIRMAN thought that remarkable progress had been made, bearing in mind that, at the first world conference in 1999, there had been some 40 governments present; at the Copenhagen conference, there had been 80 governments present; and now WADA had 179 governments that had made a political commitment to adopt the Convention.

MR MIKKELSEN gave an update on the UNESCO Convention, which was one of WADA's biggest challenges. The UNESCO International Convention against Doping in Sport was to come into force prior to the Olympic Games in Turin in 2006, which began on 10 February. This meant that at least 30 ratification instruments should be delivered to UNESCO by 31 December 2005. He did hope that this would be possible; however, he did not dare to be too optimistic. Should the Convention not be ratified in time, it would be of utmost importance that there be a clear signal of commitment to an anti-doping convention from the governments to the sports movement. This was important because WADA was a partnership between the sports movement and the governments, and the governments should also deliver a signal, the signal being that they would ratify the Convention. Therefore, he had consistently supported the idea that governments sign a provisional document, a statement of commitment to adopt the UNESCO Convention. This document would not be legally binding, but an incentive to have the Convention ratified as soon as possible. The signing should take place on 19 or 20 October at the end of the UNESCO General Conference in Paris, either by the sports ministers or high-ranking representatives of the member states. He knew that signing a statement of commitment, although not legally binding, would be a procedure claiming upon certain formalities in the member states. He was trying to coordinate the practical matters of the signing with the other member countries. He hoped that this proposal would be supported.

On Monday and Tuesday, the 25 EU sports ministers had met in Liverpool, at which there had been strong commitment to the idea. Most of the countries had said that they would be able to sign and implement the Convention prior to 31 December, so hopefully the statement of commitment would not be necessary.

In the papers, it said that discussions would take place on 6 October in Paris; this date had been changed to 5 October.

The so-called 'WADA Vice-Chair' working group had met in Montreal the previous day to discuss the strategy of nominating a governmental representative as the next

Chairperson of WADA. He would not go into details but, in order to have some flexibility of nominating, it might be necessary to make amendments to the WADA Statutes, having 19 representatives from the stakeholders instead of 18. The working group asked the WADA management to identify the need for amendments to the Statutes by the time of the WADA meeting in November.

PROFESSOR LJUNGQVIST said that he had been asked to express some feelings about the UNESCO Convention on behalf of the Olympic Movement and thought it appropriate that this be done to the government representatives on the Executive Committee so that they would be aware of the Olympic Movement view. The Convention marked considerable political progress in the worldwide fight against doping in sport by showing the will of UNESCO and states to play a more active role in such a fight. The representatives of the Olympic Movement wished to thank and commend all people responsible for the elaboration and hopefully the upcoming ratification of the Convention. Although this was unfortunately not fully binding, the Olympic Movement understood and respected that it was the result of many compromises. The Olympic Movement also understood that it was very much up to WADA to monitor the commitment expressed by the governments, just as WADA monitored compliance among the Olympic Movement members. This monitoring responsibility of WADA was important. The Olympic Movement did have some concerns, including the idea expressed in the Convention that, according to Article 34, approval of the Prohibited List and Standards for granting TUEs adopted by WADA would have to be communicated in writing to the Director General, who would then notify all state parties, who would have to adopt them in turn and, if necessary, make any amendments. Should amendments be made at the governmental level on the List and TUEs after the full WADA procedure had been gone through, he thought that there would be a very confusing situation, but he believed that this was a mechanism by which the List and TUE standard would be recognised and ratified, and it was certainly not expected that it would be changed, because the parties would already have been involved in deciding upon this as part of WADA. Also, he raised the issue of the intention with the voluntary fund. On behalf of the Olympic Movement, he would welcome any contribution to the fight against doping, but the more coordination the better. It was thought that WADA already received a substantial amount of money from the Olympic Movement and the governments, and the Olympic Movement was a little confused as to why the governments thought that they needed a separate fund rather than channelling directly to WADA, which would be the normal way. There were some further minor details, which were just suggestions on behalf of the Olympic Movement for consideration, and he thought that perhaps the document produced by the Olympic Movement could be appended to the minutes of the meeting; it would certainly be circulated to the governmental members of the Executive Committee.

MR MIKKELSEN replied that the governments and the sports movement had been working together on the project, which had involved a number of compromises. The governments now had a UNESCO Convention, which was a great opportunity. So many parties had been involved in the process, and now all of the countries had an instrument to cooperate in the fight against doping. He would read the document presented by Professor Ljungqvist on behalf of the Olympic Movement and would discuss its contents. He saw no problem with the proposals; the voluntary fund had also been a compromise, and would fund the UNESCO work. As to the first issue that had been brought up, he saw no reason why there should be any problem. He would read the document and then respond to it.

THE CHAIRMAN thought that all of the regional governmental members should be urged in their respective regions to encourage governments from those regions to support the UNESCO Convention and ratify it as soon as possible. If WADA did not get very quickly to the minimum number of 30 countries ratifying the Convention, it would be regarded by everybody as a disaster. There were 179 political promises out there undertaking to do this; WADA should deliver enough to make certain that a legally established convention would be in position, hopefully by the end of the conference.

MR MIKKELSEN noted that the governments had an obligation and a commitment to deliver a result. His country would be ready, as would a number of his colleagues. It was time for the governments to deliver their side of the bargain.

THE CHAIRMAN stressed that the Convention was absolutely essential to being on the same page in the fight against doping.

DECISION

Governments update noted.

9.3 International Federations

MR DIELEN referred to the FIG, which had contacted WADA in relation to some samples sent to the laboratory in Moscow. The samples appeared to have disappeared, with the former laboratory director claiming that they had been analysed and the current laboratory director claiming no trace whatsoever of the samples in the laboratory or payment for the analysis. Mr Fetisov had been written to and WADA had asked for clarification, as the FIG had almost suspended one of its member associations as a result of the disappearance of the samples and was awaiting clarification on the matter.

MR FETISOV said that he had enquired in June 2004 and the samples had never been delivered to the Moscow Anti-Doping Centre. All of the books and reports had been checked. He had sent this to the FIG and there was no indication of delivery of the samples. The samples had been transferred to Moscow without transport protocol but had never reached the laboratory. It was a strange situation, which was why the director of the laboratory had been fired and new employees hired, to make sure that it would never happen again.

DECISION

International Federation report noted.

9.4 Standards and Harmonisation

MR ANDERSEN wished to make a couple of additions to the report before the members. In addition to the 2400 out of competition tests mentioned earlier, WADA had also conducted over 100 blood tests for HBOCs, HGH and blood transfusions. WADA was well under way; he was very optimistic that the 3000 tests would be completed by the end of the year.

As to programme development, this was well under way. Tests were being conducted as he spoke in Oceania and, that week and the following week, people would be travelling to South America and Africa to carry out projects in those areas of the world in which there were no national anti-doping agencies. There had been positive feedback received in relation to those projects.

– 9.4.1 Menu Analysis – Cost Comparison

THE DIRECTOR GENERAL recalled that WADA's management had been asked to report back on this issue following a good discussion about it during the meeting in May. A general paper had been provided, because it had been realised that if the management were to attack just one element of the costs and cost-effectiveness of the anti-doping programmes, a disservice would be done to the others. This fell under the topic raised in his report that morning and had resulted in the suggestion that an ad-hoc committee be put together. He knew that the Canadian minister, with the help of his aides, had already put together terms of reference and a suggested way of composing the committee, which he was sure that the minister would like to table, in order to take the matter a little further forward. In addition to the questions that he had posed within the

paper, perhaps these could be included in the topics to be discussed by the new ad-hoc committee.

MR OWEN was very happy to table the suggestions drawn up during the lunch break by the officials. The more expeditiously and targeted way in which this was dealt, the better; it was not meant to be something to spin off into a long exercise but simply to give a little deliberative direction on how to deal with the issue of cost benefit in a way that concurred with the general approach.

THE CHAIRMAN asked how Mr Owen wished to move forward on this. Was this something that the Executive Committee should consider and approve immediately or should everybody be given a chance to look at it as a draft and then provide input?

MR OWEN responded that it was certainly put forward as a draft for consideration.

THE DIRECTOR GENERAL said that, if WADA were to proceed with as much speed as possible on the matter, he would suggest circulating the document so that everybody would have a copy of it before leaving the meeting, and then could provide comments on it within three to four days. Once there was agreement, the final document could be circulated and people could be asked to serve on this working group on anti-doping costs.

THE CHAIRMAN asked the staff to circulate copies of this document.

PROFESSOR LJUNGOVIST said that he would strongly support immediate action on this because it would be extremely good for the List Committee to be able to tell the stakeholders during the next step that the cost benefit analysis was being looked into, since this was something that had been asked so often by the stakeholders.

THE CHAIRMAN noted that, in the meantime, Professor Ljungqvist could tell the List Committee to rest easily because WADA was organising this.

DECISION

Standards and Harmonisation report noted.

9.5 Legal

9.5.1 Update on Cases

MR NIGGLI said that he did not intend to go into his report. He wished to make one addition to the report in relation to an athlete called Beke.[spelling?] This athlete had been cleared by the Flemish authority after having tested positive for EPO. WADA had received letters from the athlete's lawyer requesting that WADA give money to this athlete; WADA had denied such payment, as there were no grounds for that. Since then, WADA had read that the athlete was going to sue WADA in Belgium. WADA had received no information that it was being sued, and had certainly been interested to find out on which grounds the athlete had been cleared and had requested the report on which the decision had been based, but access to this report had been denied to WADA by the athlete's lawyer, so WADA currently had an athlete in the press saying that he was going to sue WADA but denying WADA any access to information. This was a somewhat awkward situation but, as far as WADA was concerned, there was no case under way.

THE CHAIRMAN said that there were going to be many of these cases over the next few years as stakeholders tested the limits of exceptional circumstances, the technology, procedures, laboratories and so on, and WADA was going to have to live with it for a few years until there was a jurisprudence built up, and then his guess was that the number of cases would drop fairly significantly. Ultimately, it was the lawyers who decided whether or not a case went to court and, if they knew that they were going to lose, assuming that they were ethical, they were not going to take their clients' money uselessly.

MR REEDIE said that it would be helpful if national courts said that there was an organisation called the Court of Arbitration of Sport, as it was much easier for WADA to

deal with CAS than national courts. Since there was a Court of Arbitration for Sport, the arguments should be there rather than all around the world because defending individually was very expensive.

THE CHAIRMAN said that that was one of the important reasons for which the UNESCO Convention should be adopted, so that state courts could say that recourse in doping matters was to CAS.

THE DIRECTOR GENERAL said that the only weakness in that argument was that an athlete would not get damages from CAS as he or she might claim for damages out of his or her civil court, and that was the area in which he thought that WADA was under siege at the moment; whereas the state governments were very willing to allow the sanction processes and appeals against the sanction processes to take place in CAS, this was a different issue, and he thought that WADA might find it being dealt with in a different way for that reason.

DECISION

Legal update noted.

9.6 Event Audit/Independent Observers

– 9.6.1 Event Audit Programme

MR DIELEN said that, at the previous meeting, the Executive Committee had agreed to the construction of a pilot programme on an event audit, and the definition that had been given was to provide an independent objective assurance and consulting activity designed to add value to and improve the doping control programme of the event. There had been 3,500 athletes at the event, and 270 samples collected, which was not that many. On a daily basis, a report had been given to the Chairman of the World Games Medical Committee including suggestions. In terms of the conclusions of the report on the actual competitions, it was clear that improvements could be made; the main issues had been athlete information, the management of TUEs, the planning of tests, the training of DCOs and escorts, and results management. However, at no moment had the team seen an issue that could really have harmed the results management of a case as such.

Coming to the evaluation of the audit programme itself and its strengths and weaknesses, there had been constant improvement of the doping control programme throughout the event itself because of the remarks being made and the ability to correct matters during the event. Also, there had been a solution-orientated approach rather than reporting as such. His last point was that there had been liaison with all of the levels of the event. There had been weaknesses: there was a possible conflict and the perception that WADA could be seen as interfering with the actual controls. Another thing that had been discovered at the beginning when people had not been sure what to do, which was a search for direction and, when the team had gone to a doping control, those carrying out the tests had looked to the team wondering what to do next. This was clearly a weakness of such a programme. The timing of the recommendation was important; the recommendation should be given only after the problem had occurred. It had been necessary to wait until the evening, because an immediate reaction might have made the problem worse. It had been necessary to time the recommendations. In terms of improvements, he thought that it was critical to concentrate more on the preparation phase; it was not as important to be involved during the event but more during the phase of training of DCOs and escorts. Language skills were essential, especially since escorts and DCOs were being worked with at the lower level. This was also a form of education, and so it had been felt that this should be combined with Outreach. To improve it, more pre-event detailed information was necessary, so that the audit could really be planned.

In conclusion, the programme was definitely valuable; there were dangers related to the programme, but he thought that the advantages had outweighed the dangers. In

terms of how it could fit in with all of the WADA programmes, three levels of possible cooperation existed: the initial, basic level of anti-doping development; the highest level, involving Independent Observer programmes; and the middle level to help anti-doping organisations that did not quite have the level to get better and better.

There was clearly a synergy with Outreach that could be established and, as mentioned before, it was necessary to look at Code compliance monitoring, which could be a very good tool in such a programme.

MR REEDIE said that, looking at it in detail, it seemed to him that it did offer management and therefore the Executive Committee the option of almost a scale of how WADA independently observed events, and it was almost in direct proportion to the importance of the event. If it was a very high profile event such as the Olympic Games, he thought that it was well established, and a proper Independent Observer programme should be in place, but if it was a much less important event, then it might well be that it would be possible to go down this simplified and shortened audit route. Logically, at the end of the day, that would help to save some resources. Who was going to take that decision would have to be the Executive Committee, and the WADA management would have to list its plans.

THE CHAIRMAN thought that that was the way in which it would have to go. The Director General had people collecting information on what the year looked like in advance, and WADA had a certain number of people and money available for the year and had to make that combination work as well as possible. That was a management function and he assumed that, at the beginning of the year, the management would report on what it planned to do.

THE DIRECTOR GENERAL said that a presentation would be made in November in terms of where WADA would be going with the Audit Programme and the Independent Observer Programme, along with an idea of costs and perhaps a suggestion that there be some user pay contributions.

DECISION

Event Audit Programme update noted.

– **9.6.2 Independent Observer Missions**

THE DIRECTOR GENERAL said that there was nothing to add to the item except to say that the reports from the aquatic and athletics championships had recently been finalised and would be distributed to the event organisers for comment prior to being posted on the WADA web site.

DECISION

Independent Observer missions update noted.

9.7 Communications

MS HUNTER referred to the report on communications that the members had in their files. With regard to Athlete Outreach, one of the large projects on which WADA had been working recently and would hopefully have within the next few months was a national outreach model, which was being developed for International Federations or NADOs to use to implement Outreach in their own programmes. WADA had a template that it had developed for the China National Games, to take place in October, and it would take some of the materials used during the Outreach Programme to develop materials to be used in national programmes. The members could see examples of these on the slides that were being shown on the screens in the meeting room. Once the programme had been implemented at the China National Games, WADA would come back and look at all of the material to make sure that all of the process was in place. The goal was to have the programme available on the web site so that WADA could partner easily with the International Federations and other stakeholders to make it easy for them

to download materials and, if they wished to translate them, WADA would try to make that process easy for them as well.

The new WADA web site had been launched; it was the product of several months of hard work to try to make the web site much more user-friendly.

MR REEDIE wished to clarify that the China National Games were those taking place that year in Nanjing.

THE CHAIRMAN thought that the web site looked very attractive and congratulated the communications team on its efforts.

DECISION

Communications report noted.

– **9.7.1 Athlete Committee Chair Report**

MR FETISOV said that he would like to thank WADA for the possibility of holding the Education Symposium in Moscow the previous week. Experts from around the world had had very productive discussions on education in anti-doping. The main aim had been to create a network of international cooperation and exchange experience in relation to anti-doping services. Great relationships had been established during the symposium and this had been a great idea. The symposium result showed that WADA's idea to hold regional activities had been very successful.

The first Athlete Committee meeting had been held in Montreal in May, and he thought that it had been important for the athlete members to see where all of the WADA work went on. Representatives of the IOC Athletes' Commission had also been present at the meeting. A good atmosphere had prevailed during the two-day meeting. Questions such as how to stay ahead of the cheats, what WADA could do to make things better for clean athletes, education to parents and children about the dangers of doping and how to encourage clean athletes to lead in the fight against doping had been raised. The group had felt that not enough public attention was focused on clean athletes, and that clean athletes should be more vocal about the importance of keeping sport clean, especially because of their influence on young people. Harsher penalties for athletes who cheated had also been discussed. The importance of strong penalties for influencers such as agents, coaches and trainers had also been raised. These people might put pressure on athletes to cheat. The Athlete Committee would be meeting again in November to discuss many issues. In the meantime, many members of the committee participated in the Outreach Programme at major sports events. He noted the importance of material translated into different languages to educate all of the athletes of the world and a strong voice to deliver the anti-doping message to the young generation of athletes.

PROFESSOR LJUNGOVIST supported that idea that athletes should be more vocal on anti-doping activities. He was often surprised by the silence of athletes, who should speak up and emphasise the need for anti-doping activities, gaining media attention.

MR FETISOV thought that this was extremely important and the athletes should be brought over to WADA's side. Perhaps some kind of event could be organised.

DECISION

Athlete Committee report noted.

9.8 Ethics and Education

– **Ethics and Education Committee Chair Report**

MR OWEN congratulated Mr Wade and his team, as well as his fellow members on the Ethics and Education Committee; a lot of work had been done that year which he, more

as an observer than a leader, had very much admired. He also congratulated Mr Larfaoui and the Chairman on the success of the World Aquatic Games in Montreal that summer.

The last two presentations had blended very nicely with the Ethics and Education Committee activities. There was an extremely ambitious and busy schedule planned.

The Ethics and Education Committee had asked at its first phone meeting earlier in the year that the staff come up with a grid or framework to relate the mission statement and guiding principles for the committee to the actual work and look at some adjustments that might connect one to the other in a better way. This had been done at a face-to-face meeting in July; it had been a very useful piece of work by the staff. The Ethics and Education Committee had made a few more adjustments; it was not quite ready to bring to the Executive Committee, but another face-to-face meeting would be held in October with the objective of bringing that framework to the Executive Committee in November. He thought that it might be instructive as well for WADA in its wider discussions about meeting broader objectives through a clear results-based framework to allow WADA to see exactly where it wanted to go.

Without claiming that ethics and education was the most important thing that WADA could ever do, he observed that, from a governmental point of view, it was often most difficult to spend the preventative dollar. It was much easier for governments to spend reactive dollars when something had blown up and there was a problem. The funds put into these preventative activities were immensely important and, of course, this global education and using the inspiration of Olympians and other athletes was a great opportunity. The partnership network globally was immensely important, and he had mentioned earlier WADA's partnership with UNESCO, in order to use its global network to get into schools so that children could become imbued with ethical concepts as well as information about what was healthy and what was not healthy. The Council of Europe also had model guidelines for education, which were very useful.

MR WADE referred the members to the information in their files. He wished to highlight a few items. The Ethics and Education Committee had had its first in person for 2005 meeting in July, at which important education aspects had been identified. The chart that was being evolved would be important for future programmes, decision-making and priorities.

The Moscow Symposium had been extremely successful; the Supplements Symposium in Leipzig was coming up, and there were two important outcomes needed. WADA had been working very actively with the dietary supplements industry as it wanted this industry to come to the table with a framework for action; WADA wanted timelines in place, and there was a commitment as he understood it. WADA was hopeful that the industry would come to the table with a commitment to raise the standards for regulations consistent with the pharmaceutical industry. WADA was also looking to the governments to maintain their strong regulatory measures on the supplement industry, and aimed to look at the system put in place as a benchmark for future regulations.

THE CHAIRMAN joined in the congratulations to FINA for a very successful event in Montreal. He would not like people to think that he had been co-chairman of this event; he had been the honorary president, which was where one put somebody who could not do a great deal of good.

DECISION

Ethics and Education Committee report noted.

– **9.8.2 Social Research Projects 2005**

MR WADE said that WADA had introduced a pilot initiative for a social science research programme; it was important to support this to gather information to have evidenced-based decision-making in the programming of priorities in the educational areas of activity. There was a modest budget, but three applications had been recommended by the Ethics and Education Committee, totalling just over US\$ 60,000.

The Ethics and Education Committee had reviewed the recommendations, and the peer review had been based on a chart that the members had in their files. The three recommendations had been prioritised and were the ones that were before the members.

The committee was also looking at joint funding in order to improve WADA's ability to have effective research of this nature worldwide.

MR REEDIE said that, if WADA decided to spend US\$ 6.5 million on research and had a new programme on social research, he actually thought that that was good news and, if WADA was holding press conferences, he thought that it should be prepared to say that. The question was whether or not this could be said without telling the people who had applied that they had been successful.

THE CHAIRMAN thought that, in the press conference, he could say that certain sums had been approved for scientific and social research without going into detail. WADA had preconditioned the press in the pre-meeting briefing to say that it would be considering some social research projects. WADA did not want the researcher to read it in the media before getting official indications.

DECISION

Three social research projects proposed by the Ethics and Education Committee approved.

9.9 Regional Offices

THE DIRECTOR GENERAL said that he had been entrusted with talking about the Cape Town, Tokyo and Montevideo Regional Offices due to the absence of the regional directors. The reports spoke for themselves, but members knew from discussions with some of the members that WADA was to provide a good strategic outlook for the work and operations of the regional offices for 2006. WADA had commenced work in that respect; he wished to make sure that the regional directors themselves were involved in the process, and there would be a strategic approach report tabled at the Executive Committee meeting in November.

– 9.9.1 Cape Town

DECISION

Cape Town Regional Office update noted.

– 9.9.2 Lausanne

MR DIELEN did not have anything to add to his report; he simply wished to thank everybody for the pleasure of working with them for the past three years and three months. He had, as had been said earlier, made a tragic mistake; he thought that one learned more from one's mistakes than from one's successes, so perhaps one day he would be wiser! He remembered one night in Copenhagen when the Chairman had come into the office to tell him that he had the evening off since, after 120 drafts, it was no longer necessary to change the Code. That had been great news. He would try to keep the knowledge that he had gathered over the years. Archery was not the number one sport in terms of doping; that did not mean that there was not a problem, and he would fight against it. He wished everybody all the best and thanked them again.

DECISION

Lausanne Regional Office update noted.

– 9.9.3 Tokyo

DECISION

Tokyo Regional Office update noted.

– **9.9.4 Montevideo**

DECISION

Montevideo Regional Office update noted.

10. Other Business

MR MIKKELSEN had thought it appropriate to have some memorabilia from female sports personalities in the meeting room. The Danish handball team had won the Olympic gold medal in Sydney and Athens and would hopefully win again in Beijing. The captain and the team had sent in the memorabilia for the WADA meeting room.

THE CHAIRMAN thanked Mr Mikkelsen; it was good to have a presence from not only the Danish, but also from female athletes.

Mr Lamour had given WADA two photographs to accompany the sabre that he had presented to WADA at an earlier meeting, and one of these would be framed and hung beside the sabre.

11. Future Meetings

THE CHAIRMAN referred to the suggested meeting dates in the members' files.

He thanked the Director General and his staff for the excellent job in preparing such high quality materials for the meeting.

DECISION

Executive Committee meeting to take place on 20 November 2005; Foundation Board meeting to take place on 21 November 2005; Executive Committee meeting to take place on 14 May 2006; Foundation Board meeting to take place on 15 May 2006; Executive Committee meeting to take place on 19 September 2006; Executive Committee meeting to take place on 19 November 2006; Foundation Board meeting to take place on 20 November 2006.

The meeting adjourned at 3.15 p.m.

FOR APPROVAL

RICHARD W. POUND, QC
PRESIDENT AND CHAIRMAN OF WADA