



**Minutes of the WADA Executive Committee Meeting
19 November 2006
Montreal, Canada**

The meeting began at 9.00 a.m.

1. Welcome, Roll Call and Observers

THE CHAIRMAN welcomed everybody to the third and final meeting of the Executive Committee for 2006. As the members would have seen, there was a reasonably full agenda, and they would try and get through it as expeditiously as possible. An attendance sheet would be distributed; he asked the members to sign it and pass it on.

Mr Mikkelsen had had to send his regrets, as there had been a medical emergency in the family moments before he had had to leave for the airport. WADA extended best wishes to Mr Mikkelsen and his family, and hoped that all would be well.

The following members attended the meeting: Mr Pound, President and Chairman of WADA; Mr Peter Schonning, representing Mr Brian Mikkelsen, Minister of Culture and Sport, Denmark, and Vice-Chairman of WADA; Professor Arne Ljungqvist, IOC Member and Chairman of the WADA Health, Medical and Research Committee; Mr Jean-François Lamour, Minister for Youth and Sports, France; Ms Rania Elwani, Member of the IOC Athletes' Commission; Mr Noboru Nishisaka, Deputy Director General, Sports and Youth Bureau, representing Mr Toshiaki Endo, Senior Vice Minister of Education, Culture, Sports, Science and Technology, Japan; Mr Vyacheslav Fetisov, Chairman of the WADA Athlete Committee and the State Committee of the Russian Federation for Physical Culture and Sport; Mr Scott Burns, Deputy Director of the ONDCP; Sir Craig Reedie, IOC Member; Mr Makhenkesi Arnold Stofile, Minister of Sport and Recreation, South Africa; Mr Trevor Mallard, Minister for Sport and Recreation, New Zealand, representing Senator Rod Kemp, Minister for the Arts and Sport, Australia; Mr Gian Franco Kasper, IOC Member and President of the FIS; Mr Mustapha Larfaoui, IOC Member and President of FINA; Ms Sue Neill, Director of International Sport, International Affairs, Canadian Heritage, representing Mr Michael Chong, Minister of Sport, Canada; Mr Howman, WADA Director General; Mr Andersen, Standards and Harmonisation Director, WADA; Mr Moser, Director of the European Regional Office; Mr Swigelaar, Director of the African Regional Office; Mr Torres Villegas, Director of the Latin American Regional Office; Mr Hayashi, Director of the Asian/Oceanian Regional Office; Ms Hunter, Communications Director, WADA; Dr Garnier, WADA Medical Director, European Regional Office; Dr Rabin, Science Director, WADA; Ms Carter, Education Director, WADA; and Mr Niggli, Finance and Legal Director, WADA.

The following observers signed the roll call: Joseph De Pencier, Mikio Hibino, Mpumi Sibiyi, Jean-François Vilotte, Yoshitaka Oochi, Patrick Schamasch, Torben Hoffeldt, Christophe De Kepper, Valéry Genniges, Michael Gottlieb, Brian Blake, Andrew Ryan, Vuyolwethu Nghona, Joe Van Ryn, James Cameron and Jude Ellis.

2. Minutes of the Executive Committee meeting on 16 September 2006 in Montreal

THE CHAIRMAN asked whether the members had any comments regarding the minutes of the Executive Committee meeting on 16 September 2006 in Montreal, which had been distributed previously. Unless any comments or corrections were brought to his attention by noon that day, he would assume that the minutes had been considered approved as circulated and sign them accordingly.

DECISION

Minutes of the meeting of the Executive Committee on 16 September 2006 approved and duly signed.

3. Director General's Report

THE DIRECTOR GENERAL said that the members had his written report, but there were a number of matters contained within it about which he wished to update the members and, in some cases, give them more specific information.

With regard to UNESCO, he was pleased to say that WADA had received notice of 27 ratifications of the Convention; over the past few days, Ukraine, the Netherlands and Bolivia had ratified. In the coming weeks, WADA was expecting ratifications from Russia, France, Luxembourg, Slovakia, Poland, Finland and Malaysia, so members could see that there would be completion of the necessary 30 countries, which meant that the first Council of the Parties would be convened in Paris, as now scheduled, on 5-7 February 2007. This would be formalised by the Director General of UNESCO when the figure of 30 was reached. As a matter of information, so that the sports movement could understand that the process had gone very quickly, not only was this the fastest written convention in the history of international treaties, but it would also be the fastest convention ratified. The previous fastest convention, which had come into being in the 1950s, had required only five ratifications but had taken much longer than the less than 12 months that the WADA Convention would take. The start date for the ratification of the Convention had been 19 December 2005, when UNESCO had sent out the official documentation. This was something that should be recorded and understood.

With regard to FIFA, WADA had met with the legal representatives of FIFA on October 3rd. As he had informed the members in September, the disciplinary rules were compliant with the Code in response to the CAS Advisory Opinion issued in April. The one issue outstanding concerned FIFA not having the power to appeal against the decisions of its affiliated national federations, and this would be remedied by an amendment to the FIFA statutes, which would be finalised in May 2007 at the FIFA Congress. FIFA had no speedier process to complete it. WADA had discussed with FIFA what it would do in the interim for cases that came from national federations, and had agreed that WADA would liaise with FIFA and exercise its right of appeal over NF cases if necessary, but with information coming from FIFA to WADA.

With regard to the Vrijman issue, he had nothing to add in relation to the report and the information given in September. WADA would provide the same information to the Foundation Board the following day in the same style as it had been provided to the Executive Committee in September if that was the wish of the Foundation Board. WADA had taken legal advice as to the content of the information that Mr Armstrong's lawyer had wanted WADA to tell the Foundation Board, and could do so the following day if necessary. It would mean clearing the room in the same fashion as in September.

In relation to the CAS procedure that the IOC President had suggested for mediation and resolution of issues that had come from the Vrijman report, WADA had corresponded with the CAS regularly from the time the suggestion had been made, copying all correspondence to the CAS to the other parties: UCI, Mr Armstrong and his lawyers, and

the French ministry and laboratory. No copies of any correspondence from any of the other parties to the CAS had been received by WADA. WADA had eventually written to the CAS and asked about the reason for this, and had been told that the CAS had felt that, if it circulated the correspondence that it had received from other parties, it would be taken in such a way that the whole idea would be torpedoed. He assumed that inflammatory comments had been made by other people in writing to the CAS, which the CAS had felt were inappropriate in the environment of mediation. WADA had continued to write and tell the CAS that it was interested in mediation. On 29 September, WADA had written a letter to the CAS indicating its continuing interest and desire to understand what the rules were going to be, and had then received a letter from the CAS saying that, on 22 September, Mr Armstrong had withdrawn from the whole mediation process through his lawyers. He understood that Mr Armstrong simply had not wished to pursue it. WADA had then been told that it might have been WADA's fault that this process had come to an end. WADA had written to the CAS to say that it had not been WADA's fault and that, for the record, it should be made clear that WADA had been interested right up to the time it had written the letter on 29 September. It was most unfair if anybody had heard that WADA had been the problem in the whole process. This was certainly not the case and, as he had tried to outline as accurately as possible, it seemed that others had not been so interested.

WADA continued to have discussions with members of the major leagues and had had a visit from NFL representatives in Montreal. On Friday, Ms Hunter and he had gone to Jacksonville to talk to the PGA, the golf tour, and golf was moving quite rapidly in the right direction. The PGA wanted the discussions to be kept confidential, but there would be an international meeting of all of the tours in March 2007, when it was hoped that they would pull together a united policy in relation to anti-doping. Golf representatives still said that golf did not need an anti-doping policy, because golf was the fairest game in world, and he had not denied that, but had said that it would be better if golf were part of the bigger family. Further progress would be made with the US major leagues, particularly football and baseball, both of which were interested in working with WADA in research projects in relation to human growth hormone, and so WADA would continue to discuss that possibility with them. They had also asked to be involved in the Code review process. Mr Andersen had sent an invitation to the major leagues to partake, and it would be interesting to see what they suggested.

WADA had met with Interpol in early October, and had drafted a memorandum of understanding, which it would progress and sign with Interpol. Interpol was an organisation that was very similar to WADA, in that it was the watchdog or monitor of enforcement processes. It depended entirely on the commitment and involvement of national agencies to have an impact. In other words, Interpol did not take steps itself, but was the recipient of information from national agencies. The secretary general of Interpol and he had discussed ways and means of ensuring that countries might usefully partake in Interpol activities to ensure that the fight against doping would be enhanced through information sharing between enforcement agencies at a national level. The genesis of all that had to be that countries have laws or regulations in place over which national enforcement agencies could take steps because, without laws, there was nothing that the police or other agencies could do. Interpol had a computer system that was bigger and better than ADAMS, but in the same secure environment, where information about suspects and crimes could be shared between the national agencies that formed part of the Interpol family.

The WADA President had gone to China, and would talk about that shortly. The next big international visit by WADA would be to India; there were some concerns about progress in India, and he felt that the only way to enhance its involvement in world anti-doping matters was to pay an official visit. This would be done in early 2007.

Members would see a list of meetings attended by WADA; he did not wish to go through them, but he did wish to highlight an issue that had been discovered as a result of recent airline restrictions. It had become obvious that doping control officers could no

longer take sample collection bottles on airplanes with them, as the urine content was higher than the allowed 100ml. This provided a big problem for taking samples by hand from country to country now that this restriction had been introduced, not only in the USA and the UK, but also throughout Europe. Mr Moser had taken the matter up with the authorities in Europe. The previous week, WADA had been told that this was a matter that could benefit from discussion with a group that the international customs people had, and WADA was trying to do that to see whether there could be some waiver of the rule regarding the delivery of samples collected as part of the anti-doping programmes. WADA would like the ANADO group to help in this respect, as he felt that this was an area where their expertise as a collective group might be of benefit to the movement.

Another issue that had come from some recent meetings was a disturbing issue, which was that Brussels in Belgium was a doping-free city, and that, of the three components of Belgium, the three communities, none had jurisdiction to collect doping control samples in Brussels. WADA had taken this up immediately with the public authorities. He knew that Mr Mikkelsen had been trying to advance the issue so that it could be resolved as quickly as possible. WADA had the responsibility of reporting to Executive Committee members so that they knew this was an issue that ought to be dealt with as soon as possible.

With regard to the Landis case, he did not wish to talk about it in particular, other than to highlight the fact that it seemed to be a trial conducted by the media. That concerned WADA from a principle point of view. Normally, a tribunal was appointed reasonably early in the proceedings and the tribunal would sit and give directions for the conduct of the proceedings. That had not occurred in this case, and WADA had seen far too much in the media, to which WADA could not respond, and nor could USADA, meaning that WADA was inundated with many requests for information that it could not provide because of issues of confidentiality and appropriate sharing of that data.

The hacking into the French laboratory was a matter he was sure Mr Lamour could report on. WADA had been kept in touch by the French authorities. It was of great concern to WADA. WADA's system was secure to the level of security of banking systems in the world. It could not do more than that in relation to ADAMS and the information stored in its computers, but it had issued internal memoranda within the WADA offices to ensure that all communications were written and transmitted in such a way that would ensure that, if hackers did get into the system, they would not get confidential data.

Several IFs had raised the question of WADA's annual statistics. Under the Code, WADA had the responsibility to produce anti-doping statistics every year. The IFs and NADOs had the responsibility to report to WADA. Not many did, and very few had over the last couple of years, so the statistics that WADA produced were the only ones available that showed the full picture from an international perspective, and that was the information that WADA received from the laboratories. WADA was very careful when publishing this to indicate that this was just the information that came from the laboratories, that it did not take into account the result management processes, it did not take into account the TUEs that might prevail in relation to findings from the laboratories, and it also represented laboratory information that reflected the way in which they received the samples. In other words, a DCO would put the name of the sport at the top of the doping control sheet. For example, the term "football" could mean soccer, rugby, Australian football, Gaelic football, or the national football league in the USA. WADA issued all of this under "football", but did not know the breakdown beyond that. Another example was triathlon. The ITU did not have jurisdiction over the majority of triathlon events conducted around the world, many of which were conducted by private bodies or bodies put together for the sake of an event. WADA did not know that, because the samples collected from those events were probably taken by NADOs under their jurisdiction and referred to the laboratories. What WADA needed was for every IF, if it wished for WADA to publish its statistics, to live up to its annual responsibility under

Article 14 of the Code and provide the statistics for its sport. When WADA had them, it would publish them, and it would publish them alongside the statistics for the laboratories. WADA had to plead long and hard for IFs to give the information to WADA.

WADA had made considerable progress with the anti-doping programme development project with the RADOs. Mr Koehler would report the following day. Within the RADO projects, WADA had now involved 91 countries of the world not previously engaged in any anti-doping programme. That was a significant success. WADA had not funded any one of those RADOs. No WADA money went into the funding; they were independent organisations, and were not WADA-owned. They were WADA-facilitated, owned by those that formed the region itself. They were very helpful partnerships between governments, NOCs and sports in the particular regions. WADA had been of help in obtaining financial assistance from others to make sure that the RADOs worked; for example, the Commonwealth Secretariat paid for administrators in four RADOs around the world, where there were predominantly Commonwealth countries.

WADA had tried to run this concept with the IFs. There was a major need for the smaller federations, which did not have money or the necessary human resources, to run a similar collective programme. WADA had given it the name IFADO, to try to show that the concept developed with the RADOs could be usefully used by the IFs. WADA was terribly disappointed that the IFs had not responded in a very positive manner to the programme that WADA had tried to develop. WADA had received a letter from GASIF indicating that the GASIF Council appreciated the interest that WADA had shown in the project, but saying: "We feel that the task of WADA is to support by all means the IFs and, if IFADO is necessary, WADA should be responsible for this organisation, which should be fully integrated within WADA". That meant that WADA should be a service organisation for the IFs, which was nonsense. WADA was the IFs' monitor and watchdog for the Code. WADA was trying to help the IFs by putting together a process that would make them compliant with the Code, and was essentially being rejected. WADA had produced a business plan for IFADO and would put money into a pilot scheme in the first three years of operation, although this did not appear to be sufficient. Also, representation at the meeting that had been arranged for the following week, which WADA had thought would include seven IFs, had dwindled to three. That was of great disappointment to WADA, and it was of great disappointment that, once again, the issue of whether WADA was a service organisation had arisen. This was a subject that had been on the agenda in the past. The WADA Executive Committee had long since confirmed that it was not a service organisation; it was the watchdog and the international monitor, and that was the role that WADA had to adopt. He had to express this disappointment as WADA had put a lot of effort, energy and resources into the project, which appeared to have been rejected.

WADA had engaged with the Spanish authorities in relation to Operation Puerto. WADA had been involved in the exchange of information with the Spanish authorities since the inception of the operation. This was a task conducted in Spain by the enforcement agencies, over which the sports minister had no control. It was before the courts in that country under legislation whereby the doctors concerned had been charged with criminal offences. The doctors had asked the judge to give orders that the sports authorities not be allowed to use the information gained in the investigation until the criminal case was completed. That was a matter consistent with the way in which the BALCO inquiry had been conducted, and it was consistent with other investigations that had taken place around the world where the inquiries were done by the police or justice people, who had to operate under the laws of the land and must, therefore, operate under the directions of the judges empowered to sit on the cases. WADA's learning from BALCO, and it had been given a very good presentation from the BALCO investigators the previous week in Colorado, was that the sports movement and the anti-doping organisations had to get alongside the enforcement agencies in every country so that each understood the other's role, respected the other, knew that there would not be any breaches of confidentiality, that the process needed to complete investigations on the

national scene was conducted by the law of the country and that, by working in partnership, everybody would advance in a more efficient manner.

WADA was continuing to plead to the Spanish authorities to allow more information to be given to the UCI and, thereby, the national cycling federations, so that the information that they had collected very efficiently could be used in sanction processes. Everybody would have seen media reports saying that cyclists had been exonerated. This was not accurate; it meant that the sanction processes put in place thus far could not be continued because of a lack of information. The UCI said that, when the information became available, it would reinstitute sanction processes against the cyclists who had been named. WADA had received a lot of confidential material, which indicated strong concern that the athletes involved in the doping programme were very involved in doping. In other words, there was a lot of evidence that had to come out at some stage to ensure that proper sanctions would be imposed. He was under the bonds of confidentiality himself and could not give further information at that stage.

He referred to the 29 Non-Recognised Federations in GAISF, which the Executive Committee had asked WADA to invoice 5,000 dollars as an initial fee for WADA to review the federations' rules and determine whether they were in compliance, and an annual fee of 2,000 dollars for conducting compliance, including a review of cases and the exercise of appeals. There were many other IFs in the world that were not part of GAISF, probably more than 100, and that were being invoiced by WADA, and GAISF was now asking WADA to relieve the invoice situation for its members. He asked for a decision, because it was something that was necessary for WADA from a financial point of view but also in terms of the equality given by WADA to all those IFs not covered by the Olympic Movement payments.

THE CHAIRMAN suggested working through the points discussed.

With regard to the UNESCO Convention, as the members were aware, the sport representatives had been very vocal and critical of the speed with which governments had moved towards ratification, and it was important to understand that, while it might be frustrating, the speed was lightening fast in terms of how this was done. As Mr Howman had pointed out, WADA had achieved 26 or 27 ratifications in less than a year and it looked like the threshold of 30 countries would be reached within a single year. He wished to get the issue off the members' backs for once and for all, and asked all of the sports movement representatives to go back to their constituencies and make sure they understood just how fast this was moving. He looked forward to the meeting in February, at which this would be put into place. He asked the government representatives to make sure that their constituencies understood that, if they had not ratified, they would not be part of the conference. A lot of the machinery of administration and monitoring would be put in place by those countries that had ratified, so there were lessons to be learned there.

SIR CRAIG REEDIE said that, at the previous meeting, it had been decided to ask the IOC if there was any way that this could be placed as an obligation on applicant cities for future games. Had that information been given to the applicant cities, and was it likely to happen? That would be a pretty powerful request.

THE CHAIRMAN said that his understanding was that, at least unofficially, that would be one of the criteria by which a candidacy would be judged. There were lots of other ways to bring this to the attention of governments. An IF, for example, could say that it would not award a regional, continental or world championship to any country that had not ratified. Quite often, as WADA knew from the 186-odd countries that had signed the Copenhagen Declaration, there were commitments to do it, but it was necessary to get on the legislative horizon and radar screen in order to get the foreign affairs ministry or whatever it might be to give it the same priority that sports ministers might give it. The sports movement had a responsibility and the means to bring this to governmental attention.

With regard to FIFA, he thought that WADA's patience and perseverance had paid off, as it had dealt with all of the issues except for one, which was the surprising revelation that FIFA had not thought that it was in a position to impose its judgment on its NFs. It had certainly come as a surprise to WADA. The impression was that it had come as something of a surprise to FIFA, but it would deal with it and, working with FIFA until it had the rule change in place, WADA would exercise its right of appeal to the CAS if there were unsatisfactory results in the interim.

He thought it was important to brief the Foundation Board on the Vrijman Report, so WADA would probably schedule it for just after lunch, and invite everybody other than members of the Foundation Board not to come back until after that discussion, so as to maintain the privileged nature of communications.

With regard to the CAS mediation matter, it was very important for the Olympic Movement to understand that the withdrawal from whatever that mediation process would or might have been had not been as a result of WADA. WADA had been particularly interested in making sure that all of the facts relating to the report and the entire situation were examined, not just part of them, and not just in a biased manner. It was the Armstrong camp that had withdrawn. WADA had done its best to make sure that everybody, including the CAS, understood that, but the nature of this whole thing had been that a spin had been put on it in the media that was just dead wrong.

The Director General had not focused too much on it, but WADA had always been uncomfortable with the CAS process where, one day, X could be an arbitrator and, the next day, X could be appearing as a lawyer before the CAS on doping matters. There was a partial solution, which was that one could not act on the other side, at least during the time that the arbitration was in process.

PROFESSOR LJUNGQVIST said that the IOC was very disappointed that such mediation had not taken place, and he was grateful for the clarification by Mr Howman as to why this had not happened, since he had heard the same rumours. He thought that it was unfortunate that the mediation had not taken place, as there were two outstanding questions, key issues that had precipitated the whole affair, that could have been clarified: why the Code numbers had not been erased during the research process, and how the material, the necessary forms, had got into the hands of a journalist who had been able to cross-match the identification of the athletes. He wondered about the evolution of the affair.

THE CHAIRMAN said that WADA did not know what would happen next. Also, those were not the only two questions that had to be examined. He did not know where the case would go. One suspected that nobody other than WADA had any real interest in having all of the facts disclosed.

He hoped that the Interpol relationship would grow. It gave WADA a way to establish better connections at the government level, and Mr Howman's presentation would give the members some idea of what WADA faced.

With regard to ADAMS, it was really important for the sports movement to get behind this and encourage and, if necessary, insist that it be used. WADA could not do the kind of job that everybody wanted it to do if the sports authorities were not providing the necessary information.

The members would see the list of meetings in the report; it was an extraordinary demand on staff to go to all these events, but they tried to do it because it was important, and would do as much as possible.

Brussels was not a doping-free zone; it was the reverse. It was the only place where tests could not be done and, as the centre of the European Community, it was important that that be resolved.

MR SCHONNING said that it was embarrassing that the capital of the European Union was out of reach in terms of doping control. Mr Mikkelsen had been in touch with the

appropriate authorities, and had been told that Brussels was not totally free of doping control, that some tests could be conducted in Brussels, and that the different Belgian communities were in the process of solving the problem. More concrete information had been requested, but had not been received to date. On Thursday, his colleague had asked again for information and had been promised that it would be provided shortly. He acknowledged the embarrassment and hoped that the issue would be solved as quickly as possible.

THE CHAIRMAN said that a lot of the Landis affair was being conducted in the media. It was important for all of the stakeholders to understand that this was not coming from WADA; it was coming from Landis and his team. All of the information that had come out had come from the athlete and his team. WADA was very much handicapped by being unable to respond to a lot of the issues. WADA would have to address the timeframe during which hearings and second tests occurred. WADA would have to find a way of making it a more expeditious process, because the longer these things were delayed, the more difficult they became.

The hacking into the computer system of the French laboratory indicated that WADA was moving to a new level of difficulty. This was a very serious development.

MR LAMOUR said that the case was under way before the courts. He knew that the police were investigating the issue, but did not know anything else. The WADA President was correct to talk about the fear that there was media pressure on those involved in the fight against doping, but nobody could intervene, as the investigation was not yet over. As to the analysis in the laboratories, it was hard to call into question these results. It was necessary to wait and see what the defence would submit.

He felt that, currently, the fight against doping was making a great deal of progress and defence systems were being organised that did not back down in the face of any moves to destabilise. It was necessary to keep calm and remain strong, and prepare the defence of anti-doping interests. It was necessary to reduce the timeframe during which appeals and second tests occurred, whilst respecting the interests of the athlete in question.

THE CHAIRMAN said that a certain amount of publicity had arisen from the Olympic Games in Turin. There had been a joint visitation by the sports movement and the Italian authorities regarding the Austrian cross-country and biathlon teams. Again, WADA had had trouble getting information from the Italian authorities to be used for the purposes of possible sports sanctions. WADA had written to the authorities saying that it understood that there was a procedure, but they were now on the cusp of another winter season and, if there were athletes who had been guilty of doping, they would be competing again that season because of the lack of information. He thought that the IOC had some information, and he hoped that this could be shared.

PROFESSOR LJUNGOVIST said that he had some informal information as to what had been found out to date. The investigation was ongoing; there were doubts about the legal status of the information, as it was very informal, and he was as concerned as Mr Pound about the delay. The IOC had told the Italian authorities that it understood the procedures and time required, but that had been back in February, and they were now on the verge of a new winter season. In relation to the Puerto and Italian affairs, sport would look very bad if athletes continued to compete whilst clearly suspected of having committed an anti-doping rule violation, and it was also totally unfair against all those athletes who were not doped. The IOC was asking that everybody, including WADA, exercise all possible power to speed up affairs so that sport did not look silly in allowing people to compete who should not compete. Mr Kasper's federation was currently in a very difficult position.

MR KASPER supported what Professor Ljungqvist had said; his federation had started its season and had world championships coming up. Those athletes would be competing and might win medals. This affected the reputation, image and credibility of all those involved in the fight against doping. There was knowledge that people had been involved

in doping and, just because of legal procedures or lack of support, it was necessary to let these people go for a year and a half, after which it would be too late to do anything, so he asked his friends from the government side to try to help. He knew that, legally, everything was correct, but perhaps things could be done faster.

SIR CRAIG REEDIE supported those views; it seemed to him that it was almost a reason for delay in harmonisation, but it was embarrassing. Perhaps the Chairman might consider, since there would be quite a lot of media interest in the WADA meetings taking place, putting the issue high up on the list of priorities when speaking to the media at the end of the Foundation Board meeting the following day. It would be useful to state simply that sport was being hugely criticised because it could not organise sport, and it could not do that because it was waiting for very slow legal decisions in different parts of the world. Blaming the governments did not help, however. The issue had to be solved, and there would be an opportunity the following day to make WADA's viewpoint clear.

THE CHAIRMAN said that it would be possible to have a more fulsome discussion about how to get from here to there. It was an ongoing issue, and SIR CRAIG REEDIE was right: it was sport that ended up looking incompetent, and not through its own fault.

With regard to the laboratory statistics, WADA was required under the Code to report on an annual basis on the information that it received from the laboratories. Some IFs thought that they looked "bad" because of the statistics, which were simply raw numbers. They were adverse analytical findings. They did not take into account TUEs, different organisations, and minimum threshold levels, the whole range of things that could turn an adverse finding into something that was not a positive doping case. It was the IFs, which were complaining about this, that did not provide the information to allow WADA to say that, of the 100 positive samples, for example, on a results management basis, only three had turned out to be positive doping cases. Those members representing the IFs should make sure that their constituents understood the importance of getting the information to WADA; otherwise, WADA had no alternative but to report.

MR LARFAOUI spoke about the issue of statistics. Could WADA highlight the increase in TUEs? This was significant and he wondered whether WADA should review the procedures.

THE DIRECTOR GENERAL said that WADA was reviewing procedures. There would be a meeting the following month in Bonn of all the chairs of the TUE committees, and they would be discussing that issue and all the other aspects of the TUE process. WADA had some concerns along the lines of Mr Larfaoui's views and wanted to make sure that the increase was acceptable. WADA was looking at a way of processing TUEs in a more effective way to achieve better harmony, and that would also be discussed at the meeting in Bonn. Finally, WADA was considering a better way of looking at the whole issue of TUEs so that there would be a renewed TUE process at the end of the following year.

THE CHAIRMAN said that, regarding GAISF's position, this continued to be a very frustrating exercise. He had sat with the IOC and GAISF presidents and it had been agreed that WADA was not simply a service organisation for the IFs. Everybody had agreed on that. To have a letter at the end of October going back to that matter was not at all productive. Unless somebody at the table wished to suggest that WADA change its role to become merely a service organisation for IFs, he proposed that WADA staff respond to say that GAISF had it wrong and that WADA was not a service organisation, although it was prepared to do whatever it could to help GAISF.

On the substance of what WADA was trying to do regarding the IFADO model, many smaller IFs were saying that they could not afford to do what was necessary to fight doping in sport. WADA had suggested the RADO model, which it had been using to allow smaller NOCs and countries to get together and work on a collaborative basis and which it thought would work for the IFs. It would work. WADA had been making progress until GAISF had suddenly put a stake through the heart of it and tried to say that WADA was responsible for all of the testing that the IFs were supposed to do. This was just

nonsense, and it was important that the Executive Committee members understand that and insist that the IFs, among others, assume their responsibility for this.

As to the idea that WADA should not charge for the very modest fees it had to ensure Code-compliance and monitoring, it was simply not fair or reasonable to expect that the Olympic Movement and governments should finance something that was completely outside their responsibility. Unless there was a view that WADA should be assuming all these costs, the Executive Committee had already decided that WADA should charge, and very modestly. Did anybody wish to change that?

SIR CRAIG REEDIE thought that some research was needed regarding which federations had a problem and which did not. WADA had always tried to treat people fairly. Perhaps WADA should have a look at means testing, and find out the details of only those IFs with incomes that were seriously below a certain level and would have some difficulty with the charges, as it made sense from everybody's point of view to have all of the IFs Code-compliant and understanding the rules. He had received a specific request from the IOC. He would do what the Executive Committee decided, but would be a little reluctant to take that decision without actually analysing the detailed situation and finding out whether money was the issue.

MR BURNS noted that, at the government meeting that morning, it had been made clear that the governments agreed that WADA was an international monitor and the watchdog. Suggestions had been made that, just as WADA reported on government activities and progress, WADA present the status and progress of the IFs. If there were sanctions for governments that did not comply by certain deadlines, WADA should at least begin to talk about potential sanctions for IFs. He would like to see all the IFs up on the screen, where they were, receive information on the number of tests, the number of withdrawals, and the status of what each of the IFs was doing. This should not be out of sight and out of mind, and the Executive Committee should be discussing what the IFs were doing. He thought that this would be helpful.

THE CHAIRMAN believed that this was a monitoring year for the IFs. WADA was in the process of monitoring and should have a report fairly soon.

THE DIRECTOR GENERAL replied that there was an item on the agenda that suggested that how WADA dealt with the compliance report was probably a work in progress, so that the first official compliance report would be when governments and sport could be dealt with at the same time, thus ensuring equality. That would mean the first official compliance report being completed at the end of 2008, so this report in which WADA was in the middle of would be regarded as an attempt to get IFs fully Code-compliant rather than looking at dealing with them separately from governments. This was a suggestion being made by the management, following the receipt of various suggestions from some of the sports and also from governments saying that they were happy to be dealt with in the same way.

THE CHAIRMAN said that he saw no reason whatsoever for delaying a compliance report on the part of the IFs and others simply because the governments were not that far. The sports authorities were trying to get doping out of sport, not simply comparing progress between the public and sports authorities.

Regarding the meetings with governments, WADA had officially requested meetings with the Spanish sport and judicial authorities, not for the purposes of interfering in any of these processes, but simply to make sure that they understood that the different pace at which these investigations moved was causing enormous problems within the sport community and to see whether there were any possibilities of reconciling the timelines. There were many things that could be done to help the sports authorities that would not interfere with the judicial process.

SIR CRAIG REEDIE brought people up to date regarding the golf situation. Golf was a complicated sport because the ruling bodies were either the US Golf Association or a club called the Royal and Ancient Golf Club of St Andrews, which was full of gentlemen. It

was a very odd concept, but it actually worked. Golf had been testing in Australia and France; the R and A, which ran the world team championship, had tested in South Africa two weeks previously; the ladies' tour had agreed to do this in 2008; the European Tour had decided that it would have a policy for 2008; and the R and A had created and approved its own anti-doping protocol with the assistance of WADA about 18 months previously. They were quite a long way down the line of getting this into proper shape, and the interest would be to see just how many of the bodies would actually pick up the protocol that WADA had agreed with one of the golfing bodies and try to make that universal. Quite clearly, pressure was building up on the PGA Tour in America, which was the biggest and the richest and had some of the most public players. A lot of good work had been done, and he was grateful to Mr Donzé for sending him articles on the issue.

On behalf of the IAAF, PROFESSOR LJUNGOVIST took the opportunity to thank WADA for its assistance at the IAAF symposium in Lausanne. He was very grateful for the presence of several WADA staff members, who had helped to make the symposium as successful as possible. He also thanked USADA, which had kindly organised its own annual meeting in Lausanne just before the symposium, so that efforts could be joined to reach some important conclusions, particularly with respect to how to analyse for blood doping. This WADA-USADA-IF joint venture had been a great success.

THE CHAIRMAN said that WADA was more than willing to attend meetings of this nature that would be helpful to any organisation.

MS NEILL asked about the intention to pursue IFADO, given that the IFs seemed to be resisting.

THE CHAIRMAN replied that it was very hard to push a rope uphill. WADA could make the service available and show the IFs the model but, if they did not want it, WADA could not impose it.

THE DIRECTOR GENERAL did not wish to concede defeat in a situation in which WADA could see the beauty and a good result. WADA would offer to go and present the project to the GAISF Executive Committee to increase understanding. On the one hand, GAISF did not want WADA to charge its members for being compliant with the Code but, on the other hand, it wanted WADA to service them. There was a lack of logic that needed to be remedied by some sensible discussion. WADA needed the IFs to see that they were in the grave position of being reported as non-compliant. WADA had to say that it was trying to help them.

THE CHAIRMAN said that, if there were going to be only three federations at the meeting, WADA should not waste the plane fare.

THE DIRECTOR GENERAL said that the meeting of those who could attend would be conducted by teleconference. Those in Lausanne could meet with Mr Moser.

MR KASPER felt rather silly, as he represented GAISF. It was not only GAISF versus WADA; there were also some very personal questions. In relation to the IFADO concept, the direction should be changed: it should not only be the GAISF-recognised small IFs, it should be all small IFs, with GAISF being a small part of it. It should be a group of IFs, independent of GAISF recognition. Then, he thought that more than three IFs would attend the meeting.

THE CHAIRMAN thought that this was a very good point; it almost made it look as though the IFs had surrendered their autonomy to GAISF, which would be a big mistake.

THE DIRECTOR GENERAL pointed out that WADA had engaged all the other IFs and not just GAISF, but the GAISF memo appeared to have gone through all the other IFs as well. There appeared to be an impact that had put them off as well. Every IF had been invited to take part in the concept. WADA had been working on this for the past 12 months, so it was not something it had taken lightly or engaged in without involving

everybody. The offer had been put on the table but, if it had been rejected, he had to report the rejection; otherwise, he was not doing his job responsibly.

THE CHAIRMAN said that the other point was that it was not GAISF that would be non-compliant when the rubber met the road; it would be the individual IFs, and there were huge consequences for them, and the IFs should consider that when they made these decisions.

MR LAMOUR added to the Puerto issue. It should be pointed out that the Spanish Sports Minister, Jaime Lissavetzky, was working very hard. The affair had come out in the media some three weeks prior to the Tour de France, and the UCI, the organisers and the various riders' groups had requested information to be able to take decisions in the framework of the ethics charter signed by the various professional riders' associations. The sports minister had persuaded, with some difficulty, the department of justice to provide some elements, which should have remained confidential till the end of the inquiry. If that had not been done urgently, WADA would have seen in the press, day after day, at each stage of the tour, a name, a document, rumours, etc., and it would have been impossible for the Tour de France to go ahead smoothly. After the Tour, the procedure had continued, and it would be lengthy. The Cofedis affair in France had taken two and a half years to conclude. He was aware of the problem, and hoped for legal and sport time to converge. It was necessary to bring the different mechanisms closer in order to speed up the sanction process whilst respecting the athletes' interests.

THE DIRECTOR GENERAL said that WADA had been looking at engaging the complementary nature of investigations conducted by enforcement agencies with the requirements of sport to have speed in sanction processes. WADA had convened a meeting of experts in Colorado Springs earlier the previous week, involving lawyers and representatives from major IFs and NADOs. There had been presentations from the personnel in the USA responsible for the BALCO inquiry and the Gear Grinder inquiry. The BALCO case had come to light because of the work of an investigator employed by the inland revenue service. The Gear Grinder inquiry, involving the smuggling of steroids across the border between Mexico and the USA, had been conducted by the Drug Enforcement Agency. These were agencies that were given the jurisdiction to carry out inquiries by the laws of the country; none of them had anything to do with sport, but were doing what they were entitled to do under the laws of the country. In some countries in the world, there were no laws. For example, the UK had no laws relating to prohibited substances or the movement of steroids and so on, so the agencies in that country could do nothing. On the other hand, a country like Australia had jurisdiction through the NADO and the customs department and could obtain such information. WADA aimed to form a way forward to provide a model of best practice for anti-doping organisations and provide, for those governments interested, some form of laws and processes in order to be able to work side by side.

He gave a PowerPoint presentation. WADA conducted testing, research and education, honing in on the athlete. As a result of this traditional model, there had been a number of developments. WADA had been very successful in finding Darbepoietin in Salt Lake City, in advancing the fight in relation to EPO detection; it had made improvements in detection methods, and conducted a lot of research but, regrettably, hGH was still being used in sport throughout the world with almost total impunity, despite WADA having devoted a lot of time and resources to finding a test to detect hGH.

Currently, the athlete was surrounded by a number of immediate influences: coaches, trainers, educators, parents, peers, doctors, therapists, sports administrators, lawyers, agents and sponsors. That was the environment under which the athlete competed. All of these people had an influence on the athlete, and were what was loosely described as the athlete entourage, all of whom had some impact on the athlete. In addition, there had been several advances in society, and there was a lot of counterfeit, underground manufacturing of prohibited substances. Not only pharmaceutical products but also veterinary products were making their way into sport. The Internet was responsible for the provision of the majority of illegal substances, hGH and steroids in particular. Then

there was the input of trafficking and, in particular, the link with organised crime. All these were the influences of society on what was going on in general in society. The athlete formed only one small portion of the groups in society affected by such introductions. It was known that prohibited substances were used right through society.

The next slide gave a snapshot of the traditional method. Under the sample collection process, these were the violations that WADA could proceed with: adverse analytical findings, refusal to give a sample, failure to go to a testing station, evading a DCO, not giving whereabouts information and missing tests. On the other side, in relation to the non-analytical cases, the use or attempted use of substances, tampering, possession, trafficking, and then, with the entourage, there was administering or attempt to administer, complicit behaviour, assisting, encouraging, aiding, etc. All those cases regarding non-analytical findings could not be given evidence through the traditional model. There had been big breakthroughs, such as the Festina raid in 1998, which had led to the beginnings of WADA; the customs seizure in Australia in 1998, when the Chinese swimmers had been found with hGH; the BALCO inquiry by the inland revenue department; the Cofidis inquiry, another police inquiry in France; the Gear Grinder inquiry, conducted by the DEA; the Turin inquiry, conducted by the police in Italy for the IOC; and Operation Puerto, conducted by the justice department. The results of these major inquiries had been considerable breakthroughs in the fight against doping in sport, and these were all inquiries that had no connection with sample collection and the traditional method, but they had all produced results. Each had involved a government agency not connected with sport, the Olympic Movement or WADA but, through the use of governments and their laws, they had achieved considerable results for the benefit of sport. WADA was still seeing cases coming from BALCO evidence, and there would still be more sporting cases and probable federal cases related to the evidence gathered at the time. That had been three years ago. There had been no complaint by the sports movement or governments that these had taken a long time, because there had been respect in the process and consideration of confidential material in the right fashion by USADA, the IAAF in particular and the other sports involved in the inquiry. That was what needed to happen if WADA was to go forward with further breakthroughs.

At Colorado Springs, there had been discussion as to what should occur over the next few years. It was necessary to continue with sample collection, but improved analyses were necessary, as well as intelligent testing, to be enhanced by the continuation of further research, better use of forensic science and cases coming from the sample collection process. That had to be complemented by investigations. Investigations required regulations from governments so that they could proceed with the enforcement agencies doing them. The agencies had to work alongside one another, so it was necessary to have complementary regard and respect at the national level, which required NADOs to work with the inquiry agencies within their jurisdictions, and the building of relationships was obvious.

At the meeting in Colorado Springs, WADA had agreed that it would look at preparing models of best practice for NADOs and look at improving the way in which governments might address the problem by introducing rules and regulations through statutory methods. Australia had given a presentation in Colorado Springs. Australia had a new organisation known as ASADA, and had changed the way in which the organisation was fighting doping. It had reduced the number of tests (two years previously, it had conducted 8,000 tests; that year, it would be conducting 6,000 tests), and the money that it spent on the 6,000 tests would be directed at very strong target testing of athletes suspected of taking drugs or athletes suspected of being in a group tempted to take drugs. The vast majority of the other athletes would be put into a testing pool for random testing. The money that it did not use on testing would then be put into inquiries, and it had powers of investigation under an act in Australia to conduct investigations, including the use of other agencies, to obtain information. It had been able to go through the Internet to the suppliers of hGH and steroids in Australia, seize information and find the list of those taking hGH from the particular supplier. Each of those on the list would be looked at in terms of their position in sport, and the end result

was that, two years previously, there had been 24 positive tests, 23 of which had fallen into the minor category of smaller specified substances, and one serious anabolic steroid case. That year, as a result of its new powers, it would have 18 serious steroid and hGH cases, which was a significant turnaround in a short space of time. Armed with that information and advice, WADA would go forward with the group that had been assembled in Colorado Springs and would meet early in the new year, thanks to the UK, with the idea of putting forward some models and ideas to the Executive Committee in May as to how to advance quickly. This was the way forward. WADA needed to build on it, and it needed to do so in a fashion that would ensure the mutual respect of regulations and laws that had to be adhered to if WADA was to take advantage of the investigatory powers vested in government agencies.

PROFESSOR LJUNGOVIST thought that this was an excellent review of how one could go forward and make the anti-doping programme much more efficient. It required some sort of legislation that empowered authorities to take action outside traditional anti-doping programmes. He could give the members a further example of how this was helpful to sport. At the European Athletics Championships in Gothenburg in August that year, towards the end of the games, medical material and empty ampoules had been found in bins outside hotels in which certain teams had been staying, which had cast a great shadow over the competition, and it had been relayed in the media that many athletes had been using doping substances. Due to the legislation, a police investigation had been carried out, as there had been suspicion of trafficking and possession of substances banned in sport. The police investigation had quickly found it to be nothing and the shadow had been lifted. Had such legislation not been in place, the doubt would still be there.

MR LAMOUR said that the example of ASADA was interesting. Besides the increase in results regarding serious cases (18 cases that year against one the previous year), it would be important to know whether the cases had been detected by ASADA through its own information or if ASADA had worked closely with the NFs or IFs, as that was also of interest. It was most important to find out whether information circulated between federations and the NADO.

THE DIRECTOR GENERAL said that this was the first year of operation under the new laws for ASADA, so it was learning as it went, but it did get information through the NFs in Australia, as a result of working together with the therapeutic goods agency that existed, the customs department and the federal police. The situation regarding the 18 serious cases had not yet been completed, so it was confidential. He was simply giving it as an example, because everybody could learn from what was being done to carry it over to other anti-doping organisations.

MR KASPER agreed that quality was more important than quantity, and some costs could be saved through intelligent testing. He saw only one problem to be considered, and that was in relation to targeted testing. Who decided on the target? How was the target decided upon? Everybody knew that there were some black sheep that could be targeted but, behind the decision, there was always a human factor in targeted testing, and this disturbed him a little bit. There should be a rule or procedure to decide who was a black sheep or not.

MR SCHONNING proposed that WADA and the governments cooperate so that public authorities could send their national legislation to WADA. WADA could then dedicate part of its website to this issue so that each country could see what the other countries were doing in terms of national legislation regarding trafficking, doping, etc.

MR MALLARD said that New Zealand, as part of the discussions around the statement of intent for Drug Free Sport New Zealand, its sports anti-doping agency, from 1 July was likely to reduce the number of tests by about 20% and apply that funding to investigation because, like Australia, New Zealand had ended up with only two sorts of positives in recent years, for marijuana among two or three minor sports, and the only steroid use had been among the power lifting and body building areas. Among the vast

majority of mainstream sport, this had not been found. New Zealand had always faced the dilemma about whether it was there or not, and had decided essentially to use those resources to employ professional investigators likely to be retired police who were better at following trails and who would have the confidence of the police and the customs authorities. New Zealand had very good records as to the legal disbursement of steroids within the medical system, so that, along with a good look at what was happening as far as the Internet was concerned, he hoped, would give more confidence in the systems than might be the case at the moment.

PROFESSOR LJUNGOVIST was concerned to hear that more intelligent testing would be the result of a reduction in existing amounts of testing. He thought that intelligent testing should be conducted without decreasing the number of tests, because 8,000 tests in a country such as Australia was small. Out of the total amount of some 150,000 being conducted every year in world sport it was a very low figure in relation to the actual need. It was not a good idea to perform better testing by reducing the ongoing testing. Rather, he thought that it would be a good idea to increase the testing and make it more intelligent.

MR MALLARD replied, as the associate minister of finance in New Zealand, that sometimes countries were faced with choices and, at the margin, it would always be necessary to make decisions on the basis of resources, and it was likely that most of the anti-doping organisations would have a budget, either fixed or relatively fixed, and it was a matter of being intelligent not only in the sense of intelligent testing, but as to what was the most effective way of using the money, and he thought that a good combination of a good base of random, intelligent testing and proper investigation would be the best use of resources, and to wait until government or sports were prepared to pay a lot more money to do the investigation was to be slower than they should be in the battle against those involved in doping.

THE DIRECTOR GENERAL responded that it was important for members to understand that all of the issues raised were being looked into by WADA. WADA would look at coming up with some model legislation or best practice, because that was very important. WADA would be conducting a symposium in Norway the following year to look at the best possible use of resources in carrying out testing programmes. Therefore, WADA would look at producing a model where there was balance between quality and quantity and investigations, and would come up with some ideas. Whether that led to more testing, the same amount, or a different style, he would like to think that advice would be taken from the experts in Norway. It was most important for WADA to see that countries did have laws whereby WADA could engage enforcement agencies to help. The bottom line at the end of the day was that everybody knew that there was a considerable amount of steroid abuse going on in all of the countries in which they lived; a lot of it came from trafficking and supply through the Internet. If WADA could not help get at that, it was ignoring a big supply and a big issue, and it had to address that. WADA would not get the big cheats by continuing the traditional methods he had put up on the screen, but it would catch them if it could progress in the area of getting to the sources of supply. He hoped that WADA would be encouraged in that direction and that the members would instruct him to make the presentation the following day.

THE CHAIRMAN agreed that the presentation should be made.

He assured Mr Lamour that, when he had been in Spain some months previously for a presentation, he had officially thanked the Spanish sports minister, because it had not been easy to do what he had done, but it had been extremely helpful. It was now necessary to accelerate the process.

He also reported on the meetings in China. There had been meetings with the NOC, the sports ministry and the Beijing Organising Committee for the Olympic Games. He had told those involved that his visit to China was the most important one he had made as WADA's Chairman as there were clearly some difficulties in China. Not long before his visit, one of China's sport schools had been exposed for systematic doping, so that was

all around the world and China was now under suspicion for that. Also, on the Internet, a lot of the hGH and other doping substances were specifically identified as coming from China. So China was perceived as having this problem of official schools with systematic doping programmes and being a supplier. This was not good for China, and this had to be addressed. He had always been a friend of China in Olympic matters, and he had told the Chinese that it was better for them to hear these things from a friend. He had then met with the BOCOG. It had not been a particularly good meeting in terms of exchange, but again, he had said that the world would judge the Olympic Games in 2008 not by whether the buses ran on time or whether there were comfortable seats in the stadiums, but also by how China dealt with doping, not only in the course of the Olympic Games but also in the preparations. If China came to the Olympic Games with a team of 1,000 athletes nobody had ever heard of who suddenly performed beyond anything that one might expect, its Olympic Games would be a failure. His sense was that the authorities understood the problem, but it was a complicated country, and he did not think that the central government was in a position to do as much in the various provinces as it would like. He could understand the problem. Getting to a solution from what they would like to do, and his feeling was that they were generally concerned, was going to be tough. Many years ago, President Nixon had been in China, and he had been congratulating Mao Tse-Tung on how things were being organised. Mao Tse-Tung had told President Nixon that he was giving him too much credit, saying that his authority ended in the suburbs of Beijing. How China was going to deal with the issue, he did not know. China had a good laboratory and a good laboratory director, who had been involved and was doing some good research. China would get a boost on the technical side of things leading up to the Olympic Games, and he hoped that there would be some legacy in terms of equipment after the Olympic Games. It was very hard to go somewhere in China and knock on a door to perform a random test. As everybody knew, all that was needed was half an hour or an hour either to disappear or to manipulate. The message had been delivered and received, but what China did about it remained to be seen.

MR LAMOUR asked what the further steps would be.

THE CHAIRMAN said that WADA had left China with some ideas and would follow up on a regular basis to see what was being done.

SIR CRAIG REEDIE said that one of the best routes was through the NOC, as the NOC had to put the team together at the end of the day and would understand the difficulties around the country. After years of persuasion, China was now prepared to issue two-year entry visas instead of annual visas and, if that could be organised, it would not be necessary to declare precisely why one was going there every time. With regard to Outreach efforts in Beijing, BOCOG had been helpful and had virtually guaranteed that it would meet WADA's requests, and he supposed that WADA would want a good Outreach booth to be set up at the main entrance to the dining halls. There was an understanding, but he shared the Chairman's concerns about delivery.

THE DIRECTOR GENERAL said that WADA had had three secondees from the Chinese NOC working in Montreal, and was working alongside the NOC to help progress, and the fact that WADA had those people in Montreal had enabled the progress.

THE CHAIRMAN said that Mr Andersen and his team had also been out there three times for technical and harmonisation issues. WADA had focused a fair amount of effort on China. China was certainly aware of the issues.

DECISION

Report by the Director General noted.

4. Legal

4.1 Legal Update

MR NIGGLI said that he would be brief, since most of the items in his report had already been discussed.

He gave the members an update on the Lagat case. Mr Lagat had decided not to appeal, so the case was definitely over, which was good news for the IAAF and WADA, and WADA was now seeking costs from the court. WADA intended to publish the judgement on the website; it was in German and was currently being translated.

As to case number three on his summary of cases, the Eder cross-country skiing case, the CAS had made its decision and the one-year sanction had been maintained by the CAS. Initially, WADA had appealed to make sure that the one-year sanction would be maintained but, as it had gone deeper into the procedure, it had asked for two years as it had been more and more convinced that the case in question was a doping case. The CAS had accepted the evidence presented by the athlete, including the fact that the athlete had been infusing to treat diarrhoea, which had not convinced WADA. The decision was acceptable, but WADA was still slightly disappointed about the outcome.

FIFA had already been discussed but, as the Chairman had mentioned, WADA was indeed monitoring what was going on and had already exercised its right of appeal twice. The first CAS hearing on a football case would be on 11 December; it would be interesting as it concerned a national federation, the Portuguese federation. Unfortunately, the case would be held under the old FIFA rules prior to the change in June, as the test had been done prior to that date, and this would probably raise a number of legal questions, but at least WADA would have its first important case.

PROFESSOR LJUNGOVIST asked for clarification regarding case 19. Had that been concluded by the CAS? What statement was being referred to on page 6?

MR NIGGLI replied that this case was pending, as the Mexican federation had reopened the case nationally, so the CAS procedure was on hold until the new decision was issued from the Mexican federation.

PROFESSOR LJUNGOVIST said that the arguments raised in the last paragraph of the case, saying that football did not need to be in compliance with...

MR NIGGLI apologised; he had been referring to a different case. This case had been decided by the CAS, and WADA had not been part of it. The wording on page 6 was the wording that was in the decision.

PROFESSOR LJUNGOVIST asked what WADA would do about that, as it was a decision that was not in compliance with the Code. A six-month suspension did not exist in the Code.

MR NIGGLI said that the decision had been taken in accordance with the old FIFA rules, and there was nothing WADA could do about it. It was in line with the rules that had been applicable at the time. WADA felt that the comments made in the decision were particularly unfortunate, and he had been surprised to see that experienced arbitrators had thought it appropriate to make these comments.

PROFESSOR LJUNGOVIST believed that WADA should express great dissatisfaction, as such an interpretation meant that a particular sport could set the Code aside. This was a shot against the fundamental reason for the existence of WADA. WADA had been created partially for the purpose of harmonising rules between sports, and, here, the CAS was saying that one sport could be different to others.

MR NIGGLI said that he could not agree more with Professor Ljungqvist.

PROFESSOR LJUNGOVIST thought that WADA should express dissatisfaction with the interpretation of the CAS panel to prevent any use of this as a precedent.

MR NIGGLI said that, if the Executive Committee wanted WADA to write to the CAS to express its dissatisfaction, it could do.

THE CHAIRMAN said that he would be happy to sign such a letter, with a copy to each of the arbitrators. It was a terrible decision; the reasoning was outrageous, and it was very surprising that experienced sport arbitrators had reached such a conclusion.

DECISIONS

1. Legal update noted.
2. WADA to write a letter to the CAS expressing dissatisfaction with the interpretation of the CAS panel in relation to case no CAS 2005/A/958.

4.2 Constitutional Amendments

MR NIGGLI said that the members would see the full text of the change of constitution recommended. Following the work of the various stakeholders, the outcome was that there would be a modification of Article 6, which would take away any limitation in the number of terms of Foundation Board members, and a modification of Article 7, which would clarify that the chair and vice-chair could be chosen outside the Foundation Board, which would include the principle of rotation between the public authorities and the sports movement, provided there were candidates, which would in principle also limit the terms of the chair mandates to two times three years, again, provided that there were candidates. He thought that the text was acceptable and in line with what had been discussed in September, and he asked the Executive Committee to recommend it to the Foundation Board the following day.

MR SCHONNING confirmed that the public authorities fully supported the wording of the draft amendment to the constitution. He thanked the WADA management for the work, which had led to a splendid result.

THE CHAIRMAN asked whether the Executive Committee wished to recommend the proposed constitutional changes to Foundation Board the following day.

DECISION

Executive Committee to recommend proposed constitutional changes to the Foundation Board.

5. Operations/Management

5.1 Election of WADA Vice-Chair

THE DIRECTOR GENERAL said that the election of WADA's vice chair would be pursuant to the change in the constitution once approved by the Foundation Board. There had been one nomination, Minister Jean-François Lamour, and he hoped that the Executive Committee would endorse it and recommend to the Foundation Board to accept it.

DECISION

Executive Committee to recommend election of Mr Lamour as WADA Vice-Chair to the Foundation Board.

5.2 Appointment of Executive Committee 2007

THE DIRECTOR GENERAL said that there were a few positions still to be finalised by the regional governmental groups, which would be meeting that evening or the following

morning, and he would table the final Executive Committee composition the following day at the Foundation Board meeting.

DECISION

Appointment of Executive Committee 2007 to be completed during the Foundation Board meeting.

5.3 Foundation Board Memberships

THE DIRECTOR GENERAL said that the issue in relation to the Foundation Board was a matter for information only. Members would see the terms for each individual Foundation Board member, when the terms expired and when WADA expected new memberships.

DECISION

Foundation Board membership report noted.

5.4 Standing Committee Memberships 2007

THE DIRECTOR GENERAL said that the Chairman and the respective chairs of the groups would meet that day and the final compositions of the committees would be tabled at the Foundation Board meeting the following day. The job had been virtually completed, but there were one or two matters to discuss with the chairs.

DECISION

Standing committee memberships to be tabled at the Foundation Board meeting.

5.5 World Conference on Doping in Sport 2007

THE DIRECTOR GENERAL said that WADA was continuing on an operational basis to prepare for the World Conference on Doping in Sport in Madrid. A management decision had been taken to ensure that every delegate would sit at a table with room to have papers. The additional people would have to be confined to either one or two accompanying people according to the status of the delegate in the main hall. There would be considerably more room in the secondary hall. The main hall had a capacity of 750 to 800 people, with tables and appropriate seating, and the additional hall would have a capacity of 1,250 people. The internal team would report to the Foundation Board in May, and the Spanish delegation had been invited to attend in order to update the Executive Committee and Foundation Board members. A draft programme had been included in the meeting documents, showing the way in which WADA was thinking of progressing: each chairperson would chair a session covering the activities that had taken place in his or her particular sphere since the conference that had been held in Copenhagen and giving an indication of future activities. It would therefore be possible to discuss matters outside the Code revision project itself and give the delegates the opportunity to raise issues or pose questions as appropriate. He would update the programme in detail for the meetings in May. He would be happy to receive any feedback.

MR SCHONNING supported the proposal to invite Mr Lissavetzky to the WADA meetings in May.

THE CHAIRMAN asked about the three sessions on the Code. Obviously, one session would have to be the report by the working group with the suggested amendments. After the morning session, would the WADA Foundation Board retire, adopt the changes, come back and report that this had been done? There would be three hours or so on the day before and some wind-up discussions on the Saturday. Was Mr Howman satisfied that this was enough time to do what had to be done?

THE DIRECTOR GENERAL replied that this was a work in progress, and it would be reviewed after the first consultation period prior to reporting back in May. He might tinker with the programme a little bit to take into account the most important aspects of the Code review process. If subjects required a little more time, an attempt would be made to involve them. That was why the programme was being kept general.

THE CHAIRMAN said that he had only raised the issue to make sure that enough time would be left. WADA was not starting from scratch, which was an improvement over Copenhagen.

MR MALLARD noted that the suggestion that the alternative timing for the Thursday morning would give some people a day less, which would be a major advantage. This did not stop others coming earlier, but adding a day to the conference for the Executive Committee meeting was something that, on balance, he would prefer not to do.

DECISION

World Conference on Doping in Sport 2007
update noted.

6. Finance

6.1 Finance Update

SIR CRAIG REEDIE said that there were several things to deal with, the most important being the budget proposal to be adopted and put to the Foundation Board the following day.

Before doing that, he wished to pick up a specific item from the Finance and Administration Committee minutes, regarding looking at alternatives on how to handle cash reserves over the next period to see whether it would be possible to generate a slightly higher rate of return. Members would remember that, over the next three years, WADA would be eating into accumulated cash resources, at approximately 3 million dollars a year, simply to maintain the present level of operations of WADA. At some future date, additional income would be necessary, and it would in the main come from contributions but, if WADA could improve the rate of return that it got on the substantial cash holdings that it had, he thought that WADA should do that, and he sought the approval of the Executive Committee for the following modest changes. He had been in touch with a private bank in Lausanne, Lombard Odier Darier Hentsch, which offered a whole range of services, only one or two of which WADA was interested in. WADA had given the bank a very specific remit, which was that WADA had to protect its capital under all circumstances, as WADA's statutes did not allow WADA to speculate or take risks. WADA also had a very high level of liquidity requirement on the grounds that it cost approximately 1.8 million dollars per month to run WADA: people had to be paid, travel, and conduct the business of the agency, and WADA also had to meet its other obligations, particularly to the research commitments, which needed to be paid. It was necessary to keep a lot of money in liquid form. WADA operated in a multi-currency environment: a lot of the expenses were paid in Canadian dollars and WADA collected in US dollars, so clearly variations between the two currencies could make a difference. WADA invested mainly in US dollars, Canadian dollars and euros. Very roughly, the Finance and Administration Committee would look at maintaining a series of fixed-term deposits with a total value of around 10 million US dollars for the running of the agency. The Finance and Administration Committee would look at short and mid-term Triple A (investment level) bonds, which would have a slightly longer duration, for a sum of approximately 6 million dollars, and then there was the WADA foundation capital, which was approximately 4 million dollars, and which WADA should not eat into. A slightly longer-ranged view could be taken in this regard. He had been asked to look at what bankers called a capital guaranteed product, which was an arrangement whereby WADA could be guaranteed that, come hell or high water, at the end of the period, its capital would be returned to it, and it gave WADA an opportunity for a potential gain. He

thought that it was possible that the gain could be higher than the rates of interest received at the bank; it was necessary to pay for the guarantee, which meant that WADA would not get quite such a high rate of interest as it might otherwise, because it was asking the managers of its money to guarantee that its capital was absolutely protected. It was based on a device known as an option, and it allowed people to invest over a given period in a way that should produce a higher rate of return by simply keeping money in the bank. At the end of the day, WADA would retain with UBS almost all of its current banking needs. The investments were currently held in short-term fiduciary deposits, and that would continue. WADA would hold a short-term portfolio with UBS and would add some of the bonds and the capital guaranteed product. WADA's new partners were expert financial advisers, and would give very regular advice on the movements of interest rates. This was very attractive because, at the kind of levels about which he was talking, if one got an interest rate and currency move correct, one could save very substantial funds. The advisers would report to WADA on a regular basis. Mr Niggli was familiar with the business, and Mr Niggli, Ms Pisani and he had met with the advisers at the Finance and Administration Committee meeting, and were happy to recommend them to the Executive Committee.

He recommended that WADA continue to use UBS for all of its daily banking needs, that it use UBS and Lombard's for short- and mid-term arrangements, and that the arrangement be reviewed at the end of the year. He thought it was a responsible way to proceed, and he asked the Executive Committee to give the Finance and Administration Committee the go-ahead to carry out the recommendations.

THE CHAIRMAN said that he had not focussed on the identity of the advisors that were being recommended and that he was a director of a Canadian subsidiary of Lombard Odier Darier Hentsch, and his firm provided some legal advice to it, so he declared it as a conflict of interest and would not participate in the discussion or any decision.

Were the members content to give the Finance and Administration Committee the direction it sought?

SIR CRAIG REEDIE said that he had not known about the Chairman's connection, and greatly respected the Chairman's declaration of conflict of interest.

MR MALLARD thought that the Executive Committee should ask the Vice-Chair to ask if everybody was satisfied with the recommendation.

THE CHAIRMAN asked whether the acting vice-chair would care to preside during the portion of the meeting that would ask the question.

MR SCHONNING asked whether everybody around the table was satisfied with the recommendation made by SIR CRAIG REEDIE.

SIR CRAIG REEDIE thanked the members.

THE CHAIRMAN resumed his role as chairman of the meeting.

MR MALLARD noted that the records of such decisions were important.

DECISIONS

1. Finance update noted.
2. Recommendations made by the Finance and Administration Committee in relation to WADA investments approved.

6.2 Government/IOC Contributions Update

MR NIGGLI said that money had been received from Mexico on Thursday, which was great news, as Mexico had paid for the previous and current years, almost at the agreed amount, which meant that the actual percentage of collections for 2005 was 95.2% and 93.4% for 2006. As far as 2006 was concerned, he expected Brazil to pay before the

end of year, as it always had in the past, and this would substantially increase the percentage. This would leave WADA with one major country from the region, Venezuela, which had never paid. Progress had been made in Latin America, but Venezuela had never paid, despite having said that it would.

DECISION

Government/IOC contributions update noted.

6.3 2006 Quarterly Accounts

SIR CRAIG REEDIE said that members would see that there were substantial funds in both cash and banks on the first page of the report of just over 29.8 million dollars. Not all of that was free money; the capital of the agency was over 4 million dollars, there was a provision for exchange rate differences of 400,000 dollars, WADA had committed on the following year's budget to distributing just over 3 million to maintain the budget, WADA needed between the end of September and the end of the year another 5.4 million dollars to run the agency, WADA's medical research commitments were 11.3 million dollars, and social science research commitments were about 56,000 dollars. After deducting all those commitments that WADA knew it had to make, the actual funds available for use came to about 5.4 million dollars. The accounts showed that WADA seemed to be cash rich, and it was, but there were very substantial commitments out there, so members should not be confused if they saw a figure of 29 million dollars.

THE CHAIRMAN said that maybe WADA should make a separate trip to its Olympic partners to make sure that they understood this; the IOC letter that had been sent led him to believe that perhaps the IOC had not figured this out properly.

SIR CRAIG REEDIE said that he had discussed the matter that morning; it was understood. He thought that the reality was that people had not seen the cash-flow statement that had been made the previous time to show how WADA would eat into its reserves, but the message had since been clearly understood.

The second part of the quarterly review showed the comparison between actual and budget, which was a very useful piece of paper. Without going through it page by page, the only one he would comment on was the very last page, page 16, where, on expenditure, members would see that, after three quarters of the year, WADA was running at marginally below what might have been thought at that time. In the last quarter, there was traditionally very little income and quite a lot of expenses. This was a very useful tool, and he was sure it would be of considerable advantage to the management in the decisions that had to be taken.

DECISION

2006 quarterly accounts update noted.

6.4 Budget 2007

SIR CRAIG REEDIE said that the papers before the members were almost identical to those that they had been given at the September meeting. There had been a modest change to page 8, Ethics and Education, in terms of presentation, but the final number of costs was the same. He proposed taking the Foundation Board through in detail the following day. The Executive Committee had gone through it in detail in September and it was properly recorded in the minutes.

Again, the important issue that the Foundation Board had to understand and that WADA would try to explain was to look at the projected cash flow statement, which was included on the very last page of the budget and took a situation of funds in bank and showed, after expenses and commitments were met, an ever-decreasing level of free funds within the agency's control. The implications of that were that at some future date, when the Executive Committee decided on the level of reserves it needed to have, and if it was spending 1.8 million dollars per month to run the agency, quite clearly it

needed some, once that level was set, the clear understanding there, which could be dealt with in some detail at the World Conference on Doping in Sport in Madrid the following year, was that the fight against doping in sport cost funds and people were going to have to pay for it. Otherwise, activity would have to be reduced. It would be fair to say to the whole world in Madrid in November 2007 that this was financial reality. With the exception of Mexico and, soon, Venezuela, there was relatively little past payment to be received, so WADA would not be able to rely on its own ability to collect contributions in arrears, which had been substantial. Also, following efforts made to change the payment rhythm, WADA was being paid in advance as opposed to being paid in arrears. There was a limit to how much additional money would appear; therefore, he thought that people needed to know that, in the future, contributions would need to increase at a given rate and particularly the governments could begin to plan for their long-term budgeting purposes. If he had learnt anything over the past six or seven years, it was not to give governments a surprise in terms of their contributions. As long as the governments knew that it was coming, they seemed to be able to handle it, and the more information that they could be given, the better. He proposed to deal with the budget in greater detail with the Foundation Board the following day; the points were exactly the same as those made in September to the Executive Committee.

THE CHAIRMAN asked if the Executive Committee was generally disposed to recommend the 2007 budget to the Foundation Board.

SIR CRAIG REEDIE said that this would be very helpful.

DECISION

2007 budget as proposed by the Finance and Administration Committee to be recommended to the Foundation Board by the Executive Committee.

6.5 Relocation of WADA Lausanne Office

SIR CRAIG REEDIE noted that WADA had moved office in Lausanne. He wished to formally record WADA's new address for registration purposes.

THE CHAIRMAN asked if the Executive Committee approved the new location of the WADA legal domicile and the resulting amendment of the commercial register in Switzerland.

SIR CRAIG REEDIE thanked the Executive Committee.

DECISION

New location of the WADA legal domicile approved.

6.6 Working Group on Anti-Doping Costs Report

MR NIGGLI said that this report would be presented by Messrs de Klerk and de Hon from the Netherlands. Mr De Klerk was the chair of the working group.

THE CHAIRMAN said that the WADA Executive Committee looked forward to the outcome of the deliberations.

MR DE KLERK thanked the members for giving him the possibility to highlight the work of the Working Group on Anti-Doping Costs. The group had been established as a result of the Executive Committee decision in September 2005 after many discussions within the Executive Committee and the anti-doping world.

The group had been working on the basis of terms of reference also approved by the Executive Committee, and the framework had been the purpose of the group, which had worked along that path. The key terms of reference were that data had to be provided and analysed on different issues. The terms of reference had also included the

composition of the working group. It had been assisted by the WADA management and, at the first meeting, it had also been decided to ask Mr de Hon to assist, especially with regard to data collection and analysis. Mr de Hon had also contributed greatly to the drafting of the report. Mr de Hon would later present and clarify some of the specific conclusions contained in the report. The group had worked along certain procedures, mainly telephone conferences, perhaps due to the nature of the working group, and had had only one in-person meeting in Lausanne in August that year. Based on that meeting, the drafting process had begun quite intensively, leading to the submission of the report on 1 November 2006 in Montreal.

The group had used some methods and, in particular, had developed questionnaires and identified issues mainly on the basis of the terms of reference (laboratories, TUE systems, whereabouts and testing programmes and the specific issues on the Prohibited List). The questionnaires had been developed by certain members of the working group, and had also been quite detailed in order to get the required information. Those questionnaires had been sent out to three groups of stakeholders: the accredited laboratories (33), NADOs (62 in total) and IFs (70). Different stakeholders had received different questionnaires; for example, the laboratories had received specific questionnaires on the cost of analyses. The results in terms of response could also be seen on the screen: 24% for the laboratories, 23% for the IFs, and 32% for the NADOs. The response rate had been satisfactory, given the average questionnaire response rates, but it had been less than anticipated, probably also due to the detailed questionnaires that could be time-consuming to complete. The group had worked with the data and formulated some specific and general conclusions. The specific conclusions were related to the five teams that he had mentioned previously, and the general conclusions were based on those analyses. The conclusions were also based upon the remarks and responses made in relation to the open questions that had also been part of the questionnaires. The group had also looked at figures and had tried to conduct mathematical exercises, as well as looking at remarks on a more qualitative basis.

Three general conclusions had been drawn: anti-doping had cost implications on a daily basis, and respondents were aware of the importance of costs in relation to their work. The group had concluded that there was tension between willingness to comply and the financial limitations. Also, there were substantial problems with two specific groups, the IFs and NADOs, in relation to TUEs, especially abbreviated TUEs, and certain substances on the Prohibited List. The group had also concluded that respondents thought it important that part of the decision-making process include consideration of the cost implications as much as possible.

MR DE HON made some remarks on the specific conclusions. In relation to the laboratories, the real cost of analysis was 24% higher than the billed cost. This, of course, was not a healthy situation, and this put extra strain on the laboratories. The group had also looked at the cost of storage of samples, asking for costs for eight and four years. For eight-year storage, a wide range of costs (all in US dollars) had been seen: over 200,000 dollars for set-up costs and 66,000 dollars in annual costs per year. This was considerable. The group thought that perhaps samples should be kept for such a period only for major events.

In relation to the TUEs, IFs had about one staff member working on TUEs and, besides the money spent on the staff member, spent 10,000 US dollars per year, which amounted to 9% of their total anti-doping budget. The NADOs spent about 75% more resources on TUEs. The majority of these resources were spent on the abbreviated TUEs. Also, 40 to 50% of IFs and NADOs had said that they wanted the system to be re-evaluated. ADAMS would no doubt alleviate the problem, but this was still considered a major problem area.

With regard to whereabouts, the staff time and total costs were comparable to those of TUEs, but these drew fewer criticisms. Most of the stakeholders regarded these as justified costs.

In relation to the testing programme, most of the money was spent on blood and urine testing. 72% of the NADO budget went on testing (all the figures referred to 2005), and this percentage could not be calculated reliably for the IFs so it had not been included. Possible improvements identified by the working group included more blood health tests to assist more intelligent testing, and also a suggestion for increased target testing. The IFs had about 4% of adverse analytical findings, and the NADOs had less than 2% of adverse analytical findings. There could be many reasons for this, of course, but one reason could be that the NADOs were testing less intelligently.

With regard to the Prohibited List and related specific cost issues, the group had asked about substances requiring significantly more resources, and 40% of the IFs and 60% of the NADOs had mentioned a broad range of substances, although those most mentioned included beta 2 agonists and corticosteroids (again in relation to abbreviated TUEs), the lowering of the T/E ratio from 6 to 4, and several NADOs had also mentioned cannabis as costing significantly more than other substances.

MR DE KLERK said that the working group had been delighted to carry out the work on the matter and would be happy to answer any questions.

MR LAMOUR said that the report was excellent; it was not easy to analyse the costs concerning the control mechanisms and the Prohibited List. In relation to the drafting of the conclusion (on page 25 in the French version), he sought some clarification and had a number of concerns related to expenses. It all depended on who would receive the report and what WADA was going to do with it. If it was necessary to apply the recommendations contained in the report, he thought that the drafting of the document should be reconsidered.

DR RABIN said that the response rate was very low, in particular for the specific categories. He agreed that a higher level of response should have been achieved. Did the group have an idea why some of the stakeholders had not responded? Was there a bias in terms of geographical distribution?

MR LARFAOUI asked about the 157,000 dollars regarding testing carried out by the IFs. Did this amount represent the average of the 24% of the 70 IFs consulted?

MR SCHONNING said that the report highlighted the importance of cost benefit analysis before the Executive Committee took decisions about amending the Prohibited List. He urged the WADA management to take that into account. If assistance were needed when major changes were made, perhaps the working group could continue its work.

MS NEILL encouraged the working group to continue, particularly during the period of Code review where there could be some changes made to the Code that had cost implications, not that cost should be the driving force, although it was certainly an area in which more information was needed.

THE CHAIRMAN said that there was one conclusion that one might draw from the low response rate, which was that the problems were not as widespread as perhaps WADA had been led to believe. If people were really wound up about these issues, they should have been interested enough to reply. WADA should make sure that all of its committees and working groups received the report and used it as part of their information. It was a wonderful report, but the foundation was perhaps statistically unreliable, and WADA should be careful about that. Particularly the laboratories and the NADOs, which had led WADA to believe that this was a huge problem, had such a low response rate that it was very hard to respond. A lot of the costs for the TUEs and testing were kind of what were expected. These figures did not appear to be off the charts anywhere. WADA had come up against this a number of times, about adding or removing a prohibited substance from the List on the basis of cost. It would be necessary to solve it one way or another, but he did not think that WADA should be in the business of saying that such and such a doping product could be used because it cost too much to find it. That was a very bad message to send.

MR DE KLERK responded to the comments made. The group had tried to combine figures with opinions of stakeholders, which had led to the part of the conclusion about which Mr Lamour had spoken. The group also believed that the information based on the report could be taken on board in the Code review process, and that it was necessary to look at other issues, also based on much wider terms of reference than those used for the current report. Indeed, a great deal had been said about the response rates; they had been low, and the group had been somewhat disappointed about this. A possible conclusion could be that there were a lot of questionnaires in the anti-doping world which had influenced the response rate.

MR DE HON responded to the question asked by Mr Larfaoui. The average given was indeed the average of the respondents. This was also an example of a large range of answers; one of the IFs responding had performed four tests per year, and the maximum had been 3,347. There was a wide range.

In relation to the response rate, this was low, but the main reason was the level of detail that had been requested and, in general, the budgets of all the stakeholders had not included the specific information that had been requested by the group. A lot of the budgets had not catered for such detailed questions and, in any questionnaire, there was always a lack of time, even if the deadline was extended, which had been done in this case. He had asked around and had been told by a number of organisations involved in questionnaires that a 30% response rate should be considered successful.

In response to Dr Rabin's question, quite a lot of the laboratories had been very reluctant to give the data requested. This was also a matter of different views within the laboratory community. One of the group members, from the Portuguese anti-doping laboratory, had tried to convince his colleagues to send in the required data, but three of the laboratories had written letters stating that they did not wish to send such data. For the IFs, there was the specific problem that they had been approached a number of times to send in other questionnaires and were somewhat tired of answering.

There had been many discussions within the working group about presenting the data that had been received; the group had decided that the data could be presented as general trends, and emphasised that the response rate should not be seen as an indication that the issue of costs was perceived to be of little importance; the low response rates were related to the level of detail requested.

MR BURNS did not think that the Executive Committee should be bound by the conclusions, and he thought that the Executive Committee should also caution against these working groups having an indefinite life. The response spoke volumes; he thought that the Executive Committee should thank the working group and move on.

THE CHAIRMAN could understand that perhaps the IFs did not have the same degree of stake in this. This was not a direct mail solicitation; this was the accrediting body for laboratories, the body that determined whether something was on the List or not and, if the laboratories and NADOs were so uninterested that they were not willing to respond to a questionnaire that was addressing what some of them had said was a problem, then frankly WADA should assume it was not as big a problem as it had been led to believe, while recognising that there were, of course, implications. WADA should ask the management to ensure that it was distributed among committees, with the appropriate caveats, and then come back to the meeting in May with a recommendation as to whether or not the group should be reconstituted. In the meantime, he appreciated the difficulties under which the working group had had to work, and thanked the members for a very thorough and helpful job as far as the report was concerned.

MS NEILL thought that the report had raised a number of issues that had been irritants recently and WADA should be seen to be considering it as opposed to dismissing it. She liked the proposal made by the Chairman that the report be considered by the management and then discussed in May 2007. It was important to inform those involved in the group and the stakeholders interested so that it did not appear to be a dismissal of the report.

THE CHAIRMAN agreed, and thanked the group again for the report.

DECISIONS

1. Working Group on Anti-Doping Costs report noted.
2. Proposal by the Chairman that WADA management consider the report and discuss it in May 2007 approved.
3. Working Group on Anti-Doping Costs thanked for its work, which was now completed.

7. World Anti-Doping Code

7.1 Code Review Update

MR ANDERSEN gave the members an overview of the Code revision process. In April, some 1,500 stakeholders, signatories and other interested parties had been invited to partake in the Code review. WADA had received 70 submissions, some of which had been from stakeholders, but representing more than one, e.g. ASOIF. The Code Review Team had had four meetings, had reviewed the submissions and had been drafting proposals based on these submissions and, as presented in September, had highlighted the key areas, such as sanctions, the List, etc. Based on these directions, the team had put forward draft 0.6 to the Executive Committee. He sought direction with regard to this draft. The team had met with several stakeholders, including ANADO and IADA, had attended the IAAF symposium in September/October, had presented to ANOCA, had gone to Latin America and had also been to visit several IFs. The team would, over the next couple of weeks, meet the IOC, IPC, several winter and summer IFs, ASOIF, NOCs, NADOs and governments, and would continue with such meetings in the coming year. Some changes had been made to the current Code, and Mr Young would go through the changes.

MR YOUNG said that it was interesting in the three years of the Code's existence that the Code had been well received; there had been dozens of decisions interpreting the Code by the CAS and other bodies that had consistently upheld the validity of the Code, and the comments that had been received all operated from the premise that the Code was working but that there were refinements that would be beneficial.

The draft included some substantive changes and a number of refinements. There were probably 100 to 200 changes. The team had tried to lump the most important changes into a number of different substantive categories.

The first article that was probably the most substantive in terms of changes had to do with sanctions. One of the purposes of the Code was harmonisation; one of the big problems with harmonisation had been the wide disparity of sanctions, and the first draft of the Code had been very tight in terms of what kind of flexibility was permitted in the area of sanctions. The basic violation had resulted in two years for a positive test, and there had been no opportunity for more than two years. The only way to go down from two years had been to establish no significant fault or no fault. There had been the list of specified substances, such as cannabinoids, ephedrine, beta 2 agonists and the like; if the violation had involved one of those substances, it had been one year maximum and, if the athlete could prove that there had been no intent to enhance performance, then it had been possible to go down to a warning. This had been changed. First, in terms of prohibited methods, steroids and hormones, the rule was exactly the same in terms of going down below two years, but the concept of aggravating circumstances had been added, which meant that, first, the athlete did not timely admit the anti-doping rule violation; second, the anti-doping agency could establish that the athlete had intended to

dope; and then third, either a) or b): a) the violation had been committed in connection with a larger doping scheme, such as BALCO, or b) the athlete had used multiple substances or used the same substance on multiple occasions. If this could be proved, it would be possible to go up to four years. So, with respect to prohibited methods, steroids and hormones, there would be no more flexibility to reduce sanctions, but an opportunity to increase sanctions. The poster child for that would be Tori Edwards, who had inadvertently consumed a stimulant, although she had been stupid to take it and had been unable to meet "no significant fault", and Tim Montgomery, who had been caught doing all sorts of things, and both had got two years. For the Tim Montgomery case, he thought that it would have been possible to establish aggravating circumstances.

The other significant change was that the list of specific substances had been expanded to include everything except prohibited methods, steroids and hormones, so all the stimulants, diuretics and masking agents, and in those cases the sanction would be two years, unless it was aggravated and could go up to four; but, if the athlete could establish no intent to enhance performance, the sanction could be between zero and two years, in other words, there had been no intent to cheat. A finasteride case, with long documentation of a person being bald-headed, and medical prescriptions included on the forms, etc., would be an example of that. There was language in the Code where the athlete's burden of proof to establish no intent to enhance performance was the same high burden that WADA had in establishing an affirmative doping case (the comfortable satisfaction of the panel) and there had to be evidence other than just the athlete's word alone. That gave WADA the opportunity to increase sanctions in really bad cases and have a little more flexibility in cases where the athlete had not been intending to cheat but WADA was not willing to crack that door for methods, steroids or EPO or GH. This was probably the most important in terms of substantive changes.

MS ELWANI was concerned about the going down part. Even if she was given a bottle by somebody and unknowingly drank from that bottle, she would still be competing with an advantage. It was also necessary to differentiate between suspension for a number of years and the action that had to be taken. The athletes' commissions were not going to like having a zero in there.

MR LARFAOUI asked about the meaning of aggravating circumstances and no significant fault. He sought more detail in order to understand.

PROFESSOR LJUNGOVIST said that this was a first attempt to try to increase the penalty beyond the standard two years when it came to particularly grey doping situations, which most of them actually were. He believed that the IFs and WADA would be under pressure from many sides, including the athletes, to keep the true cheats out for a longer period of time than the two years established to date. The possibility of a four-year ban was welcome for many reasons.

There was a new element he wished to introduce to the discussion. He had often asked himself about the extent to which steroid takers actually benefited from a steroid regime they had been on for some time and whether the muscular changes persisted for longer than two years. Only a few weeks ago, a scientific answer had been obtained from a doctoral thesis focusing particularly on that matter, and it had shown clearly that athletes on a steroid regime acquired muscular changes that persisted way beyond the two years. This was a new scientific element that needed to be taken into account when evaluating the period for ineligibility. It was information that had been tested in the normal academic way and had been granted a PhD based on that study. He would provide the necessary English translations so that the Code Review Team would have the information available when moving forward.

MR SCHONNING had a comment regarding admitting an anti-doping rule violation. Looking at Articles 10.5 and 10.6 in the draft, one gained the impression that there was a starting point of two years but, if an athlete voluntarily admitted to an anti-doping rule violation, the sanction would be reduced to one year. However, if the athlete did not admit, the sanction would be doubled to four years. This seemed rather strange.

MR MALLARD thought that Professor Ljungqvist's point raised another issue, which was the testing of athletes whilst they were suspended and how to handle that. WADA should be very careful about leaving them a testing-free period to gain even further advantage.

THE CHAIRMAN said that he had read a research paper written by Dr Werner Franke that had data from the old East German regime showing the residual effects of steroids.

MR YOUNG told Ms Elwani that, in terms of the disqualification of results, this would still remain the same, even if it concerned a specified substance. In the case of a positive test, the athlete would still lose the results from that competition. And then, regarding the question of zero time, a warning, or three months, WADA would see what the stakeholders of the world thought about that. There might be a circumstance where somebody had clearly not been intending to enhance performance and had just made a simple mistake. The person would lose his or her result, and should maybe be given a three-month sanction or a warning.

In response to Mr Larfaoui's question, there had been very good and consistent CAS decisions on what no significant fault meant. By and large, the CAS panels had been very strict in their interpretation of that, and had said that no significant fault was given only when one could demonstrate that, as an athlete, one had used utmost caution to avoid consuming a contaminated supplement or to violate another anti-doping rule and, in spite of the utmost caution, still had the positive test or violation. He had been concerned about the interpretation of that, but it had been interpreted strictly and strongly. As to the definition of an aggravating circumstance; it did not get into the issue of a first and second violation. If there was a first or second violation, sanctions would be exponentially higher. It was a circumstance where, for example, there had been multiple substance use, such as steroids and EPO, or WADA could prove that the athlete had been using EPO for a long time, or that the athlete had been involved in a scheme such as BALCO, and that the athlete had intended to enhance his or her performance. That would be hard to do in a nandrolone case, as the athlete could say that he or she had consumed a contaminated supplement and it would be hard to prove otherwise. On the other hand, for an EPO case, positive tests did not occur as a result of contaminated supplements, so it was relatively easy to prove that the use of EPO constituted intentional doping.

In response to Mr Schonning's question about admitting, that was a piece of the aggravated circumstances. One of the things that was found in the field handling these anti-doping cases was that athletes, and particularly rich athletes, figured that they had nothing to lose by just throwing a bunch of defences at the wall and seeing if any of them would stick. They did this at a first hearing and then at a CAS hearing and, even though they knew very well that they had been doping, they made NADOs spend huge amounts of money defending the validity of the laboratory results, etc. In several places in the Code, the team had tried to build in an incentive for athletes who were guilty and who did not have a legitimate defence to confess. If they confessed to an anti-doping rule violation and said that they had done it, then the prosecutor could not go for four years but, if the athlete made the prosecutor go to the trouble of proving the case, then the prosecutor could go for four years. The only situation whereby admitting allowed the athlete to go down to one year was where the NADO had no idea whatsoever that the athlete was doping. If the athlete was caught through a positive test or investigatory evidence, the only good that confessing did was that it kept the athlete from getting four years for aggravated circumstances and allowed the potential for the sanction to start on the date of the sample collection instead of the date of the hearing, but there was no reduction by half to one year. The only time that this happened was when, out of the blue, an athlete on his or her own announced that he or she was a doper (and a number of cases had been seen in cycling). Under such circumstances, the athlete could go down to half and, if the athlete cooperated, he or she could go down to zero, but the results would still be disqualified.

MS ELWANI asked why the athlete should be given a zero sanction for cheating.

MR YOUNG replied that the idea was to provide more incentive for people to cooperate and to try to get the coaches, suppliers and athletes who were doping. This did not refer to somebody who had been caught; it referred to somebody who, out of the blue, confessed to what he or she had done.

THE CHAIRMAN said that Richard McLaren, who did a lot of arbitration work and was working on an article for a law journal, had come to the tentative conclusion on no significant fault that hearing panels were almost routinely going down to no significant fault, almost as a reward for appealing. The team might want to talk to him and discuss the matter.

MR YOUNG replied that he would do that.

In response to what Professor Ljungqvist had said, in some countries, such as Germany, it would be hard to get the four years; however, on the basis of the study that said that if one took steroids one would have the benefit of that for X number of years, that certainly was not true for stimulants, even though one was trying to be the dirtiest cheat that ever was, but it might be that there could be longer sanctions for certain substances where the results lasted longer. That was a very useful concept.

In response to Mr Mallard's comment, the team was trying to set up a situation where there were no free periods so that, if an athlete was suspended, he or she would be tested during the suspension period and, if an athlete retired, he or she would have to be tested before he or she came back. Currently, there was a one-year period of testing before returning to sport, and maybe that should be longer.

THE CHAIRMAN noted that the Executive Committee was the review process as the Code Review Team came forward with ideas. This would be going out and major changes at levels two and three would be harder to make than they would be at that stage.

SIR CRAIG REEDIE said that it was work in process and it reflected opinion that was out there, but he had a feeling that coming down to zero was not right; there had to be some penalty, otherwise WADA would be accused of being soft. It was an instinctive reaction rather than a deeply considered reaction.

PROFESSOR LJUNGOVIST felt that testing during the ineligibility period was absolutely essential and should be a requirement for being readmitted to sport after having served a ban. Should the Executive Committee address the possibility of suspension following a positive A?

THE CHAIRMAN asked whether the feeling around the table was that there should be some minimum. There was a consensus at least that there should be some kind of minimum.

MR YOUNG said that the next category had been based on a number of CAS decisions. The CAS panels had been all over the place on the start date for ineligibility, and the team had made it clear that the start date for ineligibility was the date of the hearing decision and the only reason for going back to the date of sample collection or something earlier than the date of the decision was if there were delays in the hearing process that were not the fault of the athlete. There had been decisions stating that it had been near the end of the athlete's career, or that the athlete would lose a lot of money. The only reason for going back before the date of the hearing was if the anti-doping side delayed the process. There were numerous situations whereby athletes were serving a period of ineligibility and continued to compete sometimes in local events, sometimes in professional sport events, continued to train with the national team, etc. Two things had been done there: the team had made it clear that, if the athlete continued to do any of those things, he or she was violating his or her period of ineligibility, and the consequence was that, whatever the sanction was, it started all over again. In the Puerto CAS decision, the panel had pointed out a lacuna in the Code enunciation of second and third violations for different kinds of substances; in response to that, the team had got very detailed, where one mixed and matched, for example, a regular steroid case and a no significant fault case or a specified substance and an

aggravated circumstance, etc., and set out a table for what sanctions were supposed to be applied.

In some CAS cases, the panels had said that the Code did not say this but, of course, for purposes of counting a first and second violation, they both had to occur within the eight-year statute of limitation; otherwise, there would be problems with national justice, etc. He thought that was what people had intended in the first place, so this had been clarified.

THE CHAIRMAN asked whether the expedition of these cases was dealt with, to say that, in principle, the case should be heard within 60 days, decided within 90 and so on and that, if one was going to accept a position on a panel, one had to be available during that period of time.

MR YOUNG replied that this was dealt with in several different ways. First, that was an area where the code provided flexibility to the different anti-doping organisations, whether it was in the rules of FINA or the IAAF or USADA, etc., to say that cases had to be completed within a certain period, so the Code did not mandate that. Another thing that the team had done was to give WADA the power to take over a case from anybody if the case was not progressing. If a NADO had a case, and WADA knew about it because of the positive test and because it had been getting reports and nothing was happening in that case, and WADA gave the NADO notice that it had to show some progress by such and such a date and it did not, then WADA could take the case directly to the CAS as if the athlete had been exonerated in that process and WADA would be paid its fees from the NADO it had taken the case from if the appeal was successful.

The next category had to do with the substantial assistance issue. Again, it was a trade-off and went to the issue raised by Ms Elwani. On the one hand, WADA wanted to be tough on the athlete caught; on the other hand, WADA wanted to use that athlete as a lever to break up BALCO conspiracies, etc. The current rule was that, if an athlete provided substantial assistance to a NADO that led to the discovery of an anti-doping rule violation, the sanction could be halved. This rule clarified and expanded on the previous rule. First, substantial assistance was defined in the definitions and made clear that it was necessary to be credible and truthful and provide complete information as opposed to testifying against one person and not the other, and the athlete had to go all the way through the process. It also included assistance to the criminal authorities and the disciplinary authorities (such as those regulating doctors who distributed growth hormone). There was another addition, relating to the balance discussed previously, that if substantial assistance was provided that led to information on doping offences by multiple people or by previously undetectable prohibited substances or methods or unknown, it would be possible to go not just down to half but to no period of ineligibility. The members might wish to suggest another period if they were uncomfortable with the zero.

THE CHAIRMAN concluded that the same level of discomfort with the zero existed.

MR LAMOUR said that the possibility seemed interesting in terms of finding out who had been responsible for the provision of the substances. Under no circumstances should declaring the suppliers of products suspend the procedure. The procedure should continue and the sanction should be applied. Giving information should not suspend the procedure. That did not solve the problem raised that morning regarding the necessary investigation to verify the information and the limited ability of the sports authorities to do so, with the exception of the Australian authorities as mentioned by Mr Howman.

MR YOUNG thought that this would not help WADA one way or another in expediting its priorities with criminal enforcement agencies. It did give WADA, hopefully, more witnesses who were willing to be forthcoming as there was more in it for them if they were forthcoming in going up the stream and getting the coaches, suppliers and the like. In terms of the additional emphasis on the coaches and suppliers, in the section of the Code that dealt with the rights and responsibilities of the different parties, the team had added explicitly to each of the anti-doping agencies (the IOC, NADOs or IFs) the

requirement that, for each anti-doping case, it was their responsibility to investigate whether there were coaches or other people involved. The team was doing what it could along those lines.

MS ELWANI was concerned about athletes reporting other athletes. There would be a lot of opponents in sport. The question regarded the criteria of information that athletes had to give. It was hard as there was competition in sport and part of the competition was trying to prove that the other person was doping. In her opinion, the incentive for athletes should be not being given four years and keeping two years. Zero was too lenient.

MR YOUNG said that the criteria were in the new definition and the one that most addressed what Ms Elwani was talking about was that it needed to be credible and carry weight and lead to the discovery or finding of a doping violation. There were some cases where the athlete could give times, dates and places, and that became critical information. In the BALCO cases with Montgomery and Gaines, for example, there had been all sorts of information, including ledgers and documents and blood and urine profiles, all of which he had thought were very compelling, but the panel had ended up deciding the case on the basis of the testimony of Kelli White, who had said that Montgomery and Gaines had admitted to her on different occasions that they had used steroids. In her case, it had been credible as she had been able to back it up and she had fully cooperated and it had led to the conviction of a doping violation.

MS ELWANI said that Kelli White had been guilty of doping, despite helping others, and was not a role model.

MR YOUNG said that, as drafted, the answer was that she could go down to zero; as heard by the drafting team, he did not think it would be that way the following day.

As to the point made by Mr Lamour, there were many different things that increased the emphasis on investigation. He had spoken about the provision that said that doping cases should be followed up to look at coaches and others. The second bullet point was that there was a provision in the current Code that said that anti-doping organisations "may" share information with government authorities where the violation was also a crime. That "may" had been changed to a "shall". On the roles and responsibilities of governments, there were two paragraphs, one talking about cooperation with anti-doping agencies, and another that said that "governments shall encourage all of their agencies to provide relevant information to anti-doping agencies unless otherwise prohibited by law". The third bullet point was that there were lots of changes in the Code that dealt with the issue of blood and urine profiling to make it absolutely clear that, while one might not be able to prove a positive test, and the Code made it clear that, to have a positive test, one had to have a positive A sample and a confirming B sample and, in all of the comments from stakeholders, there had been no suggestions to change that. In fact, there had been various suggestions that, if that was the rule, it ought to be made clearer, but that was what was necessary for an anti-doping rule violation for a positive test. It did not mean that one could not use laboratory evidence to prove use. That kind of evidence had been used in the Tyler Hamilton case, the Michelle Collins case, and the Gaines and Montgomery cases, where profiles had been seen that, when somebody's haematocrit level changed 7-8% in a week, that did not happen through Mother Nature. It was based on blood results that did not need the criteria of a positive test, as there was no A and B sample but only one blood sample. This was made clear in lots of different places in the Code, and it was also stated that one could prove use through either an A or a B, as long as one could explain why one did not have the confirming B. He cited Tyler Hamilton's Olympic case, with a nice clean A, but unfortunately the B sample had been frozen so it had not been possible to analyse it; it would be possible to go forward with a use case on that basis.

MR MALLARD apologised for taking people backwards, but his question regarded the List and the zero question, which was whether, if somebody was at a party and having a few beers, thought that he or she had passively absorbed cannabis smoke (there had

been a similar case in his country) and, if there was no zero, there would be no incentive for anybody to come forward say that this had happened. In his country, well over half of the infractions were for cannabis; it was known that, in most of the countries, there were major use problems and there was no doubt about the science of passive receipt of marijuana. He did not like the idea of a zero, but would anybody every front up in advance of being caught in the knowledge that he or she would automatically get a period of suspension, or would that person just wait and hope that his or her number did not come up for testing?

MR YOUNG recalled that, under the current Code, there was a very small list of specified substances; cannabis was one of them, ephedrine and the non-listed stimulants were another, and glucocorticosteroids, alcohol and beta blockers were others, but it was a very small list. Currently, for those, the sanction was a warning to one year, and so the question was whether that should be bumped up or whether a middle class of substances should simply be created. WADA was dropping down all other stimulants, the masking agents, etc. Should WADA leave that very small category, zero to one year, and then a minimum of three months or six months or whatever it was for the things that it was dropping down?

MR MALLARD said that that would solve the question he had asked, but it seemed to be the opposite of the instruction coming from the Executive Committee.

PROFESSOR LJUNGOVIST said that there was a need for some clarification. His belief was that the concept of specified substances would remain with the present ruling, from a warning up to one year, along with the disqualification of results which, to him, was fine.

MR YOUNG added that WADA should create a middle ground for substances that were not methods, steroids and hormones, where, for example, for a masking agent such as finasteride, if an athlete could clearly prove that he or she had not been intending to enhance performance, not just through his or her word but through other evidence, the athlete could go down to some level, whether that was three or six months or whatever, but it was a different concept than it would be for a steroid, for example.

THE CHAIRMAN recalled that the aim was to keep this as simple as possible.

PROFESSOR LJUNGOVIST shared the Chairman's concern about avoiding the creation of too many categories. Finasteride had been mentioned as an example. The List Committee had recommended that it be listed as a specified substance. This had been rejected for various reasons, but it could be an example of a substance that should be placed in specified substances in the future. The middle category should be avoided if possible.

MR YOUNG said that there could certainly be a situation where finasteride or modafanil were clearly used to enhance performance or mask doping, and he would be perfectly happy with two years or four years if aggravated circumstances could be proved, but there were other circumstances where, for those kinds of substances, everybody would agree that the athlete had established that he or she had not used the substance to enhance athletic performance but had used it for some other purpose, so, for those substances, the aim would be to go down below one year and go up to four years. When dealing with steroids and methods and hormones, it had been decided that one should not be allowed to go below one year unless absolutely no fault could be proved. There were the same rules of no significant fault and no fault for steroids and methods and hormones, except that it was possible to go up.

In relation to the fifth category, these were simply clarification improvements to deal with comments and problems that had been noted. For example, possession of stimulants out of competition had not been a violation; now this was a violation unless the person caught possessing could demonstrate that such possession had been for a legitimate use. Currently, the problem was that an athlete could say that it could be proved that the athlete had bought it, but that it had been for the athlete's grandmother.

A provision had been added in the definition of possession that, if the person was an athlete or a member of the athlete's support personnel and had bought the substance in question, then that person possessed it.

Regarding right of appeals, this was mostly pretty straightforward. There had been a number of cases in which athletes had said that they were retired and the anti-doping organisation had no jurisdiction over them. The Code now said that, if the violation occurred at the time the anti-doping organisation had jurisdiction over somebody, that organisation still had jurisdiction to bring cases against retired athletes, for example. The problem was that the term "athlete support personnel" was pretty narrowly defined in the Code (it did not include parents, for example), so the team had broadened the definition. The next point was the point that he had already made about WADA being able to go forward on a case. The current Code language had been ambiguous and made it clear that NADOs could appeal decisions involving athletes from their country.

In relation to the next category, in the overall scheme of the Code, the Code was a mandatory document and it was necessary to follow it, but there were parts of the Code that intentionally left the application to the flexible judgement of the stakeholders consistent with the Code, and there were parts of the Code that had to be followed verbatim. That had been one of the very unfortunate aspects of the FIFA versus WADA decision, as the panel had ended up saying that FIFA had been in substantial compliance with the Code on articles that were supposed to be verbatim, and verbatim meant verbatim and little differences in wording might not look very important in the abstract, but they could produce very important differences in a particular case. FIFA had changed its rules to solve that problem, but that was a real issue. The verbatim articles had been moved out of the introduction and put into a separate article; the team had added a provision that said that it was not possible to adopt other rules that subverted the mandatory articles and the verbatim articles, and, if there was an inconsistency between the rules and verbatim articles, the verbatim articles would trump. It would be interesting to see how that was applied when an organisation had not got around to changing its rules. That was an important point.

Some changes had been made where flexibility had been allowed before; some of that flexibility was being taken away in the name of harmonisation. One important area had to do with provisional suspensions. The way in which the Code was currently written, the concept of provisional suspension was optional. An anti-doping organisation could have it or not. At the direction of the Executive Committee, the team had made a change, so when there was a positive A and B sample, provisional suspension was mandatory. Just a positive A or some other anti-doping rule violation meant that provisional suspension was optional. Another important change was a unified definition of in-competition testing. Previously, unless the IF or NADO agency rules said otherwise, an in-competition test had been conducted in association with a specific competition. A number of IFs had very different rules. The definition of in-competition for tennis applied to the first ball to the last ball hit at the tournament. The IOC defined in-competition as when the Olympic Village opened as opposed to getting out of the swimming pool after a race, so there had been a number of logistical problems as to who could be tested, and there had been issues of fairness, so a unified definition had been established.

The next point concerned the definition of a team sport and an individual sport: if, during a race or a match, one could substitute players, that was team sport; if it was not possible to substitute players, that was an individual sport. The problem was that, within the team sports, the consequences of what would disqualify a team were very different and, in terms of application, fairly lax. The team had not tried to come up with what the harmonised decision would be; it would put it to the team sports and see if they could come up with something that would make sense to WADA in terms of a fair definition.

Anti-doping organisations were required to provide information through ADAMS unless it was not technologically feasible. Everybody who reported to WADA would say something about TUEs and aTUEs and the burden of that system; he did not have an answer, but it would have to be addressed in the TUE standard rather than in the Code.

MR LARFAOUI asked whether Mr Young had implied that relay teams were to be considered individual events. So, if an athlete from a relay team tested positive, would the team not be disqualified?

MR YOUNG replied that he had said quite the opposite. What had been said, in the definitions and in a particular comment, was that the CAS panel in the Jerome Young case (the IAAF relay case) had got it wrong. He gave an illustration relating to swimming. If, in the semi-finals, one of the athletes tested positive in a relay event, that relay result would be disqualified. What if the team then swam in the finals the following day, and the athlete who had doped was not used in the finals? Then, one would look to the FINA rules and, if that team had its semi-final result disqualified, under FINA rules, that team would not move on to the finals. That was different to the Jerome Young decision. It might be a round-robin competition, where the team would just lose that match, but would make it to the finals because of the results in the other round-robin matches; that was fine, but the result would be losing the results of that race.

PROFESSOR LJUNGOVIST thought that one of the most important goals with the Code was trying to achieve harmonisation, particularly regarding preventing doped athletes from participating. He was unhappy with the second bullet point, where the provisional suspension following a positive A sample remained optional. This meant that, in some sports, a doped athlete could continue to compete until a B sample verified that that athlete had been doped whereas, in other sports, that would not be the case. In extreme circumstances such as the Olympic Games, it might result in a doped athlete taking part in the event and others being prevented. He felt somewhat unhappy about that. He wondered why the team could not propose compulsory suspension following a positive A sample. It was well known that, in the vast majority of positive A results, a positive B result would follow. Was it not in the interest of sport to prevent those who did test positive from being allowed to compete?

SIR CRAIG REEDIE asked whether there was not a little bit of a contradiction in terms, in that, if the provision of suspension was mandatory with a positive A and B sample, it was quite possible that the B could take weeks to be dealt with and if, under the second bullet point, it was an optional suspension, there could be two rules, not actually producing a uniform penalty. It might make sense that those two be brought close together and a clear uniform decision taken.

THE CHAIRMAN said that one way of dealing with that might be to have a specified period; for example, if there was a positive A sample, the B sample should be tested within 24 or 48 hours, and the athlete would be welcome to attend; otherwise, a neutral observer would be put in place. There was also concern out there that athletes had figured out a way to put something into the samples that might cause them to degrade faster than they would otherwise.

MR YOUNG thought that, if WADA could do that, it would be the better of the two solutions and a way in which that could be done would be that, when the laboratory sent out the notice to the anti-doping organisation, it sent out the notice of the day on which it was planning to do the B sample analysis. There might be some athlete resistance to that; the athletes might say that it was not fair and that they needed to have their experts present, but that addressed the provisional suspension issue and the deterioration of sample issue, which was probably a reason why there were B sample results that did not confirm A sample results.

As to the mandatory suspension on the A result, this was a situation in which a pretty serious liability situation could be created if there was that one in a thousand case whereby the sample was not confirmed. In the USA, most athletes had voluntarily accepted provisional suspensions, as they wanted the time to count against any ultimate penalty. If that happened, it was the best of both worlds, as, if the anti-doping organisation happened to lose the case, it did not have to pay horrendous damages for having suspended the athlete. Maybe it was just because he was a lawyer, but it would

be an ugly picture if an athlete were suspended on the A sample and the B sample did not confirm the result.

PROFESSOR LJUNGOVIST said that his own federation had had the experience with the famous Lagatt case. He realised that the federation had faced considerable risk, but would never dream of doing away with the rule that said that suspension following a positive A result was compulsory, as it would not be fair on clean athletes.

MS ELWANI agreed with Professor Ljungqvist on this point. Doped athletes prevented clean athletes from getting to finals. If it were in the Code, why would athletes come back and sue an anti-doping organisation?

SIR CRAIG REEDIE said that this was why the debate was interesting because, in principle, one would support that view but, if it were included in the Code, and if the Code were published by WADA, and if the B sample did not confirm the A sample, the liability was potentially enormous, to the extent that one had to weigh the possibilities of the price and the cost of harmonisation and being as fair as everybody could reasonably be against the risk of getting it wrong and finding that there was no money left.

THE CHAIRMAN said that the real human nature issue lay with the laboratory. If the B did not confirm the A, his concern was that there would be laboratory directors saying that they "did not think so" and not wanting to expose themselves to any possibility.

MR MALLARD asked if that was the current experience with the sports that took another approach.

THE CHAIRMAN just thought that people would think about it more, certainly in sports in which professional athletes were being dealt with.

PROFESSOR LJUNGOVIST thought that the discussion was important. Until recently, laboratories had very rarely, if ever, found a B sample that did not confirm an A sample, to the extent that the IOC (before the establishment of WADA) had considered doing away with the B sample. This had been a serious proposal in the mid-1990s when the IOC had been responsible for testing. Recently, there had been some cases of problems with the A and B samples, mostly concerning EPO, probably related to the fact that the method could be improved. The method was now being improved. It would be a clear option to do away with the B sample in most of the cases in which WADA dealt, and possibly retain the testing of the A and B samples for particular substances or analyses, but not for routine analyses. He did not know whether the market was ready to take such a decision. It had been a debate for a long time.

MS ELWANI suggested that, if WADA still wished to help those athletes who did not wish to compete against athletes who were doping, athletes could sign the form and, to remove the liability about which some members were concerned, the form could state that there would be a provisional suspension upon a positive A sample until the B sample proved otherwise.

MR LARFAOUI said that he was concerned about the future application of anti-doping rules. Lawyers were going to be needed in the future. He wished to express concern about future interpretation of the various articles, because the more details there were, the more problems there would be.

THE CHAIRMAN suggested circulating this draft of the Code with a footnote or comment stating that this was the range of decisions discussed by the steering committee so that people knew about them and why they would be important, to enable them to chew on the matter for a while. This was the draft for which the most submissions from stakeholders should be made, as opposed to later drafts.

MR YOUNG agreed that that was a good idea.

He told Mr Larfaoui that the problem was that the detailed questions that the team tried to address in the Code would in fact be raised by lawyers in individual cases anyhow. Most of them had already been raised by lawyers in individual cases. What the

team was trying to do was have the Code provide the answer to those questions in a satisfactory manner. WADA could not make those questions go away.

In terms of the provisional suspension, if it could be made to work, the quick analysis of the B sample was the best solution to the problem.

In terms of the waiver by the athletes and how one could be sued, in most countries that kind of waiver would not stand up and this was what happened. An athlete could say that he or she had been suspended, that his or her name had been in the press, that he or she had missed the qualification for the Olympic Games or missed the Olympic Games and, because of that suspension, he or she had been damaged, because everybody now acknowledged that he or she had done nothing wrong. The athlete would look first to the agency that had suspended him or her, and the agency would say that it had had no choice and that the WADA Code had made it suspend the athlete. The athlete would then look to WADA, and then decide that it must have been the case that the laboratory had made a mistake in order to call the A positive when the B had been negative, thus bringing in the laboratory. That was the practicality of what would happen in those circumstances. It would be better to have the B sample analysed quickly and avoid the risk.

MS ELWANI asked Mr Young to consider the following scenario. If she were a number nine athlete just missing out on an eight-person final, and one of the athletes who had tested positive had been in that final, then the B sample analysis confirmed the positive test and the results were annulled, would she be able to sue the IF for damages? Damage could go either way. She was trying to protect the other athlete.

THE CHAIRMAN said that this would be especially significant if that athlete won the B final with a world record.

MR YOUNG replied that there was a specific comment in the draft that said that there was nothing in the Code that precluded clean athletes from bringing damage cases against athletes who had been found to be dopers under applicable laws. It did not talk about suing anti-doping agencies.

MS ELWANI said that the athlete would still lose a medal.

MR YOUNG said that the draft did not say that an IF could not have a rule.

MR MALLARD said that some of the discussion was about the gap between the A and B samples and degradation and what athletes might do in order to delay the B sample analysis. Surely the opposite applied as well; if an athlete genuinely believed that the A sample was wrong, the athlete would be wanting the B sample to be analysed as soon as possible.

In relation to the next section, MR YOUNG said that there was currently a fair bit of confusion about TUEs and who could and could not grant them. The Code made it clear that, when talking about international level athletes, only the IF could grant those TUEs and, when talking about international level events, only the IF could decide which events would require an IF to grant a TUE. For example, there might be an up-and-coming athlete in a world championships who had never before been in an IF registered testing pool. The IF might say that anybody competing in this race needed an IF TUE. Currently, it was very hard for national organisations to figure out who the IF thought needed an IF TUE so, along with clarifying the right to give TUEs, the team had added the responsibility that the IFs needed to list the people they thought needed TUEs and the events at which only IF TUEs would be recognised. That cleaned up the inconsistency in the Code. Some IFs had agreed by contract or rule to accept all or certain national level TUEs. They could do that in the Code, but did not have to. So, if FINA decided for its world championships not to recognise any national TUEs, it could do that. If the IAAF decided, for international level athletes, that it would recognise TUEs given by New Zealand, Australia, Great Britain, Canada and the USA but nobody else, because it was not comfortable with their systems, it could do that too.

The first bullet point under reporting and confidentiality requirements was something that should have been there already. WADA was supposed to find out about all decisions, whether they were with or without a hearing, on appeal, whenever, as soon as they happened, so that WADA knew about them and could take action on them if necessary. The second bullet point was very interesting. There had been feedback from a number of sources that, when an athlete won a case, that case was never published, so the only precedent out there was for cases that athletes lost, and that was not right. If panels were exonerating athletes on this or that basis, that ought to be available on the body of knowledge too. The team had required that this information be published, but with the decisions made anonymous, so that the particular athlete did not have his or her name, medical history and everything else splashed across the press. The third bullet point was that NADOS and their officers and officials and the laboratories were directed not to comment on pending cases except in response to comments by the athlete or the athlete's representatives. It made presenting a case difficult and one got lots of accusations of bias and trying to influence the process. This was a fairness issue. It did not mean that one could not comment on the science or on the process generally, but one could not comment on specific cases unless the athlete started making comments on the case.

The final bullet point had to do with research. He recalled that there were a number of international conventions that talked about research on bodily specimens, and one could not carry out research on bodily specimens unless one had the individual's consent. WADA could do doping analysis on a sample whether somebody consented or not. This drew a line between research on a sample and doping analysis. It could be analysis for purposes of a positive test or for purposes of a longitudinal study and profiling. The consequence of this was that WADA would want laboratories to keep samples for some period of time so that they could be used as evidence in doping cases and, as long as the laboratories were keeping samples, they should not be mucking them up by doing research on them. At the end of eight years or when the samples were going to be discarded, the laboratories could make them anonymous and do whatever they wanted with them. WADA's preference would be for the laboratories to keep the samples so that they could be used for doping control purposes.

SIR CRAIG REEDIE referred to the second bullet point on exonerated athletes. He had been told many a time that athletes would be quite happy to have an annual list featuring the athlete's name, when he or she had been tested, and the negative test status. People constantly said to him that they had been tested and that the test had been negative but that nobody ever knew this.

MR YOUNG replied that that was already permitted. It might be the case that an athlete had been provisionally suspended. This could be a case that went all the way to a hearing and was won by the athlete. At that moment, it was permitted and there were numerous IFs that routinely published statistics. FINA published its testing statistics, and ATP published its statistics. It was possible to go online and see who had been tested, who had had a negative result and when and where the tests had taken place.

SIR CRAIG REEDIE asked about the NADOs.

MR YOUNG said that it was allowed but not required.

When one went back and found out that an athlete had been doping one year previously, through a BALCO kind of situation, and results were disqualified back to a year previously, the athletes had to forfeit their medals and prize money. The question was what happened to the prize money. Where would it go? The first priority would obviously be to the athletes who deserved to win it but, frequently, it was hard to reallocate prize money to athletes and, if the money was not going to be reallocated to the athletes, the article stated that the money should be allocated to the anti-doping organisation that had gone to the trouble of finding the athlete who had committed the anti-doping rule violation. If there was money left over, it would go to the IF.

PROFESSOR LJUNGOVIST asked whether this paragraph was necessary.

MR YOUNG replied that he thought it was necessary. For example, in the event of an IAAF case involving an Australian athlete who had been using EPO, and tens of thousands of dollars were spent on the case, the athlete forfeited 100,000 dollars, then Australia should be reimbursed for the costs of the case and the difference should go to the IAAF. This did not happen at the moment.

PROFESSOR LJUNGOVIST said that his IF currently claimed the money back from the athlete. Was this something that needed to be in the Code?

MR YOUNG thought that, when the IAAF or whatever the body was claimed the money back and it was paid to other athletes, that was fine, but if it did not get paid to the other athletes, the organisation that went to the expense of concluding the case should be reimbursed.

As to education, from the introduction all the way through the Code, there was an emphasis on education and the responsibility of everybody in the anti-doping business to conduct anti-doping education.

Regarding the article on governments, this had been changed to simply say that governments would comply with the UNESCO Convention, and there were a couple of additions concerning investigations and cooperation. Then, and this was something that applied all the way through the rights and responsibilities of stakeholders, a government that was not in compliance with the Code or had not accepted the UNESCO Convention was not eligible to bid. That was a fairly major conclusion but was certainly a way to get governments to accept the UNESCO Convention.

MR LARFAOUI said that perhaps the other IF events should not count in such case, as it was often difficult to find host countries for some IF events. Perhaps this could be limited to the first two points.

MS ELWANI asked about participation in the Olympic Games and world championships by governments of countries that had not ratified the Convention.

MR KASPER said that his federation had many events every year; this meant that, by the following year, every country would have to have signed the UNESCO Convention.

THE CHAIRMAN said that this was where the rubber met the road. There could be no double standard for governments as opposed to the sports movement.

MR MALLARD asked whether a practical way through what was clearly going to be a huge issue would be a phased introduction. Clearly, some governments, such as his own, with one house and a relatively compliant approach, could get these things through pretty quickly; for others, it did take years and years. If WADA indicated 2010 or 2012 or a particular time as being the point at which this came into play, it might be a good approach and it might even be staged for the different levels of the four groups. It might be a way of not making it quite the crunch that it was in the crude terms set forth, but getting the objective.

PROFESSOR LJUNGOVIST thought that the incorporation of this clause was wishful thinking. The IFs were not the owners of events; therefore, could they, as non-owners, take such a decision on behalf of those who actually owned the events? He thought that the Olympic representatives around the table would be able to take such a decision on behalf of the IOC, but he did not see that he could take it on behalf of other event organisers.

THE CHAIRMAN said that this went out to all of the stakeholders, and they would make their views known. For those organisers organising the World Series or the Superbowl, he did not think that WADA had any jurisdiction there. Every once in a while, he sensed the sport movement getting cold feet, and he did not think that anybody should be getting cold feet, so this should be put out to see whether anybody saluted.

MR YOUNG asked whether this should be left in for consultation. One of the things that the team might hear back from the IFs, for example, was that, with respect to the

two lower levels of events, it would be necessary to have a phase-in process or something.

To answer Ms Elwani's question, it had been decided to bar countries but not their athletes participation in events just because their governments were in transition. It did not mean that their athletes should be kicked out.

Code compliance, as well as the UNESCO signature, was a condition for bidding. The team had added some clarity and strength to the finding of non-Code compliance, at the request of the IOC. If WADA decided that a country or signatory was not Code-compliant, that decision by WADA had to be made by the Foundation Board after that entity, signatory or country had had an opportunity to present its side of the case to WADA in writing, and that decision was subject to appeal, as opposed to waiting until the IOC, the IF or somebody else dropped the hammer based on that decision. It was pretty straightforward.

The final slide was a time deadline for signatories to accept and implement the Code amendments. There was no corresponding timeline for governments to adopt the UNESCO Convention, other than the consequences that flowed to them if they did not, which meant that they would not be able to host events.

SIR CRAIG REEDIE said that, in all honesty, this was one that needed to be debated, and he was certain that, if that came up, there would be a fairly large number of comments. He thought that there would clearly be comments from the sports movement saying that they questioned whether, from the middle of November until 13 August 2008, enough governments would in fact come to the UNESCO Convention table. That would be the observation; whether right or wrong, WADA would need advice from the governments as to whether that was possible. He suspected that, by not mentioning Convention approval, WADA would end up with a degree of difficulty.

MS ELWANI said that, in 2004, the Olympic Movement had had to adopt the Code; the governments had had to adopt by 2006 and now they had the Convention, so, if 2008 was the deadline for the sports movement, would the governments have to sign another convention?

THE CHAIRMAN asked the Director General to recap the procedures under the Convention for approval of changes to the Code.

THE DIRECTOR GENERAL said that it could be done quite simply by a meeting of the Council of the Parties. The first meeting of the Council of the Parties, meaning those who had ratified the Convention, was due for February 2007. There would be regular meetings, at which amendments to the Code could be adopted. The Convention would stay; the Code would be amended and would still form part of the Convention. Another convention would not be necessary.

MR LARFAOUI did not think that the deadline could be respected. He had some concern regarding application before the first day of the Beijing Olympic Games.

MR LAMOUR said that, for all those countries that had adopted the Code through their legislative system and the Convention, November 2007 or August 2008 would be impossible, at least in France's case. France would not be able to deal with this before the Olympic Games in 2008.

PROFESSOR LJUNGOVIST echoed what had been said. The situation had been different for 2004 when the first Code had been issued. Four years later, the sports movement and the governments should be in parallel with respect to adopting the Code, and there should not be different dates for application. That should be an ambition for all of the stakeholders and for WADA.

THE CHAIRMAN said that there would have to be a date, because everybody worked towards dates. Maybe WADA should check and see how difficult it would be for the Council of the Parties. It would not be necessary to change French law for this.

MR LAMOUR did not know if he had to change a law or not; it depended on the rewriting of the Code. It would be preferable to have a law to support the Convention. One could not have a legislative text and then adaptation time to change.

SIR CRAIG REEDIE thought that the difference that time was that, in 2003, there had been a declaration which, in many cases, had meant that the provisions of the Code had been picked up and used by anti-doping organisations in certain countries. Everybody had understood that it was impossible for all countries to change their domestic legislation in time. But the practicalities of it were that, pretty quickly, 150 or 160 countries had said that they would operate the Code in a certain manner. He actually thought that that principle could operate again, certainly for the sports movement, because the best date of all was the opening of the Olympic Games, certainly for the Olympic Movement. It was how the public authorities were brought to that decision as well. It was not necessary to change the Convention; that could be done by a committee in Paris. He needed advice from international lawyers.

THE CHAIRMAN said that WADA should think about whether or not it was absolutely necessary to be in lockstep on the dates. The primary responsibility for anti-doping activities in sport lay with the sports movement. He did not think that the sports movement wanted to be seen as saying that it would do nothing about this until governments did something. He thought that that would constitute an abdication of responsibility. The members should think about the possibility that there might be different application dates.

MR YOUNG said that this was a political issue; the way in which it was currently drafted was that signatories (not governments) had to adopt the Code before the start of the Olympic Games in Beijing. As far as the governments were concerned, there was no date in there by which they had to ratify the UNESCO Convention; there was just a consequence if they did not and there was no transitional provision to deal with that. So, in other words, if these amendments to the Code were adopted, from that date forward, the sports movement and the NADOs would have to adopt the Code by the time of the Olympic Games in Beijing. The governments would not have to, but would not be able to bid on events until they did adopt, which would be important for some governments and less important for others. There was no transition period to give them until the Olympic Games in Beijing or some earlier period or some later period to do that before the no-bid rule went into effect. Whether that was good or bad, he asked what the members thought in terms of how this should be sent out for comment.

THE DIRECTOR GENERAL thought that perhaps the answer was to look at the way forward in the way described by SIR CRAIG REEDIE. If WADA could not get a mechanism that said that the Convention would be ratified by every country in the world, there should at least be a declaration signed by all the countries to incorporate the amendments by the start of the Olympic Games in Beijing. WADA's responsibility would be to get all the signatories. He thought that WADA could probably do that to coincide with the way in which the Council of the Parties would amend the Convention, but it would commit the countries to anti-doping programmes. WADA could look at an instrument to give effect to that.

SIR CRAIG REEDIE said that he was not sure if the opinions around the Executive Committee table were likely to be repeated in November the following year. The bidding for events rules, which were totally comprehensive, would in fact go through. He thought that one might end up with a bidding set of rules that was very restrictive. It might apply only to Olympic Games or continental games, in which case 95% of the public authorities were not affected; therefore, it was not a sufficient attraction to bring the public authorities to the table. It would be necessary to find some device.

MS NEILL said that the NOC or the organisation or the city made the bid for events and not the governments as such. The wording was important.

MR YOUNG replied that the proposed rule was that countries or bodies could not bid to host an event (in the case of world championships, it could be a national federation), unless that country's government had ratified the Convention.

MS NEILL insisted on the importance of the wording.

MR YOUNG said that there were lots of other changes to the Code; the ones he had presented were those considered to be the most important.

THE CHAIRMAN thanked Mr Young for a thorough job as usual. Did Mr Andersen seek any kind of approval from the Executive Committee?

MR ANDERSEN said that a shorter version of the presentation would be made the following day.

SIR CRAIG REEDIE said that, in some way, after a fascinating debate, and it was a formidable piece of work, he wondered if there was some way to get the world out there very anxious to get their teeth into what WADA was going to send them. WADA needed to generate a huge degree of interest in the consultation process. Somehow, it was necessary to get a message to the major stakeholders that it was important and interesting, that they would enjoy it, and that WADA wanted to hear from them.

PROFESSOR LJUNGQVIST was still a little confused as to the date of ratification by the signatories. In 2004, as far as he could remember, a date had not been set. He recalled that the IOC had decided that IFs would not be allowed to compete in the Athens Olympic Games unless they had adopted the Code. It would be better to leave it that way, if so, to the IOC to decide with respect to the Beijing Olympic Games. If WADA decided upon the Code in principle in Madrid, there would be only six months for IFs to adopt the new Code, and many might need a congress to take such a decision.

THE DIRECTOR GENERAL said that this had been included in Article 23 of the Code: "signatories shall accept and implement the Code on or before the first day of the Olympic Games in Athens".

PROFESSOR LJUNGQVIST thanked the Director General for the clarification.

THE CHAIRMAN noted that WADA was tinkering with the Code as opposed to making something new. Every IF would know that this was coming and could prepare for it. The presentation the following day should be abbreviated, and his inclination would be to go quickly through the 15 major points, explaining what would be coming out in the next version of the Code and not stopping to ask for questions.

DECISION

Code review update noted.

7.2 Code Implementation Status Report

MR ANDERSEN referred the members to the report on the survey in their folders.

In summary, the Olympic IFs had fully implemented the Code. For NADOs, NOCs and NPCs, there was still a great deal to be done. The compliance monitoring system was an online system. WADA had written reminders to all 575 signatories. WADA had received 160 responses from the 575 signatories, 83 of which had declared that they were fully compliant, bearing in mind that 364 NOCs and NPCs of the 575 were not involved in anti-doping activities on a daily basis. WADA had developed model rules, guidelines, the RADO project and the proposed IFADO project. More emphasis had to be put on stakeholders to implement and comply with the rules. He asked the Executive Committee to recommend to the Foundation Board that the 2006 Code compliance process be considered as an implementation review with the outcome of facilitating and assisting all signatories to achieve Code compliance, and that the first Code compliance review be completed at the end of 2008 to engage both the governments and the sports movement in the compliance process at the same time.

DECISIONS

1. Code implementation status report noted.
2. Recommendation as set forth in the report to be put forward to the Foundation Board.

8. Department/Area Reports

8.1 Science

– 8.1.1 Health, Medical and Research Committee Chair Report

PROFESSOR LJUNGOVIST said that the List had been published on time and posted on the website prior to 1 October. Everything had gone well in that respect.

With regard to recent projects, contracts were under negotiation, with some already signed. There had been a problem with the production of GH kits for analysis. This problem would hopefully be solved, as a new producer had been identified and he hoped that an agreement would be reached in due course.

The gene doping panel had met in San Diego after the Executive Committee meeting in September and was looking into a project on bio-informatics, which could be helpful in the sense that there was a lot of data available on genetics and gene therapy. Certainly, so much information was available that it was necessary to have some collecting mechanism for the purpose of use in anti-doping. That was an ongoing project.

The Salt Lake City laboratory was now the 34th laboratory to be accredited by WADA.

The symposia organised by USADA and the IAAF had dealt with how to identify those who cheated through various types of blood doping, and the conclusions had very much suggested that the right procedure would be to make follow-up studies of individual blood profiles, which meant that it was necessary to have a lot of individual athlete data collected. It was a problematic area but there were means to overcome the issues. A new meeting would be staged under the auspices of WADA the following week in Lausanne. It was an ongoing project to find ways of identifying the various types of blood doping and to include, if possible, the no-start rule used by some IFs and find ways of identifying those kinds of manoeuvres and manipulation of blood that would result in a no-start rule to be actually judged as a doping offence. That was the project that was going on and would be discussed at the meeting the following week.

DR RABIN said that a lot of what was going on could be seen in the report.

THE CHAIRMAN said that the idea of the no-start rule as a doping offence was interesting but it was fraught with a lot of difficulties, ethical and otherwise.

DECISION

Health, Medical and Research Committee report noted.

– 8.1.2 Athlete Passport/Blood Parameters

DR GARNIER said that the interest of the passport approach had been confirmed by the IAAF and USADA symposia held at the end of September; this was likely to be of great benefit and should form part of the new anti-doping approach already mentioned by the Director General. This was a complex, ambitious project that would require time and cooperation. WADA had continued to work on the project at different levels in accordance with the demands: the parameters, the basis to conduct the longitudinal study, and how to deal with the results obtained. In relation to the nature of the parameters, the third working group meeting would be held in Lausanne the following week. As to the technical feasibility of such a tool, WADA was supporting a project that would be commencing the following month on French athletes, to extend to German,

Swiss and Italian athletes. This was a pilot feasibility project only. Then, together with the University of Lausanne and the Lausanne anti-doping laboratory, the parameters would be studied mathematically. A more detailed overview of the project would be given to the Foundation Board the following day.

SIR CRAIG REEDIE went back to the research report. When looking at the financial implications, it was the biggest single operation. He wanted to discuss privately with Dr Rabin a rather fuller review of what WADA was doing. People had been asking whether the money was being properly spent, and he might like a table illustrating the projects funded, the completion date, and a comment on them and whether the research was really valuable or not. He knew that it was being done, but he thought that WADA should let its stakeholders know in a little more detail that it was being done and that the decisions taken previously had actually turned out to be the correct ones.

PROFESSOR LJUNGOVIST said that this would be done the following day; such a report would be given annually, as WADA had now reached a stage where so many research projects were coming to a conclusion.

THE CHAIRMAN said that research was research, and there was no such thing as a right or a wrong result. The projects that WADA had agreed to fund had been promising enough to invest in, and they did not always end up as expected.

DR RABIN said that scientists collected a lot of information and liked to cross-check information; he had a huge mass of scientific information that he would be more than pleased to share with SIR CRAIG REEDIE.

DECISION

Athlete passport/blood parameters update noted.

– **8.1.3 Accredited Laboratories Update**

DR RABIN was pleased to report to the Executive Committee that the Sport Medicine Research and Testing Laboratory in Salt Lake City had become the 34th WADA-accredited laboratory and the second anti-doping laboratory in the USA. Following the approval of the Executive Committee by circular vote, the laboratory had also received the ISO 17025 accreditation by the national accreditation body in the USA so, on 1 November, had received the two key accreditations, ISO and WADA, and had become fully accredited to conduct anti-doping analyses.

Two days previously, the WADA Laboratory Sub-committee had also met, and had reviewed, among other things, the performance of all of the WADA-accredited laboratories for 2006, and the proposal was made to the Executive Committee to reaccredit all of the laboratories currently accredited by WADA. All of the laboratories had fulfilled their requirements under the International Standard for Laboratories. At its previous meeting in September, the Laboratory Sub-committee had proposed to reintegrate the laboratory in New Delhi, in the probationary phase, and had unfortunately decided to disqualify the Jakarta laboratory for lack of sufficient performance. Consequently, the Jakarta laboratory would not be allowed to continue the WADA proficiency testing programme and would need to address significant corrective actions before being allowed to rejoin the programme, probably not before January 2007.

WADA could currently offer two slots within the WADA probationary phase, and it was anticipated that the laboratories of Romania and Kazakhstan, based on their level of readiness and the technical information provided to WADA to date, would be the laboratories chosen to take part in the probationary phase. Other laboratories, such as the Mexico laboratory, had expressed a great deal of interest, but it had been deemed that the environment in support of the laboratory and/or the level of preparation were not sufficient for those laboratories to join the programme, at least for the moment.

He also reported on international collaboration with ILAC, the major international organisation in charge of overseeing the laboratory accreditation process worldwide. The ILAC Secretary General had accepted an invitation to join the WADA Laboratory Sub-committee, which was proof of the excellent collaboration between WADA and other organisations, and was bringing the international ISO dimension and the accreditation dimension at the administrative level to the sub-committee. Although the two organisations were independent, some key areas for collaboration had been identified and were currently being worked on. He had given a presentation at the ILAC General Assembly the previous week, and it had been confirmed that ILAC's collaboration with WADA was highly valued. It was anticipated that the memorandum of understanding between the two organisations would be considered in the next few weeks, and would make official this constructive collaboration that had been under way for more than three years.

DECISION

WADA-accredited laboratories update noted.

– **8.1.4 WADA Research Project Outcomes**

DR RABIN said that the programme had begun in 2001 and, under the authority of the Health, Medical and Research Committee, there were several priority research areas. All the areas identified since the beginning had been listed in the report. Some of them had been included at the beginning but, since interesting and good research results had been achieved, had been removed. For example, the endogenous and exogenous anabolic steroids were no longer a subject proposed for grant applications, because a mass of interesting information had been received since the inception of the programme. Others, such as genetic, physiologic and environmental factors related to doping, were new and had been added the previous year. There was some consistency, as well as some evolution, regarding the subjects covered.

From 2001 to 2006, there had been 291 applications, which was quite significant, all the more so since they had come from the five continents, involving researchers from 32 nationalities. A total of 155 research teams had been represented, about two thirds of which had come from outside the traditional anti-doping domain. So, there were academic teams not necessarily related to anti-doping applying to the WADA research programmes, thus bringing outside science into anti-doping science, which was very important.

In terms of financial support committed to research, WADA had committed 25 million dollars to date, 13.5 million of which had already been spent, and 4.7 million relating to completed projects. In 2001, approximately 22% of the WADA budget had been committed to research, followed in 2002 and 2003 by somewhat anaemic support of research projects. This support had subsequently increased to what he would consider to be an interesting level of support, taking into consideration the international standards. Any organisation spending 20 to 25% of its budget on research was really considered an active research organisation.

Of the 291 projects received, 117 had been supported by WADA, which reflected a success rate of 40%. Internationally, anything above 20 to 25% was considered to be a very good rate, so WADA could be satisfied with the percentage. Taking into account these figures, it was interesting to note some of the outcomes. He emphasised that he had listed only some of the key outcomes; many more results had been published or were about to be published.

Taking the area of anabolic steroids, WADA research had uncovered desoxymethyltestosterone in collaboration with the Canadian authorities. WADA had also developed some methods to detect certain substances such as aromatase inhibitors and 6 Oxo compounds, a new class of compounds that had appeared on the dietary supplement market in particular. WADA research had also shown that some tainted supplements could lead to the secretion of 19-norandrosterone, a metabolite of

nandrolone. The window of detection of those anabolic steroids had also been extended by identifying new metabolites, and the quality of analysis had been improved, by showing that IRMS was important in the way testosterone abuse could be detected, but also by adding certified reference materials to improve the quality of testing in the laboratories.

With regard to blood doping, which was a very active area, the implementation of the detection of haemoglobin-based oxygen carriers in the anti-doping laboratories had been enabled. WADA had collaborated with USADA on the development of the detection of homologous blood transfusion, and had also worked actively on the EPO method. The current method was absolutely valid, but WADA was always trying to integrate new methods at the cutting edge of science to try to improve the window of detection of EPO, since everybody was aware of the use of micro-doses, and WADA had also worked on the concept of a blood module for the athletes' passport. The longitudinal follow-up of blood parameters was of interest to WADA.

In relation to hGH, there was a test that was currently validated, the differential immunoassay, and WADA was currently into the commercial development of the antibodies. WADA had also worked with USADA to take over the GH 2000 project initially developed by the IOC and the European Community to continue this hGH markers approach project. He hoped that WADA was nearing the end of the project. The validation of the markers had been maintained, even responding to the issues of ethnic and sex differences, as well as trauma differences, which was something WADA was currently investigating.

Science was also made up of hypotheses that were explored and sometimes stopped, and WADA had actively contributed to the analysis of the Ghrelin markers approach, Ghrelin being a peptide that was highly influenced by hGH, and it had been thought that it could be an interesting marker of hGH abuse. WADA had conducted two projects in this area, but had come to the conclusion that Ghrelin was not marker of interest.

In other areas, the detection of insulin was well advanced, as was the detection of dextrans, which had been looked at very carefully by anti-doping laboratories. Certain masking properties of alpha reductase inhibitors were also being investigated, and also sometimes there were some substances already on the List for which additional information was gathered, and WADA had recently received compelling results from a study showing that inhaled salbutamol had no effect on performance when taken acutely.

There were a lot of issues on the plate, but, progressively, the issues were being addressed by some very good research teams. It was also important to WADA as an organisation to make sure that these results were published. This was something that was included in WADA's contracts with the research teams, so that they would publish when the results were good, as WADA did not wish to be bothered by results that were not of the quality expected. Fortunately, this had happened only once over the past six years, and WADA had refused to support the publication of the results, which had not been of the quality expected. There were currently more than 82 publications acknowledging WADA's support of the research, and WADA tried to keep in touch with the research teams to make sure that they reported to WADA, although it knew that many presentations at symposia or conferences, and even sometimes some publications, were not reported to WADA, so WADA needed to monitor the scientific literature.

In conclusion, WADA had a truly international programme, and aimed to expand this programme further internationally. Every time WADA had the opportunity to meet some teams or give some presentations at symposia or conferences, it insisted on its programme, with the result that the number of applications was increasing steadily. Applications had more than doubled over six years, which could create logistical issues in the way WADA assessed the projects, as it became quite cumbersome in terms of workload. WADA had a high success rate, which was good and also reflected the quality of the projects WADA received. The financial support was back to what had originally been expected upon the creation of WADA, which gave WADA the flexibility to support

some very good projects. With about 40 completed projects and over 80 publications relating to those projects, he believed that WADA had a good publication and disclosure rate. Pressure was certainly being put on the teams to publish their results and make them available to the anti-doping community. He hoped that this convinced the members that WADA had made a great deal of effort and should continue in this vein in order to obtain great results, in terms of quality of testing in the anti-doping laboratories, as well as regarding the information WADA could gain in support of some substances, either on the List, under consideration or, who knew, maybe to be removed from the List.

SIR CRAIG REEDIE thanked Dr Rabin for his report and the speed with which he had delivered it. If the Executive Committee was happy with that, that was fine, as it fulfilled the request from a purely financial point of view. If that report clearly indicated that 25 or 26% of the budget was being properly applied, then he was very happy. He thought that it would be good news if a relatively abbreviated version of the report were to be made regularly available to those outside who kept asking what WADA was doing with all of its money and whether it was working.

PROFESSOR LJUNGOVIST thought that Dr Rabin might find out how much money had been allocated to the research projects that had already been concluded.

DR RABIN said that 4.7 million dollars had been spent to date on completed projects.

THE CHAIRMAN thought that the private discussion might want to track this project by project but, for the public at large, the summary was plenty. It might be interesting if there were an explanation in lay terms as to what some of the scientific terms were. He did not know how many people were aware of what certain compounds did.

DR RABIN said that he would bear these points in mind.

MR LARFAOUI spoke about the problem of laboratories. Was there a means of controlling the operation of the laboratories? He gave a variety of examples. A laboratory might send a result stating that a test might be positive, and then declare the test negative. This was abnormal. Alternatively, a laboratory might issue a positive result and then, some time after, declare that it had been negative. Finally, with regard to the issue of A and B samples, he had always been against the two-sample system, because the same laboratory performed the second test, which should be carried out by a different laboratory. Even then, the A sample could be declared positive, and the B one negative. He thought that there was an issue of credibility that led to some doubt, and he wanted to know if there was a means of controlling such operations in the laboratories.

DR RABIN replied that the situation could arise whereby tests were subject to further tests, such as IRMS, that took longer than normal. A laboratory could not send a final analysis certificate and then another certificate to invalidate the first. The laboratories knew that this was a procedure that should be exceptional. As for the second test, this was something that had been established in the laboratory standard after lengthy debate, and was now established in the process. The B sample was tested in the same laboratory as the A sample for a number of reasons, including the risks inherent to the transfer of samples.

DECISION

WADA research project outcomes noted.

8.2 Education

– 8.2.1 Ethics and Education Committee Chair Report

MS NEILL reported on the Education Department. The Ethics and Education Committee was very pleased about the decisions taken concerning education and the increased profile and resources directed towards the education activities. As for the

Convention, the Ethics and Education Committee had made a strong recommendation and worked very hard on the wording of some proposals to bring the Code into line with the Convention, and the committee would be pleased with the suggestions made by the Code Review Team. As to funding, the funding for activities had increased quite considerably, specifically with relation to the research part of the activities of the committee and the department. It was important to recall that there were two kinds of research being undertaken by WADA: the medical research and social science research.

MS CARTER said that she would be giving a lengthier presentation the following day on the proposed lines of focus going forward. She highlighted the development of the WADA Tool Kits and the new format being given to education symposia so as to make them more accessible to stakeholders who did not necessarily have the financial means and resources to hold the symposia in their traditional format. The department had also added a school component to the symposia and seminars.

The traditional model had been focused on providing information to athletes and, in the general presentation the following day, she would make the point that WADA was broadening its scope to develop positive values for prevention reasons among the athletes and the athletes' entourage. The other focus was on reaching stakeholders.

As the Executive Committee was very focused on accountability, she would also be focusing on follow up to ensure that there was a record of those stakeholders reached and to ensure that what was being done was known in order to report back more effectively. The department would also try to use certain evaluation tools to have a better idea of the effectiveness of what was being done.

DECISION

Ethics and Education Committee chair report noted.

– **8.2.2 Social Science Research 2007**

MS CARTER asked the Executive Committee to decide on the recommendations made by the Ethics and Education Committee on the social science research projects. The members would see the recommendation requested by the Ethics and Education Committee to the effect that the Executive Committee endorse the request for financial support of the various projects for the 2007 social science research projects.

As to the process that had led to the selection of the specific projects, WADA was now in the third cycle of the programme. A total of 29 applications had been received for this programme as compared to 11 for the 2006 programme. Of those 29, 25 proposals had met the administrative requirements and had therefore been submitted for peer review, and the recommendation of the Ethics and Education Committee could be seen on page 1 of 5 in the materials. The Ethics and Education Committee recommended that the Executive Committee approve the funding as proposed.

SIR CRAIG REEDIE said, purely from a financial point of view, that a budget of 200,000 dollars had been approved for the following year subject to this precise moment. Ms Carter had produced a grand total of 177,476 dollars so, purely from that financial point of view, it was neat and tidy and it fitted in with what they had decided to do in the Finance and Administration Committee.

PROFESSOR LJUNGOVIST said that one project seemed a little odd. He asked for more clarification regarding the fourth project relating to compliance with the World Anti-Doping Programme.

MS CARTER replied that the focus of the research projects had been divided among three categories, one of which had been the evaluation of current intervention programmes. The project that had been recommended for funding fell within that general category. It was an evaluation of current anti-doping programmes. The other two categories related to the knowledge of causes and risk and protective factors in

doping behaviour, and the third related to improving methods for social science research. Of the six that were there, only one was from the second category, and the others were from the first category, which dealt with risk and protective factors.

THE CHAIRMAN asked whether the Executive Committee was content to approve the recommendations given by the Ethics and Education Committee

DECISION

Proposed social science research projects 2007 approved.

9. Various Current Items

10. Other Business/Future Meetings

THE DIRECTOR GENERAL emphasised that long advance notice of meetings was given and he hoped to encourage more of the IOC Athlete Commission members in particular to come to the Foundation Board meetings. Only one IOC Athlete Commission member would be coming to the Foundation Board meeting the following day. It was a little disappointing when WADA was an athlete-centred organisation. WADA tried like mad to encourage people to come and was often advised at the last minute that this was impossible.

The meeting schedule had been set out with due regard to requests by individual members to stage the meetings at certain times.

THE CHAIRMAN asked Ms Elwani to tell the Chairman of the IOC Athlete Commission that this was not a good sign. It was very important to WADA to have the involvement of athletes in WADA and it ought to be possible to get four out of four every time. The IOC Athlete Commission chair should designate members who would be willing to make that commitment.

DECISION

Future meetings to be held as follows:
Executive Committee – 12 May 2007;
Foundation Board – 13 May 2007;
Executive Committee – 22 September 2007;
Executive Committee – 14 November 2007
(TBC);
2007 World Conference – 15, 16 and 17
November 2007;
Foundation Board – 18 November 2007 (TBC).

THE CHAIRMAN thanked the staff for their hard work and the members of the Executive Committee for their participation, and declared the meeting adjourned.

The meeting adjourned at 3.55 p.m.

FOR APPROVAL

RICHARD W. POUND, QC
PRESIDENT AND CHAIRMAN OF WADA