



**Minutes of the WADA Executive Committee Meeting
14 November 2007
Madrid, Spain**

The meeting began at 2.00 p.m.

1. Welcome, Roll Call and Observers

THE CHAIRMAN welcomed everybody to the third and final meeting of the Executive Committee for 2007 and to Madrid, where the World Conference on Doping in Sport would be taking place. There would be a special meeting, on Friday 16 November from 7 p.m. until 8 p.m. after the conclusion of the conference session, in order to review the outcomes and interventions heard during day two of the conference, which was the day set aside for seeing whether any late changes or amendments should be made to the Code as a result of the interventions. These would be made prior to submitting the final Code to the Foundation Board the following morning for approval. He asked the members to make sure that they would be available and that they did not accept any dinner invitations. He would circulate the roll call and asked the members to sign it; if any people wished to be included in the minutes as observers, they should also sign the attendance sheet.

The following members attended the meeting: Mr Richard Pound, President and Chairman of WADA; Mr Peter Schonning, representing Mr Brian Mikkelsen, Minister of Culture and Sport, Denmark; Professor Arne Ljungqvist, IOC Member and Chairman of the WADA Health, Medical and Research Committee; Ms Rania Elwani, Member of the IOC Athletes' Commission; Mr Kenshiro Matsunami, Senior Vice Minister of Education, Culture, Sports, Science and Technology, Japan; Mr Scott Burns, Deputy Director of the ONDCP; Sir Craig Reddie, IOC Member; Mr Makhenkesi A. Stofile, Minister of Sport and Recreation, South Africa; Mr Clayton Cosgrove, Minister for Sport and Recreation, New Zealand; Mr Gian Franco Kasper, IOC Member and President of the FIS; Mr Mustapha Larfaoui, IOC Member and President of FINA; Mr René Bouchard, representing Helena Guergis, Secretary of State (Foreign Affairs and International Trade) (Sport), Canada; Mr David Howman, WADA Director General; Mr Rune Andersen, Standards and Harmonisation Director, WADA; Mr Jean-Pierre Moser, Director of the WADA European Regional Office; Ms Elizabeth Hunter, Communications Director, WADA; Dr Alain Garnier, WADA Medical Director; Dr Olivier Rabin, Science Director, WADA; Ms Julie Carter, Education Director, WADA; Mr Olivier Niggli, Finance and Legal Director, WADA; Mr Rodney Swigelaar, Cape Town Regional Office Director, WADA;

The following observers signed the roll call: Jens Evald; Shin Asakawa; Ichiro Kono; Kazumi Shindo; Doug MacQuarrie; Mary Warren; Jonathan Taylor; Hajira Mashego; John Fahey; Robyn Cubie; Andrew Fieldsend; Michael Gottlieb. Richard Young; Rob Koehler, Patrick Schamasch, Christophe de Kepper, L. Kopaçi-Di Michele, Koichi Miura, Hiroyuki Nishizaka, Javier Odriozola, Zoran Verovnik, Tomas Johansson, Friedrich Wilhelm Moog, Klaus Pöhle, Ulrich Haas, Natsuki Omi, Mikio Hibino, Torben Hoffeldt.

2. Minutes of the Executive Committee meeting on 22 September 2007 in Montreal

THE CHAIRMAN asked whether the members had any comments regarding the minutes of the Executive Committee meeting on 22 September 2007 in Montreal. As far

as he knew, there had been no comments on those. Unless any comments or corrections were made by the end of that meeting, he would assume that the members were satisfied with the minutes as distributed and would sign them accordingly.

DECISION

Minutes of the meeting of the Executive
Committee on 22 September 2007 approved
and duly signed.

3. Director General's Report

THE DIRECTOR GENERAL referred to the UNESCO convention and the document containing the latest information on ratifications. If any member wished to view the document, it was available; it was an internal management document used to ensure that regular contacts were made with the countries that had not yet ratified to ensure that WADA knew when they would ratify.

Regarding Interpol, WADA had been disappointed to hear the previous week that the executive committee of Interpol had not felt that it was the right time to sign the memorandum of understanding that it had drafted and that WADA had discussed with Interpol over a number of months; representatives of Interpol would not, therefore, be coming to Madrid the following day to execute that document. This was a little disappointing to WADA, as it appeared to show a lack of interest in the aspects that WADA had hoped that Interpol would address; on the other hand, it showed that WADA should ask member countries of Interpol to ensure that their political representatives to that body made it plain that drug trafficking should be addressed in a much more serious fashion.

WADA had been associated with a recent action taken in the USA and elsewhere around the world called Operation Raw Deal, and the US Drug Enforcement Agency had been looking to partners from other countries to ensure that this bust was internationally effective. Ten countries had been able to join; others had not, either because the laws in their countries did not allow them the strength of such action or they were disinterested. WADA would like to see this changed, as one of its key activities, as the members were aware, was to ensure that, in the fight against doping in sport, it got evidence from as many possible quarters as it could. WADA knew very well that to rely simply on sample collection and analysis would not necessarily bring in all the cheats, and Marion Jones was a very good example of that: having committed major anti-doping rule violations over seven years and having given more than 160 urine samples for analysis, she had never been found to return an adverse analytical finding. It was only through the conduct of the BALCO enquiry that, eventually, she had been brought to justice, with two charges of perjury in the federal court system of the USA. In her plea-bargaining, essentially to avoid going to prison for a very long time, she had owned up to cheating for seven years; she had been sanctioned for two years from October 2007 and ordered to return all her prize money and relinquish all her results from before the Sydney Olympic Games in 2000. So, promotion of laws against trafficking was necessary; laws against trafficking in countries around the world were needed along with effective penalties for breaches of those laws, as the enforcement agencies would not be interested unless the penalties were high enough to warrant their involvement.

WADA would be signing a memorandum of understanding with ILAC, the independent body responsible for laboratory accreditation globally, the following day. There was another memorandum of understanding in the making with CONFEJES; WADA had, through its regional office in Africa, been in close contact with CONFEJES over recent months, and the body would be holding a meeting in Montreal in December. Drafts of a memorandum of understanding had been exchanged and it would be ready for approval following the meeting.

He had already mentioned investigations. WADA now had a draft paper that was essentially protocols to follow when engaging with governmental agencies to ensure that evidence gained from their enquiries could be shared with sporting authorities. The protocol paper would be further developed and he hoped to hold another symposium on investigations early in 2008 and present to the Executive Committee in May the final paper for discussion and approval.

The President and a management team had gone to China in October, and he would ask the President to update the members on the outcome of the visit, which he felt had been most successful and led to considerable confidence going into an Olympic year in Beijing in 2008.

WADA had gone as a management team to India in October; India was a vast country with very little in place in relation to an anti-doping programme. The government had just established a national agency, and it had ratified the UNESCO convention, although the document itself had not yet been approved by UNESCO lawyers, and India was keen to advance. WADA was now looking at ways and means of ensuring that India was properly assisted in making that advance and setting up a successful agency. He was told that UK Sport would be keen to work with WADA to give India on-the-ground training and expertise. He looked forward to that. WADA would go back to India the following year to follow up on the visit and would look at visits to other countries around the world with a similar programme in place. At the moment, on the list of proposed visits, there was Nigeria, one of the major sporting countries in Africa which really needed assistance in establishing a national agency and wanted to; Korea, which had established an agency and had asked for help and guidance on the way through; and Brazil, another major sporting country, this time in South America, where there was soon to be another major event, and help was needed in establishing and running a national agency. Finally, a preliminary visit had been made that year to Russia, another major force in the world of sport, to help it re-establish the anti-doping programme that it had.

WADA had been invited by the French minister to partake in a summit in Paris addressing the issue of doping in cycling, and had attended with the UCI, many of the Pro cycling teams, the Tour de France organising committee, the French national anti-doping agency and many others, and the summit had led to an acceptance of the Athlete Passport project that WADA had been working on for some years, but with more emphasis since the Olympic Winter Games in Turin. The result was that a project team had been established, of which WADA was a guiding member, along with the UCI and the French ministry, and he hoped that the project would be implemented from the start of 2008 for all of the UCI Pro cycling teams. Dr Garnier would give more details on the specific project, which was a significant advance in the fight against doping in sport and one that he dearly hoped would be shared with other sports following its successful implementation by cycling.

He had hoped that the Landis case would be over by now. It was not. Landis had appealed the decision and it would be heard by the CAS. WADA would participate; he had not yet seen the brief that Landis was supposed to have filed when lodging the appeal; that had been delayed, but WADA would work with the lawyers from USADA to ensure that the appeal was fully and properly heard.

The law in Brussels had been changed, but there was no government currently in place in Belgium; there were significant discussions taking place, and WADA had yet to fully peruse the actual law to ensure that it was Code-compliant and that it could be implemented. It was a matter on which WADA would follow up, and WADA would work with the Danish Government to do that.

WADA was assembling a small working group to address the issue of potential corruption and bribery in sample collection; this group would be established and convened in early 2008 and would comprise those already addressing such issues in their country or sport.

Mr Koehler had been appointed as the new education director. Ms Carter would be leaving to reside in Ottawa, and WADA had asked Mr Koehler to take her place. He welcomed Mr Koehler.

The Ian Thorpe case (members would remember a discussion of this case a lot earlier in the year) had been concluded, and the reports required from the swimmer and the Australian authorities had been tabled with FINA. The appeals had been closed and no further steps would be taken. The case had left WADA with some troubling thoughts, not just regarding the delay, but also the way in which the sample analysis had eventually led to experts disagreeing and finally having to accept that perhaps there had been some deterioration. He hoped that, in the future, these sorts of cases would not be confronted in the way in which that one had been.

Andrey Kasheshkin, the cyclist from Kazakhstan, had sought leave from a court in Belgium to bring an action challenging anti-doping laws as being contrary to human rights, probably with the intention of going to the European Court of Justice. The first hearing had been completed, and that had been to establish whether he had a right to make the case in Belgium, where he was not a national resident but was a cyclist in a Belgian team. If his status were determined, and if it were determined that he had the right to pursue the appeal, WADA would ensure that it would be part of the case going forward.

The case of Rebeca Gusmão, the Brazilian swimmer found positive at the Pan American Games, was still under consideration sanction-wise, but already revealed a situation whereby samples had been collected from the swimmer but it had been shown that not all of these samples had come from her. In other words, urine had come from another person. One sample had revealed a positive case. WADA was keeping an eye on that matter and he was sure that FINA would use its results management process in the normal wise fashion.

THE CHAIRMAN asked whether anybody had any comments or questions.

He had had a meeting in London on the UNESCO convention a week or so previously with the new British sports minister, who had undertaken to personally intervene with all of the Commonwealth representatives in London to urge them to get on with the ratification process, and he hoped that the regional representatives on the Executive Committee would do the same in their areas. It was important to continue the momentum. There had been a lot of criticism from certain quarters of the Olympic Movement about the slowness of governments ratifying the convention. He suspected that some was not based on full information as to the difficulty of ratifying in certain countries; however, the sooner this was done, the better.

Regarding Interpol, he shared the disappointment expressed by the Director General. The process had been well on the way and the memorandum of understanding had satisfied all of the internal requirements of Interpol, and it had suddenly been derailed in the past week or ten days. He hoped that some of the government representatives would undertake investigation as to why this had happened. He was unaware of any reason that might have resulted in the decision.

As to China, the Director General had mentioned that there had been a visit there. He had come away far more impressed than he had expected to be. There had been a visit the previous October, during which the team had identified a number of areas where improvements could be made and criticisms might be well founded, and the Chinese had taken the points on board. Upon the team's arrival that year, some discomfort had been expressed about the fact that he had mentioned these points but, once it had been understood that there was nothing new, the Chinese had gone on to describe the changes made, and they were very impressive. The Chinese were doing more out-of-competition testing and trying to be smarter; making their anti-doping agency as independent from government as was possible to do in that particular society; had increased the level of the educational programme material, which looked very impressive (he could not read the Chinese, but the explanation and the visual content were very

good); they had reached out to the provincial administrations to have a flow of information about whereabouts and anti-doping activities; formed an inter-departmental interministerial committee with 11 or 12 different government departments chaired by the sports minister to exchange information; and they had a very dedicated group of young people who wanted China to be doping-free. They would have a state of the art laboratory, and interventions with BOCOG (the Olympic Games organising committee) had led to the probability rather than the mere possibility that a lot of the anti-doping equipment on loan for the Olympic Games would now stay with the Chinese anti-doping agency. They had ratified the UNESCO convention and were members of the WADA Foundation Board and really seemed to be doing what they could. They were cooperating in good faith with the Operation Raw Deal investigation and generally doing the sorts of things that WADA would like all countries to do. WADA would see what happened; it was a big and complicated country, but the Chinese were certainly aware that the eyes of the world were upon them for 2008, not just for what went on at the Olympic Games, which would be state of the art (that would be coordinated by the IOC and BOCOG, and WADA would do some of the out-of-competition testing for them), but also in general as to how the Chinese sports system was becoming more transparent about its anti-doping activities. He would keep his fingers crossed, but the indications were more favourable than he had expected to find them.

The Paris summit had gone quite well. He thought that the UCI had finally realised that its sport would, in fact, be in grave danger if it did not do something new and different about doping. The Athlete Passport was not a cure-all, but it was a huge first step, and WADA had indicated what it thought should be done to ensure that it was as effective and useful as possible. Passports would be used not only for denial of the right to start in a race but also for anti-doping purposes if there were variations of significance from the baseline. WADA would stay involved in that and keep the Executive Committee up to date.

Bribery and corruption constituted a general issue; it affected WADA at least in the area of sample collection and related activities, but there was growing concern about corruption generally in sport, that the members should be aware of and follow. The Director General and he had participated in a conference called Play The Game, organised with support from the Danish Government and sports federation; it had been going for six or seven years, many journalists were involved in it, and it was starting to focus more and more on general corruption issues in sport, including match fixing in tennis and other items. He thought that WADA should be part of that if it continued, and he hoped it would, and be willing to be as transparent as possible in making sure that everybody knew what was being done by WADA.

PROFESSOR LJUNGQVIST confirmed on behalf of the IOC Medical Commission that he had been in China at about the same time as the WADA team. He had met the Chinese people and felt confident that China was doing serious work, taking the anti-doping matter very seriously in general and really producing the state of the art for the Olympic Games. He knew that, two days previously, the new anti-doping laboratory had been inaugurated, and the new organisation mentioned by the President had also been announced.

THE CHAIRMAN had been advised that there were over 1,000 journalists at the opening of this laboratory, which really was a state of the art laboratory.

DECISION

Report by the Director General noted.

4. Operations/Management

4.1 Election of WADA Chair – 2008-2010

Regarding the election of a chair for WADA, THE CHAIRMAN said that, as the members were aware, some time ago the government members of the Foundation Board

and Executive Committee had argued strenuously on the basis of the equal partnership between the sports movement and the public authorities that, in principle at least, the presidency should alternate between a representative of the sports movement and a representative of the public authorities; that had been acceptable to the Olympic Movement, and WADA had changed its statutes accordingly to incorporate that principle. That being said, a process had been put in place to develop the person who would be put forward by the governments. This process had been known and agreed to by everybody; the governments would come forward with a single person, and the Olympic Movement would support that person and everybody would march happily off into the sunset. WADA had called for nominations to be submitted prior to the Executive Committee meeting in September. There had been one nominee from the Olympic Movement for the position of vice-chair, and two from the public authorities, one from France and one from Australia. Since that time, the European candidate had withdrawn of his own volition, with no prior notice as far as the Chairman was aware and, as far as he knew, not to France or anybody else in the European sport structure, which left a single candidate, and the government members would have to deal with that issue in their own way some time prior to 17 November.

He wished to raise, in his position as Chairman, his profound disappointment at what had come out of Europe and the Council of Europe since then. A document had been circulated in public which, in his view, was petty, parochial, defamatory, xenophobic, foolish, insulting and embarrassing for everybody concerned. He might have missed out some adjectives, but he thought that it was a disgraceful thing to have done and made public. It had been done without any notice to anybody in WADA; it had been made public, it was one-sided, contained all kinds of inaccuracies and, as he understood from the Director General, it was acknowledged that the information in it had been obtained only from the departing candidate and no opportunity had been given to WADA to comment on it beforehand. He thought that it was a disgrace; he wished to meet with the ranking sports minister from Europe to express this in person and say that officials should not be doing anything like this to embarrass WADA and, in his view, themselves. Whether they shared the view that they were embarrassed, he did not care, but they had embarrassed WADA at a time when WADA needed to be united and firm in the fight against doping in sport and he thought that Europe had behaved very poorly in this case. That said, he was open for any comments. If he had missed some words that members would like to hear, he would be happy to add them to the list. That was not the way in which WADA should be working.

MR SCHONNING said that the point raised regarding the paper from the Council of Europe had also been the subject of a discussion the previous day between the Director General and the Council of Europe, and he thought that the chairman of the CAHAMA, Tomas Johansson, had made it clear that, if it could be interpreted as an assault against WADA, that had not been the intention. He had listened to what the Chairman had said and would go back to the Council of Europe with the Chairman's message. Having said that, regarding the election process, he, on behalf of Mr Mikkelsen, represented the Council of Europe and the Council of Europe had decided to convene a meeting of European Sports Ministers the following afternoon. At the meeting, the position of Europe would be taken. Before that meeting, Europe had no final position on the question of the future chair of WADA.

THE CHAIRMAN replied that, if there had been no intention to cause offence or make improper remarks, the Council of Europe should withdraw the paper and apologise for it. The people drafting the document were supposed to be wordsmiths; they were the officials, and they wrote nuanced language all the time and could not help but have known how it would be interpreted in public, all the more so if the Council of Europe was saying that the position could not be determined until the ministers met. It was inexcusable to have done that to WADA. A partner did not do that to another partner. He wished to speak to the minister responsible. He took it that Mr Schonning had no recommendations at that point.

MR STOFILÉ confirmed what Mr Shonning had said about the Council of Europe, because he had strenuously objected to some of the allegations made in that statement, which he had been unable to verify since he did not speak French. The secretariat of the council had distanced itself from those remarks at the meeting held at 11 a.m. that day. He confirmed what the Chairman had said in terms of the background to the process; this had been explained in September, and there was total clarity about what had happened since May. The representatives from Europe had requested a deferment of the decision until the ministers' meeting, but the other view from the meeting was that the public authorities could wait for the European ministers to take their decision, although it would not prevent the public authorities from making up their minds and presenting their case to the Foundation Board meeting on Saturday. In other words, the European ministers had requested deferment; the public authorities had accepted such deferment but would not review the process or anything of the sort.

THE CHAIRMAN thanked Mr Stofile for his clarification.

MR BURNS said that, with due respect to the continuing deliberations of the partners from Europe, his understanding was that the representatives from the five regions of the world, notwithstanding Europe, and in conformity with agreements and the discussions over years, if not months, with respect to the process, would meet the following morning at 7 a.m. and intended at that point to reach a consensus with respect to bringing forward one name, as agreed upon, and presenting it to the Foundation Board, and Europe of course could confer and discuss the following afternoon with respect to voting for or against, or abstaining, as it had done in Montreal, but it was the public authorities' intent to bring forth one name. The fact that one candidate had now withdrawn made it simply a matter of going through the process in the opinion of his region and, he believed, three of the four.

THE CHAIRMAN thanked the members for the clarifications. This was a government issue. The governments had wanted the next chairman to be a government representative. The Olympic Movement had agreed, but the public authorities had to come forward with a candidate. How they did that was their business, and the Olympic Movement did not want to be seen to be interfering in it. He did hope that some sort of committee could be arranged so that a decision would not be taken that would make a meeting in Europe moot; it would be nice if everybody could sing from the same hymnbook, and he hoped that a way would be found to have that happen in the interests of WADA.

4.2 Election of WADA Vice Chair

THE CHAIRMAN said that the election of a vice-chair for WADA could be a recommendation made to the Foundation Board. The nomination from the Olympic Movement based on the assumption that the next chairman would be from the public authorities was Professor Arne Ljungqvist; subject to any adverse commentary that anybody might wish to make, that would be the recommendation that went forward.

DECISION

Executive Committee to recommend to the
Foundation Board that Professor Arne
Ljungqvist be appointed WADA vice-chair.

4.3 Appointment of Executive Committee – 2008

THE DIRECTOR GENERAL said that the appointment of the Executive Committee needed to be tabled at the Foundation Board meeting on 17 November. He had received all of the Olympic Movement nominations and he was expecting final nominations from governments following their regional meetings over the next few days. The list of the Executive Committee for 2008 would be tabled at the Foundation Board meeting on 17 November.

DECISION

Executive Committee nominations for 2008 to be tabled at the Foundation Board meeting on 17 November.

4.4 Foundation Board Memberships – 2008

THE DIRECTOR GENERAL said that, as to Foundation Board memberships, he was waiting for one or two to be finalised and these would be tabled and available on 17 November.

DECISION

Foundation Board nominations for 2008 to be tabled at the Foundation Board meeting on 17 November.

4.5 Standing Committee Memberships – 2008

THE DIRECTOR GENERAL said that the working groups and standing committees were nearly finalised; he would be meeting with the chairs of the committees over the coming days to ensure that the draft compositions circulated would be finalised, and they would be tabled, as was usual, at the Foundation Board meeting on the Saturday. He reminded the members that these were the Athlete Committee, Education Committee, Finance and Administration Committee and Health, Medical and Research Committee, for each of which WADA had sought nominations and, when they were composed and the vacancies filled, it was on the basis of the edict contained in the foundation constitution which directed WADA to ensure that it looked carefully at issues such as a balance between sport and governmental representation, regional representation, gender balance and so on, along with the fact that WADA tried to achieve rotation to ensure that more and more experts in anti-doping were involved with WADA in the fight against doping in sport. The second aspect to remember was that the sub-groups, the List Committee, the TUE Committee, the Laboratory Committee and the Gene Doping Committee, were all made up of experts, and not made up of individuals nominated for these particular groups, and the WADA management worked closely with Professor Ljungqvist to ensure that the right experts were on the right committees, and these were renewed on an annual basis. This would be done hopefully before the end of the conference but certainly before the end of the year.

DECISION

Standing committee nominations for 2008 to be tabled at the Foundation Board meeting on 17 November. Sub-group memberships to be determined before the end of 2007.

4.6 Strategic Plan

– 4.6.1 Performance Indicators

THE DIRECTOR GENERAL said that the members would see the results of the operations as against the Strategic Plan, in which the operational performance indicators were set out. He was pleased with the progress made that year and happy to address any comments made in relation to it. WADA had been working over the past six months on the provisionally agreed plan, which had been accepted by the Executive Committee in September and was now in full effect and force.

THE CHAIRMAN said that WADA had agreed to put the plan to the Foundation Board for information and comment, but the Executive Committee was the responsible body, so any comments it might have on the Strategic Plan should be made now so that, when it was presented, they would already have been dealt with.

DECISION

Strategic Plan Performance Indicators update noted. No comments received on the Strategic Plan 2007-2012.

4.7 Montreal Headquarters – Renewal of Contract

THE DIRECTOR GENERAL said that this item was one on which he had been directed to engage the Canadian Government to enquire whether the Canadian and Quebec governments wanted to exercise the option they had regarding the contract under which WADA currently existed in Montreal, and the members would see in their files a letter from Montreal International, the body formed in Canada to represent the Federal Government and the Quebec Government, indicating the fact that it had exercised that option, so that was a matter for consideration.

THE CHAIRMAN noted that there had been a two-way option in the original deal: either WADA could put the requirement to the Canadian and Quebec governments to accept WADA for ten years, or the governments had the option to extend it for ten years. WADA had said that it would not insist that a country that did not want WADA to be located in its territory would be forced to take it, but the Canadian and Quebec governments had indicated that they would like to exercise their option at the same level of financial support. He suggested that the Director General pursue the matter to get a contract that was satisfactory in form and substance and that the Director General and the Chairman be authorised to sign it when they were satisfied. If that met with the members' approval, the instruction could be given.

MR REEDIE congratulated the Director General for the work done so far and said that, when renegotiating the contract, the Director General might like to include the word "indexation" in the period for the next ten years. A fixed-price contract for this length of time was pretty good news for Montreal International, perhaps not quite such good news for WADA and, if that could be part of the negotiations, he would support the proposal.

THE CHAIRMAN noted that this could be done, as long as it formed part of the negotiations and not a condition, as WADA did not have the right to impose the condition. He thought that that was a good proposal.

DECISION

Director General to negotiate a satisfactory contract with Montreal International and Director General and Chairman to sign such contract when satisfied.

4.8 Olympic Council of Asia Sub-Regional Office Proposal

THE CHAIRMAN introduced a new friend at the table, Professor Matsunami, from Japan, who would report on discussions regarding the sub-regional office.

PROFESSOR MATSUNAMI reconfirmed his support for the establishment of a WADA sub-regional office in Kuwait. He had been working with WADA and the Asia member countries, and they had clarified the relationship and responsibilities between Kuwait and the Tokyo office, and hoped to enhance WADA's activities through cooperation between the Tokyo regional office and the Kuwait sub-regional office.

THE CHAIRMAN thanked Mr Matsunami for undertaking that work; he thought that everybody would be much more comfortable with the idea of the sub-office in Kuwait now that they knew that it would be complementary to the activities of the WADA regional office in Tokyo. With the Executive Committee members' approval, WADA would pursue the opening of the office quickly.

THE DIRECTOR GENERAL added that the OCA building was satisfactory and WADA had correspondence that indicated that the colleague from Japan had completed that enquiry and that it was acceptable to agree to the proposal of accepting the office.

DECISION

Olympic Council of Asia Sub-Regional Office
proposal approved.

4.9 World Conference on Doping in Sport in Madrid – Overview/Pre-Briefing

THE DIRECTOR GENERAL noted that he would not repeat the information that the members had been given previously during the meeting; therefore, if there were any queries, he would be happy to field them.

THE CHAIRMAN said that WADA's Spanish friends had worked very hard to make this conference a success and there was every indication that, logistically at least, this would be a successful conference.

DECISION

World Conference on Doping in Sport in Madrid
overview noted.

5. Legal

5.1 Legal Update

MR NIGGLI said that he did not intend to add anything to his written report. The only matter he wished to note was a housekeeping matter. Following the resignation of Mr Lamour as vice-chair of WADA, he would recommend to the Foundation Board the deletion of Mr Lamour's name from the Swiss Trade Register.

THE CHAIRMAN asked about the status regarding a weightlifting case in which two or three athletes had produced precisely the same urine, noting that he had been asking for information about this for quite a long time. Was WADA dealing with a situation where the conduct of the IF was such that it was not Code-compliant and should be regarded as that? It was not satisfactory for this to go on and on without WADA doing anything.

MR NIGGLI replied that this case had not come to him as a pending case. The IF had been asked questions and, as far as he knew, no answer had yet been provided by the federation.

THE CHAIRMAN instructed Mr Niggli to get an answer to the question and indicate that a non-answer or unsatisfactory answer could indicate non-compliance with the Code, significantly prior to the 2008 Olympic Games.

DECISION

Instruction given to Mr Niggli to seek an answer to the question regarding the International Weightlifting Federation and the case involving identical urine samples.

6. Finance

6.1 Finance Update

MR REEDIE informed the members that, since many of the papers before them were identical to the papers they had been given at the September Executive Committee, he did not intend to go through them all in detail. He apologised to Messrs Cosgrove and Matsunami, who had not been present in September, and he hoped that they had been

briefed by their officials; if they chose to read the minutes in their files, these would bring them up to date with the financial position.

There was a short paper on the situation, and there were one or two issues he wished to bring up. One was the currency issue; the Director General had been asked about it at the press conference that morning. The crucial rate of problems was the rate between the US dollar, in which all WADA's income was paid, and the Canadian dollar, as quite a lot of money was spent on operations in Montreal, and that, at one stage, had moved against WADA in the past twelve months by 20% in one year, which was a massive currency movement, and it was moving back. Mr Burns kept apologising but actually did not do anything about it! It was a situation that existed. The statement was that the 2008 budget might have to be amended, and this might happen in the course of events. One of the issues was that WADA did not know what the rate would be going forward. One banker had said that the US dollar would improve, although he had not actually confirmed that it would improve against the Canadian dollar, and the really good news for all those who paid in US dollars but did not use them as their base currency was that their WADA contribution was about 5% less in real terms than it had been some years ago. He had once been asked why WADA did not hedge the dollar situation. The answer was that WADA did not have a specific date to which it could hedge the currency issues, because this went on all the time. WADA tried to be very careful when converting US dollars to Canadian dollars, and that was just a matter of good financial planning; and secondly, hedging was expensive and also a risk, and the Finance and Administration Committee did not take any risks with what was public money. It was not WADA's money; it came from the Olympic Movement and the governments. The Finance and Administration Committee had invested the money as wisely as it could to get the maximum possible interest return and, if the members looked back only a year, the Finance and Administration Committee had been predicting income from interest of around US\$ 500,000 and the final figure that year would be somewhere over US\$ 1 million, so that redressed a little bit of the currency balance.

DECISION

Finance update noted.

6.2 Government/IOC Contributions Update

MR REEDIE said that the good news on funds collection was that it was going extremely well. He thanked the governments for paying and for paying early. WADA would be up almost to 96% of the target by the year-end, which was good news.

DECISION

Government/IOC contributions update noted.

6.3 2007 Quarterly Accounts

There were two specific papers to which MR REEDIE drew the members' attention; one was 6.3, the quarterly accounts to the end of September, which showed the balance sheet position, total assets and total liabilities. The end result of all of that was that WADA had just under US\$ 9 million of uncommitted cash, and that would be used over the next few years to meet budgeted deficits with what appeared to him to be relatively modest increases, although that would be part of the budget debate on Saturday.

The second paper contained the very detailed figures obtained on the comparison of actual expenditure for the year against budgeted expenditure. The figures at the end of September for nine months looked pretty favourable. That having been said, the World Conference on Doping in Sport in Madrid was expensive; bringing everybody to Madrid from all around the world cost a lot of money, apart from the actual running of the conference and, secondly, WADA had not spent any of the allocated research money agreed to in September, so that did make a slight difference on the actual against budget comparison, as that was taken as a snapshot as at 30 September.

DECISION

2007 quarterly accounts noted.

6.4 Budget 2008

MR REEDIE said that he would present the whole budget to the Foundation Board on Saturday, as it had to approve it. The Executive Committee had approved it in principle and the details were in the members' files. It involved a 4% increase in contributions for the following year, which was what the Executive Committee had agreed. If the Canadian-US arrangement stayed at its present level, the chances were that there would be a slightly greater deficit the following year, but that was why WADA kept substantial uncommitted cash.

He had been looking at the overall contribution that the agency made to the pension arrangements for staff; quite a lot of the staff members were present, so he would certainly not discuss it in any detail. It was complex, because WADA operated in different parts of the world and under different regimes, but he thought that WADA was being marginally unfair, and he would like to come back to the Executive Committee with a written report. He thought that WADA might be faced, over the next two years, 2008 and 2009, with additional operational costs somewhere around US\$ 100,000 per annum. He would rather not go into any more detail, but would like the Executive Committee to say that, if he had identified a problem, he should go and tell the Executive Committee how to fix it. He was also undertaking research in Montreal about the precise situation as it affected different members of staff, so he asked for the Executive Committee's trust.

THE CHAIRMAN said that, if Mr Reddie had perceived some things that had to be addressed, the Executive Committee trusted him to address them and report on a successful solution.

For the first time since governments had begun paying their share of the WADA finances, Mexico had paid its full amount for 2007, and he was told that the Mexican representative wanted to meet with him during the World Conference on Doping in Sport in Madrid. He hoped that it was to volunteer payment of all the arrears, although he suspected that it was probably not that.

The other point was to thank Spain and Madrid with respect to the conference, as they were putting in something in the order of 1.6 million euros, which would otherwise have come out of WADA's pocket, so it was a measure of their commitment to the conference and the activities of WADA that should be recognised.

MR REEDIE noted that he had graciously accepted Mexico's contribution and had not asked for too many arrears; secondly, he was very aware of the contribution made by Spain and thought that Spain had fulfilled everything that it had said it would do for WADA.

THE CHAIRMAN said that he hoped that Mr Reddie had not given away the arrears. He would ask for the arrears.

DECISIONS

1. Executive Committee to recommend that the Foundation Board approve the budget for 2008 at the Foundation Board meeting on 17 November.
2. Finance and Administration Committee to look into pension arrangements for members of staff.

7. World Anti-Doping Code

7.1 World Anti-Doping Code

THE CHAIRMAN moved on to what, when the election imbroglis were finished, he hoped would be the main thrust of the conference and activities in Madrid: the revised World Anti-Doping Code.

MR YOUNG started by talking about the changes made to the amendments after the Executive Committee meeting in September. The team had made all the changes requested and had continued to get feedback on the Code and, in response to that feedback, had made additional changes, many of them not substantive, so he wished to go through a number of the changes and highlight them for the members.

Regarding Article 5.1, this had been one of the suggestions made in September, not only to plan and implement, but actually to conduct out-of-competition testing.

The change in Article 7.5 was one of the more substantive changes that the Executive Committee had asked the team to make, and this was the change that said, for the non-specified substances, when there was an adverse analytical finding (AAF) on an A sample, the provisional suspension would be mandatory. There were lots of changes that flowed through Article 7 to accommodate that.

There was also a change that stated that, for specified substances and other anti-doping rule violations (ADRVs), it was optional on the A and the provisional suspension was mandatory on the B.

Regarding Article 9, the team had moved part of the text from Article 11 on team sports and what happened in the event that a relay team had one member found to have committed a violation, and that had been somewhat inconsistent with a comment that had been added in the second draft and then in the third draft, so the team had moved that language to Article 9 on individual sports and taken out the inconsistent comment.

THE CHAIRMAN asked a question. If, in a relay team, it was determined that three out of the four members had been doped, was it conceivable that there was an IF out there that had a rule that said that it was fine and that the fourth person could keep the gold medal?

MR YOUNG replied that there was no such federation, and he would be shocked if that were the case and, if members looked at the rules of the IFs that had relays with which he was familiar, the rule would be that the team would be disqualified at least for the race. All along, it had been said in the Code that one had to look to the rules of the IF for the result and, in the comment in red, the team said what the result would be instead of looking to the IF rules. WADA did not mandate what the IF rule would be in that case.

Regarding Article 10.5.5, he wished to illustrate that, when dealing with reduction in sanctions for substantial assistance, etc., and when start dates commenced for periods of ineligibility, there were various possible combinations and permutations and, in answer to people scratching their heads and trying to figure out how all these fitted together, a series of four illustrations on how that would work had been given.

Regarding Article 10.7.1, the table of violations, the team had simply added the language at the bottom to make it clear that, when there was a range of ineligibility, the criterion used to pick a time within that range was the athlete or other person's fault.

In relation to Article 10.10.1, the change had been made so that all of the illustrations did not come from US professional leagues.

Article 14.5 was one of two changes made to deal with the issue of data privacy. This article made it clear that ADAMS would be subject to data privacy, and the next article, 14.6, was a specific article that said that, generally, all anti-doping organisations were responsible for complying with applicable data privacy laws, and then it made reference to what would be a new international standard on data protection.

Article 15.2 on out-of-competition testing changed from “should” to “shall”, and then the reference at the bottom to ADAMS paralleled a similar reference (one of the things discussed at the previous Executive Committee meeting) to another place in the Code where ADAMS “shall” be used where reasonably feasible.

The change in Article 18.2 was in response to a recommendation made by the Executive Committee that education be directed to people appropriate to their stage of development.

Article 20 was a requirement already in the Code for IFs to make sure that athlete support personnel were bound by the rules; it had been pointed out that this really ought to apply to all of the groups of signatories and so that was what the team had done.

Article 23.4 had to do with compliance reports; before, it had been non-compliance reports that were approved by the Foundation Board; however, all compliance reports would now be approved by the Foundation Board.

He went back and talked about another category. There had been a number of interventions received in response to version 3.0 that had been circulated. He drew attention to a number of those interventions that might cause the Executive Committee and Foundation Board to want to make changes. The first was a suggestion by UNESCO, which made some very minor language changes to Article 23.4.1 to make clear that the monitoring of governments was by UNESCO after coordination with WADA and the applicable governments. It was a change that UNESCO felt important; it was not a substantive change, at least from the view of the Code Project Team.

There were a couple of changes that would be advanced by FIFA. One had to do with whereabouts, and he thought that FIFA’s concern would be taken care of in the International Standard for Testing (IST), and the team would continue to meet with FIFA to see if it could resolve FIFA’s concern but, in a nutshell, the way the Code and the IST worked was that an athlete was responsible for his or her own whereabouts, and had the opportunity in a team sport to delegate that filing responsibility to somebody from the team but, at the end of the day, if the athlete missed a test, that was the athlete’s problem. He thought that, in principle, FIFA did not have a problem there. FIFA had a concern about the delegation, and he hoped that this would be resolved. The second FIFA comment had to do with Article 24.6, which said that, in the event that a signatory accepted the Code and the signatory’s rules were inconsistent with the Code, the Code trumped. FIFA strongly objected on behalf of athletes, as it said that athletes should be responsible for understanding the rules of their IF and could not be held responsible for understanding the rules of the Code if different. That was a comment that had been heard from a great number of legal commentators in the course of the process. The Code Project Team viewed it as somewhat problematic and the members would hear comments during the interventions.

The IOC was concerned about four issues. He summarised excerpts from a letter. The first point was that, in the clause of additional roles and responsibilities of WADA, the team had taken out the responsibility to conduct out-of-competition testing. That did not mean that WADA could not conduct out-of-competition testing; in fact, Article 15.2 specifically said that WADA could conduct out-of-competition testing. It had been taken out of the additional roles and responsibilities because the feedback had been that WADA did not want to be compelled to conduct out-of-competition testing. That decision would be made by the Executive Committee and the Foundation Board.

The second concern of the IOC had to do with monitoring compliance. In a general sense, it was the concern that it was not right that WADA monitored compliance of the sports organisations but not compliance of the governments. WADA would certainly keep track of which governments had ratified the UNESCO convention and which had not. That was not monitoring the substance; it was simply monitoring whether monitoring had occurred or not. With respect to the actual monitoring of compliance by a government that had ratified, that was not something that, at least in the view of the Code Project Team (and as it understood the way in which the convention worked), WADA had the

authority or ability to do. The governments would turn in their compliance documents to UNESCO, not to WADA, and it would be up to UNESCO to issue a report on compliance or non-compliance.

The third point was that the articles that said that, if a government had not ratified the UNESCO convention by 1 January 2010, that country was not eligible to bid for world championships should be removed as it was actually working as a sanction against the sports organisations and not the governments. This had been discussed at length at the Executive Committee meeting in September and he raised it for the members' attention as he expected that they would hear about this.

The final point had to do with specified substances and, as the members would recall, one of the important changes in these amendments was a different kind of balance in the area of sanctions. For all substances where there were aggravating circumstances, the sanction could go up to four years; the flip side of that was that, for specified substances, which was an old term with a new meaning, the period of ineligibility, instead of having a floor of one year, could go down to a warning, up to two years and, in aggravating circumstances, up to four years. In that discussion, it had originally been that all substances could go up and all substances could go down. During the course of the consultation, the feedback had been that, no, there were some substances for which there really should not be this flexibility to go down, and those were anabolic steroids, hormones (such as EPO and growth hormone) and the prohibited methods, and then, during the course of the consultation process, certain stimulants had been added. At one point, the team had tried to define those stimulants as the amphetamine group of stimulants and, from a scientific point of view, had been advised that this could not be done; therefore, the stimulants would be identified by the List Committee. The IOC's intervention would be that there should be two more classes for which one could not go down below the one year: diuretics and masking agents, and the hormone antagonists and modulators, which, in the old List, had been the aromatase inhibitors. He thought that there was probably a distinction between those two different groups in terms of how to deal with this. Talking about diuretics and masking agents and not being able to go down below one year, one would be talking about the Zach Lund case which, based on the feedback gained during the consultation process, was the poster child case of why one might want to go down more than one year. The finasteride that Lund had taken for his baldness had been in the category of diuretics and masking agents. The other category might be somewhat different; it was the aromatase inhibitors and anti-estrogenic substances, the myostatin substances, and the Selective Estrogen Receptor Modulators (SERMs) that were less likely to have inadvertent use. The one example given that could be a sympathetic case was clomid, which was in this category, and was something a woman who was trying to get pregnant might be prescribed.

That was a quick overview of the interventions that would probably be heard that might cause members to scratch their heads on whether they should make Code changes. When there was a decision on this, he asked that approval of whatever was approved be subject to non-substantive changes so that, as the process finalised, if the team found typos or numbering irregularities, it could make those changes.

MR REEDIE referred to the change on missed tests, in Article 10.3.3. The new explanation was much clearer than the original draft in the Code; he did not think that any intervention was needed but, in the presentation, Mr Young should say that it had been made much clearer than in the first draft. He thought that this had been decided in September.

PROFESSOR LJUNGOVIST thanked Mr Young for explaining this fully and mentioning those points about which there were still some feelings that version 3.0 could probably be amended during the conference. Regarding government compliance, did he take it that a country that had not ratified the UNESCO convention would automatically not be Code-compliant?

Regarding out-of-competition testing, there was a feeling by the IOC that it should be an obligation on behalf of WADA; however, on page 54, it said that WADA "may conduct out-of-competition testing". Did this mean that the matter would come back to the Executive Committee for decision, or that there would be testing on a planned basis? Then, he thought, the matter was not of major concern to the Executive Committee. The item about major events not being conducted in those countries that had not ratified the UNESCO convention would be hotly debated and had been debated the previous time. It would certainly be a matter raised from the floor.

There was one thing about which an amendment should be made immediately: the S4 group of substances, the hormone antagonists and modulators. This was a way to take steroids without taking steroids but to get the same effects. Did the Executive Committee want the same penalties for that or not? Every logic told him that there should be the same penalty. It had been left open because the Science Department had had to find out whether there were, in the fairly new group of substances, some pitfalls in terms of substances that might be taken inadvertently, and one had been found; however, it was not inadvertent intake, it was an intake on prescription because of fertility problems, and such a person would have a TUE. He therefore strongly urged the committee to make the amendment that had been recommended previously and had been agreed upon pending the investigation that had been conducted, and that was to classify S4 where it belonged, namely, together with the anabolic steroids. WADA would look a bit silly if it went out openly to a conference like this one and suggested that anabolic steroids be classified in one way and similar substances with absolutely identical effects on the human body be classified differently. WADA had the answer now and he thought that the Executive Committee should tell the conference that, after further investigation, it had decided to move S4 from the specified substances to be treated in the same way as anabolic steroids.

THE CHAIRMAN asked whether Professor Ljungqvist had any comments on S5.

PROFESSOR LJUNGOVIST replied that S5 was more debatable, for two reasons. Drugs listed in S5 could be taken not inadvertently, in the sense that most were prescription drugs, but they were taken for so many disorders that there could be and had been a number of accidental doping cases. Women were taking them for premenstrual tension, for example, which was an extensive disorder among young women. In weight-class sports, where they were taken deliberately to go down to a class in which one did not normally belong, there could be a problem; however, he thought that WADA could leave it to the sporting authorities to decide on such serious cases, as they had the authority to go up to four years if they wished, and they had the authority to go down to below one year should a young woman with premenstrual tension have been somewhat careless. He had very ambiguous feelings himself about where it should belong, but certainly the S4 group was wrongly placed.

THE CHAIRMAN said that he only raised the point as these things had been expressed as being very important to the IOC and stakeholders.

PROFESSOR LJUNGOVIST said that there was a question mark regarding that issue.

THE CHAIRMAN acknowledged the IOC letter. He thought that WADA had the ability to decide that it would conduct tests in certain areas or certain programmes, and Professor Ljungqvist thought that that should address the concern; he agreed with that. It seemed to him that, regarding the monitoring issue, it should not be that difficult to agree with what was suggested there; if WADA was simply reporting on the failure of a government to ratify, that was an easy determination to make. He assumed that the IOC and Olympic Movement would understand that WADA could not monitor government compliance with the terms of an international convention, but WADA could certainly say that country X had not ratified.

The only real hot button as he saw it was the business about WADA not awarding events to a country if, by 2010, three years from then, a government had not ratified the convention. He had never understood why the Olympic Movement would not support

that. The governments were quite enthusiastic about it, because it was a way of increasing the pressure on their colleagues to do what they had said they would do. He guessed that WADA should listen to that discussion. The letter had been addressed to him and asked for his personal support for acceptance of that. He did not agree that WADA was penalising sports organisations for non-compliance; WADA was not rewarding bad government behaviour, which he thought was quite the reverse. Where possible, WADA should probably signal that it would be willing to make these changes so as to cut down on some of the interventions. The same applied to UNESCO; he could not remember the exact wording, but it sounded like a not unreasonable clarification of the respective roles, and WADA should signal to the drafting group that it was not opposed to those changes.

MR STOFILE said that he wished to discharge his responsibilities of that morning. Comments had been made by Oceania and Europe, and Germany specifically, regarding the Code and the international standards. He was just pricking their consciences to check whether they were where they had been that morning or whether the presentation committed them to accepting the amendments as made in September.

THE CHAIRMAN asked the members to keep to the Code, as there might be some evolution on the position on the standards. WADA was probably not at the stage where it should necessarily be approving the standards. Did any government representatives think that their issues had not been addressed?

MR SCHONNING referred to Article 4.2.2. As far as he knew, criteria had been set as to when a substance could be determined as a specified substance. He did not see any criteria for when a substance could be determined as a specified substance.

MR REEDIE thought that it might be helpful, on the out-of-competition testing issue, if the Executive Committee took a policy decision that it had always done out-of-competition testing and would continue to do out-of-competition testing and, if it wished to change the scope or the numbers, it would bring it to the Executive Committee, cost it one way or the other, and everybody would have an opportunity to decide whether to go ahead or not. The fact that it was taken out of the Code would have no practical application at all. He had always believed that WADA should do some out-of-competition testing and, if that were stated as a policy, it might help the Olympic Movement in its consideration of the issue.

MR YOUNG answered Mr Schonning. Article 4.2.2 identified in the Code, as opposed to in a list or some more flexible document, what the classes of specified substances were. The only time there was the opportunity to add or detract from the List (by the List Committee or the Executive Committee) was two circumstances, one with respect to stimulants. The team had tried to talk about amphetamines so, as the members would recall in one of the many earlier drafts, it had talked only about amphetamines, but had been advised by the scientific colleagues that that did not work. It had then talked about substances in the class of amphetamines, and had been advised that that did not work either, so it had then tried to come up with a more precise definition of something like "substances in the class of amphetamines", and had been unsuccessful too, so had simply left that to the List Committee for lack of ability to come up with a clearer definition in the Code. If that was something the scientists could ultimately come up with, it could be done through the international standards. The only other circumstance where there was some flexibility was that, if the team were to come up with a whole new class of prohibited substances that did not yet exist, but modern medical science devised it, somebody would have to decide whether that whole new class became a specified substance or not, and that was the Executive Committee. It would be nice to have standards for that but, frankly, since the team could not even imagine what it was, it was probably not a very useful exercise to do in the Code; if and when it came along, the team could address that in the international standards as well.

THE CHAIRMAN thought that the conclusion was that S4 was not a specified substance.

There might be something that could be done to provide a level of comfort to the IOC regarding the out-of-competition testing programme, which would be less than a policy but simply a decision by the Executive Committee that, in 2008, WADA would have an out-of-competition testing programme and the nature and extent of that would be determined by the Executive Committee in accordance with the needs and resources available. That could be communicated to the Olympic Movement for its comfort.

DECISIONS

1. Drugs in the S4 category not to be considered as specified substances.
2. WADA to communicate to the Olympic Movement the decision taken by the Executive Committee to have an out-of-competition testing programme in 2008, the nature and extent of which would be determined by the Executive Committee in accordance with needs and resources available.

7.2 International Standards Review Update

– 7.2.1 International Standard for Testing

MR ANDERSEN said that WADA had received substantial input on the so-called one-hour time slot, during which athletes could file a missed test. He was prepared to review this further in light of the comments received, since there was a very wide span from the system currently available, where there was no mandatory system requiring athletes to give 24/7 information on their whereabouts and, if they were not where they said they were, this was a missed test. This was a wide range; it seemed that people were not fully aware of all the implications, so he proposed delaying this standard until May.

THE CHAIRMAN thought that, because of the difficulties that had arisen, that was probably a good decision. There was no point forcing this if people were not ready and it had not really been thought through.

MR SCHONNING thanked the WADA administration for showing flexibility on this point. It had been raised by some European countries, which had expressed concern.

THE CHAIRMAN said that everybody had to work at making this explicable as well as workable. It had to be simple enough that, if somebody woke a member at three in the morning, the member could explain what it meant. He did not think that anybody could explain any of it. This would be done and it would be the job of the administration to go out and get the input, absorb it and come up with a new version.

DECISION

Decision regarding the International Standard for Testing postponed until May 2008.

– 7.2.2 International Standard for Laboratories

DR RABIN guided the members through a short presentation to cover the key revisions made to the International Standard for Laboratories (ISL). The revision had begun over two years previously with several comments received and taken into account by the WADA staff and the Laboratory Committee. WADA had had a process in place from June 2005 to June 2006 to incorporate some of the comments into a new version of the standard. This had been followed by about a year of consultation, with three consultation phases to incorporate the advice and comments from the stakeholders on this new version of the standard, so it had been a long process of about two years, and he would briefly review some of the changes proposed in the ISL.

Part one had not changed a great deal, except that some references had been removed and others updated (about the introduction, Code provisions and definitions) and, if it was the decision of the Executive Committee to approve the standard for implementation on 1 January 2008, needless to say that, when the new Code came into effect, WADA would have to incorporate the new definitions of the new Code in the standard and issue a new version of the ISL.

Part two of the standard had been slightly rearranged and section 4 covered all aspects related to the WADA accreditation requirements (they were now only in one section as opposed to two); then there was section 5, which was completely devoted to urine samples, and section 6, which was now completely devoted to blood samples, so the appendix to the ISL, which WADA had had to put in place before the Olympic Games in Athens, had now been completely inserted in section 6 of the standard.

Section 4 contained the requirements on how to apply, prepare, obtain and maintain WADA accreditation, including for major events, and these had been expanded for the pre-probationary phase and probationary phase before gaining WADA accreditation.

Other elements had been emphasised and clarified, in particular all references to new methods and how to validate them, not only for laboratory activities, but also the involvement of WADA in the acceptance of new methods. Here, he was not talking about regular implementations or adjustments or improvements to some regular methods; he was really talking about new tests and new technologies being applied to anti-doping. WADA also wanted these technologies to be assessed independently by the national accreditation body, referring to the ISO rules, particularly the ISO standard 17025, so this had really been clarified to make sure that all these elements were in place before the first implementation of a new method in routine doping control.

Some elements had been incorporated in the probationary phase, in particular the possibility to look at the laboratory and the laboratory environment together with standards and harmonisation colleagues to have a view of how the laboratory operated in a more integrated system of the anti-doping organisation in the country or region of interest.

Some additional elements had been included in the laboratory assessment itself. The level of aptitude of the laboratory, substances, equipment, staff and methods had been clarified, and also something that had not been in the standard when it had been circulated for consultation, the fact that the WADA Laboratory Committee would like to have the option of a pre-probationary test before a laboratory was accepted in the probationary phase leading to accreditation, simply because WADA had been faced in the past with laboratories (one in particular) saying that they were absolutely ready, and then the first proficiency test set by WADA had been a full disaster for the laboratory, so WADA wanted to have the option in some cases to pre-test the laboratories to make sure that they were up to speed before entering the probationary phase.

Moving to the other part of section 4, the national accreditation bodies, some emphasis had been put on the requirements for these bodies. WADA wanted them to be full members of ILAC and also signatories of the ILAC Mutual Recognition Agreement, which was the top standard of quality and requirements for a national accreditation body under ILAC. Also, the new ISO standard 17025 had been approved the previous year and the ISL made more references to the standard. The committee had also replaced "should" with "shall" on several occasions, which meant that some provisions were now mandatory and could be taken on board by the national accreditation body when visiting the laboratory to make sure that those requirements were being met. It had therefore strengthened some of the rules.

Section 5 related to urine analysis, and he would not go into details, but there were some key elements that had now been inserted in the standard, in particular following approval by the Executive Committee for the re-sealing process of the samples. WADA would also be in coordination and in line with the new List of Prohibited Substances,

introducing the notion of atypical findings in the standard, to allow the laboratories to properly deal with the situation, in particular for T/E ratios.

WADA had also formalised the process to allow the laboratories under certain well-established conditions to discuss with their national testing authorities whether or not to confirm some substances under the ATUE process in order to avoid systematic issues. It was not necessary to have glucocorticosteroids or beta-2 agonists confirmed where a TUE existed. This was now a process that was well established under the ISL. WADA had also enhanced some sections regarding immunoassays and the issue of A and B analyses to make them even clearer than before.

An important change had been made relating to how to deal with substances, in particular threshold substances, not only when there was identification of the substance, but also when there was measurement of the quantity of the substance, so quantitative analysis of doping substances. This applied in particular to exogenous substances: taking the example of ephedrine, in the A sample, because this was a threshold substance, one needed to be above the defined threshold and, in the case of ephedrine, this was 10 mg/ml. For the B sample, in the old rule, one had to confirm that it was also above the threshold, or above 10 mg/ml for ephedrine. In the new rule, for the B sample, one had only to qualify the presence of the drug; it was no longer necessary to quantify the amount and be above the threshold so, in the case of ephedrine, one could be at 9 mg/ml, below the threshold, but the substance would still be present. The reason was to avoid degradation of the substances, as these were substances that degraded fairly quickly in urine, and the aim was to have the best chance of reporting a B sample result in conformity with the A analysis.

For endogenous substances, still regarding thresholds, it was a bit different as, here, there was a case of substances also produced by the body and, taking the example of 19-norandrosterone, the A sample would be above 2 and the B sample would also have to be above 2, so the principle was maintained here. The proposed change was for exogenous substances only.

Continuing with section 5, ADAMS, the WADA monitoring system, was now really included in the ISL for the reporting of AAFs, and WADA had also wanted to learn from what had happened to one laboratory, which had been hacked and from which data had been stolen. The idea was to emphasise that all laboratory data, including electronic data, should be better protected.

In section 6, which was devoted to blood analysis, there was now a full section that matched section 5 for urine analysis, so there were a lot of referrals in section 6 to section 5 to avoid repetition, and there was clarification of all the rules applicable to blood samples.

Moving to the annexes of the document, Annex A referred to the WADA Proficiency Testing (PT) Programme, and it had been rearranged to make it more understandable, really qualifying and detailing some of the key issues related to the PT Programme. There were no major changes, but the key change was in the point scale table, so there was now a very clear table in the ISL to indicate how false negatives or deviations from quantitative analyses were taken into account by the WADA Laboratory Committee and the Executive Committee when a decision had to be taken on the conformity of a laboratory.

Finally, Annex B of the document did not contain many changes. Probably the one that had raised controversy was that related to supplement testing; there had been numerous discussions on this provision and he thought that the vast majority of people, including most of the laboratories, accepted the fact that they would not be involved in dietary supplement testing. This point had gained a lot of support, even from those who had initially been sceptical at the beginning.

He referred to the related technical documents, of which there were several; many of them had been reviewed, except for three for legal reasons, to avoid interference with

some ongoing legal cases. Most were about to be completed and would probably come before the committee after the ISL had been approved in the weeks to come and once there had been a final review of the technical documents by the Laboratory Committee in early December.

PROFESSOR LJUNGOVIST wondered whether the Laboratory Committee had addressed the issue of reanalysis within the eight-year statute of limitations.

DR RABIN replied that this was taken into account, but not in the ISL itself; the ISL incorporated the possibility for retesting, and the technical aspects on how to properly reseal the samples to make them viable for reanalysis were addressed.

THE CHAIRMAN said that he hoped the Executive Committee would adopt the standard. It was important to get this in place.

DECISION

International Standard for Laboratories adopted.

– 7.2.3 International Standard for TUE - Update

DR GARNIER said that consultation had taken place on this standard, and had ended on 15 October. The proposal circulated introduced a new concept of a retroactive TUE mechanism following the discussion that had taken place with the Health, Medical and Research Committee. Three options had been made available: the application of the mechanism to all athletes, the application only to national athletes with a standard TUE for elite international athletes, or no change at all (to continue with the current standard). Following the consultation period, and having considered all of the comments received, responses had been evenly distributed; however, there had been strong consensus among all stakeholders to request that consultation on this standard continue and that new proposals be made. He proposed to the Executive Committee that the WADA TUE Committee meet in two weeks to define a new proposal based on the comments made, and circulate it at the beginning of 2008 for a final decision in May 2008.

THE CHAIRMAN said that this would come into effect as the new Code came into effect; the Executive Committee did not have to decide that day, and it was important to get it right. An overwhelming percentage of the grumbling came from the TUE system and the perceived amount of work involved in it. He encouraged the group to work towards a practical solution in time to circulate it before the May meeting.

DECISION

WADA TUE Committee to define a new proposal regarding the International Standard for TUE and submit it to the Executive Committee for approval in May 2008.

7.3 Compliance and Implementation Strategies

MR ANDERSEN said that he had reported at the Executive Committee meeting in September on Code compliance, and had also given the members quite a comprehensive spreadsheet of information, which had been considered by many of them. Over the past three years, there had been quite a diverse level of compliance from many stakeholders and signatories, so there was some experience as to how to deal with the matter in 2008. He considered the compliance monitoring and implementation system to be at the top of the list of priorities for the following year and for years to come, since there was a provision in the Code to monitor Code compliance every two years.

The WADA management had responded to the request made in September to make a plan and decide what needed to be done on an overall basis. It was necessary to focus on how to prioritise timelines and milestones and outline the resources available. WADA

was always talking about monitoring compliance. He had taken the liberty, under the direction of the Executive Committee, to go further than monitoring compliance, as they were also talking about assisting implementation of the Code among stakeholders. He had turned over every stone to find available resources (human and financial) to make WADA fit to reach Code compliance for as many as possible. WADA would use the regional offices, all the departments within the agency, and outside organisations such as NADOs. The reporting system for the Executive Committee and Foundation Board meetings the following year had to be strict, and it would be necessary to base the report on facts; only then would the WADA Foundation Board be able to make justifiable decisions on compliance and non-compliance. The plan was intended to help and provide direction on how to proceed. He would keep the Executive Committee informed at the May, September and November meetings in 2008. The plan had some limitations as to how far WADA would monitor some organisations, and WADA would concentrate on NADOs, which were the government link to the signatories, and of course the IFs. That outlined the plan, and he would be happy to take any questions.

MR REEDIE said that he had been working with Mr Andersen, and WADA would run a trial run for NOCs at the general assembly for European NOCs in two weeks' time. The reality was that perhaps the NOCs had been wrong to insist that they should have a role under the Code when it had been established, but he was afraid that they had obligations, and some were finding these extremely difficult to meet. Mr Andersen and he were putting together a simple presentation that illustrated what had to be done to be compliant and, if that worked, there would be a sort of rough rule of thumb that could then be used for the entire ANOC meeting in Beijing at the beginning of April 2008 so as to say to the biggest constituent group struggling with compliance that this was how it was done. In some cases, there was no desire not to be compliant; they simply did not know how to go about it and, if they were told about the rule changes to be made, they would make them. It was a complex issue and it had to be simplified a little bit. The document was a splendid document; it erred on the side of complexity, but it was a complex subject. He would run this past Europe first and then, if that worked, it would be run past the world.

THE CHAIRMAN added that Mr Reedie should tell the NOCs that, if they did not do these things, they would be non-compliant.

MR REEDIE said that that was clearly the message and, for the Olympic Movement, it was very clear what non-compliance involved.

THE CHAIRMAN said that WADA would see how the pilot study went in Valencia. He hoped for the best.

DECISION

Compliance and implementation strategies noted.

8. Department/Area Reports

8.1 Science

PROFESSOR LJUNGQVIST said that he had no comments to make.

– 8.1.1 Health, Medical and Research Committee Chair Report

DR RABIN informed the members that all of the information was contained in the department report in the members' files.

DECISION

Health, Medical and Research Committee Chair report noted.

– **8.1.2 Athlete Passport/Blood Parameters**

DR GARNIER informed the members briefly about the project; he would not go into details. He wished to give some information about the project being undertaken by WADA in partnership with the UCI and the French health ministry. The project did not break with the approach taken by WADA but aimed to be a continuum; it was primarily based on the results and recommendations of the expert working group set up in March 2006 by WADA. The main lines of the project adopted in Paris the previous month were to ensure that the project would be headed by a tripartite coordination committee made up of the UCI, the French health ministry and WADA representatives. The project would apply to all cyclists involved in a Pro tour or likely to be invited to a major tour. The project would form part of the overall anti-doping framework, so it would be possible to penalise any athletes with abnormal profiles. There would be in- and out-of-competition tests for 50% of the athletes. All of the results would be considered by an independent commission made up of experts appointed by the UCI and WADA which would make recommendations on no-starts or sanctions to the UCI, which remained, of course, the ultimate decision-making body. The project would be evaluated by the end of 2008, and he was convinced that the results and conclusions published would benefit all of the IFs and national agencies wishing to be involved in a similar approach. The coordination committee had met once the previous week and would meet again on 3 December to plan and organise the practicalities of project. He would be happy to answer any questions.

DECISION

Athlete Passport/blood parameters update noted.

– **8.1.3 Accredited Laboratories Update**

DR RABIN informed the Executive Committee members that, following the decision that they had taken in September approving the establishment of an ad hoc group to review model 3, which had been approved by the Executive Committee, the ad hoc group had been formally established and the list of participants could be seen in the members' folders. He hoped to be able to organise three meetings in the first half of 2008 to report to the committee on the conclusions and the way forward with model 3.

DECISION

Accredited laboratories update noted.

8.2 Education

– **8.2.1 Education Committee Chair Report**

MR BOUCHARD spoke on behalf of Ms Helena Guergis, the Secretary of State responsible for sport and the Chair of the Education Committee. She had not yet arrived in Madrid, so he would deliver the message on her behalf. He was very pleased to present this brief committee report to the Executive Committee.

WADA's Education Committee had held its most recent meeting on 11-12 October 2007. The members had been pleased to learn about the latest education initiatives in the countries represented on the committee, as well as about the continued efforts of WADA's Education Department in the development and dissemination of its education activities (particularly its seminars) and education materials (particularly its tool kits), in respect of which the members would have a full presentation during the world conference education session.

Education was essential in the common fight against doping in sport and offered an effective means of prevention, which could be very low-cost while offering significant

potent long-term benefits. These essential points were recognised in the revisions to the World Anti-Doping Code, which were being decided upon during the World Conference on Doping in Sport. Under the existing Code, anti-doping education activities were an option. Under the revised Code, and in alignment with the substance and language of the relevant provisions of the UNESCO convention, anti-doping activities became compulsory “within the means and scope of responsibility” of the relevant signatory.

The committee noted the growth of interest in WADA’s Social Science Research Grant Programme, with an increasing number of applications from countries that had not previously submitted applications. As a means of making the best possible use of available research outcomes and further strengthening this grant programme, the committee recommended pushing forward with the project of establishing a database of relevant social science research. The committee members had reviewed and discussed the requests for grants under WADA’s 2008 Social Science Research Grant Programme and the peer reviewers’ assessments of the research projects submitted. On the basis of this review and discussion, the committee had made its recommendations for funding, taking into account the financial resources available.

WADA’s Education Department had started taking steps towards the systematic monitoring and evaluation of its activities and the use of its material. In the short-term, this process was quantitative, consisting of the monitoring of numbers (e.g., materials received, attendance at activities, etc.) but, in the longer run, would involve the qualitative process of monitoring and evaluating changes in attitudes and behaviours (e.g., using surveys within 6, 12 and 24 months of an activity or the use of a particular education tool, etc.).

In closing, he encouraged his fellow government representatives at the meeting to recognise the key role that governments could play in promoting values-based anti-doping education, starting with children as of the earliest possible age. Governments could be instrumental in the education component of the fight against doping by taking all necessary steps to support the inclusion, in their respective countries, of values-based education initiatives aimed at promoting a widespread and deeply-rooted culture of respect and fair-play, whether within society at large, or specifically within sport.

MS CARTER informed the members that the full education report was in their files.

DECISION

Education Committee Chair report noted.

– **8.2.2 Social Science Research 2008**

MS CARTER said that the Education Committee had reviewed all 36 projects submitted, which showed an increase in interest compared to the ten received in response to the first programme. The members would see the summaries of all of the research projects and, on the first page of the summaries, those that had been recommended to receive funding. The committee had carried out a thorough review and discussed the subject matter of the projects, as well as the reviews submitted by peer reviewers, and hoped that the Executive Committee would trust its judgement and agree to the recommendations made.

THE CHAIRMAN asked whether the Executive Committee was satisfied with the proposed research activities submitted for consideration and was in favour of approving the proposal.

He wished to mention a female cyclist, Geneviève Jeanson, a Canadian who had been living in the USA. She had come forward and described a doping regime that had been started on her when she was 15 years old and which she had gradually become aware of and bought into. She would be willing to help WADA in any way it thought appropriate in terms of going out and speaking to people and describing her experiences, so he hoped

that WADA could find a way to use her. On two occasions, WADA had had former athletes (Kelli White and Greg LeMond) come and visit and explain their situation, and he thought that this would be another possibility, and WADA could get some useful guidance and publicity for its objectives. The Director General had said that she would be visiting Montreal from Arizona, where she lived, in the new year.

MS CARTER noted that her department was having discussions with the Canadian Broadcasting Corporation to use relevant clips from the reports broadcast a couple of weeks previously in its teaching tools.

THE DIRECTOR GENERAL said that WADA had asked Ms Jeanson to come to Montreal to meet staff members. WADA asked athletes to speak to the staff in Montreal, following which the management made a decision as to whether they were the right people to transfer the message elsewhere. Before requesting that an athlete address the Foundation Board, the management carried out an audit and background check to make sure that the message was appropriate.

THE CHAIRMAN noted that he did not want WADA to give up on a lot of these things. Changing attitudes seemed like a very daunting challenge, but he had used a recent example when speaking about that issue, saying that, if one were to turn the clock back to 14 November 1997, and he had said that, in ten years from then, it would be illegal to smoke a cigarette in a restaurant in Paris, people would have laughed. These attitudes could be changed, and it was something upon which WADA would have to keep working. It would not happen overnight, but eventually the penny would drop.

On behalf of the Executive Committee, he thanked Ms Carter for all the work she had done in the field of education, which, in the long run, was how the war would be won. He thanked her very much and wished her luck in the next iteration of her career.

DECISION

Recommendations made by the Education Committee regarding allocation of grants for social science research projects under the 2008 Social Science Research Grant Programme approved.

9. Other Business/Future Meetings

THE CHAIRMAN asked whether there was any other business that any member would like to bring forward.

He had one item on which he sought approval, not so much for him, because he did not particularly care about the outcome of this, but members might recall that, a year or so ago, Lance Armstrong had wished to have him fired by WADA and the IOC and everybody else and had filed a complaint to the IOC Ethics Commission, a strange body of which some members might be aware. Mr Landis had done the same thing and the position the Chairman had taken on this was that, insofar as he was acting as the chairman of WADA, he was responsible to WADA, its Executive Committee and its Foundation Board, and not to any other organisation, and he thought that WADA would not accept the view that it was subject to indirect control by any other organisation, including the IOC. He thought that there was no jurisdiction. The Landis case had been considered at a meeting that had taken place at the end of the previous month, and he had no reason to believe that the IOC Ethics Commission would have increased its appreciation of the niceties of this question. He asked the members to instruct him to write to the IOC to say that it should not be attempting to exercise any indirect control over how anybody from the Olympic Movement or perhaps the public authorities governed their conduct in this role and that, if it persisted in the view, WADA would be happy to participate in a reference question to the CAS for an opinion. This was an important issue to be determined, as there would be many people from the Olympic Movement involved in one way or another. They were involved in a particularly difficult

fight with particularly difficult people. With the members' consent, he would accept that order to raise the question with the IOC president, with whom he had discussed this and who was happy that he raise it accordingly.

MR STOFILÉ said that this was an important issue being raised, as it went to the very basis of why WADA had been founded in the first place. A huge milestone had been reached when the world bodies had decided that there should be a coordinated approach to dealing with the scourge of doping in sport. Members would recall his comments in Athens in 2004 about the history of the scourge, which had been known and covered up by governments and sports entities, and he had cited examples of the Roman governor who had won his chariot race without participating in the first place, or who had bribed boxing opponents to fall every time he touched them. It might not have been drugs, but it had been the same concept of winning through unfair means. Because WADA had taken this mammoth step, he thought that the temptation to want to micro-manage the process should be resisted because, otherwise, there would be a return to the past, which he did not think anybody would wish for. He would endorse the writing of that letter, but he really endorsed the principle, not only insofar as it applied to whatever the IOC leadership had tried to do, but insofar as it served to all the participants in this endeavour. The endeavour should be managed with integrity, without manipulation or external interests to influence the outcomes of the process. He did not care if it was the governments or the sports movement but, if that were to happen, it would corrode the very basis of WADA's existence.

THE CHAIRMAN thanked Mr Stofile. He would take it that he had been firmly instructed by the Executive Committee to write the letter.

He reminded the members of the Executive Committee meeting at 7 p.m. on 16 November immediately after the conference session. He urged the members to pay attention to what they were hearing in all of the interventions because that would be the day to fish or cut bait. That was when the Executive Committee would recommend to the Foundation Board as to what the text of the revised Code would be going forward. Also, on 16 November, the Executive Committee members would be on the front stage for the day. He asked the members to bring dark glasses if they planned to fall asleep!

DECISIONS

1. Chairman instructed by the Executive Committee to write a letter to the IOC President asking the IOC not to attempt to exercise any indirect control over WADA as an independent agency.
2. Executive Committee – 10 May 2008, Montreal;
Foundation Board – 11 May 2008, Montreal;
Executive Committee – 20 September 2008, Montreal;
Executive Committee – 22 November 2008, Montreal;
Foundation Board – 23 November 2008, Montreal.

THE CHAIRMAN thanked everybody and declared the meeting adjourned.

The meeting adjourned at 4.50 p.m.

FOR APPROVAL

RICHARD W. POUND, QC
PRESIDENT AND CHAIRMAN OF WADA