



**Minutes of the WADA Executive Committee Meeting**  
**May 9, 2009**  
**Montreal, Canada**

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The meeting began at 9:10 a.m.

**1. Welcome, Roll Call and Observers**

THE CHAIRMAN welcomed everybody to the Executive Committee meeting, and in particular he greeted Minister Lissavetzky from Spain, to his first formal meeting at WADA. He apologized for the slight delay due to technical difficulties. He called members attention on the languages provided in the headsets and asked everyone to sign the roll call to acknowledge their attendance.

The following members attended the meeting: Hon. Mr John Fahey, AC, President and Chairman of WADA; Professor Arne Ljungqvist, WADA Vice-Chairman, IOC Member, Chairman of the WADA Health, Medical and Research Committee, Chairman IOC Medical Commission; Ms Rania Amr Elwani, Member of the IOC Athletes' Commission; Ms Tomoko Ukishima, Vice-Minister of Education, Sports, Science and Technology (MEXT), Japan; Sir Craig Reedie CBE, IOC Member; Mr Hajira Mashego, Director, Scientific Support Services , Africa, representing Mr Makhenkesi A. Stofile, Minister of Sport and Recreation, South Africa; Mr Bill Rowe, Assistant Secretary, Sport Branch, representing Ms Kate Ellis, Minister of Sports, Australia; 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 Gary Lunn, Member of the Education Committee, Secretary of State (Foreign Affairs and International Trade) (Sport), Canada; Mr Jaime Lissavetzky, Secretary of State for Sports, Spain; Mr Edward Jurith, Acting Director, Office of National Drug Control Policy (ONDCP), USA; Mr David Howman, WADA DG; Mr Rune Andersen, Standards and Harmonization Director, WADA; Dr Olivier Rabin, Science Director, WADA; Mr Rob Koehler, Education Director, WADA; Mr Olivier Niggli, Finance and Legal Director, WADA; Ms Julie Masse, Communications Director, WADA; Mr Kelly Fairweather, European Regional Office / IF Relations, WADA. APOLOGIES: Vyacheslav Fetisov, Athlete Committee, Chair of the Commission for Physical Education, Sports and the Olympic Movement, Russian Federation.

The following observers signed the roll call: Kazuhiro Hayashi, Rodney Swigelaar, Diego Torres Villegas, Patrick Schamasch, Christophe De Kepper, Andrew Ryan, Javier Odriozola, Kaori Hoshi, Michael Gottlieb, René Bouchard, Rafael Jacob, Kazuhiro Hayashi, Tomas Johansson, Matilde Garcia, David Gerrard.

**2. Approval of Minutes of previous meeting**

THE CHAIRMAN asked if the minutes of the previous Executive Committee meeting could be approved and signed. There were no comments made.

## DECISION

Minutes of the Executive Committee meeting held on 22 November 2008 approved.

### **3. Director General's Report**

THE DIRECTOR GENERAL referred to a number of topics in his report. In relation to UNESCO, he said that there were now 112 ratifications as Morocco had joined that week. He reported that UNESCO would have its Conference in late October this year, starting 26 October, in Paris. He hoped more countries could attend the Conference and advised members that a full report on progress in relation to ratifications was available for consultation, including a country by country analysis. The 112 ratifications represented 84% of the population of the world.

In relation to Interpol, the MOU was completed in a signing session held in Lyon. He referred members to a short summary paper on Interpol in his written report so members could understand what the institution does and could do. He indicated that he had had discussions with the Interpol Secretary General about other topics, including bribery and corruption, and that Interpol was interested in talking to WADA about this if it fit within the area which WADA would be working with Interpol on.

Regarding the WADA project on investigations and the sharing of information, the Director General said that it had slowed down markedly because WADA Management had been overworked. Therefore, regrettably, he informed the members that he was unable to table a report with a final protocol. He expected this to be done by September.

The Director General stated that WADA had made some substantial progress with the NADOs in Jamaica and Nigeria and it was the plan to return to India to see if their program had progressed further. An offer had been made to go to Brazil and a visit to Russia was forthcoming.

As far as the RADOs were concerned, the Director General said that there had been progress and that there were plans to hold a Symposium involving all RADO administrators later this year with the generosity of the Olympic Council of Asia, in order to ensure that this program moves from a position of establishment to one of maintenance.

The Director General noted the success of SportAccord. WADA had had a booth there again and it was considered very successful. The team engaged in discussions and interviews with more than 40 International Federations. Presentations were also made while in Denver and plans were already progressing for WADA's attendance at next year's SportAccord in Dubai.

It was reported that WADA would be going to the first European Union Symposium on Anti-Doping the following week in Athens, where the WADA Vice-President would lead the team and make an introductory speech. The team would partake in various workshops and they looked forward to positive outcomes.

Although not a point usually raised by the Director General, he wished to put the point of Finance in his report and indicated that WADA had collected 100% of contributions last year and insisted that this was a notable achievement for an international institution involving governments. He also stated that the government representatives would certainly acknowledge that other global government institutions around the world come nowhere near this success rate in terms of contribution collection. He thanked the governments for their commitment and their dues, which of course are fully matched by the Olympic Movement and whom are also thanked.

Thanks to Japan, a specific expert symposium on blood doping where various blood related issues would be covered is planned to take place in Tokyo in the first week of November 2009.

From his report, the Director General referred specifically to the progress made in Austria due to the problems the Austrian Olympic Committee had had to engage themselves in following Turin. He stated that the law is now very strong and that it includes the Athlete's entourage. WADA is in contact with the Austrian authorities to see what progress would be made in the prosecution of various athletes' agents, doctors and suppliers because they have had a number of reports over recent weeks.

The Director General mentioned that the President and he had visited the new National Anti-doping Agency in Germany and that they were very impressed with its progress made. He felt that the work done there would help others adopt Models of Best Practice that would be beneficial around the world.

The Director General raised the issue of Beta2 agonists – not from a medical or scientific point of view - but because WADA had received many indications that this substance is costing a lot of money to permit and that the rare positive cases reported annually ended up being dismissed by the Tribunal once they went to hearing, all at great expense to the concerned anti-doping organization. He recalled a specific case involving the ITF where this situation occurred. He alerted members to the fact that, in a recession period, WADA was already spending millions of dollars a year to permit the use of this substance, and wished to raise awareness on fiscal responsibility indicating a review might be needed as to how WADA could better spend that kind of money.

His perspective on this point was financial and managerial in regards to the costs related to TUEs, systems for granting, and prosecutions. He said that not all cases were dismissed in Court. For example, the Petacchi case in Italy was successful, but aside from that, there had been many issues.

Turning to the issue of Management, the Director General alerted that the Management team in place worked very hard to respond to all needs, but because of the workload, the team had to prioritize. Thus as he had earlier indicated, the Protocol on Sharing Information and Evidence had to be put aside for that reason.

He finally raised an issue related to a decision that was taken last week in the case of the American swimmer, Jessica Hardy. He expressed his concern about this case and advised that WADA was looking for a way to make a decision on appealing. The case did raise the peculiar issue of the IOC regulation in relation to eligibility for the Olympic Games. The

Director General didn't feel this was an issue that should have been on the table for Tribunal, and said that WADA would work with the IOC to see what needed to be done in terms of appeal. The Director General wanted to make sure everyone was aware of this point.

THE CHAIRMAN asked if there were any questions or comments.

PROF. LJUNGQVIST responded wishing to make a number of comments on behalf of the Olympic Movement. He said he was pleased with the solution reached in regards to the GAISF members and the support for their activities (in particular proper out of competition testing programs).

He also expressed great concern with respect to the situation in Russia. He highlighted this point, namely because of the upcoming 2014 Winter Games in Sochi. He explained that many Anti Doping Organizations were experiencing problems when trying to conduct out of competition tests in Russia, and that many incidents had occurred. He stated that the situation was very serious. He also felt there was a need for monitoring of activities in Russia in the future, until and beyond the Olympic Games. He expressed his hope for a mechanism to be put in place by WADA to help the new Anti-Doping Agency in Russia. He wished to stress this problem with the WADA President and the Director General and asked that they discuss ways to solve it. Top Russian authorities were also aware of the situation and seemed ready to collaborate.

He also expressed the wish to come back to the topic of Independent Observers Teams later.

In relation to the Salbutamol matter, he took a few minutes to explain what the problem was, outlining that Salbutamol was a medication widely used for the treatment of asthma and that it should be reserved for acute asthmatic conditions rather than routine treatment. He added that the normal treatment was through inhalation of corticosteroids and that it should not cause any problem for the TUE system or for the anti-doping movement in general. This substance was widely used because it was still prescribed by family practitioners as a standard medication. The IOC had followed up on this and noticed that there was still overuse of this drug. He also stated that this drug was not an innocent one; that is was strong and, if taken orally, could have significant doping effects similar to anabolic steroids. He recalled the idea that came up about removing Beta2 agonists from the Prohibited List but felt that would have been a counterproductive action. He expressed even more concern about how to deal with the wide use of this drug and the over prescription of beta2 agonists for the treatment of asthma. At the Olympic Games, the athletes had to prove their asthmatic condition before allowing an existing TUE.

In 2002, at the Salt Lake City Games, the IOC had to reject 20% of applications because athletes did not have asthma. He mentioned actively following up on this issue for later Games and noticing the rejection rate had gone down. In Beijing, only 3% were rejected. He said that the IOC's educational approach had considerable effect at the Olympic level. Thanks to this, they had reduced the use of Beta2 agonists among elite athletes at the Olympic level. He was pleased to inform the Committee that they had recently been applauded for that initiative in an editorial of one of the major scientific journals. He was

pleased with this approach, but stated that the problem still remained. As mentioned by the Director General, a lot of time is spent on TUE matters, particularly with lower levels athletes. He said we had to cope with the fact that it was a costly and recurrent problem. He informed members that the proper use of Beta2 agonists for the treatment of acute asthma was through inhalation. The problem faced with Salbutamol and three other similar substances was that they could also be administered orally and by injection, having anabolic effects; he said there was no way to tell if the use was proper, which is why occasional cases had been lost in CAS. He briefly explained why (oral intake vs injection). He had an encouraging message for the Committee: many scientists were interested in helping us in getting around this problem. At the last meeting with the WADA Health Medical Research Committee in September, they had distributed research money and there were several teams who wished to address this problem. Thanks to the WADA Science Department, they could coordinate these activities into one program oriented towards finding a way to differentiate systemic intake and proper inhalation. He felt encouraged and said that the current financial issues should no longer persist once the proper methods are in place. Although he couldn't say when these methods would be implemented, he affirmed top experts in the world were working on this issue.

He said the TUE would be valid for four years and that this problem, seemingly heavy today, would fade away over time. He felt there was hope.

THE CHAIRMAN thanked Professor Ljungqvist for his explanations. He mentioned a frustration existing at WADA, based upon the Tribunal's decisions, but welcomed the light at the end of the tunnel. The support of the experts in laboratories was also very reassuring to him.

MR RICCI BITTI reiterated two points from an International Federation's point of view. He first expressed his gratitude for the support of the non-Olympic Federations of GAISF in starting their programs. On the other hand, he recommended that the effort should not be at the cost of out of competition testing because they were not yet a fully functional system and still needed support, particularly since the coordination of the International Federations and the NADOs were not yet satisfactory in many cases, not in terms of willingness to cooperate, but in terms of test distribution.

Secondly, he addressed the issue of Salbutamol and added that this issue could very well be a question of frustration because of how the tribunals treat it. Consistency with the tribunals should be looked at. He felt the tribunals showed too much empathy for the athletes. He agreed to keep Salbutamol on the Prohibited List even if it's very expensive. He also felt WADA was often perceived as the bad guy, and that there should be more consistency. He said WADA did their job but was often accused of prosecuting people even if cases were justified.

His last comment was related to communications. There were a lot of concerns related to the recent FIFA-WADA Press release. He stated that Whereabouts was a very sensitive matter and any information or communication on this matter could have serious consequences. He recommended that the press releases always be very clear. He gave another example about the government adopting laws that weren't Code compliant and insisted on always being careful with communications.

THE CHAIRMAN asked if there were any questions or comments to the Director General report.

MR REEDIE expressed his confusion regarding the Thought Leadership Seminar in June and asked how many members of the Executive Committee would attend, since this seminar would follow a very intensive week of IOC meetings in Lausanne.

THE CHAIRMAN said that this question would be answered at the end of the meeting.

MR KASPER thanked WADA on behalf of GAISF (now called SportAccord) for their intended contribution. He affirmed that it wasn't a question of a new group simply organizing out of competition tests, but rather a question of assisting International Federations to be Code compliant, particularly the smaller ones. He added that it might take up to two or three years but it was possible. He also said they could make a big step forward in the upcoming years thanks to the financial support of WADA, the IOC and GAISF. He thanked the members of the Committee for this support.

Mr Kasper also had a small remark about Salbutamol. He understood the scientific reasons given by Professor Ljungqvist, but wondered why an asthmatic athlete had to choose a long distance running discipline. He referred to his sport (cross country skiing) and said that there was about 80% of the athletes that used Salbutamol. He said they could not accept that problem.

He brought up another point about Austria. He recalled the Director General saying that they had made a great step forward. He agreed with this progress made "on paper", but added that, internally, Austria had turned the other way around. He added that we had to remain careful because we had not seen results yet.

MR LISSAVETZKY (in Spanish) agreed with what Mr Ricci Bitti said and asked if he could express Spain's position on this matter.

THE CHAIRMAN expressed his gratitude for all the great scientific knowledge around the table and suggested that Mr Lissavetzky could do this when item 7.2 came up.

MR LISSAVETZKY agreed to do so.

MS UKISHIMA thanked the Director General for his report and mentioned that Japan would host a Symposium on Blood Doping on 7 and 8 November 2009 and informed the Committee that they would do all their best to make it a successful event.

THE CHAIRMAN thanked Japan for the hosting of this event.

PROF. LJUNGOVIST had an explanation about what was told about Salbutamol and skiers. He explained that it was not these athletes that chose cross country skiing, it was more the fact that the cold climate provoked bronchial-constriction. Thus the selection is the other way around. He also specified that these athletes should not be using Salbutamol.

He continued and raised two other issues: first, he commented the addendum regarding the retesting of athletes in Beijing. He expressed his concern about the terminology "re-testing" which had been badly interpreted by the Chinese. They got the impression that we had to test Beijing samples again, as if they were not properly carrying out the analysis at the time of the Games. He explained that he had been carefully using the terminology "further analysis" and that we were authorized to save samples for eight years in order to make use of newly developed routines and methods for the detection of substance. This was the case for certain substances at the Beijing Olympic Games. When the host city contract was signed, there were no proper validated methods to test the new EPO generation, called CERA, nor insulin. Therefore we decided to do the testing since we had ample time after the Games and found out that, by the end of 2008, the methods were properly validated; thus the IOC went ahead, and made use of the blood sample available (847 tested for CERA and 101 for insulin). As expected, all insulin came back negative since the use of that drug, if non-diabetic is quite dangerous and must be avoided. Seven positive results for CERA had been found, two from the same athlete, which meant six athletes were now being dealt with on the basis of adverse analytical findings. He admitted not being happy about finding doping at that level, but happy that we had methods of detection and prosecution. In his opinion, the fact that WADA did follow up was an important signal to athletes around the world.

Secondly, he raised a concern in regards to Independent Observers. He said that the IOC could not be seen as part of the decision making process with respect to the proposition of the IO team because in such case, they could then not be considered as independent. He formulated two questions however: 1) were there any requirements established for the appointment of people (in particular the Chairperson) of such a team, and was consideration given to competencies in the anti-doping field, and 2) regarding Item 4.6 in the Foundation Board papers, it was said that WADA staff would participate in the IO team. He felt that would not make the IO team fully independent.

THE CHAIRMAN remarked that the Director General would answer all the questions when they had all been presented.

MR KASPER had a question for Prof Ljungqvist in regards to the testing of Chinese samples. He asked if there were any remaining samples available for testing in the next seven years if new methods came up.

PROF. LJUNGOVIST replied that there were several thousand urine samples available, but very few blood samples left. He added that the vast majority of substances coming up could be analyzed in urine.

MR REEDIE first said that he was delighted to see the new contract in place with Montreal International to host the WADA Headquarters for a further tenure, offering the Agency a degree of financial security. He asked to defer point 3.2 of the report to his financial report.

THE CHAIRMAN asked if there were any other comments or questions.

THE DIRECTOR GENERAL proceeded to respond to some of the comments made.

Since the SportAccord proposal was on the agenda at point 8.4, he chose not to comment any further.

About Russia, he informed the Committee that WADA had received a request from RUSADA, and a technical team had then been sent to Russia. He was expecting a formal invitation from the Vice-Minister to visit the country and planned to follow up as a result of that particular visit.

In relation to Salbutamol, he only added that we needed to be alert to financial issues and to look at better ways to educate sports doctors.

In relation to Communications, he stated that WADA got many requests from media and added that we were always careful on how we responded since because we were well aware of what journalists were after. Unfortunately, this wasn't a situation we could control, but we could do our best to monitor the media and the way the information came out. He added that FIFA was a strong sport that led inevitably to many inquiries from the media and that we would probably have to deal with more questions because of comments made by the FIFA President.

About the Thought Leadership Seminar, he said that at present, eight out of the twelve members would be going to Oslo and that there would be alternates for the remaining four not attending.

Regarding Austria, he said WADA understood and was monitoring the situation. He added that we hadn't received any responses in relation to the investigations going on. The Director General pointed out that WADA would ensure to get satisfactory responses about the issues.

He also thanked Japan for the hosting of the Blood Doping Symposium in November and added that he was looking forward to the event.

Regarding the re-testing, or further analysis issue, he mentioned that he was glad the IOC took the step in re-testing. He said that the President and he had visited the laboratories in Lausanne and saw the stored samples. He was convinced the operation was very satisfactory in terms of long term storage of collected samples.

He apologized for neglecting his addendum. A point that came out was the timely signing of the contract with Montreal International, which was approved by the Committee in 2007. Canadian and Quebec Ministers, the President of Montreal International, WADA President and Vice-President were present at the signing event held the day prior, and it was a very successful media conference. He was pleased with the outcome.

He responded to Prof. Ljungqvist in regards to the IO team. He explained that WADA had been responsible for selecting the teams. He gave concrete examples mentioning the expertise required in order to monitor Code compliance, practical issues and benefits on site. He added that the team composition had changed from previous Olympic Games missions, now including WADA staff members, external experts and a team manager.

Another point he mentioned was the player groups. These groups wanted more information about the Whereabouts system, as well as other aspects. WADA had met with twelve or fifteen groups, mostly on the international stage, and the aim had been to try and engage them more in what WADA did without creating a situation of conflict (which was the case with Belgium). He said he was hopeful that a relationship (and not a confrontation) could be possible with the player groups. This would be a high priority in current activities and he would remain personally involved.

THE CHAIRMAN thanked the members for their comments following the Director General's Report. He also responded briefly to Mr Kasper's appreciation on the IFADO initiative which was approved at SportAccord and acknowledged his role in that, as a supporter of that program.

He also reiterated the comment made on the outcome of the retesting after the Beijing Games, and congratulated the IOC for taking that step to fight against doping and cheaters.

Before concluding the initial agenda items, he wanted to extend his welcome to the representative of the United States, Mr Jurith, and reminded the Committee that although Mr. Jurith had been active in WADA for a long time, he was sitting at this Committee for the first time.

Lastly, he welcomed Kelly Fairweather, from Management, who was appointed Director of WADA in Europe (Lausanne) and Julie Masse, Director of Communications, at this table for the first time.

MR KASPER expressed his wish to come back to the independent observer matter. He agreed that Mr Fairweather was the best person for this matter in Taipei (at the World Games), but said we could not call him an independent person. He believed that the IOC should have a say in the naming of the Chairperson of such an observers group. Because of the use of the word "Independent", he felt we needed to be consistent. He expressed his doubts about the terminology.

THE CHAIRMAN responded by saying that further discussions would follow outside this meeting.

#### DECISION

Director General's report noted.

### **3.1 Consultation on WADA Statutes**

THE CHAIRMAN asked the Director General if there were any updates.

THE DIRECTOR GENERAL said that there were discussions going on in Europe about this and that he was expecting more formal information soon.

## DECISION

Consultation of WADA Statutes noted.

### **3.2 Special Book Project**

THE CHAIRMAN invited Mr Reddie to share his thoughts on the subject.

MR REDDIE said that the project was very interesting, but not essential at the moment. Since 2010 financial projections were unclear, and that he still needed to get numbers from the Public Authorities, among others, he expressed his wish to examine the project rather than to sign it off right away in light of all the other projects coming up. He asked that the project be deferred and suggested to come back in September with a clearer point of view.

THE CHAIRMAN asked the members if they agreed to defer the decision of the project. He added that we needed to refute controversial arguments and ensure that we always backed up what we do and say with evidence. He agreed to defer the discussion for this project and wait for Finance's report. He agreed with the fact that such a project needed to be considered in a context of the financial challenges we were living.

## DECISION

Decision deferred until review undertaken by the WADA Finance Committee.

## **4. Operation / Management**

### **4.1 10<sup>th</sup> Anniversary**

THE CHAIRMAN asked the Director General to address this point.

THE DIRECTOR GENERAL told the Committee members that WADA had already been working closely with the Government of Sweden in preparation for December. Representatives from Sweden were in fact present in Montreal to observe the weekend's proceedings and to make sure the meetings in Stockholm be conducted with professionalism.

He indicated that it would be appropriate to invite three or four former members of the Agency – original members of the Executive Committee and Foundation Board - to partake in the celebrations planned for WADA's 10th Anniversary in Sweden. The extra expenses were estimated at 22k to 25k. He asked the Committee members if they agreed with his suggestion. He stated this would be the only add-on in terms of expenses.

THE CHAIRMAN asked if there were any comments and if the Committee approved this point of extending the invitation to former WADA participants in the celebration of its first decade. He asked the members if they would agree to invite them considering an extra

expense of 22k to 25k. All members accepted this proposal. He then asked Professor Ljungqvist to comment.

PROF. LJUNGOVIST thanked WADA for greeting the team from Sweden. He explained the team was here to learn and meet people and to get a better understanding of what was required to host the Executive and Board meetings.

#### DECISION

WADA Founding Board members to be invited to Sweden in December.  
Additional costs involved in initiative approved.

#### **4.2 Interpol Memorandum of Understanding Report**

THE DIRECTOR GENERAL stated that there would be a meeting on 15 June 2009 with the French government and Interpol. It was anticipated that at that time, we would establish what is needed going forward.

THE CHAIRMAN informed the members that we would wait for a further update and information on that point.

#### DECISION

Interpol MoU report noted.

#### **4.3 Operational Performance Indicators – 2008 & 2009**

THE CHAIRMAN asked if there were any questions. No questions were put forward.

#### DECISION

Operational Performance Indicators 2008 and 2009 noted.

#### **4.4 Standing Committee Absenteeism – Amendments to Article 11 of WADA Statutes**

THE CHAIRMAN explained that this point required a recommendation to the Foundation Board.

THE DIRECTOR GENERAL spoke briefly about this point and referred members to their materials for the exact wording. Management had prepared the proposed change to the Article according to the members' request at the last meeting. He explained that if this point was approved, an individual who was absent from a Standing Committee for two consecutive meetings without valid reason would be removed from the Committee. This would leave a vacancy on that particular Committee which would then be filled in the

normal annual review at the end of the calendar year. He asked the Executive members to recommend this the FB for adoption.

THE CHAIRMAN asked if there were questions.

MR JURITH explained that, after discussions, he agreed with this item except for the part about absences to be expressed in advance. He mentioned that there would be occasions where this would simply be impossible. He wanted to make sure that in cases of emergencies, the excuse for absence could be expressed and accepted subsequently.

THE CHAIRMAN reassured the members and said this was the way WADA would treat this matter, should it arise. He said he would recommend this point to the FB.

#### DECISION

Amendments to Statutes regarding Committee absenteeism recommended for approval by the Foundation Board.

#### **4.5 Foundation Board Endorsement of Composition for Swiss Authorities**

THE CHAIRMAN referred to the recommendation to go the Foundation Board the next day.

#### DECISION

Foundation Board composition recommended for approval by the Foundation Board.

#### **5. Finance**

MR REEDIE congratulated everyone involved for the collection of contributions (under point 5.2). He stated that at 100%, this was a formidable effort.

He acknowledged the figures for 2009 that contained an additional \$214 000 USD above the normal allocation from within Asia, paid by Japan.

He stated that we were slightly less efficient in 2009 to date. Although contributions were coming in slightly slower than last year however, he said we did not need to be concerned about the situation.

In regard to the 2009 Quarterly Accounts, he mentioned that the IOC contributions were greater than the Public Authorities' contribution and explained that this was due to the fact that WADA had an agreement with IOC for regular installments as opposed to matching every dollar month by month, as in the past.

In relation to point 5.3 (2008 Year End Accounts), he said that Felix Roth, the Agency's auditor from PriceWaterhouseCoopers would be at the Board meeting the next day. He

stated that this point needed to be approved by the Board and also that the Year End Accounts were produced under the provisions of the International Financial Reporting System (IFRS). He mentioned that we had a page of stated improvements and that Felix Roth would explain them at the meeting the following day.

He drew the members' attention to the fact that WADA had been very careful in the movement of funds into non-risky investments and congratulated the WADA staff in making sure the Agency's funds were protected.

THE CHAIRMAN asked the members if they had any questions or comments.

MS UKISHIMA remarked that since WADA was established, Japan had been committed to the development of anti-doping activities on a global base. They had contributed USD 1.5 million to the anti-doping programs of WADA every year since 2002 and had contributed the same amount also for this year on 27 April. In addition to this contribution, Japan had provided an extra USD 214,000 as has been proposed at the previous Executive Committee in November 2008. The Japanese Government wished to note that it would continue its best efforts to cooperate with WADA for the eradication of doping in sport.

THE CHAIRMAN thanked the Minister and mentioned that he had visited Japan in December 2008 and had been invited by the Minister to sign the agreement regarding this additional contribution to WADA. He thanked Japan for their great support and efforts.

MR REEDIE echoed these sentiments. He then pointed out two modest issues that the auditors raised in their Management Report. The first one was that the Financial Department did not involve IFRS specialists for the preparation of the Financial Statements. WADA Management had corrected PWC as they had in fact been involved.

He invited the members to look at Attachment 3 under the 2008 Accounts: Actual vs Budget for the year. He explained that the month by month figures told us whether we were spending money or collecting income. He referred to page 2, under Legal & Finance, and explained they had been granted a revised budget of \$1.8 M and managed to exceed it by 10%. He explained this situation occurred because of the Landis case which was successfully defended.

In relation to Executive Office, he pointed out the substantial increase in intergovernmental meetings due to the Data Protection issues in Europe. He mentioned being pleased that this issue had been resolved.

In regards to Information Technology, on page 4, he mentioned that there was a large increase due to the purchase of computer hardware.

He made a small correction on page 5. He then moved on to page 6, and mentioned that meetings were very costly. And finally, on page 16, he compared profit and loss and mentioned that WADA was better off in operational terms due to control of expenses and receiving high rates of contributions.

He then moved on to the First Quarter of 2009. He mentioned the good contributions, the budget for the quarter, Information Technology having higher percentage figures due to transition costs to our service provider which would obviously not be the case quarter by quarter.

He lastly wished to address the budget situation. He explained that our assumption was that contributions would increase at a rate of 4.5% yearly, and wondered what the feeling in the market place was about this increase. He asked himself if these increases were over confident and if the government would continue to support in certain parts of the world. He felt that, as a responsible organization in times of economic restraint, we needed to look at our own costs carefully and avoid carelessness. He made no assumptions about the 4.5% and asked if members could think about this issue in order to better plan it. He asked Public Authorities to share their idea about this matter. He reiterated his feeling about the safe investments made in this difficult market.

THE CHAIRMAN encouraged Public Authorities to give their general input on the foreshadowed increase of 4.5%.

MR JURITH admitted that the issue was delicate, since we were all in a tight budgetary situation. He explained that his government had committed but that any increase had to be justified.

MR ROWE said that in Oceania's case, they would do whatever was necessary to meet the commitment for next year, including the increase.

MR LUNN also expressed his intention of meeting this commitment even in times of restraint.

MS MASHEGO said that South Africa was already contributing more than expected, but mentioned being able to continue the contributions and motivate other countries in Africa to do the same.

MR REEDIE thought the input was very encouraging. He accepted these comments and felt grateful.

THE CHAIRMAN recommended that the decision on the Book Project be postponed to September in order to give the Finance Committee time to study it and come back with a recommendation after its annual meeting in July. This was agreed to.

THE CHAIRMAN asked that a temporary amendment to the Statutes be made in regards to the decision required for the 2010 Budget. This amendment would allow the Agency to deviate slightly, for two days, because of the upcoming meetings that would be held in Stockholm in early December, as opposed to November, as referenced in the Statutes. That is, a budget needs to be approved by November of the preceding year.

THE DIRECTOR GENERAL corrected by saying that we didn't need an amendment per se, but rather the Statutes needed to be waived for the purpose of this meeting in December.

THE CHAIRMAN asked the members to vote for a waiver of the Statutes. All in favor.

## DECISIONS

Finance update including contributions, 2009 quarterly accounts, 2010 budget process noted. 2008 Year End Accounts recommended for approval by Foundation Board. WADA's 2010 budget to be exceptionally approved on 2 December 2009 in place of November as outlined in WADA Statutes.

### **6. Legal**

THE CHAIRMAN invited Mr Niggli to present the Legal update.

#### **6.1. Legal Update**

MR NIGGLI wished to highlight two cases. Concerning Operation Puerto, he had good news and bad news. First, the appeal that had been launched against the decision of the judge to close the inquiry by the Spanish government, UCI and WADA, had been upheld. Therefore, the Judge would have no choice but to send the case to hearing, thus there would be a trial for Dr Fuentes. On the other hand, Mr Niggli stated that WADA still had no access to the evidence collected in that case due to resistance from the judge in charge, to share information.

In regards to the Valverde case, he stated that WADA had been in front of CAS for over a year and that the case had not been moving forward because of the key evidence to prove that the blood bag seized during the Puerto Operation belonged to Mr Valverde. He explained that WADA tried to get a portion of the blood bag from the Spanish judge, through civil corporation and through CAS but that we had been denied this right every time. WADA had also appealed at the Spanish level, but nothing had moved.

He explained that, the Italians, through CONI and through their criminal Law, are able to obtain cooperation at the criminal level rather than at the civil level, and had thereby managed to get access to the blood bag and to bring portions of it back to Italy, including Mr Valverde's bag. The Spanish judge accepted that the blood bag be taken, and the Italian police took the blood bag to Italy. The other judge, upon return from vacation, reversed the order. Unfortunately, the blood bag had already been taken away, and therefore not much could be done. The Italian police compared the DNA from the blood bag and samples taken from previous competitions and confirmed that Mr Valverde's blood bag was in Barcelona. The Italians are now proceeding with a criminal case and a disciplinary case under CONI and the Italian criminal Law.

He explained that in parallel with that case, we had a pending case before CAS where we were trying to get evidence gathered by the Italians. To do so, WADA accepted to be a party in the Italian proceedings and has filed to enter into that case. Mr Niggli stated that things were progressing, but with difficulty. He expressed his hope for things to move

rapidly once the evidence needed is available, as a lot of time and energy was being wasted on one athlete. The hearings in Italy were foreseen for the end of May.

MR NIGGLI then drew the Committee's attention to the case in Flanders (Belgium) brought on by a syndicate representing 65 athletes challenging the whereabouts system. He stated that this claim was in before the Civil State Council of the Flanders' Region and was challenging the fact that the whereabouts requirements were infringing the athletes' right to privacy. He said that he wasn't sure the procedural rules had been followed and doubted the success of the case, and suspected the intentions of the group of athletes were to bring any decision to a higher level, namely to Human Rights. Nevertheless, WADA had decided to intervene in this case to explain the whereabouts notions and to provide the Court with all the information they require to make a decision. The case would be dealt with on 4 June. More information would be provided later.

The last item he brought to the members' attention related to weightlifting and Armenian athletes. As an update, Mr Niggli told the Committee that the IOC provided some samples collected during the Games, which samples were identified as being those of the Armenian athletes. WADA managed to do a DNA comparison and confirmed that the previous urine samples and the more recent samples were not from the same athletes. Therefore, there was manipulation (at least for one athlete). He added that this information was relayed to the IWF and WADA received a confirmation last week from them indicating they would take proper disciplinary measures. Although the case was still pending, it was moving forward because of strong evidence that was put on the table.

THE CHAIRMAN asked if there were any questions or comments.

PROF. LJUNGOVIST made two remarks. One related to the Italian-Spanish cooperation at the criminal level. He stated that this was the second time the Italian Law was helpful in the fight against doping because they are criminalizing certain anti-doping violations (for example possession, trafficking). He expressed his hope for other countries to follow this model. He also stated that without such a law, WADA would have been helpless in the Torino games, in particular with respect to the Austrian affair.

His second comment was related to the weightlifting case. He was happy that the samples provided enough material for a DNA analysis. Fortunately, the samples were OK.

MR LISSAVETZKY (in Spanish) made a few brief comments. Regarding the Puerto Operation, he explained the legal problem that occurred in Spain was related to the fact that while the Puerto Operation took place, Spain was proceeding with a new Law (in November 2006). This new Law considers it a crime to engage in doping. He expressed his opinion about the judge's decision. He clarified the judge's position and said that his reason not to deliver the blood bags was based on the fact that, in order to carry out such operation, it was necessary to listen in on phone conversations and to have police follow athletes. He explained that such measures were only taken when seeking criminals. The judge had added that these tests were taken for the purposes of crime against public health because doping was not yet considered a criminal offense.

The second clarification he made related to the fact that there was a specific accusation involving the Spanish Government (High Council for Sport), WADA, UCI and the Prosecutor's office in Spain. He referred to paragraph 3 of the Report, stating the information was false and explained that the Spanish Cycling Federation had asked for the bags in October or November of 2006.

MR LISSAVETZKY continued and explained that if Italy was successful in getting bag number 18, it was because of a European convention on judicial cooperation on penal and criminal matters. That was the reason why CONI could get the bag.

He expressed his hope for this matter to be resolved once and for all, and reach closure soon. He recognized the success of the Puerto Operation and the dismantling of a network operating at European and international levels. His only concern was about legal closure and the five parties. He said they would be judged and hoped for closure.

THE CHAIRMAN took note of the comments and asked if there were more questions.

MR REEDIE made a brief return to the Finance point by adding that he gave Olivier Niggli a legal budget \$1.8 million USD last year and that it had been exceeded. In the first quarter of this year, only 46 K (out of 800 000) were spent. He added that the costs of litigation were difficult to predict.

#### DECISION

Legal update noted.

### **6.2 Protocols for Coordinating Investigations and Sharing Anti-Doping Information and Evidence**

THE CHAIRMAN took note of the point for further report in September. There were no comments made.

#### DECISION

Protocols update noted.

### **6.3 Report on Disciplinary Procedure for Laboratories**

MR NIGGLI informed the Committee that the procedure adopted in a previous meeting had been put into place soon after and that things worked fine.

THE CHAIRMAN asked if there were any progress in the reinstatement of the two laboratories.

DR RABIN gave precisions on the situation. One of his science team had just returned from Malaysia. There was a reinstatement visit conducted by one member of the Laboratory Committee and one member of the WADA Science Department. The Turkey Laboratory

would receive a visit in June. He hoped the two would be back on track at the end of the suspension period.

MS UKISHIMA mentioned that Japan would support these laboratories in helping their quality and expressed her wish to continue to help strengthen the Anti-Doping System in Asia.

THE CHAIRMAN took note of these comments.

### DECISION

Report on Disciplinary Procedure for Laboratories noted.

## **7. World Anti-Doping Code**

### **7.1 Code Revision, Compliance and Monitoring Plan: 2009-2015**

MR ANDERSEN asked the Committee to take a look at a revised document: Attachment 1 to agenda item 7.1, since revisions (or rather clarifications) had been made just the previous day. He explained that WADA had examined the process from the moment the first Code was established (in 2001) until the revised Code entering into force in January 2009. He also mentioned there had been issues with the Compliance report due in 2006, then deferred to 2008, and deferred again to May 2009 by the Foundation Board. He reported that the system had been examined at the end of 2008 where they had to report on compliance of an existing Code (2003) knowing that a new Code would be coming into force only two months later (in January 2009); a situation which was not an ideal one. In this regard, they had looked at ways to move forward and referred to the chart (Attachment 1) which ran from the year 2009, up until 2015.

He mentioned his meetings with UNESCO and the Council of Europe in order to synchronize the reporting of compliance with both the Code and the Conventions.

He added that he would normally report on Compliance by the end of 2010, since the Code came into force in January 2009. A new proposal however would be to postpone this report to 2011 and then onwards to every second year, meaning one year deferral for the Code Compliance Report and an interim report on Compliance at every Executive Committee and Foundation Board meeting. He asked the members to accept this calendar proposal. He pointed out that if accepted, the next Code review process would start in 2012 and a finalization would take place in 2013 with a World Conference. A revised Code would then come into force in January 2015.

THE CHAIRMAN asked if there were any questions or comments.

PROF. LJUNGOVIST said that this was a constructive way to deal with this project. He asked if the interim report of Compliance would take place after the end of 2011 at each Executive Committee meeting.

THE CHAIRMAN confirmed that was the intention.

MR RICCI BITTI had a general comment. He said he was in favor of such a project and added that, in the fight against doping, the Code had been a milestone and the Code Compliance procedure, a necessity. He added that WADA needed to go a step further in terms of monitoring partners' roles and tasks and that the approach related to Code Compliance was a perhaps a little too bureaucratic. He said he wanted to continue to improve the effectiveness of the system. He pointed out that Ifs, NOCs and NADOs had very different roles and recommended that there be better coordination between stakeholders and their roles.

THE CHAIRMAN agreed and accepted the comment about roles and responsibilities. He agreed that this point needed clarification.

MR ROWE asked when the review of the Code would commence in 2012.

MR ANDERSEN answered that this process would start early in 2012 in order to have close to two full years to conduct the consultations.

THE CHAIRMAN agreed with this idea and didn't see any conflict arising. He then asked what the recommendations were.

MR ANDERSEN referred to the recommendations (Attachment 1 of item 7.1) and asked that they be presented to the Foundation Board for approval.

THE CHAIRMAN asked the members if they accepted the recommendations. All were in favor.

#### DECISION

Code Revision, Compliance and Monitoring Plan  
(2009-2015) approved for recommendation to  
Foundation Board.

#### **7.1.1 4<sup>th</sup> World Conference on Doping in Sports**

THE DIRECTOR GENERAL took it, following the previous discussions, that Management had approval to seek interest to host the 4th World Conference on Doping in Sports. He stated that he would commence the process and report on a regular basis.

THE CHAIRMAN confirmed that the process could commence.

#### DECISION

Next World Conference confirmed for 2013.

## 7.2 Code Implementation and Compliance Report

In regards to item 7.2, MR ANDERSEN presented a report addressing two points: first the 2003 Code and second, an interim report on the 2009 Code. He went over the points in the report, namely the extension of the deadline from 2006 to 2008 to 2009; the scope of compliance reporting applicable to IFs and NADOs, Code Monitoring of Major Games Organizations through IO missions, and through RADOs in the case of regional anti-doping countries; the extraordinary circumstances for excuses allowed by the Code related to sports records and history, political and economical issues in specific countries; the minimal requirements to be in line with the Code, article 2, article 10, the right for WADA to appeal, the respect for International Standards and implementation of an OOCT program.

In terms of compliance with the 2003 Code, he mentioned that WADA had ongoing communications with its stakeholders and referenced charts highlighting the changes made. He was happy to report that all five Federations mentioned last November now had OOCT programs in place or were on their way to having them.

In regards to the 2003 Code, he asked that the Executive Committee recommend to the Foundation Board to acknowledge the status report and regard it as complete. According to Article 23.4.4 of the 2003 Code, there were reporting obligations for WADA to the IOC, the IPC, and Major Games Organizations.

As for the 2009 Code, he stated that very good progress had been made in the advancement of rules implementation. Indeed, he was happy to report that progress was significant in a short period of time. He had no further comments to make about the chart.

He referred to the Addendum to item 7.2 providing a most recent update on the current situation.

Regarding the 2009 Code, he concluded by saying that WADA would continue to provide assistance and guidance to all signatories. Interim reports would be tabled at each Executive Committee meeting. He stressed that these interim reports would not be aimed at declaring anyone non-compliant, but rather to report on the status of compliance.

THE CHAIRMAN asked if there were any questions or comments.

MR RICCI BITTI expressed his worries about not seeing any data on out of competition testing from NADOs in Attachment 3 and 4. He asked if any tests had been done?

MR ANDERSEN explained that there was reference to In and Out of Competition Testing from NADOs in the written report.

THE CHAIRMAN referred to the word "ALL" in the chart, which covered NADOs. He asked the Committee to approve paragraph 1 of item 7.2 bearing in mind that the Addendum pointed out that there should be an obligation on the part of WADA to send the report to those mentioned in article 23.4. of the 2003 Code. All members approved. He stated that there would be an interim report at each Executive Committee meeting.

MR REEDIE pointed out that, while checking Code Compliance conferring respectability on the various stakeholders, an issue still remained. He felt it was important to define each party's responsibility otherwise athletes were being chased around by different testing organizations for many tests during a single week. He suggested putting together a group of two or three interested people from NADOs, IFs and NOCs to start figuring out who did what. This measure would help NOCs better understand minimum standards in order to be effective. He mentioned we had the tools and experience to do so. He encouraged reactions on this matter.

THE CHAIRMAN accepted this constructive suggestion, wondering however if there was an ideal model out there.

MR RICCI BITTI gave the example of ITF to clarify, and added that WADA should play an advisory role.

THE CHAIRMAN stated that Management would give this issue further thought and put in on September's agenda.

#### DECISION

Code compliance update approved for  
recommendation to Foundation Board.

### **7.3 International Standards Update**

#### **7.3.1 International Standard for the Protection of Privacy and Personal Information (ISPP)**

MR NIGGLI provided an update on the Standard. He first thanked the Spanish for their help in this matter and then took the members through the process. He stated that the Standard had a minimum level of protection for athletes, based and inspired on a number of texts and laws. This Standard was adopted and came into force on 1 January 2009.

He recalled the previous discussions when Europe declared a moratorium because they had been unsatisfied with the Standard. WADA had offered to engage in further discussions to understand the concerns and sought the opinion of Working Party 29 which was released on 6 April 2009. The opinion stated that the Standard did not violate EU Laws, and it highlighted some differences and suggested some improvements. It also accepted the idea that collecting Whereabouts was necessary. On 24 April, in a meeting in Madrid chaired by Javier Odriozola, the items had been discussed and a common ground found and depicted in the provided text. Mr Niggli said that this text was further confirmed by the Europeans during their regional gathering (CAHAMA) the previous Wednesday.

Regarding the changes, Mr Niggli explained that a definition of anti-doping was included in order to clarify the scope of the Standard. He also explained that WADA, in collaboration with its stakeholders would develop guidelines on different retention times of data, and that the Standard had also been extended to other persons: participants, athletes, entourage,

parents, and doctors. Retired athletes were newly accepted in that category. Finally he explained there was a proposal that CAS be introduced in the Standard for data privacy issues.

He mentioned that, going forward, this issue would be discussed at an upcoming Symposium on doping issues organized by the European Commission. He noted that data protection issues would be discussed at this meeting, and WADA would be present. If WADA adopted the Standard today at this meeting, it would certainly be a good message to take to this meeting.

Finally, he stated that WADA had been invited by the Working Party 29 to attend a meeting on June 16. This would be a good opportunity to discuss WADA's role in the fight against doping.

He asked the Committee two questions: first, because of the inevitable short timeline and the fact all this material was only approved a week ago by the Europeans, he asked if the Committee could deal with this matter on such short notice. If so, he asked if the Committee would accept the entry into force of the revised Standard on 1 June.

He added that there be a slight amendment to article 5.3 a. in the middle of paragraph, the terms "or possession" should be added after Athletes' use and read (...) to determine whether the Athlete's use or possession of a prohibited substance (...). This detail better mirrored the wording in the Code.

THE CHAIRMAN asked if everyone understood this addition and if there were questions.

MR LUNN commended all the great work that had been done and all the progress made regarding this matter. He mentioned that the protection of privacy and personal information was very important and emphasized that point in regards to international data transfers. He also said that it was important to adopt this in order to send the right signals to the European Commission.

MR LISSAVETZKY (in Spanish) took advantage of the opportunity to thank the Chairman for his kind words of welcome. He mentioned the Anti-Doping Conference in Madrid and his meeting with Mr. Fahey, his election by 49 countries in Athens in December and the fact he was very honored to be at this meeting, hoping not to let anyone down. He then recalled his meeting with the European Council and Ms Maud de Boer-Buquicchio in Strasbourg, and the importance for WADA to become stronger and to have good relations with Europe. He also hoped to reach an agreement on this point.

MR ROWE also acknowledged the hard work undertaken to reach this point. Even though he didn't have a chance to consult his experts, he didn't feel this should hold things up. He expressed his wish to have his experts examine the documents on the Standard.

THE CHAIRMAN clarified some questions and added that the Standard could be addressed with amendments at any time the Committee would reunite. He reassured all members on the fact that he would accept matters that require further attention at the September

meeting. He stressed the point that this was a living document and had to be dealt with as time went by.

MR JURITH congratulated Mr Niggli for the great work with this tricky issue. He was able to check with his stakeholders and they have agreed to support the report.

MR RICCI BITTI added that the important point was to be as clear as possible since this matter was a sensitive one.

MR REEDIE indicated that it would be better if the Standard was in place before the Congress and the Working Group meeting.

THE CHAIRMAN echoed these words by adding that the message at the meeting had to be clear and then asked if there were more questions or comments. He asked the members two questions. First, if they accepted the waiver of time to approve the document. The members accepted this proposal. And secondly, if they accepted the amendments made to the document, notably to article 5.3 a. All were in favor. He was happy with this conclusion, reiterated his thanks to Spain and added that this document would enter into force on 1 June 2009.

#### DECISIONS

Timeline for approval of the International Standard for ISPP shortened to allow consideration forthwith.  
Amendments approved.  
International Standard as amended approved to enter into force on 1 June 2009.

### **7.3.2 International Standard for Testing AND**

### **7.3.3 International Standard for Therapeutic Use Exemptions**

THE CHAIRMAN joined points 7.3.2 and 7.3.3 and asked if there were any questions or comments on those two items.

MR LISSAVETZKY (in Spanish) gave Spain's position. First, he stated that their national law had been approved in 2006. He then explained how the law worked. At the first level, four decrees had to be passed: one on the fight against doping in 2007, one on disciplinary measures in 2008, one on the establishment of a new anti-doping agency in Spain in 2008 and lastly, one in April 2009 regarding the development of that law and its different aspects (protection of health, information measures, doping, research, the Athlete's Passport, information systems, complementary measures, banned substances and methods, health treatments, medical kits, doping products, nutritional supplements, TUE with WADA standards, doping control, laboratory regulations, laboratory certification, confidentiality, sample storage of samples, data, planning of doping controls, athletes whereabouts, transfer of samples, etc.).

Moreover, he mentioned the development level, notably resolutions, and the fact that this decree went hand in hand with the resolutions published on 8 May in the Official Government Gazette/Bulletin available on line.

He confirmed that Spain would not be carrying out night checks. He explained and read parts of the resolution. The quote stated that "forms will be filled and signed after each calendar quarter, notably in January, April, June and October." The resolution also stated that the location of the Whereabouts should be carried out at any moment in the day during competitions, between 8 AM and 11 PM, throughout the year. It also stated that Out-of-Competition tests could be carried out at any time. Finally, the resolution stated the sportsman's obligation to be available at any time of the year.

He then continued by saying he was very proud to be part of WADA. He invited the Board to look at the decrees and promised to make the necessary corrections. He added that he sometimes sensed a lack of trust. In his new political position, he sought the Committee's trust for his actions. He also expressed his wish for things to change. He gave FIFA as an example and mentioned that, in the public opinion, things had to be very transparent and effective.

He reiterated his will to take part and to comply with any decision taken by the Committee.

THE CHAIRMAN answered by saying that he understood these concerns about what had been reported in the media. He said the decrees would be examined and that WADA would communicate any concerns if necessary.

## DECISIONS

International Standard updates noted.  
Spanish decrees to be examined by WADA.

## **8. Department/Area Reports**

### **8.1 Communications**

MS MASSE said that her full report would be presented to the Board the next day. The only point she which to address was the Athlete Committee. She reported that the Committee would only be meeting once in 2009, on 20 and 21 August in Berlin during the IAAF World Championships. To date, 13 out of the 17 athletes had confirmed their participation. She thanked the IAAF for their support.

THE CHAIRMAN noted the absence and apology from Mr Fetisov's (the Chair of the Athlete Committee) and said he was looking forward to receiving his report on point 8.1.1 at the September meeting.

## DECISION

Communications (including Athlete Committee Chair) report noted.

### **8.2 Science**

#### **8.2.1 Health Medical and Research Committee Chair Report**

PROF. LJUNGOVIST made introductory remarks and referred to the further analysis of Beijing samples as a good example of the progress in Science. He reported that there was a budget for research and was satisfied with the outcomes. He also mentioned that people were invited to apply for Research grants, and that the deadline was 15 May. He mentioned different points, namely a decision that needed to be taken by the Board; the suspension of some laboratories: a very successful mechanism that was badly needed; a technical document for approval on EPO. He thanked Japan for the upcoming Blood Doping Symposium in Tokyo.

DR RABIN mentioned that there was a new generation of EPO and that our work with the pharmaceutical industry was important. WADA have developed several collaborations over the past four-five years and they have helped to detect substances that were not on the market yet. He added that WADA needed to work with agencies and have discussions with the pharmaceutical and biotechnological industries all over the world for their help. He also mentioned that there would be other technical documents to approve later.

MR RICCI BITTI asked about Formestan and needed some explanations on that situation.

DR RABIN explained that WADA were engaging in legal discussions with the legal representatives of the ITF on these specific cases. He said that Formestan had been on the Prohibited Substance List for a while. He explained that some rare cases had been known to naturally secrete this substance. In the absence of strong scientific evidence that it could have been doping, the decision was taken not to pursue these cases, with an action point taken on WADA's side to discuss with the Laboratory Committee to ensure that these very rare situations could be properly handled in the future.

## DECISION

Health Medical and Research Committee Chair report noted.

#### **8.2.2 Prohibited List**

DR RABIN gave a brief update on the Draft Prohibited List. He said there had been two List Committee meetings in Montreal in January and in April to draft the 2010 Prohibited List. The document was released for consultation earlier the same week to 1500 stakeholders and said their comments were expected by 31 July for revision by the

Committee in September and later by the Health Medical and Research Committee members for presentation to the Executive at the next session.

### DECISION

Prohibited List 2010 update noted.

#### **8.2.3 Athlete passport / Blood parameters Update**

MR STUART KEMP gave an update of the last document and talked about progresses made and WADA's involvement in the matter. He stated that consensus had been reached amongst the experts and hematologists on the fact that the longitudinal profile was a useful exercise for testing and sanctioning. He added that with this consensus, we were ready to move forward with a Model to look at a standardized fashion.

He noted the challenges were however to gather the scientific standardization and to reach the level of robustness required in terms of a legal framework. He made reference to traditional anti-doping tests that looked at static results whereas the Passport methodology was more dynamic.

He explained WADA's involvement to date in terms of reviewing existing literature and best practices with blood profiling, health checks, medical checks, use of data, targeting, practical and effective methodologies. He said that another step taken by WADA had been to commission an independent review of the Adaptive Model with experts outside the anti-doping community examining it to ensure its validity. He was pleased to say that their support was behind this project.

Another activity within WADA was to ensure that sufficient capacity was in place for future Passport programs. WADA had also been working to further develop the ADAMS system to support the Passport methodology and the development of Guidelines and Technical documents for ADOs to better apply Passport programs in a standardized fashion.

He referred to the most significant update: the fact that WADA was ready to proceed with a Working Group in that matter. He was pleased to announce that WADA had invited experts and practitioners to take part in a meeting in Montreal between 8-12 June. He added it was important to remember the work done to date and the fact that the Passport was not a panacea, but a complementary approach to traditional testing, thus making it more effective. Most importantly, he expressed his wish for a standardized Model in order for NADOs and National Sports Federations to run these programs in harmonized ways with consistent data to be shared between them.

THE CHAIRMAN asked if there were any questions or comments.

PROF. LJUNGOVIST needed to clarify a point about cycling. He asked if UCI intended to move on their own and if they were incorporated in the work or not?

MR KEMP responded by saying that UCI had been invited and had accepted to attend the meeting in June.

THE CHAIRMAN added that he had the opportunity to spend time with the UCI in February and had discussions on UCI's role. He raised the importance of such a tool and such methods. He felt we were getting closer to our goal in that matter.

#### DECISION

Passport report noted.

#### **8.2.4 Candidate Laboratories for WADA Accreditation**

DR RABIN reported that WADA now had 34 accredited laboratories in 31 countries and two which were in probationary phase, hoping to gain their accreditation status by the end of this year. He referenced that of the 34 accredited laboratories, 19 were located in Europe, six in the Americas, six in Asia, two in Africa and one in Oceania. The two other labs mentioned as being in the probationary phase were in Kazakhstan and Romania.

In addition to these, many new candidates had also approached WADA for accreditation or showed some interest and an increase in that sense had been noted in the past 18 months.

Among the many requests received, 10 were considered serious based on the nature of the interactions WADA had with these countries.

He also said that the ad hoc group had made several recommendations last year, including the fact that the acceptance of a new candidate lab should be discussed by the WADA Executive. He added it was important to bear in mind that WADA had limited capacities and that we could only take two or three labs in a probationary phase at one time. He pointed out three criteria to take into account; namely having an Anti-Doping Organization in place, having ratified the UNESCO Convention and having provided the financial contribution to WADA.

After internal discussions, based on these criteria, the proposition was to include Mexico City and Buenos Aires this year, and Qatar next year in the next probationary phase.

THE CHAIRMAN asked if there were any questions or comments.

MR REEDIE said he had the pleasure to chair a committee of scientists and that this was the situation WADA wished for in terms of geographical representation. He wondered how to deal with other labs waiting for an answer.

DR RABIN mentioned that WADA always made these interventions in a careful and polite fashion. For example, in the United States, WADA would kindly refer them to USADA. For other countries, WADA would refer the candidates to the International Standard for Laboratories then track with our colleagues. He concluded by saying that a letter would be sent to the labs concerned based on the decisions.

THE CHAIRMAN asked the Committee to vote on this recommendation of the accreditation of the three labs: Mexico City, Buenos Aires and Qatar. All agreed.

MR JURITH asked if WADA's goal was to have a maximum number of labs.

DR RABIN answered that was not the case, and that it depended on the needs and capacities in different regions.

THE CHAIRMAN added that other factors were complicated, namely sample transportation to remote regions and that the convenience factor ensured a proper testing program in place.

#### DECISION

Mexico City, Buenos Aires and Qatar Laboratories  
approved as new candidate laboratories.

#### **8.2.5 Technical Document – EPO**

DR RABIN presented two slides, as this was an extremely important technical document. He said there were a record number of EPO cases, both classical and in the newest form, reported by the WADA accredited laboratories over the last 18 months, and added that athletes were developing new strategies to bypass the rules. He gave the example of mixing two forms of EPO and mentioned the need for WADA to constantly adjust. He referred to page 1 of the Technical Document where three changes were made, specifically the name for CERA. He explained that WADA contacted Roche, the company that developed it, and that they confirmed the International Nonproprietary Name (INN) of the molecule as defined by the World Health Organization. He also referred to page 5 of the document that clarified the mixing of EPO situation, and to page 8, in the technical section, where terminology was clarified.

THE CHAIRMAN asked the Committee to approve the Technical Document. All were in favor.

PROF. LJUNGOVIST assured the Committee that they were moving very carefully in that matter and that top scientists were in approval.

#### DECISION

EPO Technical Document approved.

#### **8.3 Education**

MR LUNN presented his report, as Chair of the WADA Education Committee.

He stated that one of the Department's primary goals was to develop education tools which were fun and interactive way. He mentioned updates made to the Toolkits, and the intent to continue to develop the Play True Generation Program. He also referenced the Chooseco books project: Always Picked Last and Track Star, to be released in June.

Requests for 200,000 copies had already been made by the International Athletics Federation.

The Ministries of Education project was referenced which involves integrating anti-doping into regular curriculums. Discussions had started with Mexico and Singapore and were progressing.

He highlighted the need and the importance of Social Science Research in order to understand why athletes chose to use doping substances and what could be done to prevent such decisions. He mentioned the development of a five-year Strategic Plan on that matter.

In conclusion, he encouraged WADA and stakeholders to continue to invest time and resources to educate youth and athletes.

THE CHAIRMAN saluted these ideas especially the one about integrating Anti-Doping information in curriculums. He felt that getting the message to kids in school was a great idea.

#### DECISION

Education report noted.

### **8.4 Standard & Harmonization**

#### **8.4.1 Anti-Doping Organization Symposium Report**

MR ANDERSEN gave a brief update on the Symposium held on 21 & 22 April 2009 where the goal was to bring all anti-doping organizations together in a more cooperative fashion. Experienced organizations had been invited to present their programs and experiences to those lesser developed ones. A wide range of topics were touched on, namely education initiatives, prevention and detection strategies, Customs and Police cooperation, etc.

He reported that the next Symposium would be held on 13 & 14 April 2010, again in Lausanne.

#### DECISION

Anti-Doping Organization Symposium report noted.

#### **8.4.2 Support to International Federations for Anti-Doping Services**

MR KASPER thanked WADA for their willingness to contribute to this initiative. He mentioned that his work in GAISF/SportAccord would be to educate member IFs. He said it would take a certain time for things to happen and asked for WADA's and the IOC's contributions for a five-year period in order to reach good results. He said that activities would start on 1 July and thanked the Committee.

MR FAIRWEATHER added that the manager appointed to the program came from an IF and had worked at WADA in the past; Ms Françoise Dagouret.

He explained his role and mentioned that there would be an advisory group set up that would report back to the WADA Executive. In conclusion, he sought approval for WADA's contributions to these anti-doping services.

THE CHAIRMAN referred to the document highlighting that a decision was requested for five-years of support to SportAccord, for 160,000 CHF per year.

#### DECISION

WADA contribution of 160,000 CHF per annum for five years approved, subject to conditions as set out in the papers.

#### **9. Other Business / Future Meetings**

THE CHAIRMAN noted dates for meetings later in the year, most importantly the meetings in Stockholm on 1 and 2 December, as well as the celebration of WADA's 10th Anniversary, also on 1 December in the evening.

He acknowledged the great work of the interpreters and the meeting adjourned at 13:30 p.m.

#### **FOR APPROVAL**

**JOHN FAHEY, AC**  
PRESIDENT AND CHAIRMAN OF WADA