
Minutes of the WADA Foundation Board Meeting

21 August 2001, Tallinn

The meeting began at 9 a.m.

1. Welcome

THE CHAIRMAN welcomed the members to the meeting of WADA's Foundation Board, as well as the observers, assistants and the media.

WADA was about to sign an agreement with the European Union for funding above the base funding for a total of two million Euros. He asked Mrs Reding to explain the content of the agreement.

MRS REDING thanked the Chairman. The contribution from the EU aimed to illustrate the EU's strong commitment, in terms of EU activities, to anti-doping throughout the world. The EU would be funding three projects for WADA: the athletes' passport project; a website for information, training and prevention; and the continuation of the Independent Observer Programme to increase effectiveness at future sports events.

She presented the three files, which constituted the starting point of the three activities and illustrated Europe's commitment to WADA's work.

THE CHAIRMAN said that WADA was very happy with the additional EU support granted. WADA regarded this as an investment in the mutual fight against doping.

He invited the Minister of Culture and Sport for Estonia to say a few words at the opening of the session.

On behalf of the Estonian Government, MINISTER KIVI was delighted to welcome WADA to Tallinn. Estonia was proud and honoured that WADA had chosen to hold its meetings in the city.

She thanked the Chairman and the Secretary General of WADA, and reminded all those present of the most important message of WADA: be positive and test negative.

THE CHAIRMAN thanked Minister Kivi for her hospitality, highlighting the excellent working conditions that had been made available to WADA.

2. Roll Call

See (Annex).

THE CHAIRMAN introduced Dr Robin Mitchell, who had replaced Dr Rogge on behalf of the Olympic Movement. Ms Lindén, one of the founder members of WADA, had tendered her resignation from the Board and had been replaced by Mrs Reding. Mr Anciaux was present as a representative of the European Union.

MR CODERRE wished to congratulate Dr Rogge, the new IOC President, and Ms Lindén, for their contribution to WADA.

3. Minutes of the Foundation Board meeting on 14 November 2000

THE CHAIRMAN asked if anyone had any comments to make regarding the minutes of the Board meeting on 14 November 2000.

If no proposals for amendments to the minutes were made by noon that day, he would consider the minutes approved as distributed.

DECISION

Minutes of the WADA Board meeting on 14
November 2000 approved and duly signed.

4. Observers

THE CHAIRMAN noted the presence of a number of observers from the Ibero-American Sport Council; UNESCO; the Estonian Olympic Committee; the Estonian Ministry of Culture; the Lithuanian Anti-Doping Commission; the World Olympians Association; and the Estonian Olympic Committee.

5. Permanent Site

A) Evaluation Committee Report

THE CHAIRMAN said that the members had received the report some days prior to the meeting. It was now a public document.

MR CTVRTLIK addressed the governmental officials, sports representatives and athletes who made up WADA's Executive Committee.

As Chairman of the WADA Headquarters Evaluation Committee, assembled by the members of the Executive Committee to critically evaluate the potential sites for the future home of WADA, he came before them feeling both honoured and very humble. Honoured because the Executive Committee had entrusted the Evaluation Committee with such an important task, yet humble that the work achieved could not possibly be perfect.

He referred the members to the financial table on page 97 of the report, noting that there had been an error, for which he took full responsibility. Under *Renovation Costs* for the Montreal bid, he had written that the costs would be paid out of the allotment made by Montreal. This was incorrect.

As Chairman of this Evaluation Committee, he felt that he was in a unique position to bestow upon the members, both the sporting sides and the governmental representatives, special congratulations that could be seen only from the Evaluation Committee's vantage point. The Committee had been privileged to receive bids of such a high level that it had been excited, surprised and fearful. Excited because the bids had been made so expertly that they would be easier to evaluate, surprised at the different incentives that were being offered, and fearful, because the only piece of advice that Chairman Dick Pound had given had been: "Don't come back and say that all of these cities are excellent". And in reality, all of the bids had come in at a high level. But the reason that he wanted to congratulate the members was for their courage and perseverance in creating and nurturing an idea such as the World Anti-Doping Agency. Only a few years ago, there had been no such thing as WADA, no unannounced testing, no agency that could coordinate research world-wide and put meaningful financial resources behind the effort, no possible way for governments and sporting authorities to work together to fight one of the most crippling practices in sport, the use of drugs. But this dream was now a reality. The members had given financially and of their time, and the bids that he was currently presenting were a testament to the success of the members' efforts. And for that he applauded them.

Before going any further, he wanted to introduce the members of the site evaluation team:

David Howman, Chairman of the WADA Legal Committee and Representative from the New Zealand Government (serving as Chair of the New Zealand Sports Drug Agency) had represented the governmental side of WADA; Anders Besseberg, President of the International Biathlon Union and Representative of the Winter International Federations, had represented the sporting side of WADA; and MR CTVRTLIK, member of the WADA Board, three-time Olympian from the United States in the sport of volleyball, and a member of the IOC Athlete's Commission, had served as Chair of the Committee.

They had been accompanied by Harri Syväsalmi, the Secretary General of WADA, who had been instrumental in knowing the requirements of the future needs of the staff of WADA; Erkki Savolainen, a construction consultant who had proved invaluable in the analysis of the proposed physical sites for the future WADA Headquarters; and Shannan Withers who, as a member of the WADA staff, had performed all administrative duties for the team.

At the outset, he wanted to state that the Evaluation Committee had taken its mission very seriously and, as each of the bid cities would attest, it had tried to ask questions and undertake inquiries that would uncover, to its satisfaction, the best possible scenarios that each bid city could possibly put forth. It had proceeded according to the mandate given by the WADA Board in March 2000, which had been reinforced and refined by the WADA Executive Committee at its meeting in South Africa in June 2001.

Further, he informed the members of the strict emphasis that had been placed on confidentiality. All discussions had been kept within the group. All information gathered had been seen by no-one unless absolutely necessary. Furthermore, to ensure no influence by accompanying staff members and experts, the Evaluation Committee had met alone, before and after each visit, to collate material and evaluate what had been presented. He felt from his conversations with many of the members and the questions that he had been asked as recently as a couple of days before the report had been delivered to the members, that the team had abided by this, he was especially thankful to the team members.

The evaluation of the bid cities for the new WADA Headquarters needed to be discussed. MR CTVRTLK went over the process undertaken in this evaluation. For some of the members, this was a review, but for others it was news and he wanted to make sure that everyone around the table was clear on how the Evaluation Committee had arrived at the conclusions set forth in the report.

The process employed to evaluate the cities could be seen on the timeline that had been handed out to the members:

| Date/s | Item |
|-----------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Early 2000 | Set of detailed evaluation criteria compiled specifying the requirements for new permanent headquarters |
| 29 August 2000 | WADA invited all NOCs and their sports ministries to bid to host WADA by supplying information relevant to the set criteria. |
| 23 October 2000 | 10 applications received. |
| 14 November 2000 | Applications reviewed by WADA Foundation Board and six cities accepted as final candidates – Bonn, Lausanne, Lille, Montreal, Stockholm and Vienna. |
| | Evaluation Committee members appointed by Foundation Board. |
| | Final evaluation criteria and weighting system approved. |
| December 2000 | Final/Phase II inquiry material provided to candidates. |
| 01 March 2001 | Candidate City applications received by WADA. |
| 06 March 2001 | Elimination of the candidate city of Lille, France due to failure to comply with set application guidelines (<i>WADA Executive Committee meeting – Lausanne, Switzerland</i>) |
| 03/04 & 05/06 April 2001 | Evaluation Committee Site Visits – Bonn, Vienna |
| 18/19 April 2001 | Evaluation Committee Site Visit – Lausanne |
| 24/25 & 27/28 April 2001 | Evaluation Committee Site Visits – Stockholm, Montreal |
| Immediately post individual site visits | Formal notification sent to each city advising them that they would be given five working days from the conclusion of the site visit to submit any requested clarifications and/or any new information in addition to that contained in their written application. |
| Five working days post individual site visits | Receipt of additional information from all cities as required. |
| 15/16 May 2001 | Evaluation Committee and support team meet to compile draft factual |

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|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|
| | reports <i>(Lausanne, Switzerland)</i> |
| 01 June 2001 | Status report to WADA Executive Committee <i>(Cape Town, South Africa)</i> |
| 08 June 2001 | Distribution of factual reports to Candidate Cities for their review and acceptance/approval (within ten working days) |
| 22 June 2001 | Response/s to factual reports from Candidate Cities due |
| 01/02 July 2001 | Evaluation Committee meet (voting members only) to compile recommendations etc. <i>(Los Angeles, USA)</i> |
| 03 July – 07 August 2001 | Finalisation of reports and recommendation for WADA Executive Committee and Foundation Board (including translation and physical compilation etc.) |
| 08 August 2001 | Information materials sent to Executive Committee and Foundation Board members (as part of pre-meeting information package) |
| 20 August 2001 | Presentation to WADA Executive Committee <i>(Tallinn, Estonia)</i> |
| 21 August 2001 | Presentation and Vote by the WADA Foundation Board <i>(Tallinn, Estonia)</i> |

This was the process adopted; it had been approved in South Africa and strictly followed to ensure the integrity of the process.

Two models had been used in the evaluation. The first and primary model had used the weighting criteria outlined by the WADA Foundation Board. The second model that had been used as a backup to confirm the findings of the first model was the United Nations Decision Matrix model.

The evaluation criteria and weighting scale had been approved by the Board in March 2000 and re-approved in Cape Town in June 2001.

The final graph shown on the screen had been generated using the criteria given to the Evaluation Committee by the WADA Board. He had been questioned regarding the length of the bars in the graph. There was a simple explanation for the length of the bars. The three evaluation members, during the meeting in Los Angeles, had independently sat down and completed the evaluation for each of the bid cities. They had inputted the results into the computer and, without varying them in any way, presented them in graphic form. The result was what the members saw on the screen. He stressed that the differences were insignificant. One might seem a little ahead of another, but this small deviation could be due to one of the members awarding a “4” instead of a “2” in just one category of heavier weighting. This was why the Evaluation Committee members were of the opinion that all three of the top cities would make an excellent future home for WADA. The difference in scores was incredibly small.

The decision matrix model developed by the United Nations had been used to confirm the results obtained using the criteria given by the WADA Board. The results were fairly similar, but the main finding was that there was still a definite separation between the top three cities and the bottom two.

He wished to make several comments on Stockholm and Bonn. Stockholm was probably the highest-ranked city in terms of anti-doping history and commitment, but due to the weighting criteria assigned, these categories had not been weighted very heavily. With regard to Bonn’s application, the governmental commitment had been exceptional.

The Evaluation Committee wished to raise a few issues that might be of interest to the Board members. Although the weighting scales and the different models had been very useful, there were a few areas that had perhaps not been adequately reflected in the outcomes. He would limit his discussion to the top three cities, Lausanne, Montreal and Vienna, as, in his opinion, both models had

illustrated that these three cities had clearly differentiated themselves from the others. MR CTVRTLIIK discussed the cities in alphabetical order.

When discussing Lausanne, the bid offered good financial incentives, a good infrastructure, an excellent legal package, slightly above average premises and an excellent history in the anti-drug fight. But there were two factors that might also be considered. The first was the already excellent legal status that Switzerland and the Canton of Vaud had granted to WADA. How should this have been taken into account in the standings? Had it been ranked higher than Vienna in this category even though Vienna could offer the same, if not higher standard, but had not yet had the opportunity to do so? Also, it would be remiss not to mention the issue of the location in relation to the International Federations. Many people from different factions had, in the past as well as recently, expressed the opinion that the proximity of the existing WADA Headquarters to the International Olympic Committee and 16 International Federations based in Lausanne was a major negative. But on the other hand, and equally as forcefully, many had expressed to him the opinion that there was not a more practical place for the WADA headquarters to be than close to many of the users of its services. The Evaluation Committee had not made any comments regarding this point. As such, it would leave it up to the WADA Board Members to evaluate the merits of both of these aspects if it considered them appropriate.

Along these same lines of thought came the bid from Montreal. This bid was above average in the premises, had a good infrastructure, an excellent history in the fight against drugs, and was satisfactory in the legal area and extremely strong from a financial perspective. But when accounting for the strong financial component of this bid, the Evaluation Committee had been faced with the following dilemma: if Montreal offered twice as much money, should its financial score be twice as high? What if Montreal offered four times as much money, would it be four times as good? Should the score be four times as high? How should this be rated? The Evaluation Committee had given Montreal the highest marks of any of the bid cities in the financial categories, but was that sufficient in light of what had been offered? MR CTVRTLIIK pointed out the exceptionally strong financial commitment that Montreal was willing to make, but, once again, he would ask the WADA Board members to take this into consideration when they cast their votes.

Lastly, he wished to offer some thoughts on the bid from Vienna. This was definitely the bid that had improved the most between the time of the initial offering and the time of the Evaluation Committee visit. Vienna had a very good infrastructure, a slightly shorter history in the fight against doping in sport, the possibility of having an excellent legal bid, a strong financial component and clearly the most impressive premises of any of the candidate cities. But the Evaluation Committee had been faced with another decision here: if a candidate city offered office space above and beyond the requisites of WADA, how should this be evaluated? In this situation, the Evaluation Committee had asked for the concession of being able to sub-lease the premises. But, for the general question of how to account for these premises that were clearly superior to any of the other cities, it had credited them with the highest marks possible. Once again, was this sufficient? If the premises were much more impressive than another city's premises, but the lesser premises would make a satisfactory headquarters, should the latter be penalised and extra points be given somehow to Vienna? Once again, the Evaluation Committee had done its best whilst trying to remain within the criteria set by the Board. He pointed out, however, that the premises offered by Vienna were clearly superior to any of the other bid city premises.

The Evaluation Committee had been compelled to look at these issues as well as many others, whilst taking into account the future requirements of WADA. Should it have analysed what would be best for WADA in the next few years, or should it have analysed the project using criteria of what the needs of WADA would be in 10 or 15 years? Should the economic benefits of a bid be analysed in relation to WADA's current budget of 15 million dollars or against a budget that would surely grow as the duties and responsibilities of the organization increased? To these and many of the other questions, the Evaluation Committee had not had the opinion of the Board, and certainly not the ability to address them within the weighting criteria given. The Committee had, however, used the best judgement possible and, combining that with common sense and pragmatism, felt that its conclusions as presented represented an accurate picture of the bid cities' proposals. The Committee members had endeavoured to perform an in-depth analysis, which MR CTVRTLIIK could honestly say had been included in the evaluation report. They had analysed the cities with an impartial eye, and had come to the conclusion that Lausanne, Montreal and Vienna had separated themselves from the other two cities, despite the fact that all five cities had presented excellent bids. Lausanne, Montreal or Vienna could provide an excellent future home for the World Anti-Doping Agency, despite the fact that each

city had particularly strong areas and some areas that were less so. He was confident that any of the three cities chosen could be an excellent permanent site for WADA.

THE CHAIRMAN thanked Mr Ctvrtlik and his colleagues for the excellent work. A very thorough and professional job had been carried out by the Evaluation Commission.

DECISION

Report by the Evaluation Committee approved.

B) Acceptance of Voting Process

THE CHAIRMAN said that, as a result of requests from many parties, the WADA Statutes had been amended to provide for a two-thirds majority requirement for any change in WADA's seat. The Executive Committee recommended to the Board that the decision be taken by a majority vote and that the Board be asked to ratify that decision by a two-thirds majority vote (Annex). If not, then the Statute provisions required a two-thirds majority, which would perhaps unduly benefit one of the cities. The decision would be considered a working agreement amongst colleagues.

He proposed the following scrutineers: Mr Justice Tarasti and Mr Hack.

DR VEREEN proposed a secret ballot.

THE CHAIRMAN asked the Board if they agreed to the proposal of a secret ballot.

DECISIONS

1. Voting procedure proposed by the Executive Committee approved.
2. Mr Justice Tarasti and Mr Hack to act as scrutineers.
3. Voting to take place by secret ballot. Mrs Reding, Mr Anciaux and Mr Walker opposed to secret ballot.

C) Review of Voting Members and Conflict of Interest

THE CHAIRMAN said that there had been some concern with regard to the issue of conflict of interest. A legal opinion had been obtained from Lausanne (Annex), stating that there would be no conflict of interest as long as no member had a direct personal financial interest in the outcome of the vote. Dr Garnier had withdrawn from the vote since he had been working with WADA almost full-time, and had been replaced by Ms Krouvila. Did the members approve of the proposal regarding conflict of interest?

He would vote in the event of a tie, but would not otherwise participate in the vote.

PROFESSOR DE ROSE asked why the Chairman would not be voting.

THE CHAIRMAN explained that, in the event of a tie, he would have two votes, and in any case he preferred not to participate in the vote unless there was a tie, as he would have to preside wherever WADA ended up.

DECISIONS

1. Proposal to accept recommendation regarding conflict of interest approved unanimously.
2. Dr Garnier to be replaced in the voting by Ms Krouvila.
3. Chairman to vote only in the event of a tie.

D) Nomination of a Vice-Chair

THE CHAIRMAN said that he had no conflict of interest, therefore the issue could be postponed until the next Board meeting in November 2001.

MR CODERRE thought that a Vice-Chair should be elected in case the Chairman was unable to attend a meeting.

THE CHAIRMAN agreed, but the issue would be discussed in November.

DECISION

Decision regarding appointment of a Vice-Chair to be postponed until the Board meeting in November 2001.

E) Vote for WADA Headquarters Permanent Seat

The ballot papers were handed out to the members.

After the first round of voting, THE CHAIRMAN announced that no majority had been reached, however the city obtaining the least amount of votes, Bonn, was to be eliminated. Members would proceed to a second round of voting.

After the second round of voting, THE CHAIRMAN declared that no majority had been reached, however Stockholm had obtained the least amount of votes, and was therefore eliminated. Members would proceed to a third round of voting.

After the third round of voting, THE CHAIRMAN informed the members that no majority had been reached, but that the city of Vienna, having obtained the fewest votes, was eliminated. Members would proceed to a fourth round of voting.

After the fourth round of voting, THE CHAIRMAN announced that a result had been reached. He asked the members if they were disposed to ratify the result by two-thirds without him having to announce the city first. There was a majority result that was short of two-thirds, therefore all the members were required to ratify the vote.

Once the members had ratified the result, THE CHAIRMAN announced that, after four rounds of voting, the city that had obtained a majority vote, which had then been ratified by a unanimous vote, was Montreal. He congratulated Montreal, as well as the other four candidates, which had been excellent.

DECISION

Montreal chosen to host WADA's permanent headquarters.

Round 1: Bonn 0; Lausanne 10; Montreal 14; Stockholm 2; Vienna 6.

Round 2: Lausanne 12; Montreal 13; Stockholm 1; Vienna 6.

Round 3: Lausanne 11; Montreal 15; Vienna 6.

Round 4: Lausanne 15; Montreal 17.

6. IICGADS

A) Governments Funding Update

MR CRICK said that a forum had been set up in November 1999 under the name of IICGADS. This was to be the forum for governments to liaise and decide issues where governments needed a common approach to interact with WADA as an organisation.

In Cape Town, after considerable negotiation, the group had agreed to how governments around the world would contribute the 50% of funds to WADA (Annex). The agreement had been fair and equitable, contributions were being made from every continent, and the formula used was based on a capacity to pay combined with the level of involvement in international sport in each country. All the governments were committed to putting the agreement into effect from 2002 onwards.

THE CHAIRMAN said that, from the Olympic Movement side, he was satisfied that the governments would find a way to make sure that 50% of WADA's operating budget would be covered as of January 2002.

DECISION

Government funding update approved.

B) Board Expansion Proposal

THE CHAIRMAN said that the issue of expanding the Board had been discussed by the Executive Committee, and opinion on the issue was somewhat divided.

A counter-proposal, which had not been endorsed by the Executive Committee the previous day, had been to allow Europe a fifth member so that the Olympic Movement could invite a member of the IPC to join the Board.

If the Board members wished to increase the Board by eight members, then a two-thirds majority would be required to amend the WADA Statutes accordingly. He would prefer to add two positions to the Board and then see how things went from there. The danger was that the number of members could increase to such an extent that the Board would end up with too many members. WADA was an organisation that would work best if it was lean, small and efficient.

MR HENDERSON thought that the Board should be increased by two members: one representing Europe and the other from the IPC.

MR CODERRE said that the governments had been given the mandate to fill the empty chairs. More than 13 countries had signed the Cape Town Declaration. He thought that the governments needed to discuss the issue further and he asked that the Board agree to defer the decision until a later date.

THE CHAIRMAN thought that Mr Coderre's suggestion was reasonable, and WADA could invite the IPC to the meetings as an observer in the meantime. This would give the governments a chance to discuss matters.

MRS REDING advised against increasing the Board by too many members, as this would necessitate a larger budget and would make it harder for WADA to function efficiently.

MR CRICK expressed some concern about going down such a route. The onus had been on the governments to get their act together and deliver to WADA what the governments' position would be. He thought that the governments had been extremely successful in allocating seats and delivering the finances to WADA. The only option in keeping with the spirit of the agreement was for the governments to reconsider their position and come back to the Board with a proposal. WADA should not proceed with trying to force through a decision without government discussion.

THE CHAIRMAN asked if it was really necessary to wait until April to resolve the issue. Could the issue be resolved by the time of the meeting in November?

MR CODERRE did not see that there was any need to hurry.

He was against taking a decision straight away, particularly regarding increased European representation, and suggested that the members be patient.

THE CHAIRMAN said that it was unfortunate that the request seemed to be tied to the amount of payment. There were other factors to be considered, and he thought that these should be discussed by the governments.

The motion to vote on the addition of two members would be deferred until November 2001 unless the governments came to the Board with a common decision.

DECISION

Motion to vote on the addition of two members to the Board to be deferred until November 2001.

7. Strategic Plan

A) Presentation

THE CHAIRMAN said that the Executive Committee had had two occasions on which to consider the Plan, and a great deal of work had gone into its production. He asked the members for general approval of the Plan, to be followed by instructions to the staff to turn the proposals into figures that

could be used for budgeting so that, at the time of the meeting in November, the Foundation Board should be able to approve a budget that would cover a five-year period.

The members would be looking at the work and the direction, along with the goals and the objectives, to be followed up by putting actual budgeted figures to the objectives so that they could be approved, and then both the Olympic Movement and the Public Authorities would be able to make their financial plans accordingly.

MR SYVÄSALMI said that the Strategic Plan had been an important undertaking, accepted by the Executive Committee in Cape Town and updated the previous day. An Ad Hoc committee, chaired by Mr Pound, had been set up to prepare the work, and he thanked the members of that committee as well as all those who had participated in the work.

The Strategic Plan was a living document, therefore WADA needed a continued consultation process among its network. He asked everyone to continue their contribution so that the Plan would be even better the following year.

MR WADE gave a presentation to the members, including a brief overview of the consultative process, a summary of the key changes based on the feedback received during that process, a very general overview of the document itself, and comments on the performance measurement system (Annex).

THE CHAIRMAN invited the members to make comments on the Strategic Plan.

MR HENDERSON asked whether anyone had made a clear definition of doping in sport, so that the members would know what they were really talking about. What was doping in sport? It was important to know what the members meant when discussing the issue.

THE CHAIRMAN replied that, for the purposes of imposition of sanctions, doping was as defined in the Code. The ethical and educational definition of it was much broader and had never been articulated to the satisfaction of everyone.

MR HENDERSON wondered whether the members should try to articulate the definition. WADA was aiming to stop performance-enhancing substances from being used in sports events, but it should not prevent people in their sixties or seventies who suffered from arthritis from taking medication to be able to play a round of golf.

PROFESSOR LJUNGQVIST noted that this was an ongoing debate, and was not simple. Doping was defined in the list of prohibited substances and methods, and was the only definition that could stand legally, but it was misleading to believe that doping could be defined through wording. He proposed returning to discuss the matter after his committee had gone over the list of prohibited substances and methods.

THE PRINCE DE MERODE agreed with Professor Ljungqvist. WADA was forced to have two kinds of definition: philosophical as well as legal. Nevertheless, the issue itself was clear.

DR VEREEN thought that Mr Henderson had asked an interesting question. Several definitions could be found for doping in sport. WADA had a Strategic Plan that attempted to deal with doping as defined by WADA, and this was the best that it could do at the moment.

THE CHAIRMAN pointed out that, where the rubber met the road, as the members decided whether or not a particular substance or procedure should be on the list, they made the value judgement as to whether they were dealing with doping, and there was a combination of medical, ethical and legal input into that decision. He was reminded of a similar occasion on which a judge had said that he was not sure how to define pornography, but knew it when he saw it.

MR CRICK said that the Strategic Plan was an excellent reflection of the enormous progress made by WADA since its beginnings. It was also a reflection of the great consolidation made on the substantive issues from everyone on the Board.

He had, along with the Australian representative, been firm in trying to focus on key priorities and he thought that it was marvellous that the key priorities had now come together in a consolidated manner. The Strategic Plan would serve WADA extremely well for the years to come.

MRS REDING agreed that the Plan was clear and precise, and congratulated those who had drafted it. WADA had made a good start, but was not yet there, as the Code would have to be implemented and applied by all the necessary bodies.

WADA should aim for a concrete result in time for the Athens Olympic Games, but would have to work fast. It was difficult for the governments to agree on common legislation and introduce and implement laws, but they would do all that they could to ensure success.

The Chairman had said that he wanted precise budget forecasts with margins for the short- and long-term. Her governments had asked her to request such forecasts, so she was happy that her request would be carried out and thanked the Chairman for helping the governments.

THE CHAIRMAN said that he thought that the success or failure of WADA would be measured by WADA's ability to produce a code and have it applied. This would be one of the primary focuses of the Strategic Plan.

DR VEREEN congratulated Mr Wade and his team, as well as the Secretary General, but wanted to underscore the importance of the performance measurements, which were part of what was "living" in the document.

THE CHAIRMAN asked whether the Board approved the content of the Strategic Plan with instructions to the Executive Committee and staff to return in November with a costed version of the Plan for budgetary planning purposes for a five-year period.

DECISION

Content of Strategic Plan and proposal for Executive Committee and staff to return in November with a costed version of the Plan for budgetary planning purposes for a five-year period approved unanimously.

8. Finance

A) 2000 Accounts

MR REEDIE recalled that the accounts effectively operated from 10 November 1999, when WADA had come into existence and had assumed responsibility for its own financing. Before that, the costs had been met entirely by the IOC, and had been picked up in the IOC's accounts. The accounts for the period to 31 December 2000 had been approved by the Executive Committee in Cape Town, and he now wished to present them formally to the Board members for their approval.

MR ROTH referred to the PriceWaterHouse Coopers report in the files (Annex). His auditors believed that the accounting records and financial statements covering the period from 10 November 1999 to 31 December 2000 complied with the requirements of Swiss law, the requirements of the Foundation deed and the rules of the Foundation, and recommended that the financial statements submitted to the Board be approved.

THE CHAIRMAN asked the Board members for approval of the financial statements for 2000, as audited by PriceWaterHouse Coopers.

DECISION

Financial statements for 2000, as audited by PriceWaterHouse Coopers, approved.

B) 2001 Financial Statements

MR REEDIE referred to the statements in the files (Annex). WADA was open and transparent, in that it recorded every Swiss franc or US dollar received and declared everything it spent.

Looking at the balance sheet as of 30 June, there was an asset balance of just under US\$ 5.8 million, of which just under US\$ 5.7 million was held in cash. The sheet did not show WADA's commitment to the research projects that had been approved at the Cape Town meeting, which amounted to approximately US\$ 5 million. He thought that, by the end of the year, a balancing figure should be entered into the accounts, clearly recording WADA's commitment to the projects.

It seemed to him, looking at the figures for the second quarter, that the projected income for the year would be met. The projected expenditure for the year was always a "moving feast" because new

projects, issues and ideas came to WADA all the time, but in the main it was possible to respond to these.

The whole operation had been funded until then by the IOC, and it was good to see funds from the public sector being contributed.

He looked forward to putting together the necessary budget that both WADA and the public authorities needed. Now that the Strategic Plan had been approved, it would be much easier for his committee to carry out its work.

MR LARFAOUI hoped that the funds donated that morning by the EU would not be counted as the base programme funding.

THE CHAIRMAN confirmed that the EU funds donated that morning were separate from the base programme funding.

MR ANCIAUX saw that there were many expenses related to accommodation, travel and meals. WADA needed to be careful not to overspend in this area.

THE CHAIRMAN said that this was a good observation. WADA members ought to treat each expenditure as if they were paying personally. A process for the prior approval of expenses would be instituted at some time in the future.

DECISION

Financial statements for 2001 approved.

C) EU Project Funding Update

THE CHAIRMAN said that the contract with the EU had been signed that morning at the start of the meeting.

9. Committee Reports

– Ethics and Education

DR VEREEN thanked the Secretary General for the tremendous support given to the committee. Since his previous report in November 2000, the Ethics and Education Committee had met in smaller sub-groups in order to carry out a number of proposed activities and newer activities throughout the year. The report (Annex) listed all of the activities except for one. The previous spring, a subcommittee had met to develop a separate education strategic plan, developed in conjunction with WADA's Strategic Plan, and many of the issues that the subcommittee had dealt with were embedded in WADA's overall Strategic Plan. Nevertheless, there were several separate elements that had been organised within short- and long-term goals, with early priorities set on elite athletes, and then over time, the committee would spend more time on sub-elite athletes and finally all youth athletes.

Subsequent to this, a subcommittee had met to generate a set of principles for education projects. The experts pulled together had suggested that research databases for all the education programmes be presented, or, if not, a theory at the core of the programme was necessary. All the programmes should be international in scope, but tailored so as to be relevant in whatever culture they worked in.

The work of the Ethics and Education Committee would involve partners wherever possible. This would deal with the cost issue.

The committee was almost ready to produce a final draft of the Code of Ethics and would be in a position to report on this at the Board meeting in November 2001.

The Ethics and Education Committee had been working to collect ongoing examples of educational materials and projects by governments and IFs. It was important not to reinvent the wheel.

The committee was also attempting to generate a clearing house of information.

The Ethics and Education Committee had been working with the Secretary General to serve as an editorial board, overseeing the content of the materials and identifying a critical core set of materials.

Progress was being made with regard to the e-learning project (brought to WADA by the Council of Europe).

There was also a Youth Awareness Programme, where the committee had taken advantage of WADA's staff presence to raise awareness about WADA and doping issues in general.

MR KOSS gave an update on the Athletes' Passport Project. He thanked the EU and Mrs Reding for the contribution of funds to WADA. The agency had a responsibility to reach out to clean athletes and provide them with a programme where they could stand together and show that they were clean, trustworthy athletes who competed in a fair sport. The aim was for clean athletes to unite and, through peer pressure, eradicate doping.

The project would contain an education programme; means of internet communication with the athletes; and a simple one-page contract or declaration to be signed by the athletes which would also communicate their whereabouts to WADA so that it would be possible to reach them in order to perform out-of-competition testing.

The project would also develop technology to provide athletes with all the necessary information on doping and testing throughout the world, as well as contact the athletes at any given time. This development would be carried out by WADA's staff and technology development experts.

A tender on electronic solutions would be finalised shortly.

There were currently three pilot projects taking place in Finland, the US and Germany, and the group would be approaching the ISU, FIS and the IBU to work with them on an international level and present the project at the Salt Lake City Games in February 2002.

DR VEREEN informed the members that the final activity of the Ethics and Education Committee was to act as the institutional review board for WADA for all research grants and ensure that there were no ethical issues linked to any research project to which WADA might be attached.

MR CTVRTLIK thought that having a WADA presence at major sports events was a good thing, as WADA needed to communicate its work to athletes.

The IOC Athletes' Commission had been working with WADA to enable WADA to be present in the Athletes' Village during the Olympic Games.

THE CHAIRMAN said that, with regard to locating athletes, WADA needed to be idealistic but also sufficiently cynical to understand that it had to know exactly where the athletes were at all times.

DECISION

Report by the Ethics and Education Committee approved.

– **Health, Medical and Research**

PROFESSOR LJUNGQVIST referred to the report in the file (Annex).

Negotiation with the recipients of the research grants was under way, but there had been some delays because of the summer holidays.

In September, directly after the IOC Scientific Congress in Salt Lake City, a Gene Therapy Workshop would be taking place at the Banbury Centre in New York for 40 specialists in the field of genetics and sports science. There was currently a hot debate on stem cell research projects around the world. WADA needed to be prepared for when gene therapy became available for human use, as sport had already been identified as a possible area for the misuse of gene therapy.

There was a great deal of media attention on the workshop, and there would probably be a major press conference at the end of it.

DECISION

Health, Medical and Research Committee report approved.

– **Finance and Administration**

MR REEDIE referred the members to the current WADA staff list in their files (Annex).

He also asked the Board members for approval of the WADA Code of Conduct (Annex).

The next piece of work to be carried out involving staff relations was to further enhance the policies and procedures manual that was in place.

He had been asked by the Executive Committee for comparative figures for the WADA accounts. The committee would, at the end of the year, be able to provide comparative figures for the following year, and could also insert the budget figures, which he thought might be of use for the members of the Board.

MR WALKER thought that the Code of Conduct was an excellent draft, and he had absolutely nothing against the proposals that it contained, however it would be very difficult to implement some of the principals. Also, it would be helpful to develop more fully the obligations of WADA as an employer.

Under point III at the bottom of the second page of the document, he had noticed an absence: WADA should ask employees to obtain WADA's authorisation to indulge in additional or outside activities.

MR REEDIE thanked Mr Walker for his observations. His committee had thought it better to put a code in place as soon as possible, but would take on board Mr Walker's suggestions.

DECISIONS

1. WADA draft Code of Conduct approved. Finance and Administration Committee to take on board suggestions made by Mr Walker.
2. Finance and Administration Committee to prepare accounts including comparative figures and the WADA budget.
3. Finance and Administration Committee report approved.

– **Legal Committee**

MR HOWMAN said that the Legal Committee had been engaged in a number of projects. It was heavily involved in the progress being made for WADA to be part of the EPO testing with IFs, and was trying to provide wise counsel to ensure that the legal challenges would be reduced in their risk factor.

The committee had continued to provide advice and guidance in the various contracts that WADA had entered into over the last 12 months.

It was also heavily involved in the development of the Code, and was looking carefully at providing the appropriate legal basis for the draft.

Members had been provided to independent commissions serving around the world, notably in the US and Finland, and reports would be given later on.

The committee had also been entrusted with the task to provide guidance regarding the OMADC, and had made recommendations to the WADA Board for amendments to be made to the Code.

It continued to provide a liaison role with the other WADA committees, in particular the Ethics and Education Committee.

It had also instituted an essay competition with prizes to each of the five continents, for legal students to provide essays looking at the impact on blood testing in that area. He hoped that the project would provide WADA with useful information.

The committee was keeping an eye on litigation cases around the world, as there had been developments in the use of sanctions. It wanted to ensure that it developed a case precedent base and that the correct advice was given to the Code Committee.

THE CHAIRMAN noted that the legal essay competition could be promoted by all the Board members in their respective countries.

The Legal Committee should keep in touch with the IOC commissions that followed sport and law decisions.

DECISION

Legal Committee report approved.

– **Independent Observers**

MR SYVÄSALMI referred the members to the report in their files (Annex).

He thanked FINA and the IAAF for their support of the Independent Observer Programme.

The next major event for the Independent Observers would be the Mediterranean Games in Tunis.

He pointed out that observation of the European Basketball Championships would be taking place in September 2001 in Turkey.

The signing of the contract with the EU would enable the Independent Observers to operate a very comprehensive training programme.

The Salt Lake City team would gather at the European Curling Championships before the Olympic Games in Salt Lake City, and Mr Howman would serve as Chairman of the IO team in Salt Lake City.

MR CTVRTLIK spoke about future WADA involvement in IF testing. He had received many e-mails and letters from athlete skiers and it appeared that WADA was not involved in testing for several IFs. He had been given a petition requesting WADA involvement in the testing for certain skiing events, as there was not a great deal of trust in the current testing procedures.

MR SYVÄSALMI replied that WADA was currently consulting with FIS, and he was well aware of the problem. FIS had been very cooperative with WADA.

DECISION

Independent Observer report approved.

– **Standards and Harmonisation**

MR WALKER referred to the report by the Standards and Harmonisation Committee (Annex).

With regard to test results management, the General Guidelines Paper was being finalised. He thought that it should also be part of the WADA Code.

With regard to sanctions and conflicts of jurisdiction, the committee hoped that the Code would be one of the main means of resolving the perennial problem of conflicts of jurisdiction.

There were two items that he thought should be dealt with by the committee, the first of which involved the whereabouts of athletes for out-of-competition testing. The same rules should apply amongst different countries and different sports to avoid accusations of unfairness. A set of reasonable principles should be developed to deal with this.

The second item was the question of what to do with no-shows. One IF had decided that three no-shows would constitute a refusal to comply. WADA should look into developing a similar kind of rule.

Finally, what could the police and customs officers do to assist WADA in its work? WADA needed to look at how such bodies could be incorporated as a government contribution to the work against doping and, in particular, examine possible actions for coordination within the Code

THE PRINCE DE MERODE said that there were other problems that needed to be dealt with, such as theft from factories and pharmacies, as well as prescriptions made out by dishonest doctors. What could be done to avoid such actions?

MR VERBRUGGEN said that, in the UCI rules, proof of doping could be provided from any source; this was an easy point to deal with.

MR CRICK noted that governments did have a legitimate role to play in controlling the supply of substances, and in Australia during the lead-up to Sydney, his government had been very involved, also in controlling the domestic supply of drugs, such as veterinary steroids. All the issues brought up by the Prince de Merode were on the Australian Government's agenda and should be on the governments' agenda.

DECISION

Report by the Standards and Harmonisation Committee approved.

10. Laboratories

A) WADA Laboratories Accreditation Update

– Recommendation to IOC Executive Board

MR WALKER said that, in Cape Town, the Executive Committee had approved the principles of the paper (Annex) on the philosophy for the WADA accreditation programme, and he wished to recall that the basic principles were that WADA would do its best to institute an open, independent and objective system for the accreditation of laboratories, which would combine as an integral part of it a continuous quality assurance system. There had also been a decision in Cape Town to set up a Laboratory Accreditation Subcommittee, as there were numerous and complex issues to be dealt with and the Standards and Harmonisation Committee had realised that it was not in a position to accomplish the whole task that the Board had set it.

A first meeting of a smaller restricted group had been held in Colorado Springs in July in order to try to map out the strategic plan for the accreditation procedure. The plan would hopefully be completed by 2003, but he thought that the procedure would need to be further accelerated, partly because of the Code, and he was much relieved that the Executive Committee had agreed that the WADA staff should incorporate provisions for competent professional support for such a task.

The plan had therefore been developed, and was clear and comprehensive, comprising involvement with the laboratories which would be helpful in establishing these clear, transparent and objective criteria for accreditation.

With regard to quality assurance, the Executive Committee had agreed in Cape Town that WADA should be involved in the EU-developed ALADIN 2002 project. The Executive Committee had agreed that non-EU laboratories should also be part of the project. The budget figures remained very much the same. There had been some delays with the ALADIN project, which had complicated the process of being able to produce some concrete results by the middle of 2003. One of the main aspects of the ALADIN programme was to institute a continuous proficiency testing system whereby inter-laboratory comparisons would be objectively made. There would be a further meeting of the ALADIN project collaborators in Cologne in October 2001, at which a member of the Laboratory Accreditation Subcommittee would be present as a WADA representative in order to evaluate the suitability of the project for the proficiency testing element.

MR CRICK noted that the composition of the Laboratory Accreditation Subcommittee had been proposed. Had any names been put forward?

MR WALKER noted that four WADA representatives had been proposed: Larry Bowyers, who would chair the committee; Christiane Ayotte, from the Health, Medical and Research Committee; John Miller, from the European Department of the Quality of Medicines; and Sue Nolan, from New Zealand. Three representatives from the family of IOC-accredited laboratories would be elected and appointed amongst themselves on a rolling basis, so that one would serve three years, one would serve two years, and one would serve one year, with a constant renewal to ensure adequate representation. Two of these representatives had already been nominated: Matts Garely, from Sweden; and David Cowan, from the London laboratory. It had been suggested that the Chairman of the IOC Doping and Biochemistry Sub-commission, Jordi Segura, be nominated as the third member. The composition was therefore pretty much set, although these details would be confirmed.

THE PRINCE DE MERODE noted this news with satisfaction, although he thought that the IOC should be given clear instructions from WADA. Silence was not a solution.

THE CHAIRMAN said that his understanding was that, unless or until WADA had a laboratory accreditation process in place, WADA would continue with the old system, in other words, the IOC Medical Commission.

MR CRICK asked who the members of the Laboratory Accreditation Subcommittee had been appointed by, the laboratories or WADA?

MR WALKER replied that the members had been appointed by way of finger-pointing.

He told the Prince de Merode that part of WADA's philosophy was to build on the present system, whilst introducing some new changes with regard to openness and objectivity, but it was not going to suddenly build a new family of accredited laboratories.

MRS REDING told the Chairman that she did not understand any of the discussion, and thought that those who were supposed to understand something did not understand either. This meant that something was wrong. She therefore requested a clear document explaining the rules, who applied them, by which process those who were to apply the rules were chosen, and the procedures that would eventually be put in place. She hoped to be informed at the next meeting about the matter.

MR WADE said that the documents included reference to a decision taken in Cape Town for the development of a WADA laboratory accreditation system with short- and long-term goals. Part of that recommendation had involved the establishment of a committee to take on the responsibility of developing standards and a way of improving on the current IOC system. The document also noted the composition of the committee that had been agreed to. The committee had been recruited, and there was a draft list of the members on the committee that he would be happy to provide.

THE CHAIRMAN said that what was clear was that the IOC accreditation system should continue until a new system was in place.

MR WALKER agreed, and was sorry if he had confused everybody. The discussion was further proof that the issue was a complex one.

He would, along with Mr Wade and Larry Bowyers, produce a document for the next meeting of the Board in November 2001.

He gladly accepted the Prince's offer to have WADA involved in the current IOC reaccreditation process, which was due to start in October 2001.

He recalled that WADA had designated a representative to attend the reaccreditation meetings in Lausanne in December 2000, and hoped that the Prince would allow WADA to do the same thing for 2001.

THE PRINCE DE MERODE replied that this would not be a problem.

THE CHAIRMAN thanked the Prince.

DECISIONS

1. IOC accreditation system to continue to function as usual until completion and implementation of a new WADA system.
2. Explanatory document regarding laboratory accreditation to be prepared for next WADA Board meeting in November 2001.
3. WADA to be represented at the IOC laboratory reaccreditation meeting in 2001.

B) Appendix D of the OMADC (ISO 17025)

MR WALKER said that, in Colorado Springs, the Laboratory Accreditation Subcommittee had looked at the proposals made by the IOC Medical Commission on the basis of some expert advice. It had been decided that the document was not sufficiently clear and precise to respond to the requirements of an ISO amplification, and therefore proposed that the document be re-worked and made applicable to the ISO standards. Because that would take some time, the reference to the amplification document should be removed, as it was not relevant. The background and decisions requested could be seen in the document in the members' files (Annex).

THE CHAIRMAN asked whether the Board agreed that WADA should make the proposed recommendation to the IOC Executive Board in order to clarify the Code and not to have a reference in the Code to a document that did not exist.

He stressed that WADA should keep and maintain, or even increase, the sense of urgency to have a policy in place, and asked Mr Walker to take care of this.

DECISION

WADA to recommend to the IOC Executive Board that the Olympic Movement Anti-Doping Code be clarified, with reference to the amplification document to be removed.

C) Tunis Lab Accreditation

MR WALKER noted that WADA had not been involved in the investigation of the Tunis laboratory, therefore felt that the proposal made (Annex) was not entirely appropriate, as WADA had no knowledge in order to endorse the proposal, however he recognised that a decision would have to be taken as he did not want to question the competence of the IOC accreditation procedures. He did not see how WADA could endorse the proposal, as it had not been involved, but it could certainly support the IOC's decision. This highlighted the need to set up a new transparent and objective system which did not have to suddenly respond to relatively last-minute crises.

THE CHAIRMAN said that WADA had not been involved in the Tunis accreditation procedure, but WADA could perhaps say that there was nothing to its knowledge that would prevent such accreditation, and that it could therefore endorse the recommendation. He thought that it was important that WADA should not stand in the way of Tunis having a laboratory in place for the Mediterranean Games.

PROFESSOR DE ROSE said that he would not feel comfortable about endorsing the laboratory accreditation if he did not know anything about it.

MR LARFAOUI pointed out that the Tunis laboratory had been prepared in collaboration with all the competent authorities necessary, and Professor de Rose should trust his colleagues' opinion on this occasion.

THE CHAIRMAN said that WADA would have to endorse the accreditation so that the system could be completed. WADA could either say yes or no; the majority of the Board should be able to agree to endorse the laboratory, and Professor de Rose could abstain if he wished.

PROFESSOR DE ROSE thought that WADA should have a system for accreditation.

THE PRINCE DE MERODE said that the IOC Doping and Biochemistry Sub-commission had followed the usual procedures for accreditation.

If Mr Walker was ready to substitute the IOC Medical Commission, then it would stop all work and hand over to WADA immediately.

WADA should not have doubts regarding the scientific quality of its colleagues' work.

There would always be an interim period in handing over to another organisation, and this was difficult. He thought the situation had been discussed before and that it had been agreed that the IOC would continue its work until WADA's structure was in place.

THE CHAIRMAN recalled that the procedure that WADA had agreed to adopt had been to accept the IOC Medical Commission's decisions until WADA had a structure in place. The IOCMC had recommended to WADA that the Tunis laboratory met the necessary requirements for laboratory accreditation, so it seemed to him that there was no impediment to WADA approving the recommendation.

MR BALFOUR said that, as an African, he understood that Professor de Rose was not asking for assurances, but required a mechanism that ensured that WADA was part of what was happening and knew what it was approving whenever it had to approve something. Professor de Rose was not asking to take over the accreditation process.

Approval of the recommendation would be good for the African continent, therefore he supported the proposal.

PROFESSOR DE ROSE thought that he had been misunderstood. He had not seen the agenda item with the clear and complete IOC Medical Commission recommendation, and now that he had seen it, he fully supported the proposal.

MR SYVÄSALMI said that WADA was trying to follow the OMADC. It would be easier for the members to have the necessary documents from the IOC earlier, so that they could be reviewed by the members in time for the meetings.

THE PRINCE DE MERODE pointed out that the IOC Medical Commission had received the report from Professor Hemmersbach only a short while ago, and had sent the document to WADA as soon as possible.

DECISION

IOC Medical Commission proposal for WADA to endorse the Tunis laboratory accreditation approved.

11. Code Update

MR WALKER presented a slide show and documents which included proposals as to how future work on the development of the WADA Code should proceed (Annex). The report to the Board had taken into account the suggestions made by the Executive Committee members the previous day. He recommended that the members consult the Project Plan Version 1.0 in their files (Annex).

THE CHAIRMAN noted that the plan was not without its complications, but it was do-able if WADA maintained the proper sense of urgency and the level of communication with the various stakeholders that would be essential in generating the ownership discussed by Mr Walker.

DR MITCHELL said that the plan appeared to require a great deal of time and money. He thought that Mr Walker should tie all the necessary people down in Montreal for one week so that the document could be produced. He was sure that the project could be completed during a shorter period of time than that suggested.

MR CODERRE informed the members that some kind of collaboration between the governments and Mr Walker's committee should be established. Some political decisions were required.

He reminded the members that, on 16 April 2002 in Kuala Lumpur, a major harmonisation conference would be held in Kuala Lumpur.

WADA should consider the Code plan as though it were applying for a treaty.

He did not think that the time-framing was a problem, but proposed having the IICGADS committee work with Mr Walker and the Legal Committee so as not to waste time or energy.

Everybody needed to be singing the same tune in order for the plan to work.

THE CHAIRMAN told Dr Mitchell that the process was almost as important as the substance, but WADA could probably arrive at a working first draft that could be used much sooner than the schedule suggested. Nevertheless, the first phase seemed as though it would take a lot longer than might be thought.

The idea of convening a congress for agreement on the Code, so that a final draft could be worked towards and then implemented, was a good one.

This would be one of the real tests to see if WADA would be effective in the fight against doping in sport. WADA had to get the Code right first time, and quickly.

He thought that the Code could be ready in time for the Olympic Games in Athens if everyone involved worked efficiently and in close collaboration.

He proposed following the recommendations made by Mr Walker and getting the initial contact out to the stakeholders by no later than September 2001.

MR REEDIE said that the entire process was complex, and one of the crucial issues was how it should be driven. There were four groups of people on the draft budget put to the Board, and these people had had to identify the work to be done. The sooner a first draft could be put down on paper, the better this would be for all concerned because, once the draft was on paper, it would not be necessary to meet to discuss it; other forms of communication could be used.

The project plan in the members' files had been put together with the assistance of SEF Communications and DNV Consulting. In a normal process, there would be a tender process to appoint consultants, but since there was considerable urgency in getting the work under way, he had taken it upon himself to speak to the people who knew the consultants. He asked that the two companies be retained as consultants to the project, as WADA simply did not have sufficient staff to deal with the necessary work.

The budgets had been examined and he thought that the original budget could be reduced to approximately US\$ 500 thousand through careful planning of the meetings necessary, excluding the cost of the proposed conference towards the tail-end of 2002.

MRS REDING said that this was the key issue for the credibility of WADA. It was necessary to consider the application of a code which would require amendments to national and criminal law, as well as collaboration with the police, customs officers, etc.

The governments needed common laws to be able to deal with the whole issue.

It was essential to have a code, but WADA needed one that would have legal value, and one that included professional sports. The fight was not between the sports movement and the governments. The enemy was the scourge of doping. The members should be careful not to hit the wrong target.

WADA should not have too many illusions, and a great deal of pressure would have to be placed on the governments so that matters could go ahead as planned. The committee should not waste too much time in drawing up a document, as applying the actual Code would constitute the main difficulty.

In short, speed and efficiency were needed, and spending should not be exaggerated.

THE CHAIRMAN said that the members were under no illusions that the implementation of the Code would be easy. Maybe a draft should be ready in time for the WADA meeting in November.

Could the public authorities suggest how to sequence the implementation of the Code?

MR BALFOUR said that, as a minister, he drafted legislation, and was quite sure that the time-frames that had been set were reasonable, therefore he suggested getting on with the job at hand instead of putting up hurdles.

MR CODERRE supported Mr Balfour.

In Canada, the government was ready to put a procedure in place. If there was political will, matters could be solved.

THE CHAIRMAN said that WADA would have to depend on the public authorities to a considerable degree. A treaty would have to be made part of the domestic law in each country, which was where the delay could occur.

The initial notice of consultation would go out, if not that afternoon, certainly by 9 a.m. the following morning.

MR WALKER asked for some guidance. It would, of course, be possible to produce a draft in time for the meeting in November, but this would defeat the consultation process, which was the dilemma.

On the other hand, the committee could certainly produce a structured list of contents at each of the levels in time for the November meeting. A draft could be produced but, psychologically-speaking, this might not be the right approach.

THE CHAIRMAN asked the Board to authorise him to proceed as far as possible by November. WADA did not need to start the process with a blank sheet of paper. It should have something on paper to be used as a basis for consultation and identifying issues that needed to be addressed.

DECISIONS

1. Following the recommendations made by Mr Walker and getting the initial contact out to the stakeholders by no later than September 2001.
2. SEF Communications and DNV Consulting to be retained as consultants.
3. WADA Chairman to be responsible for moving ahead as quickly as possible by November 2001 with the WADA Anti-Doping Code.

12. Extranet

THE CHAIRMAN informed the members that the extranet was up and running. Mr Lanu would be making a presentation of what was on the extranet and giving a brief demonstration of how it worked. He hoped that the extranet could be made a real working tool of the WADA Board members. It would increase their ability to communicate amongst themselves and thus reduce meeting costs.

Mr Lanu gave a presentation of the extranet.

DR SCHAMASCH asked if the administrator would be at the WADA headquarters.

How was the information on the extranet controlled?

Was the cost of this included in the cost that had been set out in the budget?

Had an invitation to tender taken place before hiring the Finnish company?

MR SYVÄSALMI replied that the website had been started in Sydney and the work had had to be outsourced because WADA had not had enough staff to do the work itself. The contract would be ending at the end of 2001, and then there would be an open tender for a company to host WADA's web services.

The website would be administrated at the WADA headquarters.

MR LANU said that statistics for the website had been produced from the previous year.

MR SYVÄSALMI said that he had chosen a Finnish company because he had not thought it proper to use a company in the country where WADA was temporarily based, since the contract would be ending at the end of 2001. He had also been under great pressure to set up the website in a short period of time, and other companies had not been able to respond to the need.

DECISION

Extranet report approved.

13. Salt Lake City Update

MR SYVÄSALMI reported on the Salt Lake City Games in 2002 (Annex), pointing out an error in the document. WADA would be conducting a minimum of 3,500 tests in 2001, as opposed to 3,000.

The Salt Lake City Games would offer an excellent opportunity to increase awareness of WADA, as well as promote the Athletes' Passport Programme.

THE CHAIRMAN noted that the Independent Observer Programme had been one of the highlights of WADA's activities in 2000 and, for the first time in recent memory, there had been no questions at all about the programmes and the testing in Sydney, which was a good sign.

DR SCHAMASCH mentioned that the IFs had asked that the procedures taking place after the out-of-competition testing be completed prior to the start of the Olympic Games in order to avoid problems between positive test results coming out after an athlete had arrived at the Olympic Village.

THE CHAIRMAN said that this was a good point. WADA out-of-competition testing would take place up to the day of the opening of the Olympic Village, after which time WADA's role would become that of an independent observer.

DECISION

Salt Lake City update approved.

14. Testing Programme Update

A) Out-of-Competition Testing Programme

MR SYVÄSALMI referred to the report in the members' files (Annex).

MR HENDERSON said that, with regard to his comment that morning about doping and the definition of doping, he had, needless to say, had something in mind. The same problem existed in defining what an athlete was.

WADA needed, when it cast the net, to know who it did and did not want to catch, because if WADA went too far down the ladder, it would find itself in terrible problems. His federation already had an internal solution to the problem. He hoped that a committee might be created in order to work with the IFs to come up with a system to protect recreational athletes.

MR KOSS said that out-of-competition testing had to be continued, but not just during the week prior to a large event, as some athletes believed was happening.

How many winter sports athletes out of the 3,500 to be tested for 2001 would be tested in the lead-up to the Olympic Games in Salt Lake City? He had heard that SLOC had proposed that all the athletes competing in the Olympic Games be tested.

THE CHAIRMAN said that what constituted out-of-competition testing was negotiated federation by federation.

The budget for winter sports for 2001 was a minimum of 700 tests.

MR REEDIE noted the inclusion in the contractual arrangements of IDTM, a company based in Sweden which had provided the out-of-competition testing programme for the IAAF and FINA. IDTM had now signed a contract with the Drug Free Sports Consortium and was now fully involved in testing, so all the experts possible were now contributing to the programme.

Also, another seven to twelve national agencies were coming on board, which was excellent news.

DR SCHAMASCH asked about the duration of the contract with the DFSC.

He also referred to the comments made by Mr Koss. A total of 700 tests for winter sports athletes was a satisfactory figure. This would leave approximately 800 athletes to test, as the remainder would be tested by their respective NFs and NOCs, and he hoped that all the athletes would be tested before the time of the Olympic Games in Salt Lake City.

THE CHAIRMAN noted that it might be useful to know that every athlete would be tested at least once, but the out-of-competition testing was the determinant.

MR SYVÄSALMI said that he had attended a meeting with USADA and SLOC, at which the Chairman's point had been made.

With regard to athletes' whereabouts, the more information that WADA could obtain, the greater the possibility of performing out-of-competition testing effectively.

MR REEDIE said that the contract with the DFSC would last until early 2003, and there was a renegotiation option for part of the contract at the end of 2001. This was a two-year period that represented the fact that WADA thought that it should supervise a process conducted by experts on its behalf.

DECISION

Out-of-Competition Testing Programme report
approved.

B) EPO Testing

PROFESSOR LJUNGQVIST informed the members that the EPO test had been developed by two different laboratories in 1999 and 2000. The usual validation procedure to make a new method scientifically acceptable was to have the method published in an international scientific journal and then obtain a second confirmation by experts, also with a publication in an internationally-recognised journal.

The pressure to have a test in place before Sydney had been enormous, but there had been no time to complete such a procedure, so the IOC had convened a scientific panel for a peer review in July 2000 in order to speed up the process. This panel had taken the responsibility to validate the proposed tests for EPO that had been produced by the Sydney and Paris laboratories.

The Sydney laboratory had worked on a blood test to identify what changes would appear in the blood parameters after EPO use. EPO as such could not be identified, but the secondary effects of EPO intake could be identified.

The Paris urine test, in which the direct detection of recombinant or artificially-produced EPO could be detected, had been developed. The problem that the panel had faced was that the necessary scientific publication of the two tests had not been made.

The Sydney blood test had been composed of an on-model (to detect changes in the blood when EPO was in use) and an off-model (to detect the remaining changes in the blood after EPO use had been stopped). The off-model had been rejected by the panel as it would have required several blood samples to follow the changes after EPO intake had been stopped. The on-model, which could establish the significant changes in the blood parameters during EPO use, had been accepted, as it had been felt that the test did not need a full publication since the parameters evaluated were standard parameters. However, it had been felt that the on-model alone could not stand scientifically in terms of determining whether a person had been taking EPO, as changes detected in the blood might not be down to EPO use alone, therefore any blood analysis that could only suggest intake of

EPO needed confirmation through a urine test. Why had a urine test alone not been employed? This was because of the absence of a clear publication of the method in a scientific journal. The panel had been satisfied, however, because the original scientific background for EPO detection in urine had been published five years earlier, and the Paris laboratory had simply further developed the previous method. The final conclusion reached by the panel had been that, for EPO detection to stand legally, a blood analysis suggesting possible use of EPO followed by confirmation through a urine sample would be necessary.

WADA had met with the IFs and laboratory experts earlier in the year to try and find a simplified method. The urine test was rather cumbersome and expensive. It had been felt that a realistic approach on a relatively large scale combined the advantages of a rapid and efficient on-site screening carried out on blood specimens and, should the blood analysis suggest possible use of EPO, it would be followed up by the collection of a urine sample at the same time. The current debate revolved around what blood parameters should be used as indicators for taking further steps with a urine analysis for confirmation. There were three simple signs in the blood which could be the result of a number of things, such as high-altitude training or genetic disorders, and should any of the three parameters deviate from the norm, then there was reason to use the urine test. Attempts were being made to see if the urine test could stand alone, but this was an ongoing matter, therefore the only valid test at the moment was the combination test.

His recommendation was to set up an independent review panel under the leadership of highly-ranked expertise, which WADA had in the Health, Medical and Research Committee, and to review and advise on all aspects of the EPO blood and urine tests, including the outcome of the inter-laboratory study conducted by the IOC laboratories. The first thing that the Health, Medical and Research Committee would do at its next meeting on 23 September 2001 was to review the matter. In conclusion, the EPO test was there, and would be performed preferably out of competition, because EPO was usually taken during the preparation period. It was not at all easy to carry out blood and urine tests out of competition, so his committee was working to see if the urine test could stand alone, but the urine test was based on the fact that the EPO produced by the pharmaceutical industry was not 100% identical to that produced by the body. The pharmaceutical industry could easily change EPO to make it 100% identical to naturally-produced EPO.

THE PRINCE DE MERODE noted that there had been strong pressure before Sydney to have a test for EPO. The test had not yet been legally validated, and this validation was essential. He was not at all optimistic regarding the validation of a test, as this would take time. There would be legal problems inherent to blood testing, and he advised caution.

MR LARFAOUI said that the EPO test was not yet perfect.

With regard to the meeting on 23 September 2001, he thought that scientists from certain IFs should be included in the deliberations.

WADA risked legal problems, and needed to be very careful in order to avoid such problems.

MR VERBRUGGEN noted that the period for the detection of EPO was longer than had previously been thought, stretching to as far as seven days.

Out-of-competition testing was useful, but there were competitions that lasted for longer than one day, therefore the EPO test would be effective over a longer period in-competition.

With regard to the future developments of the pharmaceutical industry, it had been decided in Cape Town that WADA would write to the industry to see if markers could be put in the product. Had this decision been implemented?

The UCI had validated a test, and had enjoyed full cooperation by the athletes.

MR BESSEBERG said that the Sydney testing had placed increased focus on EPO testing, and this had been a good thing. He was convinced that the joint work of endurance-sport IFs and experts had sent out a clear message to athletes, who were being more careful about what they used.

He thought that WADA was very close to having a test that could stand alone, and was certain that there would be fewer athletes using EPO at the Games in Salt Lake City.

Everyone would have to work together to keep the focus on EPO testing.

MRS REDING pointed out that the governments were very interested in having viable tests so that the consequences of such tests would not be doubted.

It was clear that anti-doping research was progressing slowly, whilst research into doping was progressing speedily.

The EU was therefore ready to make its research capacities available to WADA. The EU currently had 30 pilot projects on harmonisation procedures and the effects of doping substances taking place, and if WADA could make use of any of these projects, the EU would be willing to make them available. Three of the studies were almost completed, and focused on the causes of the increase in the use of doping substances, the health problems inherent to young athletes and the health risks for people taking increased amounts of doping substances. The EU was funding projects which amounted to three million Euros, but was willing to make the capacities of the research framework programme in Europe available to WADA for possible joint projects. Perhaps this offer should be discussed further in September?

THE PRINCE DE MERODE noted that Mr Verbruggen's validation of an EPO test was not considered to be validation in the scientific sense of the word.

Both in- and out-of-competition testing were necessary to catch athletes taking banned substances.

Governments had customs controls, the police, Interpol and many other services at their disposition, therefore these should be used.

MR REEDIE congratulated Professor Ljungqvist on his explanation of EPO testing. Perhaps the Professor could write down his explanation so that WADA could post it on its website? In this way, WADA would have a statement of its current knowledge available.

MR LARFAOUI fully supported Mr Reedie's view. The IFs would appreciate a declaration by WADA regarding its position on EPO. This would avoid media and public criticism. The Board should state its position with regard to EPO.

MR CODERRE agreed with what the Prince de Merode had said. The role of the governments was important, and he hoped that they would find harmonious solutions with the other bodies involved in the fight against doping.

The governments needed to coordinate customs controls and harmonise criminal codes. They had an important role to play in internationalisation, and should assume their responsibilities where application of the tests was concerned.

MR VERBRUGGEN appealed to WADA and the governments to contact the pharmaceutical industry and ask about the future development of EPO.

The mere fact that an IF announced that it would be performing EPO tests did indeed have an incredible deterrent effect, and went a long way to solving the problem of athletes taking banned substances.

He would be very cautious about declaring WADA's lack of an official validation to the public, as there were at least five IFs that had or would soon have validation. He would not like WADA to be publishing reports which criticised the steps taken by certain IFs to obtain validation.

THE CHAIRMAN agreed that WADA should not publish something that said that the tests with which some of WADA's members were satisfied were not reliable because of some scientific opinion to the contrary. He was discouraged to some degree that the reason some of the tests had not been validated was because it had not been possible to get them published. If WADA had to fund an extra 30 pages in a scientific journal in order to obtain validation of a test, then it should do so.

He did not think that the mere fact that WADA thought that pharmaceutical companies might invent a duplicate to normal EPO should stop WADA from developing a test that would detect artificial EPO.

He did not mind losing a legal case once in a while, because the whole thing would have a deterrent effect, even if an athlete got off on a technicality, as had happened in Edmonton.

PROFESSOR LJUNGQVIST was happy that WADA had decided to allocate 30% of its budget to research.

He was satisfied with the current EPO test as it stood. The UCI had taken a lead, despite the fact that it was taking certain risks by going ahead with the urine test alone. The IAAF had not been able to take such a risk in Edmonton.

WADA did have a test in place which had been validated, but the French method had not been properly published, although the basic scientific background had been published five years previously.

The main problem involved going ahead with the urine test alone for out-of-competition testing purposes, as it would probably not be possible to conduct both blood and urine tests for out-of-competition testing.

It was a myth that athletes and their entourages were ahead of scientists in terms of scientific research. Experts could detect anything; the problem was that they could not say whether the analytical information could indicate whether a substance had been taken or whether it had been produced by the body.

It was rather too soon for WADA to make a public statement. He would prefer to report on the Board's discussion to the Health, Medical and Research Committee for evaluation, and see whether the committee would be able to make a proposal as to a statement on the present situation of EPO testing.

MR LARFAOUI accepted Professor Ljungqvist's point of view, but asked that certain IF scientists be invited to the meeting on 23 September 2001.

THE CHAIRMAN noted that Professor Ljungqvist would take Mr Larfaoui's request into account.

DECISION

Health, Medical and Research Committee to formulate a proposal for a WADA statement on its position regarding EPO testing.

15. Any Other Business

– USATF/USOC

THE CHAIRMAN informed the members that WADA had been asked to contribute a representative to the USOC commission dealing with the issue that had arisen around the time of the Olympic Games in Sydney regarding the track and field athletes. A report had been issued by the commission, and he had received a response (Annex) to the e-mail he had sent to USOC.

He had also written to the CEO of USATF to ask what the organisation proposed to do in view of the findings of the commission, but had not yet received a reply.

MR VERBRUGGEN said that he had read the letter referred to by the Chairman, and asked whether it was still possible for US athletes who were under allegations of doping to participate in the Olympic Games and world championships.

THE CHAIRMAN replied that the statement about US legislation preventing this from happening had been incorrect.

MR HOWMAN asked the Chairman to follow up his letter with another one asking for some clarification on the issue brought up by Mr Verbruggen, and also to open up dialogue with USADA to ensure that some of the issues exposed by the commission's findings had been overcome, as he also had concerns about that.

MR MADDEN said that, with regard to the 30-day rule, USADA had expedited adjudication procedures, so he did not think that a US athlete testing positive would ever again be able to compete in a competition subsequent to a positive result.

He had been told that USADA had solved all the issues that USATF had used in its defence. USATF had recently been very cooperative with the agency. As he understood it, the 30-day rule was not yet in effect, and legal work was being carried out.

After the A test and the B test, the USOC, the NGB and the athlete would be informed. After the meeting of the review panel, WADA and the IF concerned would be informed of a positive-testing American athlete. This could be accomplished approximately 30 days after the A test result. The US was the only country using WADA as a clearing-house.

DECISION

Chairman to write a follow-up letter to USOC and open dialogue with USADA in order to obtain clearer information on the USATF issue.

– **CONI**

THE CHAIRMAN said that he had written to CONI requesting a report on the issues regarding the problems that had arisen in Italy in and around the time of the Games in Sydney, as had been agreed at the meeting of the Board in Oslo. He would report to the members as soon as he received information.

– **FIFA**

THE CHAIRMAN said that WADA did not yet have a signed contract with FIFA regarding out-of-competition testing. It had recently been difficult to attract FIFA's attention, and he hoped that discussions would accelerate so that a response could be obtained by November.

– **Congratulations**

THE CHAIRMAN informed the members that Professor Ljungqvist had recently been awarded the highest order of the Royal Institute of Technology in Stockholm for his work in doping in sport. On behalf of the members, he congratulated Professor Ljungqvist on his achievement.

16. Next Meeting

THE CHAIRMAN said that the next meeting would take place in December 2001 in Lausanne.

DECISION

Next Board meeting to take place in Lausanne on 3 December 2001.

MR LARFAOUI congratulated the members on the conduct of the meeting, and thanked the Chairman, the Secretary General and the staff for their work in sending out the necessary documents on time to the members.

THE CHAIRMAN hoped that all the members had been satisfied with the work. He thanked the members of the Board for the preparations they had made for the meeting, which had enabled them to complete a great deal of work.

The meeting adjourned at 5.00 p.m.

FOR APPROVAL

MR RICHARD W. POUND, QC
PRESIDENT AND CHAIRMAN OF WADA