

**Minutes of the WADA Executive Committee Meeting
10 May 2008
Montreal, Canada**

The meeting began at 9.00 a.m.

1. Welcome, Roll Call and Observers

THE CHAIRMAN welcomed everybody to the Executive Committee meeting, particularly welcoming Mr Ricci Bitti to the first of his meetings of the Executive Committee. He noted the observers in the room and members of the management who were sitting at the table. This was his first meeting, as everybody knew; his usual procedure in chairing meetings was to allow appropriate discussion. He believed that, if a person had something to say, that person should have the right to say it. He reserved the right, however, when sufficient discussion had occurred, to make a judgement that it was time to bring it to a conclusion, and he would endeavour to ensure that, if somebody wished to say something, that person would never be precluded from saying it. He simply stated that, if the point had been made, there was no necessity to repeat the point already made. The rest of it would be dealt with by trial and error. He would do his best to keep his eye on those who sought to make a contribution.

He moved on to the agenda, and indicated that this was a closed meeting; there would be observers, but no media present, although the media would be present the following day. He circulated the roll call document, which also included the observers, for signature.

The following members attended the meeting: Mr John Fahey, AC, President and Chairman of WADA; Mr Torben Hoffeldt, representing Mr Brian Mikkelsen, Minister of Culture and Sport, Denmark; Professor Arne Ljungqvist, WADA Vice-Chairman, IOC Member and Chairman of the WADA Health, Medical and Research Committee; Ms Rania Elwani, Member of the IOC Athletes' Commission; Mr Satoshi Tanaka, representing 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 Francesco Ricci Bitti, President of the International Tennis Federation and Member of ASOIF; Mr Mustapha Larfaoui, IOC Member and President of FINA; Mr 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, European Regional Office; Dr Olivier Rabin, Science Director, WADA; Mr Rob Koehler, Education Director, WADA; and Mr Olivier Niggli, Finance and Legal Director, WADA.

The following observers signed the roll call: Patrick Schamasch, Andrew Ryan, Michael Gottlieb, Hajira Mashego, Sibongile Rubushe, Satoshi Ashidate, Idee Inyangudor, David Gerrard, Niels Henriksen, Kate Ellis, Stanislas Frossard, and Ichiro Kono.

2. Minutes of previous meetings – 14 and 16 November 2007 (Madrid, Spain)

THE CHAIRMAN asked whether it was the members' wish that he sign the minutes of the meetings on 14 and 16 November 2007 in Madrid as an accurate record of the proceedings on both of those occasions. Was there any matter pressing that anybody wished to raise in respect of those minutes? Nothing had been brought back to WADA following the circulation of the minutes some weeks previously.

DECISION

Minutes of the meetings of the Executive Committee on 14 and 16 November 2007 approved and duly signed.

3. Director General's Report

THE DIRECTOR GENERAL referred to a number of the items in his report. The first was UNESCO; the update was that 83 countries had now ratified the UNESCO convention, the last to do so being St Kitts, which had ratified that week. WADA was seeing that some of the smaller nations around the world were finding the ratification process a little more difficult, and he likened this to the smaller NOCs having a similar difficulty in relation to the IOC Charter. What was being done was fully set out in the papers for the Foundation Board; there was an activity for every country in the world and an approach in relation to each of those, and WADA would endeavour to ensure complete ratification. WADA was working closely with UNESCO on an important research project to look at the legislation currently in existence in countries around the world with regard to trafficking and the distribution of prohibited substances. The exercise had just been commenced, and was jointly funded by WADA and UNESCO, and he thought that the results would be illuminating and interesting.

It also led to the arrangements with Interpol, because Interpol, with whom WADA had had a very fruitful meeting in February, could be engaged only if the police in the countries that were members of Interpol had legislation to work with. The second component of that was that the police would work only if the legislation had sufficient penalties to warrant their use of resource. This had been found out in the BALCO affair, and Mr Conte, when convicted, had received only a three-month prison sentence, which had alerted the US authorities to the need for a higher penalty. It had been increased, and now, for the offence for which he had been convicted, Mr Conte would have been in prison for a period of up to ten years. That severity was needed for the authorities to be engaged and take action. The second matter in relation to Interpol was that, following the meeting in Lyons, WADA had been informed by Interpol that it also had budgetary problems, and the members would see an article in their papers that had appeared recently in *Time Magazine*, noting that Interpol's budget was 65 million US dollars annually. Interpol punched much above its weight for that sort of income, and did not have a form of contribution similar to that of WADA. Several large countries in the world made the most contributions (millions of dollars) and the rest paid about 30,000 dollars each. Interpol was looking for assistance in relation to the project raised with it by WADA, and had mentioned a figure of 90,000 euros. WADA had said that it would put that matter on the table for the Executive Committee to consider, to decide whether, in principle, this was a matter with which the Executive Committee would wish to proceed. In terms of timing, if the Executive Committee approved the memorandum of understanding, which was on the agenda a little later, it could be signed only in November 2008 by Interpol, so the project could not start until after the MOU was completed. Therefore, it would be 2009 before it was commenced, so the funds would not be required until then if the Executive Committee approved them. He suggested that, after discussion, if the Executive Committee agreed in principle that the sum of 90,000 euros ought to be put towards a special project with Interpol, this be deferred in terms of payment until November.

WADA had held a very successful investigation symposium in Sydney the previous week.

He thanked Spain for hosting the World Conference on Doping in Sport in Madrid; WADA was deeply indebted for the logistics and financial contribution that Spain had made, and he recorded WADA's gratitude to the Spanish Government. As a result, the Foundation Board had approved revisions to the Code, which had been printed (the members had a copy of the booklet on the table), and distributed according to the normal distribution lists, although there were extra copies available if anybody wished to purchase them. WADA had a very fiscally prudent mandate in relation to extra copies, as these cost money to print and post.

The WADA management had had some successful meetings with FIFA over recent months, and several projects were in the pipeline with FIFA and would be discussed by WADA at FIFA's annual congress in Sydney at the end of May. One of the specific projects was tabled that day, and it related to the annual tabling of statistics in relation to doping. Under article 14.4 of the Code, all anti-doping organisations had to report to WADA annually. Under article 14.5, WADA had a responsibility of annually producing statistics in relation to the information it received. Over recent years, WADA had found that not many anti-doping organisations in fact fulfilled their responsibility under article 14.4, meaning that the only figures WADA had to publish under its responsibility were those received from the laboratories. WADA had been doing this annually, and it did not reflect the result management process that ADOs conducted after the receipt of the results of analysis; therefore, the media sometimes drummed up issues that might not exist in certain sports. WADA had talked to FIFA, which had a very explicit approach to statistics, and was approaching all of the other anti-doping organisations with a request that they supply information in the same way, in order to lead to a far better WADA annual report. That would hopefully take place that year. He thanked FIFA for its support in that respect.

The teams for Beijing had been announced and were contained in the papers. WADA had sent a team to Beijing recently, and the Chairman would report on that personally. WADA was working closely with the IOC and the Chinese authorities to ensure that anti-doping programmes in the lead-up to the Olympic Games and during the Olympic Games would be the best they could possibly be.

Under the item referred to as "other countries", THE DIRECTOR GENERAL said that, for some time, WADA had recognised that there were some large countries in the world with anti-doping programmes that needed assistance. WADA had worked the previous year with India, which had now established a national anti-doping agency, although it was not yet fully in place, so WADA would be going back to follow the matter up that year. Russia had just announced a new national anti-doping agency. WADA would visit Russia in June with the same outcome in mind, to ensure that the programme was Code-compliant and of high quality. Korea had established a new anti-doping agency the previous year, and WADA would be visiting Korea in May and would investigate and assist Korea in the process. In Africa, Nigeria was a large successful sporting country, still without a NADO. All of these countries were not really countries that could fit into the RADO approach. WADA would go to Nigeria, hopefully in October that year, with the outcome in mind of helping Nigeria to establish a NADO.

The subject of information was one that needed to be explained to the Executive Committee, as WADA received a lot of information in relation to allegations of doping offences and allegations relating to the gathering of evidence that might lead to the imposition of a sanction. WADA did not have any jurisdiction to do anything with it, aside from assisting and ensuring that it was of high quality and passing it on to the sport or country that had the responsibility to take it further. WADA forwarded the information and expected the ADO involved to look at it seriously and then advise WADA whether or not any sanctions could be imposed. Sometimes, these matters needed to be referred to an enforcement agency because, if they were not, issues such as chain of custody and evidence could be hampered or hindered in such a way that they would never be

admissible, so he encouraged people to think first before referring information to WADA and to engage local or national enforcement agencies in appropriate situations.

There was a new president of the CAS, Mr Mino Auletta, who had been the acting president following the death of Judge Mbaye. WADA had made arrangements to meet with him in June, to discuss matters of concern to WADA in relation to the way in which the CAS was operating, and would hopefully ensure that the way in which cases were managed was both timely and cost effective, as the importance of the CAS could not be understated. Some cases were taking a long time to reach fruition and perhaps needed a more careful, expeditious management approach from the staff at the CAS.

He had mentioned the Landis case in his report, but he would leave the discussion of that to Mr Niggli during the legal report and Sir Craig Reedie during the finance report, because the issues he had raised came under those parts of the agenda. He did, however, want the Executive Committee to consider one aspect of the appeal. WADA had a protocol, approved by the Executive Committee, of how it determined when WADA would appeal cases, and that was simple. The legal team in Montreal would make a recommendation to the President and Director General, who would then make a decision as to when to lodge an appeal. WADA did not have a protocol in place in relation to what to do when the athlete appealed. In the Landis case, the athlete had appealed against the decision made against him through the arbitration process in the USA. The respondent in the appeal had been USADA. USADA had taken the role of the prosecutor in the original hearing on behalf of the US Cycling Federation, which had been mandated to do so under UCI rules. So, in essence, the respondent in the Landis case had been the UCI. WADA had asked the UCI if it would fund the appeal, and the UCI had said that it would not. USADA had come to WADA and asked what it should do, since there were no available funds from the UCI. The process was that the decision had been made by the President, the Director General and the Chair of the Finance Committee. There had been some discussion, and he would like the protocol to be put into place so that there would be the same process when an athlete appealed, in order to ensure a response, as the worst thing that could happen in this case was that Mr Landis raised all of the issues and there was nobody to answer them.

Some progress was being made with the professional leagues, and WADA would try to ensure that the progress was closer to being Code-compliant.

Another item in his report referred to the constitution in article 7. The President had asked him to put this in the report in case there was a majority view for a consideration and redrafting of this article. The subject had been raised at various meetings, and with the European sports ministers at the meeting in Slovenia, and he put this on the table to see whether there was a majority view to put any redraft to the Executive Committee in September.

He was looking forward to the 2009 activities. He was firmly of the view that it was now time to look at anti-doping programmes to see that they were cost-effective, efficient, and not just doing sample collection and analysis for the sake of numbers. It was a very expensive process, and required analysis from time to time to see that money was well spent. He proposed to examine issues of quality, to ensure not only that ADOs were putting numbers up on the board, but also that things were being done properly and money was being well spent. He suggested that WADA convene a symposium of all of the ADOs, and that it invite members from organisations to make presentations, so this would not be a WADA "teach and preach", but a means of engaging stakeholders to ensure that voices were heard from around the globe to lead to models of best practice. He would develop a programme for this, but would welcome comments or guidance in the structuring of such a symposium.

The second activity that would be useful was a thought leadership conference. WADA should be challenging itself, and should have people who could sit around that table and ask why something was being done, why something else might not be done, and so on. WADA needed outsiders to do that because, sometimes, when one was involved in an

exercise, one became enmeshed in one's own self-importance. He thought that it was the right time for a challenge, and the idea was to engage 30 or 40 people in an informal atmosphere to try to lead to better ways and means of doing things. WADA would plan to look at hosting that some time the following year, as it was an important thing to challenge the way in which WADA was operating.

As to the issue of management, he did not want to complain, but WADA was now working at high capacity and was engaged in many important projects and, because WADA had to conduct appeals, and this engaged legal, scientific and medical staff, all of a sudden WADA's resources were being depleted. He could not say which cases would be appealed, or who would need guidance and assistance. The WADA employees were working hard, and had little ability to expand and do something else. It would be necessary to look at this matter very seriously when planning activities for 2009.

The staffing report was in the papers, and one specific item to which he drew the members' attention was the appointment of a part-time assistant in Sydney for the Chairman. WADA had secured the employment of a very highly qualified assistant, and he thanked the Australian Government for their extra contribution to WADA funds.

Some matters were not in his report because they were more current. Dr Garnier had represented WADA at a meeting of the United Nations Interregional Crime and Justice Research Institute (UNICRI) in Turin the previous week, and the key topic at the meeting had been the counterfeit pharmaceutical and drug industry and the trafficking and distribution of counterfeit materials. This had been an extremely illuminating exercise, and it had also furthered the approach in investigations and enquiries. WADA would express interest, and it had information that it could make available, but he would provide a lengthier report for the September meeting.

In relation to the Youth Olympic Games, the IOC had engaged WADA in a working committee, and Ms Hunter and Mr Koehler would tell the members about that, but he was pleased to be of help to the IOC in this project.

The members had a new document before them, which suggested guidelines for communications in anti-doping. This was a resource document that WADA would be making available to all of the collectives used by the members (ANADO, GAISF, ASOIF and so on). This was not a document for publication, but for use for internal consumption and guidance. WADA had been asked to look at this to ensure uniformity in ADOs when dealing with anti-doping matters and, in particular, dealing with a specific case. Ms Hunter had headed up a facilitation team including several of the IFs. It had taken a couple of years to put this together, and he thanked those who had helped prepare it, and wanted to make sure that the members were aware of it and could take it for their use. It would not be published by WADA, but would be a document for use by the stakeholders in the ways and means that they saw fit.

WADA had done a similar exercise with the NADOs, providing them with a "cook book" with which to establish a NADO and a programme. Mr Andersen and his team had put it together, and had passed it on to ANADO, so that ANADO could use this for its members. He hoped that this had been of some benefit to them.

Thirdly, WADA was engaged in an exercise for IFs along the same lines. WADA was putting together a document that the IFs could then own and use, showing them how to run an anti-doping programme. That document had reached its second draft, and WADA was now looking at it to see if it was appropriate to hand over to the IFs for their use. It was an example of WADA facilitating the collection of resource material so that it could be used appropriately by the stakeholders, and assisting them not only to be compliant but also to have high quality programmes in place.

Dr Garnier had been instrumental in organising a formal arrangement with FIMS, the international sports medicine body. WADA had been working closely with the doctors involved over a couple of years, and had reached the stage whereby a memorandum of understanding or a similar document would be necessary.

The last item was one he loosely referred to as corruption; he had discussed it with the IOC in relation to betting, and WADA was engaging with others as the corruption affected anti-doping programmes as well. WADA would be working a little more on this over the coming months to see whether there was a mandate to deal with corruption in sport, because it pervaded all avenues, not only sport, but even the anti-doping programmes.

This concluded his report, and he would be happy to answer any questions.

THE CHAIRMAN thanked the Director General for the comprehensive report. He thought that it was important to note that, in view of the fact that the president of WADA was now a representative of the public authorities, there was a need to ensure that direct contact with the IOC, as one of WADA's partners, continued appropriately; so, during his first visit to Europe in January, he had met the IOC president and senior members of the IOC executive, and would continue to do that. It had been reassuring on that occasion to get the reaffirmed support of the IOC for the work of WADA, but he assured the members that such contact would be regular and productive as WADA went forward.

He had felt that it had been very beneficial at the meeting held in Ljubljana, Slovenia, to indicate the need for the support and cooperation of Europe. WADA would never underestimate that contribution, irrespective of what discussions might or might not have taken place in Madrid. The goodwill extended to him and the Director General on that occasion had been very heartening and encouraging and he thanked Slovenia for that.

The meeting with FIFA had pointed out the role that this giant in federations played in world sport and the opportunity of football and FIFA to be used for partnership purposes, and he believed that WADA could extend that with ongoing dialogue and had some proposals in that regard, including further discussions at the annual FIFA congress, which would take place in Sydney at the end of the month.

Lastly, the focus in world sport was understandably, and would continue to be, on Beijing. He had been there three weeks previously with Mr Andersen and that particular meeting had been heartening and reassuring. There was, of course, huge interest as to whether or not the Olympic Games would be clean games; he could only say that what he had seen and what the discussions had led to was an indication that the Chinese were in an advanced state of preparedness and were making every effort to play their part in presenting a clean Olympic Games. WADA wished them well; of course, that was a role that the Chinese anti-doping agency performed in conjunction with the IOC and the observation teams that would be there, but his hopes were high. People asked him if they would be clean Olympic Games and, if cheats were caught, whether that would mean failure. He thought that this was an area in which one could succeed irrespective of what happened. If cheats were caught, the anti-doping program would be effective; if it did not catch cheats, the deterrent factor would indicate that WADA had been effective. He hoped that there would be success, particularly in view of the efforts made by the IOC to bring to Asia, through China, the Olympic Games that were almost on the doorstep.

There was one matter, that relating to article 7, to which he would return, but he asked the members if they had any comments or questions relating to the Director General's report.

PROFESSOR LJUNGOVIST welcomed the Chairman to WADA; he was very happy on behalf of the IOC to hand over the chairmanship to the public authorities representative at the right and critical time. There was a major need for improved cooperation between the sports side and the public authorities, particularly in view of the UNESCO convention and its ongoing ratification and implementation at the national level, and he was very hopeful that the Chairman would make this move forward as quickly as possible.

He thanked the Director General for his report and very much welcomed the investigation into legislation. The Director General had mentioned that WADA would be investigating the laws in different countries relating to distribution, trafficking and so forth. He believed that those crimes were probably penalised, but one point was, of

course, possession; it was not just production and distribution and trafficking, but mere possession. The experience of the Carabinieri in Italy had concerned the possession of doping materials and substances that had resulted in the charges in Italy and made the IOC able to take action against the Austrian skiers and the NOC.

MR HOFFELDT passed on apologies from Mr Mikkelsen, who had been taken ill at the last minute and had been unable to attend the meeting. He echoed the congratulations to the Chairman, and was happy that WADA had succeeded in appointing a representative of the public authorities to the presidency. He mentioned that Europe had endorsed the decision to engage in further cooperation with Interpol; trafficking was a major challenge, so this was a step in the right direction. Finally, he noted that Europe would be happy for a chance to review article 7 of the statutes; the approach to proceed with that was to be determined, but Europe would endorse this.

THE CHAIRMAN passed on his best wishes to Mr Mikkelsen for a quick recovery.

He returned to the issue of article 7. He had requested that this be put on the table as it had created such conjecture in the lead-up to the World Conference on Doping in Sport in Madrid. To him, it was extremely disappointing that that particular cloud had not gone away. His own judgement was that the World Conference on Doping in Sport in Madrid had been an outstanding success notwithstanding. However, for future elections, there should be no ambiguity, no conjecture and a straightforward process and, if that could be achieved by an amendment to the statute, he encouraged the Executive Committee to allow the management to look at the existing statute, consult and bring something back for the consideration of the Executive Committee. The full Foundation Board would probably be aware that the statutes required a two-thirds majority for any alteration, but that was purely a matter of procedure. WADA should not be afraid to look at the constitution if there was a belief that this could be improved, and ought to be willing to do so, but it was necessary to ensure that any ambiguity or doubt was removed by virtue of a sensible and constructive consideration, so he sought a resolution to authorise the management to examine and make suggestions and consult widely before putting the matter on an agenda at a later meeting.

PROFESSOR LJUNGOVIST said that, from the Olympic Movement's point of view, he had no major problems with the statute as it was worded, but understood fully that there could be a review to improve and amend it.

MR BURNS concurred with Professor Ljungqvist.

THE CHAIRMAN summarised the proposal to have the statute examined by the management and, if the management thought that it could make improvements, there should be further consultation.

THE DIRECTOR GENERAL said that the process followed in the past had been to review and put forward a draft if guided to do so. Consulting before a draft might be premature, so he would prepare something for discussion at the September meeting, and then the Executive Committee could go on from there.

THE CHAIRMAN noted that everybody was in favour of the proposal.

3.1 Athlete Passport/Blood Parameters Update

THE DIRECTOR GENERAL informed the Executive Committee that the two experts engaged in relation to this matter were Dr Garnier, who had spent many hours preparing it and considering it, and Mr Niggli, who had also spent time on it, along with other members in Mr Andersen's team. WADA had prepared a very explicit paper in relation to the project, and he started by saying that WADA was totally committed to the project and its pursuit by all of the stakeholders. This was not something that had died. The background was something about which everybody was aware. This was something that had been discussed in 2006 as a result of the affairs at the Olympic Winter Games in Turin. WADA had engaged in the successful summit in Paris in October 2007 and had agreed to be part of the project team. There had been meetings to establish protocols

and set up ways and means of proper sampling processes, transport processes, analysis, the establishment of an independent panel of scientific experts to review the material, and for that independent panel to follow up on the results. Regrettably, in March, litigation had been instituted by the UCI against Mr Pound. WADA had had to take legal advice, and the following had been received from the legal team: "We advise you not to communicate with adversarial litigants in particular individuals who have direct knowledge of the controversy and could be called as witnesses should be careful not to discuss the substance of the suit with the opposing side outside the presence of counsel". WADA had therefore been advised to withdraw from the project because of the pending litigation, and the difficulties in relation to the gathering of evidence when one had discussions without counsel being present. That was the reason for the decision that had been taken by the President in late March to withdraw, but it did not mean that the project could not be continued by the UCI (and he understood that it was being continued), and it did not mean that other sports or anti-doping agencies could not look at pursuing the Athlete Passport. In the paper, the management had set out a protocol for the way forward under three headings: research, harmonisation and monitoring. He suggested that those wishing to engage in a future Athlete Passport project adopt the protocols that WADA had established and approved, and WADA would be happy to work with them. WADA could only give limited assistance and guidance, but was willing and able to do so if there were other projects that sports or ADOs wished to pursue. He did not wish to say any more, as the paper spoke for itself, but he would be happy to field questions or comments in relation to this item, and any technical matters could be answered by Dr Garnier, Mr Niggli or Mr Andersen.

MR RICCI BITTI asked about involvement in the existing project in terms of investment and cost by WADA and the international federation concerned.

MR NIGGLI replied that the cost would depend on the scale of the project, but WADA had invested in developing a special module in ADAMS to deal with the passport, at a cost of around 300,000 dollars. WADA had invested in more than one research project with the Lausanne laboratory to develop the method that would be used to statistically assess the passport, and this was now an ongoing project with the Lausanne laboratory. WADA was investing in a review of the method, to be carried out by independent experts, and was investing in developing the appropriate standards or documents relating to the passport. WADA had also put in place an external assessment of the laboratory to make sure that the blood analysis was conducted in the same way in all the laboratories. WADA was investing a lot of money to ensure that the framework of the project was in place; then, each IF would invest depending on the number of tests to be conducted, and the last investment would be litigation, as usual, when the cases had to be prosecuted.

PROFESSOR LJUNGOVIST said that this cleared up any misunderstanding that the relation to the UCI project was critical for the whole passport project, but that was not the case, so it was not "yes" or "no" for the Athlete Passport project; this would go on, and the absence or temporary suspension of relations with the UCI was a side matter, and could easily be remedied later on should agreement be reached. He saw one thing under item three on the last page, which referred to monitoring to address the ASO and French authorities. He recommended, on behalf of the Olympic Movement, that care be taken when addressing or cooperating with private enterprises such as ASO, as one of the problems that the UCI had was that of not being fully in control of its own sport because of private leagues and, should WADA go in, this might create a worse situation for the UCI, and this was unnecessary given the present situation. WADA should do the opposite and seek to make it easier for the UCI to control its own sport, which would also make things easier for WADA in the long run.

THE CHAIRMAN thought that this probably warranted Mr Niggli explaining a little further on that last point. This programme had started in 2002, and had in no way been focused on the pilot programme agreed the previous October with the UCI. It had started long before and would be ongoing, and the paper indicated that; but, on the last

issue, Mr Niggli had had a meeting earlier that week and might like to update the members.

THE DIRECTOR GENERAL stressed that WADA was not working with ASO, but it had to work for the French NADO and the French Government, which were equal stakeholders along with the UCI, and WADA was giving guidance through the AFLD, which was now responsible for the Tour de France because it was not under the auspices of the UCI and, therefore, pursuant to the Code, the NADO had the right to conduct an anti-doping programme for the event. WADA was doing everything for which it was responsible under the Code and nothing more, and would maintain that approach as it went forward.

MR HOFFELDT noted that the UCI's decision was completely absurd. Starting legal proceedings against the former president of WADA seemed to be out of all proportion, and he was sure that everybody shared his opinion. Mr Howman had informed the members that WADA had decided to withdraw from all kinds of cooperation with the UCI for legal reasons as advised by counsel. This might very well be the case; however, it was the view of the European public authorities that, before WADA withdrew from such a high-profile project as this one, WADA should consult with all the Executive Committee and Foundation Board members. If WADA did not do that, there was a potential risk that the representatives of those two bodies would lose touch with the organisation. Europe therefore proposed holding a discussion on when there was a need to engage different bodies within the organisation. Europe believed that it was important to have this discussion in a constructive and positive manner so as to learn from any mistakes that might have been made.

MR BURNS repeated what he had said that morning in the government meeting. Under those unusual circumstances, and given the outrageous conduct of the UCI, he had full faith and confidence in the staff and the decision-making process, and thought that it would be disadvantageous to wait until it was possible to hold some kind of meeting, so he was fully supportive of what had occurred.

THE CHAIRMAN also indicated by way of further clarification that the decision to enter into the pilot programme had been an operational decision, which had not required the consent of the Executive Committee or the Foundation Board, and nor had such consent been sought. The decision to withdraw had come from the legal advice that the Director General had read out and, in that context, it should also be noted that it was only the partnership with the UCI in the pilot programme from which WADA had withdrawn. The day-to-day activities continued with the UCI, as they did with every other IF and stakeholder, so WADA would continue to provide all relevant information and support to the UCI. However, in the context of that specific partnership, the counsel had made it quite clear that, when litigation was commenced against an office-bearer of WADA, it was litigation against WADA itself, and WADA was also paying for the proceedings and could not therefore continue in the partnership without jeopardising proceedings before the court. This decision had been taken on the basis of that advice.

MR RICCI BITTI had a comment on the ASO issue from a sports organisation perspective. WADA was completely within the law, but he recommended prudence, because the national federations were extremely important, and he would say that WADA was within its remit but perhaps consultation was recommended in this delicate case that could create political issues. His sport had experienced this in the past, and it was in WADA's general interest to maintain the integrity of the sport and control of the sport bodies. He was not saying that WADA should not do what it was planning to do, but he was saying that WADA should consult and be prudent.

THE DIRECTOR GENERAL replied that that was the path that WADA trod very carefully; the only hiccup was the litigation. Had the litigation not occurred, the path would have been much easier to navigate.

THE CHAIRMAN said that there were two issues. Mr Hoffeldt's indication that there be a process of consultation before operational decisions were made had not been supported by Mr Burns. Was there any wish to proceed with something formal in that regard, or

was the Executive Committee happy to leave this to the discretion of the management in the manner described, with the clear understanding that, where possible to consult in a sensible way and practical way, assurances would be given that the management would consult?

MR STOFILÉ said that he thought that there was no contradiction in the provisions; it was just a question of note to emphasise what the Director General was saying about trying to keep the balance between collective decision-making on the one hand and the leadership's responsibility to take instantaneous decisions on the other. It was more of a cautionary note. He did not think that there was a possibility to have a code of fixed ways of taking decisions on any other issue, be it on the sports or the governance activities. He asked the management to lead but to keep the Executive Committee abreast.

MR BOUCHARD echoed what Mr Stofile had just said. The issue of timing was important. The management should be given flexibility, but he thought that the approach had been sound and simply asked that the management keep the Executive Committee informed, especially in relation to very exceptional cases. In this case, the decision-making had been proper.

PROFESSOR LJUNGQVIST told the Executive Committee members that he had approached the Director General on the matter. The unpleasant feeling that he had had was that he had not been consulted prior to the decision, and he thought that it would have been appropriate to consult the sports side prior to taking the decision. This was, after all, a federation that was part of the Olympic Movement. Nevertheless, he had spoken to and received an explanation from the Director General.

THE CHAIRMAN thought that the message to the management was clear; he said that it would certainly be his wish that those proceedings before the court never finished in the context of being contested in court; having said that, the rights of individuals were the rights of individuals, and WADA was very much in the middle of all of this, but it would be his fervent wish that the matter did not go to court in the end. Time would tell.

He asked whether the members were happy to support the recommendations in their papers.

DECISIONS

1. WADA management to conduct a review to determine possible ambiguities in relation to article 7 of the WADA statutes and to propose issues for discussion at the Executive Committee meeting in September.
2. Report by the Director General noted.
3. Athlete Passport/blood parameters update noted.

4. Operations/Management

4.1 Interpol Memorandum of Understanding

THE CHAIRMAN said that the members could see the memorandum of understanding in their papers; this followed on from the meeting that had taken place in February in Lyons, and the drafting conducted by Mr Niggli with the Interpol lawyers. After productive discussions, WADA had finally had got down to business and had effectively been told that Interpol did not have the resources to sign an MOU, hence the reason for the wish to proceed with the financial support. If there were no objections to the MOU, could he take it that it was the Executive Committee's wish that, in due course, the management would be empowered to sign that MOU following the Interpol general assembly in November? Were the members happy with the document?

PROFESSOR LJUNGOVIST referred to finance under article 5. He felt that this was a commitment that should be financed by the public authorities rather than the sports side.

THE CHAIRMAN replied that he would be happy to put the content of article 5 to the members first. This indicated that "the means of financing all activities will be jointly defined on a project by project basis between the parties". WADA had a process for approval. The very active chairman of the Finance and Administration Committee never let a day go by without checking what payments had been made; but, having said that, were the members happy with that process? He indicated that WADA needed to provide funding or a resource in order to proceed with this. Interpol wanted to employ an officer to specifically undertake this work. It did not have the resources to do so. It estimated that the cost of employment of an appropriate officer based in Lyons to undertake this work was around 90,000 euros per annum. For that reason, WADA had looked and it was the view that the WADA statutes made it extremely difficult to pay another government body, and he thought that sport had a similar concern. WADA acknowledged that; in that regard, WADA had sent out feelers to see if it could get that resource provided by a particular country, and that might well happen. What the management sought in the context of the back-up of the 90,000 euros was to say that, should the management proceed with the signing in November and the implementation of the actual work, it needed to know that the funding was available if WADA was unable to secure funding outside of its own budget. In the meantime, if anybody representing the public authorities wished to say that they would pay 90,000 euros a year for a couple of years, he would gladly accept the cheque or promise that morning. WADA was exploring the opportunity of it not being paid for by the WADA budget; but, as a back up, he simply asked for the Executive Committee's support to spend 90,000 euros if the support was not received from a government.

PROFESSOR LJUNGOVIST said that he was happy that attempts were being made to cover this outside the WADA budget, as it was very difficult for the sports movement to defend a cost of this kind and it felt that it was the responsibility of the public authorities to take care of the whole project and the area of responsibility. However, should there be no way of finding the necessary financial support, he would rather initiate a discussion as to the extent to which such a person could address other sport-specific problems. Betting had been mentioned as a major problem in sport; so, if a new person were to be employed with WADA money, that person could have a broader field of responsibility, including some issues of major interest to the sports side.

THE CHAIRMAN said that there would be no problem broadening such a role.

THE DIRECTOR GENERAL asked whether the Executive Committee could direct the management to engage in discussions along those lines up until November, which would help the management.

THE CHAIRMAN asked whether he could take it that, if necessary, the funding would be available from the WADA budget on the basis of the discussion that had just taken place. WADA would further progress the issue raised by Professor Ljungqvist with Interpol. Lastly, could the management be authorised to execute the document itself?

DECISIONS

1. Proposal regarding the availability of funding from the WADA budget in relation to the Interpol MOU approved. WADA management authorised to execute the related document.
2. WADA to progress the issue of broadening the scope of responsibility of the Interpol liaison officer.

4.2 Operational Performance Indicators 2007 and 2008

THE CHAIRMAN said that the members had requested the document in their files a few years previously. This was a report on the Operational Performance Indicators; it had been done, and the document was there for the members' information.

MR TANAKA asked about the WADA education activities.

THE DIRECTOR GENERAL replied that the new education requirement was in the revision to the Code, which would enter into force on 1 January 2009. The management had been asked to commence this in Madrid the previous year, which was why it was starting. He had felt that this should be included in the Performance Indicators in order to get a better idea of progress at the next meeting.

MR BOUCHARD thought that the documents provided were of a very good quality and he commended the management on the quality of the documents and the information that they contained. He wished to make a suggestion with respect to the information reported on. There were performance indicators and, for some activities, financial performance indicators might be added to the indicators, as sometimes he felt that it would be worthwhile to add some indicators that were related to the financial aspect of the activities. That was just a suggestion.

THE CHAIRMAN thought that what Mr Bouchard was seeking was that, in the course of the reports, there be an indication of the particular department operating within budget, with percentage terms or otherwise to indicate that there was no cost overrun in a particular department as being a factor in the performance of that department.

THE DIRECTOR GENERAL said that this was done within the financial reporting; this was done already under a different heading, so it might be duplicating resources if it were done twice.

SIR CRAIG REEDIE said that, if the members looked under the corporate headings, WADA was effectively dealing with financial performance vis-à-vis the budget there, and then there was the rest of the financial information. If Mr Bouchard wanted anything further, perhaps they might have a discussion outside the meeting and see if there might be something to improve the situation.

THE CHAIRMAN said that the management would take that on board; it was a valid point and it might be aligned without creating any additional or unnecessary work. He noted the suggestion.

DECISION

Operational Performance Indicators 2007 and 2008 noted.

4.3 Foundation Board Composition

THE CHAIRMAN said that WADA was required under Swiss law to acknowledge the composition of the Foundation Board; for those reasons, the members had before them a table containing the WADA Foundation Board and Executive Committee members. He needed their concurrence as to the accuracy of this table.

THE DIRECTOR GENERAL pointed out that it was necessary to report on the Foundation Board, and this was the list of the Foundation Board members. There was an additional person who was not a member of the Foundation Board but was a member of the Executive Committee, and that was Mr Mikkelsen. WADA was required to report to the Swiss authorities on the composition of the Foundation Board and he asked the Executive Committee to approve the document.

THE CHAIRMAN concluded that the document was accurate, so the report would be made to the Swiss authorities.

DECISION

Foundation Board composition approved for notification to the Swiss authorities.

5. Finance

5.1 Finance Update

SIR CRAIG REEDIE said that there was a whole range of issues, hopefully not too many of which were philosophical, to be dealt with under the finance item on the agenda.

5.2 Government/IOC Contributions

SIR CRAIG REEDIE said that the updated position as far as government contributions were concerned had been distributed that morning. Brazil and Mexico had agreed themselves that they would equalise their payments in 2008; both were pretty substantial countries and would make the same contribution. He was particularly grateful to the Brazilian NOC for understanding the imbalance. WADA was doing well as far as contributions were concerned.

MR NIGGLI acknowledged that the level of contributions reached was excellent and he thanked all the public authorities for making an effort. The progress made could be seen, and he hoped that WADA would do even better next year, since the issues had been sorted out in the Americas. The timing of payments had also been very good, at about the same pace as the previous year.

SIR CRAIG REEDIE added that the Olympic Movement had made a commitment to match public contributions on a dollar-by-dollar basis; but, since WADA was receiving a wide range every day, the IOC would make three payments on an estimated basis, front-end loaded. This meant that WADA received quite a lot of income early in the year, which was a good thing.

DECISION

Government/IOC contributions update noted.

5.3 2007 Year End Accounts

SIR CRAIG REEDIE said that, if the members were happy with the accounts, he would move that they be adopted at the Foundation Board meeting the following day. Mr Felix Roth would be attending the Foundation Board meeting to make a brief report. The end result in financial terms was 1.9 million US dollars, due to a very high and good level of contribution. Secondly, after the rigorous budgeting exercise, WADA ran the business reasonably effectively and tried not to spend money foolishly. The year-end accounts depended to a certain extent on the amount of research money actually spent; clearly, the accounts would not be as wide as they were at the moment. Due to the speed at which the research grants were being spent, WADA was unlikely to have surpluses like this on an annual basis.

Looking back at the previous item on the Performance Indicators, he noted that he spoke regularly to the Director General, Mr Niggli and Ms Pisani, and was convinced that WADA was now working at pretty close to full capacity, from an administration point of view as well as a finance point of view. If new projects were to be undertaken, the Executive Committee should consider them pretty carefully, as there was a limit to how much could be achieved. The WADA offices were pretty full. It was not just a question of saying that there was a challenge.

The accounts were audited by PricewaterhouseCoopers in Lausanne, under the IFRS (the International Financial Reporting Standards) and, in his view, they presented a very accurate record. There were just a couple of things to which he wished to draw the attention of the members. As to the long-running complaint about the problems with

currency fluctuations, as a matter of policy, rather than simply holding money in bank, WADA had been going into the market to buy a whole series of financial instruments that presented no risk to the agency but gave a possibility of a higher rate of return. These instruments included bonds and structured products and, very roughly, WADA had been able to obtain rates of return of somewhere in excess of 5%; such rates were considerably higher than holding money in dollars. WADA was protected against currency variations and did not take any risks at all. If the members were happy, he would firmly propose them to the Foundation Board the following day on behalf of the Executive Committee and Mr Roth could stand up and say that he was happy with the audit.

THE CHAIRMAN asked whether the Executive Committee had any questions. On that basis, did the Executive Committee wish to make the recommendation the following day?

SIR CRAIG REEDIE said that it was interesting to note that, at the end of every audit period, professional auditors produced an internal control memorandum, listing all the things that had been done wrong over the past 12 months. The internal control memorandum signed on May 2008 read: "As to the year ended 31 December 2007, we are reporting no deficiency in the internal controls designed and performed by management of the World Anti-Doping Agency". He had never seen an internal control memorandum that stated that there were no problems.

MR BURNS asked if Sir Craig Reddie had written it!

SIR CRAIG REEDIE said that he intended to point out to the auditor the following day that, since WADA was not presenting any problems, he might like to reduce the audit fee! That was actually pretty spectacular, so he congratulated the management and staff members who actually handled the money.

The accounts were interesting, but much more interesting was the paper that showed the actual expenditure against the budget approved well over a year ago, which let the members see just how accurate the budget being processed had been. There were not many things he wished to comment on. As of 1 December, the income for the year had been 95%, and not 97% the reason being that some of the money had come in after the year-end. Looking at some of the expenses items, under Legal and Finance on page 2, clearly the big one was litigation. WADA was involved in ever greater cases, in the main under the Code, and he would come back to the Landis situation. If the members looked under the Executive Office, they would see noticeable costs in intergovernmental meetings and sports meetings. One of these was a summit that had been run with the UCI. Moving on to the Health, Medical and Research Committee on page 6, the members would see that more money had been spent on experts for the TUE programme. The members should also note in general that, having approved 6.5 million dollars for research, the total outstanding commitments were in excess of 11 million dollars. The members could see in the documents a very accurate example of how long it took for the research projects to come to fruition and to draw down the money that WADA had indicated that it would grant. Moving on to Standards and Harmonisation, the big issue was the Code; with all the consultation process, that had been an enormous piece of work, and to bring it all in with 17% more than budget still represented a pretty considerable achievement. Looking at the Operational Costs, under the Administration Facilities, WADA had actually had an issue with the Canadian Government, whereby WADA had been penalised for the correct degree of taxation that WADA had been deducting. WADA had appealed that decision and thought that it would win and get the money back. That was one of the reasons for which the costs were a little higher than they might otherwise have been. He thought that was about the only one. There was also an item on Financial Expenses; this actually was the cost in which WADA was involved of making the investments that had produced a higher rate of return. He was afraid that Swiss bankers were not imbued with a sense of charity, and good advice had to be paid for.

He was perfectly happy with where WADA was; as always, looking through each individual department, the members would see that the salary figure was higher, which was the result of exchange rate fluctuations between the US and Canadian dollars. WADA was paid in US dollars and spent a lot of money in Canadian dollars. There was an analysis on salaries, which he received on a regular basis, which just confirmed what was known.

DECISION

2007 year end accounts approved.

5.4 Appointment of Auditors for 2008

SIR CRAIG REEDIE said that this issue would be discussed at the Foundation Board meeting the following day.

THE CHAIRMAN asked whether the Executive Committee agreed to propose that the Foundation Board agree to appoint PricewaterhouseCoopers as the auditors for 2008.

DECISION

Executive Committee to recommend to the Foundation Board the appointment of PricewaterhouseCoopers as auditors for 2008.

5.5 2008 Quarterly Accounts (Quarter 1)

SIR CRAIG REEDIE said that the paper was not hugely relevant as it showed simply that WADA had taken very large amounts of money in and was only a quarter of the way through the year; on that basis, it appeared that there was a substantial surplus and, in cash terms, there was, but clearly expenses would catch up. Again, there was an actual against budget exercise; he received the papers from Ms Pisani on a monthly basis, so he knew exactly what was happening with the finances of the agency. Looking at the documents, in the first quarter of 2008, under Legal and Finance, there had already been a thundering great payment, related to Mr Landis, a subject to which he would return. Under Health, Medical and Research, there had been quite a considerable level of activity on attendance and laboratory directors' meetings, special laboratory exercises, and a sub-group put in place to consider the way forward on laboratory accreditation. Under Education, there had been a noticeable cost on the establishment of RADOs. He hoped that this was an element of timing, but the members should know that that expenditure had been made. Under Standards and Harmonisation, it looked as though the department had already spent the whole budget in the first quarter. He thought that this was the case, and he was reliably informed that the department would not be spending any more. He had nothing else to deal with in relation to the first quarter figures.

THE CHAIRMAN asked whether the members had any questions.

MR LARFAOUI asked about the figure quoted in relation to the Landis case. What exactly did this amount cover?

SIR CRAIG REEDIE replied that he would be coming back to that under the next item and would be giving very detailed figures.

SIR CRAIG REEDIE wished to deal with the Landis case in detail before moving on to the budget for 2009.

DECISION

2008 quarterly accounts noted.

– 5.5.1 Litigation Costs – Floyd Landis Case

SIR CRAIG REEDIE noted that this set out the basis that WADA had been faced with substantially increased litigation costs over the amounts budgeted, specifically because of

the Landis case. He came back to a little bit of the discussion before in terms of advising the members of the Executive Committee. It seemed to him entirely appropriate that, faced with very considerably higher expenditure, a letter should go to the Executive Committee saying what had been planned, and this was attachment one.

There was one thing, which was not necessarily an error, but when he had been predicting a surplus for the year of 2.7 million dollars, that had simply been a cash calculation, and he had not taken into account depreciation and all sorts of other items that had appeared in the final accounts. If he were doing it now, that figure would say 1.9 and not 2.7, but the principle was that there should be sufficient money there.

In the first instance, the positive test on Mr Landis during the Tour de France had been passed by the UCI to the US Cycling Association, which was in accordance with the UCI's rules. In the USA, all national governing bodies had, by US edict, to pass the case on to USADA, and USADA had conducted the results management and the case against Mr Landis, which it had won, and Mr Landis had been given the two-year sanction under the Code. Mr Landis had been able to attract considerable public support in financial terms in the USA, and an organisation called the Floyd Fairness Fund had raised quite a lot of money, and, as was his right, he had appealed the USADA decision to the CAS. At the time, USADA had decided that it could no longer afford to conduct and defend the appeal; WADA did not know what USADA had spent in total, as that was private information, but WADA had to estimate that it could not be any less than about 2 million dollars, and he thought that it represented about 17% of the USADA annual budget. The UCI had declined to contribute to the cost of the appeal. He had approached the French Government through the French NOC to see if it would contribute, as the French anti-doping laboratory had been involved, but silence had been the resounding reply, so he had been faced with the situation that, if nobody appeared in this defence, Mr Landis, the highest profile drug case of the year, would have got a judgment and walked away. WADA had decided that it needed to be defended and had written to the Executive Committee; one member had written back to say that it was right, and another member had spoken informally to him and questioned the costs of all of this (in all honesty, so did he), but it had gone ahead, the case had been heard six weeks previously, in New York, and he awaited the result. To give the members some idea of the amount of work that had gone into this, in the appeal case only (the second one, not the first one), there had been 400 pages of direct testimonies from seven experts and ten employees of the Paris laboratory, plus three additional witnesses; there had been 6,000 pages of exhibits, and more than 300 pages of pre- and post-hearing briefs; there had been 145,607 photocopies; and there had been five days of a full hearing. That was the cost of this type of litigation in the USA, and the cost to WADA was going to be 1,335,000 dollars, and WADA awaited the result. That was the breakdown of the cost to WADA. Some of the cost had been paid already and some was still to be paid but, in general terms, it was his intention to meet those costs out of surplus cash rather than take it out of a reserve fund that had been set up, and then put cash back into that reserve fund. It was a question of how many pockets one had, and how one moved money around. It did not make much difference; it simply had to be paid, and it had been paid, and WADA awaited the result with some degree of confidence, but it was a long time since he had been a lawyer. That was the situation, and he could only hope that the decision initially suggested to him which he had confirmed and which had been ultimately confirmed by the Executive Committee turned out to be the correct one. He hoped that that answered Mr Larfaoui's question about the amounts and scale of the exercise. It was just very, very expensive.

MR RICCI BITTI said that the Landis case had opened two very serious questions for the future. The first one was the merit of the case, and he fully supported the decision to appeal by WADA, but this had opened a very important question for the future, and he recalled that, in Madrid, he had raised the point of the weak part of the new Code, with the results management responsibility and all the liability connected to that resting with the IFs, for instance, in the case of a NADO not able to organise results management. During the Landis case, he had discovered many new things, that, even within the sports

federations, there were different attitudes and different relationships with the country concerned, and with results management, so he strongly supported the efforts to have a policy, as this had been treated as an exceptional circumstance. Everybody had supported this because the profile of the case was high, and not appealing a case like this was not to be recommended. Nevertheless, he believed that WADA needed to have a policy and, to have a policy, WADA needed to start studying the actual situation in the different IFs and NADOs. One could not leave the choice to the UCI to stay out if this was an important case, or to the authority where the test had been done, so there were many bodies and nobody knew what each body should be recommended or asked to do; otherwise, WADA would face many of these cases and he did not think it was WADA's mission to fund such activities. He was not saying that he wanted to take charge; he was simply saying that a clear policy was needed on all these cases.

MR BURNS stated on behalf of his country that he fully supported the appeal and funding of it, even if it was WADA's last dollar, because this was not a case; it was *the* case, and WADA did 25 or 30 cases relating to people nobody knew or cared about, but everybody cared about this, and the eyes of the world were on WADA. It had been the intent of the defendants to break the bank; there was no question about that. The French did not wish to help; the UCI, he could not believe, not only had not helped WADA, but was suing WADA and was saying things about WADA in the newspapers worldwide. It was absolutely ridiculous. In USADA's case, the bank had been broken, so WADA was left to uphold the reputation and the dignity and the decorum and order and due process, and all he could say was that this was a great job and he awaited the decision.

MR TANAKA said that he understood the situation and supported the decision taken by the WADA management; however, he had experienced the same situation in Japan, so he asked the WADA management to develop some criteria as to cases that could and could not be owned by WADA. If such criteria were unclear, he believed that the litigation budget would need to be increased in the future, so he asked that the management create some criteria for contribution to special litigation cases.

MR BOUCHARD said that he did not dispute the merit of the case; quite the contrary, he thought that what was being said about the Landis case was extremely true, in that it had been a strategy and that WADA needed to respond properly. That being said, he also echoed the comments made by the previous speaker. He thought that WADA needed some criteria and an approach: should WADA set up a threshold, establish certain limits beyond which WADA would not pursue the case, and should there be some signals sent to some of the organisations to carry on with their responsibilities? He thought that WADA could certainly be involved in some cases, and WADA was involved in 25 cases, and there were some differences between the cases. Some were certainly not as costly as this one; but, for the future, the strategy taken by the Landis side could also be echoed by other organisations or athletes, and that might be quite costly and difficult to sustain and might have a negative impact on the other activities conducted by WADA. He was not saying that WADA should not get involved, but it was important to get some clear criteria as to when to get involved, and maybe setting a threshold would be one way of managing the burden.

MR COSGROVE supported the action absolutely and endorsed the comments made by others. He had a question: he had a concern about the long-term stability of the litigation fund. He had heard some comments about attempts to break the bank. How vulnerable was WADA to another Landis or a tactic to try and break WADA financially if there were multiple cases like this? And had there been any thinking in terms of a long-term strategy to deal with that, or provide some long-term stability to the fund? If one was an evil person, one could bring a few of these cases, knock WADA out of the game as the last line of defence and then go on from there. He did not know if there had been any thinking about the long-term question.

MR LARFAOUI thought that the cost was very high, and this should not be a precedent. Would WADA continue to assume the conclusions of any other decisions that were as yet unknown?

PROFESSOR LJUNGOVIST said that there were many aspects to take into account on the basis of a case like this. It was not just money; it was the use of manpower. The laboratory directors would not rather issue a negative than a positive case in the event of a positive analysis, but they knew the consequences of issuing a positive analysis, particularly in relation to a critical case, although they never knew the identity of the athlete. He knew that there was major concern among the laboratory directors, and they ended up in court repeatedly, which was time-consuming for them. In this particular case, he could see a clear risk. He supported the decision taken but, based on this experience, he was afraid that the case could encourage others to walk away from their responsibilities (he was talking about the IFs) and leave it to WADA to shoulder the burden financially. This could make the anti-doping fight extremely difficult due to lack of resources. There were examples of IFs that had gone broke because of doping cases. The British Athletics Association had gone broke with a single case. He fully supported what Mr Ricci Bitti had said. WADA needed some uniform pattern in the procedures leading up to an appeal in which WADA might become involved. His initial feeling was that an IF that claimed to have control over its sport should not be able to walk out from a case like this. It was incredible.

THE CHAIRMAN thanked Professor Ljungqvist for that point, because it was so pertinent to this particular issue. WADA was the custodian of the Code, and to allow a person like Landis (who had very deep pockets) to succeed by default was just untenable. WADA had not been able to stand aside and just let that occur; otherwise, WADA itself would have been seen worldwide as having no substance. The case centred on the Paris laboratory; much of the evidence had been taking into question the manner in which the Paris laboratory had undertaken its work and the Paris laboratory was of great importance to WADA and sport generally for its ongoing work, so its credibility had had to be defended as well. Nevertheless, the issue came down to the fact that, as he understood it, the primary responsibility was the sporting federation, and he worried that, if cycling could say "sorry, no money" on the basis that WADA was the last resort insurer and cases would be run by WADA as a result of somebody saying no, some other sporting federation would do the same. It seemed to him that this was an issue that sport might wish to have another look at because, clearly, it was a matter for sport to consider rather than for WADA to consider in the first instance. He did not know the answer but, to his mind, if one was a sporting federation and a member of the Olympic Movement, one had to accept that one's responsibilities included defending one's decisions, and the decision relating to doping was the IF's responsibility in the first instance.

THE DIRECTOR GENERAL said that this was a topic to which he would really like to respond; therefore, if the management could get a direction to engage some outside experts, he would be happy to set up a small group, because this had been bothering the management for some time, and every one of the speakers had addressed the specific issue of responsibility, and it was leading to a situation whereby WADA needed a strategy to protect it from the worst-case scenario. It had one, but it was not a strategy that had been expressed in any terms; it was one to which WADA was alert. One should be aware that most of the cases in which WADA was engaged in Europe were not expensive. This was a very unique case, and not everything could be changed for the sake of 1% of cases requiring a different approach, but it was necessary to have a strategy for the next 1%. Therefore, if the management could be given a direction to go forward in the way in which Mr Ricci Bitti had asked (and Professor Ljungqvist's comment was absolutely correct), the management would put together a discussion paper and look at the responsibility under result management.

MR RICCI BITTI strongly proposed starting with a working group in this respect, because the issue of costs was all relative. There had been cases for which his federation

had taken the responsibility and it had won. The most recent case (Hingis) had been very high profile, and very expensive. The federation had spent the money happily, because it had felt that it was its responsibility; but, if somebody else was not behaving in the same way, it would be necessary to go back to the testing authority, as he had said in Madrid, because in his opinion the Code still had a hole, and he did not wish to be liable for another autonomous test, so this was a very complicated matter. Jurisdiction, cost, and many other factors needed to be taken into account. A reference was needed, as the Landis case had opened up another combination, the appeal by the athlete, so experience told WADA that it had to do something serious and perhaps adjust the Code.

SIR CRAIG REEDIE responded to a number of comments. He thanked the members for their words of support. It was encouraging that the Executive Committee had said that, at the end of the day, even though it had cost a lot of money, the management had done the right thing, and he was sure that that was the case. Mr Ricci Bitti and the Director General had raised a whole range of issues, which he believed WADA had to deal with; however, he would not have WADA organise the working group. He would have the IFs organise the working group with WADA sitting in and helping because, if WADA did it, it would be seen as WADA imposing rules on IFs that they might not want. The IFs should have a look at the different systems that they had, and the working group should try to produce some form of harmonisation out of the whole issue.

MR RICCI BITTI said that the IFs were responsible for only a small part of the doping tests around the world, and the NADOs should not be forgotten, and he thought that WADA was the ideal body in between. The NADOs were another important stakeholder in the problem, and the consequences had to be analysed carefully.

SIR CRAIG REEDIE said that he was perfectly happy with that, and WADA should be doing this with the other stakeholders; however, some research on IFs was needed to find out the current situation, who had responsibility, for what, where, why and when, and then WADA could come to that particular table. If that could be made to work, it might then allow WADA to set the type of criteria that had been asked for across the table. If there was to be a uniform view of responsibility in these high-profile cases, it might remove much of the obligation from WADA. The alternative had been pointed out, which was that, if WADA had enough money, people would continue to have a go. There had been a question about the stability of the litigation fund. The answer at the moment was that the only way in which WADA could have sufficient stability was to say what WADA roughly expected litigation to cost over the next twelve months and make sure that there was enough money there to deal with it. WADA could triple it in order to stabilise it, and end up with 4.5 million dollars in the litigation fund, which would encourage people to have a go. WADA was not insured in the Landis case; this was not an action against WADA. WADA was acting on behalf of a NADO and an IF. He could confirm the comment that many other cases held before the CAS in Europe were modest in terms of fees compared to the USA; they were not cheap or expensive, but were just much less, and he hoped that the Chairman might be able, over the next two days with the representatives from the French Government, to point out the issue discussed by the Executive Committee. It was not too late. He had a lot of sympathy with the comment made by Professor Ljungqvist; it was not just a legal case, and it was not just instructing solicitors. It was bringing all of the best brains together to do the work, and some of the best brains were not paid, although their time was taken up. WADA took staff time and laboratory directors' time. It was a big effort. He was pleased that it had been supported, and pleased about the way in which it had been done. Obviously, he was disappointed about the cost; he could only hope that WADA would win. Under the Code, WADA was given responsibilities to appeal cases, and, until WADA changed the Code, or until there was a statement saying that WADA would not appeal cases, the precedent had to be that WADA would go ahead in the same way that FINA would go ahead or the IAAF or FIS would go ahead. There was a lot of research to be done from the federations' side to find out what the range of options was; WADA then had to bring the NADO and result management capability to the party and try to get one harmonised situation, so that the whole world was singing from the same hymn sheet. If that could be done, it would

move things forward, but it would not be an easy job. He hoped that there was a fair degree of sympathy that WADA should try.

MR BURNS asked whether there was some process in place at the IOC to sanction federations that did not act appropriately. He knew that his government had received a letter stating that, if it did not pay its dues, there was a chance that its athletes would not be able to march at the Olympic Games. He knew that countries that wanted to bid for the Olympic Games had to have signed the UNESCO convention. Certain things had been put in place, but was there anything that would be an incentive to the UCI or any other federation to do anything other than what it had done, which was to walk away?

SIR CRAIG REEDIE replied that the only sanction he could think of was a potential sanction that, if a federation was not Code-compliant by the end of the year, the stakeholders (Olympic Movement) might apply sanctions. The IFs were entitled to set the rules that they wanted. He got a clear feeling that the IF representatives clearly understood that there was a degree of injustice and a will to try and resolve it, and he would rather go down that route first before making any threats or suggestions.

MR RICCI BITTI stressed that it was not completely correct to say that the UCI had walked away. The UCI had something in its constitution that referred to the responsibility of the national body (in this case, he did not know if it was France, where the test had been done), but the constitution had allowed the UCI to walk away, so the rules had to be harmonised. He thought that this issue of responsibility had to be tackled.

PROFESSOR LJUNGOVIST said that this could only be initiated by WADA. The IFs would not initiate it, and he was sure about that. WADA had identified the problem, and there was a problem relating to result management of doping matters.

MR RICCI BITTI added that WADA could do the homework, but ought to convey something.

THE DIRECTOR GENERAL said that WADA had the resource, all the rules of the IFs and NADOs, and could point out the different result management processes. WADA also had the resource obtained through the Code review process. It had many comments about result management within the Code review process, and he was quite happy to offer a small amount of WADA resource to facilitate a process to look at the information, putting it all together with a small group from the IFs and the NADOs, to come back to the Executive Committee, perhaps in November rather than September, to allow sufficient time to work on it.

THE CHAIRMAN said that the insights had been very helpful here; this was an issue that had caused a great deal of concern, and the worry there was that, if it repeated itself, the sustainability of WADA's legal funds would be at risk. He asked for the request in the papers to be dealt with; in other words, that the money required to pay for the Landis costs be taken from reserves so as not to affect the decision made the previous year to keep a legal reserve for legal matters. That would address the sustainability question in the short term. Did the Executive Committee wish to make that recommendation to the full Foundation Board? Secondly, the offer was there, following a discussion, for WADA to initiate some work and establish a small group to prepare a discussion paper, having consulted with the IFs, so that there might be a clearer path forward to deal with matters such as primary responsibility, capacity to pay, refusal to pay, and the way in which these issues in the context of result management might be dealt with when the next expensive case arose, as it would. That was the nature of life, as everybody was aware. Did the members wish for the management to proceed along those lines with the establishment of a working group and the development of a discussion paper for further consideration in November by the Executive Committee? He thanked the members for their agreement.

DECISIONS

1. Money required to pay for the Landis costs to be taken from reserves so as not to affect the decision made the previous year to keep a legal reserve for legal matters.
2. Management to establish a small working group and develop a discussion paper for further consideration in November by the Executive Committee.

5.6 2009 Draft Budget

SIR CRAIG REEDIE said that, although he had a detailed draft budget, it was effectively a wish list from the various departments of the agency, and he had felt that there were sufficiently serious instant financial issues to get out of the way before discussing the details of the 2009 budget. The importance of 5.6 (attachment 1) was based on the assumed surplus, which WADA knew would arise, of around 2 million US dollars and, in discussion with the IOC and the Director General and some of the public authorities, the committee had decided to suggest that the proposed increase of 5.5% could be reduced to 4% and, on that basis, if the Executive Committee was happy, that was the basis on which the committee would go ahead and prepare the detailed expenditure budget.

The other parts were a wish list, including all sorts of things that the various departments would like to do over the next 12 months, and it was up to the Finance and Administration Committee to work out whether it could afford it and eventually come forward to the Executive Committee with a detailed budget in September. The committee actually only had the first four months of the current year to compare, and it was actually quite difficult to project four months in 2008 through to 12 months in 2009. Just to give some flavour of the kind of issues he would want to look at, in legal, there was the issue of what to put into litigation in 2009, and that was a real guessing game. There were several issues on increasing costs and intergovernmental and sports meetings; it cost a lot to meet and WADA was expected to attend meetings. WADA needed to have a pretty hard look at all of that. Moving on to information and communication, he was looking at a proposed major increase in costs for the development of the website. On the face of it, that was probably a good thing to do; in practice, it was necessary to find out how much this would cost and whether it was a value priority as opposed to some others. The committee had put in quite a lot of costs looking at the educational element and the anti-doping element that the IOC would want from WADA for the first Youth Olympic Games in Singapore. There was an item on the Athlete Passport, which was clearly slightly up in the air; and again, meeting costs went up and up as the price of air tickets went up and up and up. There were not too many others that immediately leapt off the page at him, so he was happy to proceed on the basis that the contribution increase for 2009 would be 4% and he would come back with a detailed budget in September.

The committee had run the cash flow projection all the way through to 2012; WADA had built up a reasonable amount of unallocated cash; that figure had gone up as a result of the 2007 reserves, and it had just gone down again as a result of Mr Landis. If one tried to project that forward, at 4% in 2009, WADA would have to make assumptions for 2010, 2011 and 2012 and, if one assumed, for the sake of argument, that contributions went up by 1%, 1.5% or maybe 2% over these three years, at the end of 2012 there would be unallocated cash of about 1 million dollars. It took 4 million dollars per month just to run the agency. WADA was using up accumulated unallocated cash over the next four years. That was the current situation, and he suggested this to the public authorities so that they would know in advance what the rate of interest of the contribution was going to be, and he would come back to the details in September.

THE CHAIRMAN asked whether the members wished to make any comments.

PROFESSOR LJUNGOVIST said that it would be surprising if he did not react to the figures that he could see, and he reminded Sir Craig Reddie that a decision had been reached that the research budget increase should not be lower than the average increase, which seemed to be the case here, so this needed to be looked into.

MR TANAKA said that, in order to promote WADA's activities, the Japanese Government had approved a special additional contribution for WADA in 2009. The Japanese Government wanted this special contribution to be used for the development of an anti-doping programme in Asia through the RADO. He believed that this would support continental development in the region.

MR KASPER congratulated Sir Craig Reddie on his optimistic view of the exchange rate. He hoped that Sir Craig Reddie would be right. Looking at 2008, one realised it was completely wrong already! In the future budgets, attention should also be paid to IFADO. During a previous discussion on the budget, it had been stated that it was too late to include this. It was a small amount; but, on behalf of the IFs, he asked that this be considered before September.

THE CHAIRMAN told Mr Tanaka that he appreciated the offer of the Japanese Government for the special payment for the development of the RADOs in Asia. Sir Craig Reddie had not included that for the simple reason that there were ongoing discussions and negotiation; everybody would like to see that progressed under an appropriate set of terms. If it was concluded by September, he was sure that this would be seen in the budget on the basis of that contribution. In the context of research and the other comments made, Sir Craig Reddie would certainly take that into account, and this was really for noting on the basis of the direction and the thinking at that stage, rather than to seek any support or approval.

SIR CRAIG REEDIE was grateful for the offer from the Japanese Government. When that was clarified, he would certainly make wise use of the contribution. He noted Mr Kasper's request and would choose his time to argue with Professor Ljungqvist!

THE CHAIRMAN noted the paper.

DECISION

2009 draft budget approved.

6. Legal

6.1 Legal Update

MR NIGGLI started with a rather disappointing matter regarding Operación Puerto and the Valverde case. In a nutshell, WADA was not much further than it had been one year previously. It had been accepted as a party to the case; the judge had decided to close the enquiry, WADA had appealed the decision by the judge to close the enquiry, and had won the appeal in the sense that the enquiry had been reopened. It had been reopened on very narrow grounds, namely asking the institute of toxicology for an expert report on how the blood had been stored and transfused to the athletes to see whether this was proper medical practise. However, unfortunately, it had not been reopened to enable WADA to ask further questions or request further evidence to be gathered, and WADA had been hoping to have access to the hard drive, to ask the police to go and search the private premises of Mr Fuentes, etc., so WADA was now waiting for the expert toxicology report, but he was not sure that this would bring the file much further.

In parallel, the Valverde case had been initiated. It was linked to Operación Puerto because the evidence showing that Mr Valverde might have engaged in doping practises came from the Puerto file, but the main evidence needed was the comparison of his DNA with the blood bag seized in relation to the Puerto enquiry. It had been impossible to get any cooperation from Spain to obtain part of the contents of the blood bag in order to perform the analysis, so WADA had gone to the CAS. There had been arguments in the

CAS against Mr Fuentes. The CAS had agreed with WADA and ordered the comparison of the DNA and the release of the blood bag. Unfortunately, despite the request by the CAS, the Spanish judge had refused to release the bag. WADA had now appealed this new decision by the judge. This was long, costly, and not putting too much on the table, but WADA was trying its best. The UCI was also involved in the case. He would see what happened. It was obvious that the answer obtained from the Spanish authorities was always that justice was independent from government, and that therefore there was nothing that could be done. Nevertheless, WADA really had a feeling that there was not much being done to make things easier for WADA in the course of this enquiry. WADA had also obtained, from an eminent legal person in Spain, an opinion on the fact that evidence gathered within the framework of a criminal investigation could be used by other organisations for disciplinary purposes, and WADA would try to use that to convince the Spanish cycling federation, which had been reluctant to act, to use whatever evidence WADA had to do something in relation to the case. Again, however, nothing seemed to be easy.

He pointed out that the Executive Committee had spoken about Landis, which was a UCI and cycling matter. The Executive Committee was now talking about Puerto and Valverde, which was also a cycling matter. WADA had been involved in a case, which was included in his report, in relation to Petacchi, and this was also a cycling matter. WADA had won the case, and had gone alone, because the UCI had not wished to partake in the appeal. Sometimes, he heard rumours that WADA was not cooperating sufficiently with cycling. The members should be aware that WADA had spent about 1.7 million dollars over the course of the past 18 months just dealing with cycling matters and, for the record, it was important that the members were aware of that.

A lot of cases were pending before the CAS. WADA was involved in many cases, which were routine cases, and the costs had nothing to do with what had been seen with the Landis case. Since the report had been drafted, WADA had already appealed three new cases and obtained a positive decision on the Petacchi case. Recently, over the past few days, there had been an issue with a German ice hockey case, in which WADA had been facing a complicated situation in Germany. This was a refusal, so it was a relatively clear-cut case, and it seemed that the German Ice Hockey Federation had not wanted to do anything, and the NADO had not been able to appeal the decision because of German legal issues. WADA had tried to get involved, but it had been very hard to obtain the relevant information, because the German Ice Hockey Federation had not been providing the information. WADA had finally gone to the IF, as WADA had thought it was the IF's responsibility to do something about this case, in particular given that the player had been playing at the ongoing world championships. The IF had said that it would not intervene until things were resolved at the German level, which had not been helpful and had not shown any leadership or responsibility. WADA had appealed in Germany the previous day and was looking into whether or not to appeal the IF decision not to do anything before the CAS. That was ongoing.

There would be a meeting with the new CAS president in June. Some issues would be raised. Under number 18, there was a swimming case, which had been going on for months, and there was still no decision, despite the fact that the briefs had been exchanged more than eleven months previously, which was somewhat worrying. Case number 25 was unusual, in that WADA had had to withdraw an appeal. That showed that WADA was not always just looking at prosecuting, but also sometimes recognised when it felt that the evidence against the athlete was not sufficient to continue an appeal. That had been the case based on the elements studied after making the appeal. Looking at recent outcomes, eight cases out of ten had been won, one had been lost, and one withdrawn. That was the current situation.

THE CHAIRMAN asked whether the members had any questions or comments.

PROFESSOR LJUNGOVIST had one comment to make relating to the annoying Puerto situation. Of course, there was the problem that governments could not interfere in legal issues in the country, but there could be some assistance or understanding that sport

would otherwise be in a very difficult position. He had briefly mentioned the situation in the USA, whereby there was a close deadline. A report had been circulated in the USA in the media, and the IF and the IOC knew nothing officially. It was a medal winner from the Sydney Olympic Games involved in possible doping, and there was a deadline of September that year, and no information had been issued thus far, except some that seemed to be official information in terms of people officially involved, but nothing more. He would be grateful if Mr Burns could help WADA to look into this and see what might be done, because the eight years would be up in a few months' time and, for the IOC to be able to react, something had to be done before then.

THE DIRECTOR GENERAL said that WADA had liaised with USADA, which had provided the information directly to Denis Oswald during the investigation symposium in Sydney. The information involved an athlete known as Pettigrew, who was on the witness list in the trial of Trevor Graham, and USADA was liaising with the IOC, so he thought that Professor Ljungqvist might not have caught up with this information. It had been done immediately once USADA had received the information, so there was no delay from that point of view.

PROFESSOR LJUNGOVIST observed that he was in good company, because he was just as behind as the IOC president.

THE CHAIRMAN asked whether the Puerto/Valverde case hinged on law that had subsequently been changed in Spain.

MR NIGGLI replied that Spain had since introduced a law against doping that would certainly make doping a criminal offence in Spain; therefore, instead of being simple witnesses (all the riders were only witnesses; they had no accusation against them because their action had not been unlawful), they would probably be under legal scrutiny and not just witnesses but a party to the case. As to how much evidence WADA would be able to gather from another criminal investigation in Spain, he was not sure that that would change the matter.

THE CHAIRMAN asked whether there were any further questions. The update would be noted.

DECISION

Legal update noted.

6.2 Investigations Symposium

THE CHAIRMAN stated that the Director General had previously noted that an investigations symposium had taken place in Sydney the previous week. The Director General wished to give a verbal report on this.

THE DIRECTOR GENERAL informed the members that this was the third symposium that had been conducted on investigations, and it had been highly successful. He thanked the Australian Government for hosting it, all of the participants (many of whom had travelled a long way to attend the symposium), and in particular Denis Oswald and Christian Thil from the IOC for making a specific presentation on their experience in Turin. He also thanked Richard Ings from ASADA, who had carefully explained the model that was now in Australia, whereby the national anti-doping organisation had powers of enquiry and the ability to share information between government departments, including customs and police. There had been a presentation from the US Drug Enforcement Agency on Raw Deal, a significant bust involving 12 countries, showing how the enforcement agencies had been working together across borders to gather evidence in criminal cases. A group had been established and chaired by Jonathan Taylor, comprising Huw Roberts from the IAAF and Stan Frossard from the Council of Europe, Travis Tygart from USADA and Richard Ings from Australia, and they were now looking at developing protocols so that, when there were investigations and information or evidence received, this could be shared, so as to avoid the problem as described by Mr Niggli in Spain, or a long delay as experienced by the IOC in Turin. WADA tried to move forward

in a sensible fashion. One had to recognise that this was not easy; there were about three or four different models. It was somewhat easy within a country for a public authority to share information with another public authority, as this could be done under statute, but it was not as easy for a public authority to share with a private body. There were many private bodies involved in anti-doping and it was not easy for them to share with a public authority. Nevertheless, this was a project that everybody was very keen to advance, and there was no differential between sport, government, or a private anti-doping agency. Everybody was keen and everybody was working together. The commitment that had come from the three meetings would be evident when WADA was able to provide a more detailed written series of protocols. He did not wish to be too optimistic, because he might be eating his words if he said that this would be ready for September, so he would prefer to say that this was a work in progress, to be presented when appropriate documentation could be provided. A final meeting of this particular group might be needed to finalise it. This was a symposium of selected experts. It had not been broadened, and the same 25 or 30 people had been at each of the symposia, so that showed considerable commitment. He knew as a result that WADA would be persuading governments to look at legislation, and this dovetailed very significantly into the project on which WADA had embarked with UNESCO. It would be useful to see which countries had legislation so that WADA could then progress the powers of investigation and the sharing of evidence. He was heartened by the contributions made by all those who had attended.

THE CHAIRMAN thanked the Director General for the report.

DECISION

Investigations symposium update noted.

6.3 Legal and Scientific Experts (for legal hearings)

THE DIRECTOR GENERAL said that the paper spoke for itself. It was an issue that he wanted to address further internally. He had wanted to make the members aware that there were people going to hearings and giving evidence as experts who might be members of the various WADA medical commissions or committees. There had been quite a terrible example in the Petacchi case referred to by Mr Niggli, where an expert had given evidence and the decision had said, "his opinion is theoretical and speculative and not based on established scientific evidence". That was a criticism of the individual, but it could also be a criticism of the organisation that such individual represented. It was not WADA but WADA needed to look at ways of all ADOs avoiding such criticism in the future. He had talked to the lawyers, as one answer might be that anybody serving on a WADA commission should not give evidence in a case. The lawyers had said that this should never be done, as a lawyer would jump on it in a hearing, and say that this was a ridiculous restriction in the WADA rules. He did, however, want to ensure that those responsible for running committees carefully advised the membership as to the wisdom of giving evidence in cases. The WADA management would work on trying to build a panel of experts who might be available to IFs and others conducting appeals, and also wanted to make sure that, when WADA had requests to send the management team along as experts, these were not independent experts, but they were members of the management team who could give information on WADA and its processes. Those were the three levels to be embellished. Aside from that, he thought that his paper spoke for itself.

THE CHAIRMAN asked whether there were any questions or comments. The report would be noted.

DECISION

Legal and scientific experts update noted.

7. World Anti-Doping Code

7.1 Code Compliance Status Report

THE CHAIRMAN noted that Mr Andersen had provided a paper on the matter.

MR ANDERSEN summarised the paper, since he would report more comprehensively the following day at the Foundation Board meeting. This was an interim report, which had been started the previous year, in September 2007. He would report to the Executive Committee in September 2008 and in November to the Executive Committee and the Foundation Board. He underlined that WADA was using all necessary and available resources in order to assist the stakeholders in reaching compliance. WADA was using all of the departments in Montreal and also the regional offices and the RADOs in order to reach as high scores as possible in terms of Code compliance. WADA had also made model rules available to NADOs, NOCs and IFs so that it would be easy to fill in names and specificities in terms of implementing the rules in their own legislation. WADA had also supported many stakeholders through meetings and conferences, and was constantly in contact with the signatories via telephone, e-mail and so forth.

The overall picture was that the implementation among Olympic IFs was in good order. WADA still had challenges in terms of implementation when it came to NOCs and NADOs. WADA was encouraged by several of the regional Olympic associations in terms of encouragement from these associations, and had recently received a letter from the President of the Olympic Council of Asia, and he quoted from this. Sheikh Ahmad Al-Fahad Al-Sabah had stated: "I would like to emphasize the need for all of us to cooperate in this regard and to ensure that we comply with our commitments under the Code. I need not remind you that, as a collective, we have received numerous updates and briefings from WADA on this matter and, since the agency is now required to report publicly on the levels of Code compliance by all signatories by November 2008, I trust that this matter will be treated with the urgency it deserves". Similar support had been received from other regional associations, including the world NOC governing body. He added, in terms of how WADA monitored stakeholders, in relation to out-of-competition testing, also including the IFs, that there was still much work to be done in order to be Code-compliant and have an out-of-competition testing programme in place. These figures were before the members.

Looking at the table, there was an issue he wished to raise, related to the increase of NOCs and specifically smaller NOCs. He thought it was realistic to say that, by the end of that year, he hoped (but strongly doubted) that all 205 NOCs would be Code-compliant, having implemented the Code and complying with the rules. He asked for the members' views on the criteria for declaring some of the signatories in the category of extraordinary circumstances because article 23.4.3 stated that: "WADA shall consider explanations for non-compliance and, in extraordinary situations, may recommend to the IOC, International Paralympic Committee, IFs and major events organisations that they provisionally excuse non-compliance". He did not know where WADA should draw the line, which was why he submitted this to the Executive Committee for direction on how to draw the line for such extraordinary circumstances. WADA had started to assist the signatories in revising the Code; there was a new revised Code on the table, and WADA was now in the process of helping the stakeholders to implement the revised Code.

THE CHAIRMAN said that there was a dilemma in the hands of the management, which was requiring assistance from the members. He indicated that Sir Craig Reddie had given a very good presentation to the ANOC meeting in Beijing a few weeks previously, with the attendance of many of the NOCs, and there had been a stand manned over the three days by one of the WADA lawyers and supported by Chinese NADO representatives in Beijing, to provide model rules and answer any queries, and significant business had been conducted there, which was just an illustration of the efforts made to bring all of the stakeholders into line. The management needed some guidance; Mr Andersen had referred the members to article 23.4.3, which indicated that

there was a capacity to provisionally excuse non-compliance. He thought that the members would see that as being specifically relevant to small NOCs, because of the difficulties that they experienced, and it really came down to how that should be applied. There was a responsibility on WADA's side to ensure compliance across the board; harmonisation across the world was the objective but, having said that, WADA was not unsympathetic to the difficulties experienced by smaller organisations, and he sought some guidance on how that discretion under the article in question might be employed. He invited the members to comment.

SIR CRAIG REEDIE said that he represented the NOCs on the Executive Committee and the Foundation Board, and this was a real issue. He knew perhaps more than most because he had made the compliance presentation to the EOC and several NOCs, and he was afraid that he did not know the answer to the question raised at the moment. Looking at some of the statistics, and taking into account attachment 4, which was a list of NOCs that were not part of a RADO and had not yet sent their anti-doping rules to WADA, containing small NOCs such as China, France, Greece, Ireland and Jamaica, he was afraid that this was not just a matter of small and inefficient NOCs. WADA should have a policy and probably a time limit, whereby people would be told that, unless they could provide evidence by such and such a date, WADA would have to take a different type of action. For the small ones, he thought that the way forward was to try to develop a policy so that the people administering the RADOs would be given the authority to say that the small NOCs forming part of their RADO were compliant, and that would deal with the smaller ones. With the others, he suspected that the Chinese had other things on their mind at the moment, and would no doubt be compliant by the end of the year, but the Executive Committee could not give Mr Andersen any idea of an answer to the question raised, so he regretted that it was yet another element of correspondence to the NOCs, probably those that were not part of a RADO, perhaps to look and speak to a selection of people who ran the RADOs to see whether they would be in a position to certify compliance by their members. That would move things forward slightly. It was actually quite disappointing in a sense that WADA went to considerable trouble to help these people to become Code-compliant and they still did not do it.

MR RICCI BITTI asked about the remaining figures. It would be interesting to know. How many other countries were outside the two lists?

THE CHAIRMAN thought that he was detecting sympathy for the small NOCs but clearly the message would be, right up to the end, that compliance had to be in place and the WADA management would continue to make every effort to continue the significant efforts to date. He suspected that, as with all things requiring compliance, there might well be a rush at the end; having said that, there was discretion available, and he assured the members that it would be used sensibly, asking them not to broadcast the fact that some discretion might be used because WADA wanted as much compliance as it could get, if not total compliance, by the time November came around, but he was sure that Mr Andersen's sensible application would prevail when all else failed. Were the members happy to proceed on that basis?

SIR CRAIG REEDIE said that, if WADA were to go down the RADO route as he had suggested, WADA should speak to the IOC and the sports stakeholders at a fairly early stage to make sure that they were comfortable with that philosophical approach. The president of the IOC had repeatedly stated that he did not want to apply sanctions. He simply wanted compliance. There had been an assumption that WADA would deliver 205 compliant NOCs. He agreed with Mr Andersen that this would be a tough thing to do, in which case, if WADA was going to slightly change the certification of compliance, WADA should play that with the IOC at the earliest possible date.

THE CHAIRMAN confirmed that the IOC was aware of the difficulties faced. Was not the wording that the IOC "may" impose sanctions as opposed to "must"? There was some discretion for the IOC not to apply sanctions.

MR RICCI BITTI said that the problem was that the NOCs had to rely on their national agencies. The NOCs, in fact, were linked to their respective governments, and it was a little bit more complicated than for a body such as an IF, which decided how much money to spend and then went ahead. The few NOCs not listed were those that had an agency already in place and therefore complied through the agency's activities. He had a lot of sympathy for the small NOCs, but there was an area in between where WADA had to be very tough.

THE CHAIRMAN said that all of the comments would be taken on board in the programme going forward.

DECISION

Code compliance status report noted.

7.2 Revised 2009 Code

MR ANDERSEN said that he was simply tabling the revised 2009 World Anti-Doping Code, bearing in mind that the management had done what it had been instructed to do during the Foundation Board meeting in Madrid, and had incorporated the changes into the revised version of the Code.

THE CHAIRMAN informed the members that they had all received copies of the Code, and more could be purchased if anybody wanted them.

SIR CRAIG REEDIE said that, if the Chairman was to speak to the media on Sunday, he believed quite strongly that the Chairman should pay tribute to the people who had done this, as it was a formidable piece of work, involving 18 months of intense consultation and, on behalf of the agency, the Chairman should say that clearly to the journalists on Sunday.

THE CHAIRMAN thanked Sir Craig Reedie and said that he would certainly do his best to pass that message on through the media.

DECISION

Revised 2009 Code noted.

7.3 International Standard for Testing

MR ANDERSEN said that he would make a PowerPoint presentation to outline the most important elements of the changes made to the IST. The consultation period had been at least as extensive as for the Code. There had been four rounds of consultation. As would be recalled, the management had made a proposal to the Executive Committee in November in Madrid, but had agreed to postpone this further due to requests from certain stakeholders, and had now completed the fourth round of consultation in January, February and March, and he was happy to state that the consultation period had now been concluded. WADA had received quite a few submissions from the four phases of consultation. As the members would see, as many as 42 submissions had been made in the last round of consultation. In the revision process itself, the management had actually assessed the whereabouts system to date in order to identify best practise. WADA had established an ad hoc working group consisting of anti-doping organisations with experience in running a whereabouts system. There had been consultation meetings with ANADO, with representatives from team sports, and at the IF symposium held by WADA. The IST had been unchanged since 2003, which was why quite a few changes had been made to the standard itself in different areas, such as selection of athletes. A special provision had been included on the avoidance of rehydration, bearing in mind that athletes were hydrating in order to dilute urine to manipulate the analysis. Requirements had been made regarding the chain of custody to strengthen the requirements for the transportation of samples. Also, based on advice from the stakeholders, a new annex had been added on minors, and the possibilities for manipulation among athletes had been reduced by increasing observation when passing urine, washing hands, etc. The measuring of pH had been dropped, but the specific

gravity measurement had been kept, and WADA was strict when it came to enforcing the rules that specific gravity had to be of a certain value.

One issue that had created a lot of discussion among the stakeholders was the volume of urine needed. WADA had carried out a survey among the laboratories, asking them what was needed, and a variety of responses had come from the laboratories, saying that they would be content with 85 ml, although some had asked for 120 ml. Having reviewed all this with the WADA Laboratory Committee and the Science Department, WADA was now proposing 90 ml as the minimum requirement, but asking athletes to give more if possible.

The most notable change to the IST was the whereabouts and missed test policy, which could be seen in article 11 in the standard. This was based on the revised 2009 Code, article 2.4, which stated that "any combination of three missed tests and/or filing failures within an 18-month period, as determined by the anti-doping organisations with jurisdiction over the athlete, shall constitute an anti-doping rule violation", and it stated in the comments that "separate whereabouts filing failures and missed tests declared under the rules of the athlete's IF or any other anti-doping organisation with the authority to declare whereabouts filing failures and missed tests in accordance with the IST shall be combined in applying this article". This was important as a backdrop to the standard, because the Code was clearly stating and referring to the IST, three missed tests, filing failures and an 18-month period.

That was the framework for the changes made to the IST. The comments received from stakeholders had been quite comprehensive. The 2003 Code, which had stated that it had to be based on reasonable rules, had not worked, so it was very clear from the feedback in relation to the IST and the Code that this had to be harmonised. It was necessary to harmonise the rules on whereabouts and missed test policy. Several proposals had been made on how to do this; some had proposed making athletes accountable 24 hours a day, which meant that, if athletes were not exactly where they had said they would be 24 hours a day, this would constitute a missed test. Everybody knew that making athletes accountable 24 hours a day was impossible. There had also been proposals to make athletes accountable for only one hour per day, and many had said that only one hour per day was not enough to catch cheats, as people could dope for the other 23 hours. Others had said that one hour a day was too much to ask of an athlete.

Finally, WADA had been asked to create special provisions for team sports. His proposal, and this was a very important element to bear in mind before moving on to what constituted a missed test and filing failure, was the premise of which athletes this applied to. He thought that this was a misunderstanding among many stakeholders, as many thought that this applied to all athletes, which meant that, if this was applicable to 30 million athletes, it would be a nightmare to administer. This applied only to those athletes in the national registered testing pool and the international registered testing pool. Such pools were established by the ADOs themselves, based on the test distribution planning, which took into account such things as whether the sport was subject to doping. Weightlifting might be a sport that some were putting in their registered testing pool, as it had a history of doping, so that was a very basic and important principle. For those athletes who were in the RTP, the following applied: they must provide information 24/7/365, which meant that they had to tell the ADO where they lived and where they had their daily activities. The principle that they could be tested any time, anywhere and without prior notice was stated very clearly, and the much-mentioned one hour a day meant that athletes in the RTP must specify one location one hour per day where they could be reached. If they could not be reached at the location for one hour a day, it would be reported as a missed test. The ADOs were directed to test athletes in the RTP also outside this one-hour period. He thought that the team sports had been accommodated after thorough consultation with them. There was a special article, 11.5, and WADA had, as mentioned in Madrid and specifically requested by the team sports, allowed team sports to give whereabouts information with

reference to teams; however, individual athletes or individual players would almost always remain personally responsible at all times for the whereabouts information that they were providing through the teams that they were available for testing. Questions had been raised by the team sports about blackout dates, such as Sundays, one day a week or a holiday for athletes. WADA had rejected this, since one day a week and four or five or six weeks' holiday each summer or winter (depending on where one was in the world) would open up a window for cheating. That concluded his brief presentation on the basic principles of the IST, and he would welcome questions.

THE CHAIRMAN asked whether there were any questions or comments.

MR KASPER asked whether it was up to each individual athlete to decide on this hour and how long in advance the athlete had to determine this hour. Could the athlete state midnight until 1 a.m. for the whole year?

MR ANDERSEN replied that the athlete would decide on the one-hour slot. WADA had excluded certain hours, so as not to leave it as a 24-hour window, saying that the time period had to be between 6 a.m. to 11 p.m. This did not mean that the athlete could not be tested at other times, but the one-hour window would have to be between 6 a.m. and 11 p.m.

THE CHAIRMAN said that this was a concession to overcome the concern of team sports, repeated in a sensational article that week in an English newspaper, that international stars would be woken up at three o'clock in the morning. There had been concessions, and the team could report, although the liability remained with the athlete. Would the hour need to be reported twelve months in advance?

MR ANDERSEN replied that the hour would not need to be reported twelve months in advance. This would have to be reported to the ADO every quarter; but, since one hour a day was required and 24 hour-a-day information on whereabouts was required, there was of course a possibility to update this at any time.

MR KASPER said that there would be fun with the times for alpine skiing, because the athletes were always on the course during the times stated by Mr Andersen. He was already picturing the athletes going down the course at 150 km an hour, with the controllers trying to keep up behind them! Nevertheless, the athletes would not take a full hour to get down the course.

THE CHAIRMAN observed that the DCOs needed to learn to be very good skiers!

MR COSGROVE asked a practical question: how did this work in practical terms if, for instance, an athlete was planning a holiday and had notified that he or she would go to the beach, and then it rained and the athlete did not go. It seemed like a simplistic example, but it seemed that WADA was putting an extraordinary logistical set of complications on an individual to plan his or her life to such an extent with the sanction being so strong. How did it work? How could the athlete alter his or her notification arrangements a day or several hours before?

MR ANDERSEN replied that the athlete could report this a minute before having to leave; it did not have to be the day before or three months before. Athletes had full access to change the whereabouts information to a time that suited them within the time range mentioned. That was one element, and the athletes decided on this hour; it was not decided by anybody else. They decided that they were at home or on holiday and available between six and eight o'clock in the morning at the hotel, for example. It worked where such a system had been implemented.

THE CHAIRMAN said that he did not think that anybody had ever stated that this was a simple process; on the other hand, if there were exceptions, one could never enforce the Code. The concessions that had been made since Madrid particularly related to the fact that a team manager could provide the information even though the liability remained with the athlete but, in practical terms, if that should occur, his understanding was that, if that information was conveyed by the athlete that the team manager had

failed or had been involved in a car accident before leaving for a particular venue and therefore had not indicated the change of location or the whereabouts of the athlete, clearly those kinds of matter would be taken into account.

MR COSGROVE assumed that there was some discretion.

THE CHAIRMAN confirmed that there was discretion. There might not be a strike in such circumstances.

THE DIRECTOR GENERAL added that, if there were a failure or a gap, one would receive notice of that. It took three strikes, and an athlete would receive notice of each one when it occurred and could object to such notice by writing in and giving an explanation and, if it was a reasonable explanation, the ADO had the discretion to say that it was not a strike. There was every opportunity to cover the scenario raised in a practical sense if it was a valid and proper excuse. That was part of the system that people had neglected. One could not get the three strikes without three notices and an opportunity to write with an excuse on each occasion and for such excuse to be considered.

MS ELWANI said that she had been going to say what the Director General had said. The Athletes' Committee had discussed this, and had been confident that three strikes should not be given if an athlete had seriously tried to report where he or she was. Was it still the 18-month period, or the one-year period? During 18 months, three times gave plenty of room for athletes who wanted to be clean to still report. A holiday was a well-planned time, and an athlete on holiday knew what he or she was doing, and could properly account for his or her time.

PROFESSOR LJUNGOVIST said that this system had been in place in many countries and IFs for quite some time. It was not an easy matter; but, usually, for the clean athletes, it was not a big problem. That should be taken into account. He had two questions: one was the request from ASOIF questioning the requirement to omit to name coaches, doctors and entourage; what attention had been paid to that remark? The second question concerned the increase in the amount of urine. It was certainly not a request from DCOs; it had to come from somewhere else. Having been a DCO so many times in the past, it could be a nightmare to get the necessary amount, and a 50% increase was quite a lot, so he would like to know why this had been put on the table. He knew, but he thought that it should be made known and still questioned whether that was a wise requirement.

MR ANDERSEN replied that the issue regarding the names of the coaches, etc. had been instituted early on (he thought it was two years ago) in the committee, requested specifically by the IOC Athletes' Commission in order to try to hit those behind the athletes. The commission had felt that the athletes were always hit by anti-doping rules and wondered how to get to those behind the athletes who were distributing and pushing athletes to use doping substances. So, this had been a request from the athletes themselves to add doctors and coaches to the form, and this had now been included in the standard. As to the second question, he wondered whether to defer that to the Science Department. One small bit of information that might be of interest was that the revised Code required the prosecution of cases for several and multiple substances. That was difficult if the urine in the B sample was not sufficient to give evidence on multiple substances. In the current Code, it was one substance and, in the revised Code, one could get up to four years as one criterion for being caught with multiple substances, and the laboratories were clearly saying that they needed more urine if they were going to provide evidence for multiple substances. That was the clear message from the laboratories.

DR RABIN said that, occasionally, WADA faced situations whereby there was not enough urine in the A vial to conduct all of the analyses requested of the anti-doping laboratories; in particular for IRMS (isotope ratio mass spectrometry) to determine exogenous testosterone or 19-norandrosterone, or when EPO analyses were requested, and sometimes both, the need for initial testing plus confirmation could be very urine

demanding. In addition, there were new tests, in particular for insulin, that required additional urine, so the Laboratory Committee had made a recommendation to increase the volume of urine to complete all of the analyses and, in all fairness, the request had been 120 ml, to be on the safe side. In particular when there was diluted urine, it was sometimes very difficult to conduct the analyses requested. The Laboratory Committee had said that it would be happy to compromise with 100 ml, but the figure was below that. WADA had also polled the anti-doping laboratories and some had complained that they did not have enough urine in the A and B samples, so the 90 ml request was already below what had been requested by the Laboratory Committee, but it was considered workable and certainly it was much better than 75 ml.

PROFESSOR LJUNGOVIST said that he had known all of this, but had thought that others should be told why this had been suggested. It would definitely increase the time and problems at the doping control stations. It was necessary to find a reasonable compromise between scientific requirements and what was practically feasible. The compromise was probably alright, but it would result in problems. The Athletes' Commission request sort of took over; if the athletes wished to name their entourage, they should be allowed to do that, but this had been questioned by some organisations.

MR RICCI BITTI said that he did not understand why the team sport requirements were so different to the individual requirements and did not wish to see discrimination between the two. What had been the questions from the team sports?

MR ANDERSEN said that Jonathan Taylor, who was present, had been helping WADA to write the standard, and had consulted thoroughly with the team sports, and would respond to the question asked.

MR TAYLOR said that, in the new draft, 11.5 contained a special provision relating to team sports, allowing them if they so chose to find their RTP by reference to teams rather than athletes, so that the people in the RTP would be every athlete in a team or teams. It also recognised that whereabouts for teams in many cases was about collective team activity, and it recognised that, where an athlete on a team was required to disclose his or her regular activities, that might well be a collective activity when the athlete was on a team. It also recognised that the option of delegating the task of filing whereabouts information in a team context to a team official might well be taken up. Subject to those practicalities, the requirement on an athlete in a team sport in an RTP in terms of a 365/24/7 disclosure requirement for where he or she lived and his or her regular training, competitive and other activities, plus the one hour a day slot was the same for a team sport as it was for an individual sport, so the special provisions were there to reflect practicalities and logistics of team sports and highlight for them how they could comply with the requirements, but the requirements placed on them were exactly the same for athletes in team sports as athletes in individual sports, as were the outcomes: three strokes in 18 months, the same mechanism for explaining and providing justification, the same results management, and the same sanction.

THE CHAIRMAN thought that all of the members would be aware of the torturous process through which Mr Andersen in particular had gone to ensure that this was canvassed fully and that everybody had the opportunity to make some input, so the consultative process had been continued after the World Conference on Doping in Sport in Madrid and it had come to this particular landing. Was it the Executive Committee members' wish that this should now be approved? He also acknowledged Mr Taylor's invaluable help to Mr Andersen and his team over many months. WADA had certainly appreciated and valued his input.

DECISION

International Standard for Testing approved.

7.4 International Standard for Therapeutic Use Exemptions

DR GARNIER said that the members had received a new proposal on the standard, and he assumed that they had carefully studied the proposal. He recalled the major stages of consultation and gave the key points of the proposal submitted. The consultation process had begun in March 2007, but he noted that, since the implementation of the standard in 2004, comments had regularly been received on it and collected by WADA to be taken into consideration during the most recent review. Also, during the Code review process, many of the comments made had concerned the standard. In March 2007, the comments had been studied by the committee chaired by Professor Gerrard. The proposal had been submitted to the Executive Committee the previous year in May, with different options for recommendations by the Executive Committee. The Executive Committee had been in favour of the retroactive process and had recommended continuing to work based on such process; therefore, a proposal had been drafted during the summer of 2007 and, following consultation with the Health, Medical and Research Committee, two other options had been introduced for the consultation phase: to apply the proposal to all athletes regardless of their sporting level, to apply only to athletes in an RTP, or to continue with the current standard in force and make no changes. The main conclusions had been somewhat surprising, in that two thirds of respondents had not supported the proposal for a retroactive process, which was a large majority. There had been 39 respondents, and each option had got 12 to 13 votes, so there had been equal votes for all three options, which had not aided any decision. However, everybody had asked for consultation to be continued, which had been done. Therefore, based on the comments made during the numerous discussions, particularly during the World Conference on Doping in Sport in Madrid, a new proposal had been drawn up at the end of the year in Monaco; this had been circulated at the start of February, with the following results: two thirds of the respondents had accepted the proposal circulated, but some comments had been made on concerns regarding non-inhaled glucocorticosteroids and non-systemic glucocorticosteroids, as the system had been perceived as being too lenient by some. Many comments had been made stating that the abbreviated TUE process was costly and useless, but no real alternative had been proposed by any of the stakeholders. There had been criticism, but no real alternative. All of the comments had been carefully studied internally and the proposal had been amended in accordance with the comments and recommendations, resulting in the proposal that was before the members.

He summarised the state of mind of the group chaired by Professor Gerrard: if the standard were to be effective and medically coherent, it would be necessary to base it on a minimum of medical expertise. The objective was to distinguish between a cheat and somebody who really needed medication, and one could not do this without a minimum of medical expertise; unfortunately, this meant that there was a workload imposed by the standard. It would be unrealistic to impose such expertise on the entire sporting population, so the group had decided to make a proposal introducing a distinction between elite athletes and the remaining sporting population.

In terms of key points, the normal TUE process was not being called into question and had not been amended. The abbreviated process had been abolished. A TUE was mandatory for all substances on the List. A documented medical file was required for asthma, as well as a declaration of use by all athletes, either through ADAMS or on the doping control form. As to the conditions for asthma, it had been decided to deal with this through an overall approach. In terms of the level of the athletes, the process would differ slightly, although the principle would not. For those athletes in an international RTP, a standard TUE would be required prior to use of the substance concerned. For those athletes not in an international RTP but taking part in an international event, the initial proposal had been amended; some IFs had said that some events affected numerous athletes and it would be impossible to have approved TUEs, so it was left to the discretion of the IF to either have an approved TUE or have a retroactive approval for adverse results. For all national-level athletes, it was left to the discretion of the NADO to choose between an approved TUE or a retroactive approval in the event of an AAF. In

any case, all athletes, whether national or international, could ask for an approved TUE if they wished.

Article 8 dealt specifically with glucocorticosteroids and particularly cases of non-inhaled or non-systemic glucocorticosteroids; the substance concerned and the details of the prescribing doctor were required. It was left up to the ADO to request more than the minimum if it wished. The declaration should be made through ADAMS if possible and it had to be included on the doping control form (DCF).

The proposal made was the result of the extensive consultation procedure and a consensus, taking into account the comments made by the stakeholders, the medical context, and the latest consensus on asthma, which related to the need to control the use of beta-2 agonists by athletes. Finally, through the key points, the standard gave greater flexibility and therefore greater responsibility to the ADOs to choose the most appropriate route to take.

THE CHAIRMAN thanked Dr Garnier for his report and asked the members if they had any questions or comments.

MR LARFAOUI asked about the duration of the TUEs.

DR GARNIER thought that this question had to do with the asthma issue. In the document detailing medical information for TUECs, and for each medical condition and each substance and treatment, a recommendation was made in terms of duration. For asthma, the process was more restrictive than the abbreviated TUE, and the validity could be four years; previously, the ATUE had had to be renewed each year. He stated that the four-year period was not mentioned in the standard; it was in the annex level three document. He thought that it was not the right time to include such technical information that might later be revised.

PROFESSOR LJUNGOVIST thanked Dr Garnier for the review of the extensive work that had been going on. He was quite supportive of it. Only one matter needed to be clarified, which would result in a proposal that he had been discussing with Dr Garnier and Professor Gerrard, the Chairman of the TUE Committee. He recommended that the Executive Committee decide on the TUE paper and include the principles of 7.13, which was the critical one and the one that had been most debated. He proposed leaving it to a small working group to finalise 7.13. As it was written now, it was somewhat unclear as to what was really required in terms of various treatments of asthma; glucocorticosteroids and beta-2 agonists had been lumped together and treated in the same way, but they were not used in the same way in the medical field. Inhaled glucocorticosteroids could be used for reasons other than asthma. Moreover, the IOC had organised a consensus meeting on asthma in early January. WADA had been present, and all had agreed. It was not a matter of disagreement, but rather a matter of how to put all this together in a coherent text. The IOC had worked out a consensus statement, and this was being revised for publication in a major scientific journal, and it would be unfortunate if the wording were not in conformity with the text approved by WADA. The critical issue was to clearly identify what was required in terms of TUEs for glucocorticosteroids on the one hand and beta-2 agonists on the other. It was necessary to sort it out in a better way. The principles should be decided upon, also including 7.13. If that explanation was sufficient, he would recommend (with support from Dr Garnier and Professor Gerrard) approving the document, including the principles of 7.13, but removing it for further amendment and polishing by a working group comprising people from the IOC Medical Commission and WADA (it did not need to be a big working group), and the final version would be submitted in September for a decision.

MR HOFFELDT noted that there were some amendments in the document compared to the latest version that had been part of the consultation phase. Could Dr Garnier elaborate on the definition of the athlete? Was it the same definition as that used in the WADA Code? Could Dr Garnier explain more about the reasons for removing annex one from the TUE standard? Had consideration been given to cost efficiency, and would this entail increased workload for ADOs in general and NADOs in particular?

DR GARNIER said that the scope of the standard and the definition of the athlete were in accordance with that in the Code. As to annex 1, it had not been withdrawn; on the contrary, annex 1 was an obligation due to the fact that a retroactive process was being introduced. An athlete could not be asked to establish a medical file ahead of time without providing a minimum of recommendations in terms of how to establish this file. This was the purpose of Annex 1. When the athlete was authorised to use something, annex one was not necessary, as the TUE committee knew whether or not the file was acceptable, as it comprised three doctors, so this applied only for the athletes assessed retroactively, and he thought that the annex was absolutely essential in order to be fair to all athletes.

In response to the third question, the significant modification concerned athletes participating in international events; in the first version, the athletes had to be systematically subject to standard TUEs, and some IFs (major events and the FIS) had opposed this mandatory principle as it had appeared unrealistic, which was why the comment had been taken into account and the proposal amended accordingly. Two thirds of the stakeholders had been in favour of this.

In response to the last question, clearly, as in all new provisions, the aspect of repercussions on human and financial resources was always taken into account, but the committee had discussed the issue at length and had not found a means of systematically reducing the workload if the standard was to fulfil the objective. It was necessary to make available the necessary means of implementing the standard, deal with matters effectively and not have provisions judged as useless and costly by the majority of stakeholders. It was better to test a smaller population of athletes and do this well, leaving it up to the other bodies to test the remainder according to their resources and will.

MR NIGGLI said that, from a legal point of view, he was perfectly happy that the reference to athletes corresponded to the definition of athlete in the Code, but he did not think that it reflected the idea of the medical people discussing it, because the principle on which this was based was that anybody using asthma medication should have a medical file in place, regardless of the level; but, for the standard, he was sure that the definition of athlete was the same as that in the Code. Annex 1 was not only there in fairness to the athletes, but also had to be there for legal reasons because, without it, it would never be possible to deal with retroactive TUEs, because people would come with new elements subsequent to being tested, so WADA needed to have set rules telling the athletes what needed to be in the medical file prior to testing or issuing adverse results. If Professor Ljungqvist thought that some of the wording needed to be tidied up, that was fine. It was very important that this be approved immediately, also in light of the UNESCO convention, which would need some changes, so he did not think that September would be realistic for a new version. This would have to be done fairly quickly so that the process could continue.

MR TANAKA said that, in principle, he agreed that the description was important in terms of how to execute or carry out the procedure according to the proposal. In that sense, several descriptions caused concern, especially for national level athletes. According to this proposal, even a national level athlete should declare on ADAMS, and he had to say that there were many national level athletes, and it was very difficult to ask that national level athletes declare on ADAMS, so he asked for some modifications to be made by a meeting of experts between then and the September Executive Committee meeting.

MR BOUCHARD made a point regarding the link between the TUE procedure and the UNESCO convention. Once the TUE procedure was adopted, it would become an annex to the UNESCO convention, and the time granted by UNESCO to get this approved was 45 days, which was a short period of time. He knew that there had been a suggestion to accept the option in principle and then look at the possibility of making some changes, but he wondered how, if UNESCO gave 45 days for approval, and if WADA were to make changes, UNESCO would react. He did not have the right to vote at the Executive

Committee; his was simply an observer role, but he thought that approving the modifications would entail governmental procedures. The short period of time (45 days) would cause problems and, if it was necessary to modify and then approve, he did not know whether other countries would manage this.

MR NIGGLI replied that this particular text had to be approved immediately; any minor modifications could be made quickly over the next few weeks, so that a definitive text could be sent to UNESCO. The aim was just to make sure that things had been expressed clearly in the text.

THE CHAIRMAN asked if there were any further questions or comments. The approval in principle was sought that day, with a working group as proposed by Professor Ljungqvist consisting of the management, with Professor Ljungqvist's involvement in the discussions to fine-tune certain areas, particularly in relation to 7.13, but this would be purely for clarification purposes. At the conclusion of that work, the document would go forward to UNESCO, then UNESCO would write to all the signatories and ask that, if they wished to object, they do so within 45 days and, if not, the text would stand. The time was also important from the point of view of having it in place and there being knowledge of it for 1 January 2009.

THE DIRECTOR GENERAL said that, for legal purposes and for the consideration of the IFs, which wanted to incorporate these rules into their rules and have them passed in the next few weeks, WADA should put a time limit and, if this task were to be done within 10 days or 14 days, that would be appropriate, because it had to be done quickly; otherwise, the IFs would say that they had not been given time to incorporate the rules into their rules and they would not be in a position to implement the revised Code.

PROFESSOR LJUNGOVIST did not think that this was an IF problem at all. WADA was under time pressure from UNESCO; this seemed somewhat ironic. WADA needed the necessary time to get a good document, and ten days would be impossible. He had thought that a decision could easily be taken in September, but now he understood that this was required for May. This surprised him a great deal

THE DIRECTOR GENERAL replied that the IFs were more insistent on getting the changes through than UNESCO, but UNESCO had a 45-day limit, and this document had to be completed in a form approved by the Executive Committee to give to UNESCO before the 45 days could commence, and the 45 days commenced when UNESCO circulated it to the states parties. The process was a little more elongated than one might suspect. WADA was under a lot of pressure to provide model rules for the IFs immediately. Many had congresses in the coming weeks, and were waiting for the outcome of the Executive Committee meeting so that they could put together their papers. This was why he asked for a limit on the amount of time given for tidying up the document.

THE CHAIRMAN suggested that the working group involved in the tidying, which would clearly be internal, involve lawyers and experts, and consult with Professor Ljungqvist. He also suggested that the Executive Committee instruct the management to conclude the fine-tuning within 14 days with a view to progressing from that point as a conclusive document. Was that acceptable?

PROFESSOR LJUNGOVIST replied that he did not think it was acceptable. He did not think that the IFs exercised that type of time pressure for this particular purpose; he thought that a month or more was necessary to look into this. It was more than fine-tuning; it was to accept the principles, under 7.13, of no longer having an ATUE, and WADA was talking about an RTP, but the rest needed to be reviewed and it was not such an easy matter. His proposal was to have a joint working group to come up with a text in conformity, which would be published in scientific literature very shortly.

THE CHAIRMAN asked Professor Ljungqvist to make a proposal on time. On the one hand, there was the issue of time pressure put forward by the management; he acknowledged that there was a process that had to be followed and work to be done, and

that the sooner the knowledge was out there in its final form the better. On the other hand, there was the feeling that this required a little more attention than might have been expressed by the management, and a month or maybe more was being suggested. He asked for a timeframe and a reaction on that.

PROFESSOR LJUNGOVIST suggested the end of June as a deadline.

THE CHAIRMAN asked what the management said.

THE DIRECTOR GENERAL responded that he was expressing the views given by the IFs. It sounded like another consultation period.

THE CHAIRMAN asked whether there was any further input from those representing sport.

MR LARFAOUI said that the end of June would be fine.

MR RICCI BITTI noted that he had received a document the other day from the ASOIF Medical Consultative Group, and he did not know if these things had been taken into consideration. Apparently, this group had received the paper late. He did not know how this situation had come about.

MR STOFILÉ said that he was not quite sure where the problem was, because the more he listened, the more Professor Ljungqvist repeated his concurrence with the general frame of the text, and he seemed to be saying that there was a need to edit how these areas of agreement were presented (writing style, scientific accuracy and so on). Surely that could not take a long time; but, if the time frame proposed by the IFs was one month, that was fair enough. In Madrid, the discussion was supposed to have been finalised, and the IFs themselves had asked for more time, and the decision had been to finalise it at this meeting. WADA had to be very careful not to concertina these issues. The IFs had stated the need for finality in order to understand what needed to be done and start to instil it within the respective constituencies. He agreed with Professor Ljungqvist here: it was necessary to ensure quality, but WADA should nonetheless get it done; it could not postpone all the time. If one month was fine, it was within the 45 days given by UNESCO. It was time to get on with it.

MR KASPER said that, if WADA waited till the end of June, his federation would be obliged to discuss the matter two years from then, as the only possibility to approve the text would be the following week.

MR NIGGLI pointed out that, if the Executive Committee members were talking about editing the text and changing some wording, that would be fine; however, if Professor Ljungqvist had in mind major changes, there would be a problem, and it would be necessary to vote again on a new text. He was not sure he understood the issues.

PROFESSOR LJUNGOVIST said that he would touch upon the issues briefly. There was a basic problem here, in that beta-2 agonists and glucocorticosteroids had been lumped together because of their common use in asthma, but they were totally different substances with totally different actions and medical indications. One could start a scientific discussion, and many people around the table would probably disagree, but that was his opinion and the opinion of many in the scientific field, that one could not lump two incompatible types of drug together and make one and the same rule for them. This needed to be clarified. They were also under the microscope for two different reasons. The standard medication for asthma was inhaled glucocorticosteroids. Beta-2 agonists were used for specific reasons in specific cases for the relief of bronchoconstriction, which was part of asthma, which was also an inflammatory disease, and glucocorticosteroids were used to treat the inflammatory part, whereas the beta-2 agonists worked in a different area of asthma, so there was already a difference, which meant that they could not be lumped together in this way. Also, they were under scrutiny for different reasons. Inhaled glucocorticosteroids were the gold standard worldwide for the treatment of asthma. Beta-2 agonists were used when there was a particular element of bronchoconstriction, and everybody had agreed that the use of beta-2 agonists should be

reduced as much as possible, because it had become increasingly apparent that chronic or prolonged use of beta-2 agonists was probably counterproductive and even contraindicated, and people who took beta-2 agonists for a long period of time could actually suffer more. Beta-2 agonists were explicitly used for the temporary relief of bronchoconstriction. In his view, it would even have been better had inhaled glucocorticosteroids been regarded together with injected glucocorticosteroids, and that was not a matter of reediting or fine-tuning; it was a matter of rewriting. This was why his proposal was to accept the basic principles, to do away with ATUEs for these substances and to limit the TUE requirements to the RTP, but to review and revise the rest of the text to be in more in conformity with what he had been trying to explain, which would be the standard written in the scientific journal shortly.

MR NIGGLI understood what Professor Ljungqvist had been saying, and that there was a great deal of medical background; however, from his perspective, a process was being described. Was Professor Ljungqvist saying that this process should not be used for one of the two categories? Should there be a normal TUE?

PROFESSOR LJUNGOVIST replied that this was what he wished to review and consult with a working group.

MR NIGGLI pointed out that there had been 18 months of consultation on that.

PROFESSOR LJUNGOVIST objected that there were still outstanding matters, which he had tried to explain. He would say that the TUE for glucocorticosteroids should probably not have the same process as the TUE for beta-2 agonists.

By way of clarification, DR GARNIER recalled why the proposal had been made. The initial idea had been to distinguish between glucocorticosteroids used for asthma, dealt with under article 7.13, and glucocorticosteroids used for other illnesses, dealt with under article 8. Article 7.13 dealt with a specific medical condition, asthma, and the other clinical forms of asthma. If he remembered correctly, the proposal, which had been part of the initial proposal, had been welcomed by the majority of stakeholders and, in particular, the scientific community, which had thought it better to talk about asthma as a whole. The idea was to demonstrate that an athlete was asthmatic and, if so, it did not matter which substance the athlete used to treat his or her asthma.

PROFESSOR LJUNGOVIST pointed out that, in his papers, point 8 was the declaration of use of process and had nothing to do with glucocorticosteroids.

DR GARNIER replied that point 8 referred only to glucocorticosteroids.

PROFESSOR LJUNGOVIST thought that the discussion clearly showed that there was a need for clarification and that the proposal to review it was well founded.

THE CHAIRMAN suggested a way forward. He thought that this had been examined at length. The difficulty that the majority of people in that room had was that the technical nature of the discussion was beyond their comprehension. Having said that, he believed that there was a time constraint. That was clear to him. He therefore suggested approving in principle what Professor Ljungqvist had suggested and proceeding with a small working group to examine some of the difficulties expressed by the professional people around the table. The examination should be concluded by 15 June. If something extraordinary developed over the course of the next five weeks, the Executive Committee might give him the right to examine that on the basis of the extraordinary nature that developed; otherwise, it should be concluded by 15 June. Was that proposal satisfactory?

PROFESSOR LJUNGOVIST suggested a deadline of 30 June.

THE CHAIRMAN said that he was trying to make a compromise between 14 days and 30 June.

THE DIRECTOR GENERAL noted that the Executive Committee was talking about another consultation and, if the document were changed, it would be necessary to refer it

back to the whole Executive Committee to make sure it was approved so as to sustain any legal challenge of it.

THE CHAIRMAN responded that he did not envisage consultation because he was not satisfied from listening to the debate that the Executive Committee would be any closer to a conclusion after further consultation than had been achieved to date after extensive consultation. He was not prepared to say that it should be allowed to go as it stood; concerns had clearly been raised and he was not prepared to ignore those concerns. He simply wanted a process that would lead to a conclusion sooner rather than later. If the working group could conclude this by 31 May, all of the stakeholders would be delighted, including the IFs, which were expressing some concern. He suggested proceeding as he had described, with 15 June as the deadline.

MR HOFFELDT asked whether the definition of athletes would be the same as that used in the Code. The second thing was that European countries had sent other proposals for the standard. He understood that there was no interest in a new round of consultation; however, some of the elements referred to the same paragraph about which Professor Ljungqvist had spoken, and he would appreciate it if they could be taken into account as well.

THE CHAIRMAN assured Mr Hoffeldt that they would be considered by the management and members of the working group. Was there anything that Professor Gerrard wished to note?

PROFESSOR GERRARD concurred entirely with the scientific and clinical comments made by Professor Ljungqvist, but he and Dr Garnier and perhaps Dr Schamasch should meet in Montreal that weekend for an hour or so, as he thought that he could see a way clear. It was a wording issue; he did not want it to become a bigger issue than that, and he did not want it to be seen as further consultation, and he had a feeling and a fear that the IFs would read it as that if WADA delayed it too long. He wondered if his medical colleagues might get their heads together and perhaps report back the following day.

THE CHAIRMAN said that, if the group was willing to do that, he was sure that the Executive Committee would be pleased to hear something the following day. Would Professor Ljungqvist be happy to do that?

PROFESSOR LJUNGOVIST thanked Professor Gerrard for his support, although accepting the following day as a deadline would be a bit difficult. The group could at least get started; however, further feedback would be necessary in order to come back with the right version.

THE CHAIRMAN said that, on that basis, he put the proposal as described to the members; he stressed that this was not another round of consultation, and all of the members would be grateful if this happened sooner rather than later. If it happened the following day, they would be delighted; if the discussion started the following day, they would be grateful for an update. Otherwise, the Executive Committee would proceed on the basis proposed.

DECISION

Proposal for further discussion on the International Standard for Therapeutic Use Exemptions accepted. Deadline for conclusion of discussion: 15 June.

7.5 International Standard for the Protection of Privacy

THE CHAIRMAN said that this was a matter requiring greater time. It had been originally proposed that the issue would come back in its final form to the meeting; however, the paper indicated that it was not ready yet, so the paper would be postponed until the September meeting and, on that basis, the standard would become effective on 1 January.

DECISION

Presentation of the International Standard for the Protection of Privacy postponed.

8. Departments/Programme Areas – Decisions and Key Activities

8.1 Communications

MS HUNTER said that the departmental report would be given the following day.

– 8.1.1 Athlete Committee Chair Report

MS HUNTER reported, on behalf of Mr Fetisov, on the activities of the committee since the November 2007. The committee had met in Montreal on 3 and 4 April, primarily to have a final consultation with the Code Review Team to talk about the IST. This was the fourth time the committee had met to talk about the IST, in particular the whereabouts and missed tests provisions, and it had supported the provisions that had been reviewed and approved by the Executive Committee, in particular stressing the importance of mutual recognition among ADOs of whereabouts failures, and supporting the provision regarding the daily 60-minute period, so the committee members had wanted to express their support of that. In another area involving testing, and this came mostly from anecdotal information received by the members from their sporting colleagues, there was some concern among clean athletes that not all ADOs were implementing testing programmes that were comprehensive and of high quality, and they had wanted to share that view with the Executive Committee so that it was aware that athletes were saying that maybe some ADOs did not have comprehensive testing programmes, and this reflected upon the credibility of the anti-doping programmes.

Regarding the Athlete Passport, the committee supported the leadership role shown by WADA since 2002 when WADA had initiated the development of the Athlete Passport and supported the long-term objective of developing a universally applied programme. Regarding ADAMS, it had reiterated its position that ADAMS was user friendly; the members had been pleased to see the addition of new features, such as the ability to update whereabouts information by SMS messaging, making it easy for athletes on the move. They viewed ADAMS as an important tool for all ADOs and encouraged its adoption by all. As to education and outreach, the committee members had stressed the importance of giving good consistent information to all athletes and urged all ADOs to adopt the models and tools created by WADA, in consultation with several stakeholders in education and outreach programmes. Again, they were concerned about consistency in terms of standardised information out there for all athletes.

Finally, the committee members had talked about improving athlete buy-in of anti-doping programmes, expressing that clean athletes wanted to be tested, but also stressing the importance of better buy-in from athletes. They had suggested that continued progress and standardisation of all technical aspects were necessary. There needed to be an omnipresence of testing, because of its deterrent effect, and not only the detection aspect. The committee members also urged that all ADOs be proactive in educating their athletes about their rights and the consequences of anti-doping laws.

THE CHAIRMAN said that he would not prevent any questions; however, if Ms Hunter answered, she was doing so on behalf of Mr Fetisov.

SIR CRAIG REEDIE noted that he was putting together the business plan for a new independent NADO in his own country, and there seemed to be an increasing view in the anti-doping world that it was vitally important that WADA catch the cheats, and WADA seemed to ignore the vast proportion of athletes who did not cheat. Ms Hunter might ask Mr Fetisov to discuss with the committee members how they wished the fact that 98% of them who did not cheat was brought into the public domain. It was just to balance the situation.

DECISION

Athlete Committee report noted.

8.2 Science

– 8.2.1 Health, Medical and Research Committee Chair Report

PROFESSOR LJUNGQVIST said that he would speak further about this issue in September. In the meantime, some work had been conducted since Madrid. The List Committee had started its yearly work, and an ad hoc laboratory group, chaired by Sir Craig Reddie, had met twice. He asked Dr Rabin to report on the details of these meetings.

DR RABIN reported that Sir Craig Reddie was resisting an overdose of science exceptionally well, and even appeared to be enjoying it! In September 2007, the Executive Committee had approved the principle of having one class of excellence of anti-doping laboratories and had established the principle of the ad hoc group to prepare recommendations to strengthen the WADA accreditation and reaccreditation process, so the ad hoc group had had a first in-person meeting in January that year to review and discuss the various models, parameters and perspectives on laboratory accreditation and reaccreditation, which were two separate processes under the IST. The support of a limited group of highly qualified laboratories had been confirmed by the members of the ad hoc group, and some preliminary parameters had been discussed and selected to establish an assessment model. The second meeting had been held by teleconference in April, to review the selected parameters of the first meeting and assess the applicability of this model to the existing anti-doping laboratories. Three main sectors had been selected for the model, namely the environment of the laboratories, mainly referring to the country being in line with the Code, and the ratification of the UNESCO convention by the host country; then, of course the testing and quality of the anti-doping laboratories, based on the number of samples analysed by the laboratory, the analytical capability of the laboratory, and the results of the WADA proficiency testing programme, as well as a few other parameters; and finally, research, which was an important component of the ISL, and in particular the number of grants requested by the laboratories and the number of publications as examples of criteria used to assess the laboratories. The concept was to review the laboratories on the basis of their achievements of the selected criteria, on the basis of a yes and no scale for the different parameters selected by the ad hoc group. Another meeting was planned for June to review the preliminary process and extend this to the reaccreditation and accreditation criteria to be discussed, and the recommendations would be made to the Executive Committee in September.

THE CHAIRMAN asked the “honorary professor” to take the floor.

SIR CRAIG REEDIE said that he was not sure whether or not it was a good thing, but it was actually quite interesting to be a non-scientist and chair a meeting of rabid scientists. They were enthusiastic and very knowledgeable people. In general terms, the idea would be to go down the route of quality rather than quantity. Then, going into the criteria needed for that, the group had begun to work out a system that would inevitably lead to a ranking, and that was likely to be a complete disaster because, if WADA began ranking the laboratories, there would be all sorts of trouble. The group had ended up with a system of quality accreditation. He hoped that it would be able to agree that at its next meeting, and Dr Rabin would give a selection of recommendations and conclusions, the most appropriate of which the group would take. Maybe it was a good thing that he was also a finance expert, because it was cheaper to hold these meetings via telephone for a few hours and he was confident that, on 30 June, the members would be on the telephone again. It was actually an interesting exercise and, with a bit of luck, it might work.

THE CHAIRMAN thanked Sir Craig Reddie.

PROFESSOR LJUNGOVIST made one remark with respect to the report the members had before them. It concerned item 2.3 in the science report, which referred to activities with industry. He asked the members to read it carefully, as this was a significant form of cooperation that had been started quite some time ago. For many years, the Olympic Movement and sports had tried to approach the pharmaceutical industry, and it had been very difficult to secure their cooperation for the purpose of anti-doping. With the governments on board in WADA, WADA had a different credibility, and it was much easier to get the support and cooperation of the pharmaceutical industry than it had been for sport alone.

THE CHAIRMAN assured Professor Ljungqvist that this was a matter that had not escaped him. He and Dr Rabin had recently discussed how this might be progressed with the support of the government members. In his country, there was a healthy support for the pharmaceutical industry in government funding, in the context of a pharmaceutical benefits scheme and in the context of the research work being done. He suspected that this occurred in many countries represented on the Executive Committee by the public authorities. It was necessary to garner that resource for the purposes of getting a greater contribution from the pharmaceutical industry. It had been timely to remind the Executive Committee of this.

DECISION

Health, Medical and Research Committee Chair report noted.

8.3 Education

– 8.3.1 Education Committee Chair Report

MR BOUCHARD touched on some of the issues that would be raised by Ms Guergis, who had not been able to attend the Executive Committee meeting. The most recent meeting of the Education Committee had taken place in October 2007, and the issues discussed had been: sharing of information on education tools, discussing and selecting research projects, and developing monitoring and evaluation tools. The sharing of information on education tools was with a view to the new responsibilities under the Code, that the Education Department continued to roll out tool kits for coaches, teachers, medical practitioners, programme officers and DCOs. The content of the tools was being revised to take into account the new requirements of the Code and comments received from stakeholders. In addition, the changes were being made with a view to targeting youth better. The second point dealt with discussing and selecting research projects. A number of projects had been selected at the previous meeting, and he was very pleased to see a growing interest in WADA's social science research grant programme, including an increasing number of countries that had not previously submitted applications. The committee had discussed several aspects of the programme, to ensure that it was being administered in the most efficient and effective manner possible. It included the creation of a database with information on the practical outcomes and impact of research programmes funded by WADA. In terms of next steps for the 2009 programme, the call for proposals had been posted on the WADA website on 19 March 2008. Researchers would have until 11 July 2008 to submit their applications. The applications received would be discussed at the committee meeting in October, and recommendations for grant approval would be tabled at the WADA Executive Committee meeting in November 2008. With respect to the evaluation and monitoring tools, he highlighted the importance of developing good tools for education toolkits and education seminars. It was very important to continually evaluate the appropriateness of the education material and activities for target audiences and adjust accordingly to ensure that it would be useful and effective. In the coming months, planning would begin for the forthcoming WADA Education Committee meeting, scheduled for 2 and 3 October.

THE CHAIRMAN thanked Mr Bouchard.

DECISION

Education Committee report noted.

8.4 Standards and Harmonisation

– 8.4.1 Effective Doping Control Testing

THE CHAIRMAN noted that there was a thoughtful paper on this item. He had certainly found it one that required some further work. He asked the Director General to speak to it.

THE DIRECTOR GENERAL said that this had come as a result of the view that WADA should be looking now at quality and best practise to ensure that the money being spent (the previous year, more than 200,000 samples had been collected and analysed by the accredited laboratories) was well spent, and the management felt that the way forward was to undertake some research with the benefit of the information gathered over the past few years. Provided there was no objection, the management would prepare some papers leading to discussion at the symposium for the ADOs that he had mentioned in his report, with the hope that WADA would be more effective and more efficient and, as the governments kept reminding WADA, more cost effective and cost efficient in the fight against doping in sport, to ensure that money was not being wasted and that high quality programmes were being run. He indicated that the management would do the work for which permission had been asked, and would report in November.

THE CHAIRMAN asked whether there were any comments.

SIR CRAIG REEDIE said that there was another part to this, which would be compliance issues as far as the IFs were concerned before the end of the year, when part of this involved their own out-of-competition testing programmes, and he wanted to make sure, from WADA's point of view, that both did not end up doing the same thing. Not all of the IFs were perfect, but many were extremely good and, as the compliance certificates had to be reported and sent to the IOC, one would hope that all of the IFs would be much more active and more efficient in their out-of-competition testing programmes, which might allow WADA to go for quality rather than quantity. There were two parts to the issue.

MR RICCI BITTI wanted to make his remark about this presentation, which he thought was brilliant. His sport had a very comprehensive programme, but it badly needed WADA's support for out-of-competition testing and it did not want activities to decrease as a result of this quality concept. WADA had contacts with the NADOs that his federation did not have, and it would help his IF to be in touch, because usually it contracted a company for all in-competition testing, but did not have the distribution that it could enjoy through cooperation with WADA. He was sure that many IFs felt the same way about this, and could not do without WADA's activity here.

THE CHAIRMAN noted the report and comment made. The recommendation was therefore approved.

DECISION

Proposal to prepare documentation in relation
to effective doping control testing approved.

– 8.4.2 Centralised OOC Testing Programme for IFs

THE DIRECTOR GENERAL said that there was presently a GAISF initiative being carried out through a questionnaire among member federations of GAISF to see what might be done in terms of conducting out-of-competition testing programmes jointly by IFs. This had loosely been described by WADA some years ago as IFADO; he would refrain from using this term now, because perhaps this was something new and different, although it was based on the same concept. It stemmed from WADA's experience with

the RADOs. WADA had felt strongly in 2005 that many smaller IFs would struggle to be compliant because they could not put into place out-of-competition testing programmes. WADA was still of that view and believed very strongly in the concept of combining resources. He would be happy to continue discussions with GAISF over this, or with any of the IFs. WADA had not budgeted for it over the last couple of years. Originally, WADA had taken space in the Lausanne MSI, and had had an office ready for use, but WADA had had to let it to somebody else for financial reasons, so that was gone and was a lost opportunity. WADA had also been suggesting putting some funds into the concept. WADA might have some money going forward that would probably need to come from the funds set aside for the management of an out-of-competition testing programme through WADA. The money could simply be redirected. WADA was extremely supportive of an approach by GAISF, and would like to ensure that GAISF benefited from its expertise and work together to set up something that would satisfy those IFs that might struggle otherwise. WADA did not have all the answers, but might get some answers if it shared views with the members of the IFs. He was just indicating that, although he had been disappointed that the concept had not taken seed in 2005, there was still plenty of time to plant it and for WADA to work with the IFs and help them.

THE CHAIRMAN noted the comments made by the Director General.

DECISION

Update on centralised out-of-competition testing programme for IFs noted.

9. Other Business/Future Meetings

THE CHAIRMAN said that the next meeting of the Executive Committee would be on 26 September.

THE DIRECTOR GENERAL informed the members that there was already a schedule for meetings in 2009. All of the meeting dates were in the agenda document at the front of the papers. He asked the members to inform him as soon as possible should they have any problems with the proposed dates.

MR RICCI BITTI asked the Executive Committee to consider that the Davis Cup Final dates would change and would conflict with the date of the WADA meeting in November, so it would be impossible for him to attend.

THE DIRECTOR GENERAL said that he could look at scheduling the November meeting in 2009 a week later, but it would be cold in Montreal at that time! If that was a direction, the management would need to make the room bookings.

THE CHAIRMAN said that the later date would conflict with his wedding anniversary!

DECISIONS

1. Executive Committee – 26 September 2008, Montreal;
Executive Committee – 22 November 2008, Montreal;
Foundation Board – 23 November 2008, Montreal.
Executive Committee – 9 May 2009, Montreal;
Foundation Board – 10 May 2009, Montreal;
Executive Committee – 19 September 2009, Montreal;
Executive Committee – 21 November 2009, Montreal;

Foundation Board – 22 November 2009,
Montreal.

THE CHAIRMAN thanked the WADA management and staff for the work put into the preparation of the papers. Everybody appreciated the quality of the documentation received and the support that was forthcoming from the management team. He also thanked the interpreters. It was not difficult to understand an Australian accent, but sometimes others close to Australia were hard to interpret! He thanked all those present for their constructive approach and goodwill and looked forward to seeing everybody the following day.

PROFESSOR LJUNGOVIST thanked the Chairman for conducting the first meeting in such an efficient way. The Chairman had allowed everybody to speak and had been very friendly.

The meeting adjourned at 4.00 p.m.

FOR APPROVAL

JOHN FAHEY, AC
PRESIDENT AND CHAIRMAN OF WADA