

**Minutes of the WADA Foundation Board Meeting  
13 May 2007  
Montreal, Canada**

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The meeting began at 9.00 a.m.

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

THE CHAIRMAN welcomed everybody to the first Foundation Board meeting of 2007. He would be circulating an attendance sheet for everybody to sign; he welcomed the friends and observers, as well as the members of the media who were present, thanking them for their interest in WADA's work. There were a lot of old friends and some new faces, so he asked everybody to introduce themselves.

The following members attended the meeting: Mr Richard Pound, President and Chairman of WADA; Mr Valéry Genniges, representing Mr Jean-François Lamour, Minister for Youth and Sports, France, and Vice Chairman of WADA; Mr Brian Mikkelsen, Minister of Culture and Sport, Denmark; Professor Arne Ljungqvist, IOC Member and Chairman of the WADA Health, Medical and Research Committee; Mr Joseph Blatter, IOC Member and President of FIFA; Ms Rania Elwani, Member of the IOC and Member of the IOC Athletes' Commission; Ms Beckie Scott, Member of the IOC and Member of the IOC Athletes' Commission; Mr Saku Koivu, Member of the IOC and Member of the IOC Athletes' Commission; Mr Alexander Popov, Member of the IOC and Member of the IOC Athletes' Commission; Mr Joji Sakamoto, Planning Director for the Competitive Sports Division, Sports and Youth Bureau, representing Mr Toshiaki Endo, Senior Vice Minister of Education, Culture, Sports, Science and Technology, Japan; Mr Sergey Gorokhov, Senior Consul, Montreal Consulate General of the Russian Federation, representing Mr Vyacheslav Fetisov, Chairman of the WADA Athlete Committee and the State Committee of the Russian Federation for Physical Culture and Sport; Mr Scott Burns, Deputy Director of the ONDCP; Sir Craig Reddie, IOC Member; Mr Andrew Ryan, Director of ASOIF; Mr Makhenkesi Stofile, Minister of Sport and Recreation, South Africa; Mr Trevor Mallard, Minister for Sport and Recreation, New Zealand; Mr Gian Franco Kasper, IOC Member and President of the FIS; Mr Mustapha Larfaoui, IOC Member and President of FINA; Mr René Bouchard, Director General of International Affairs, Department of Canadian Heritage, representing Ms Helena Guergis, Secretary of State (Foreign Affairs and International Trade) (Sport), Canada; Mr Toni Pascual, Chair of the IPC Anti-Doping Committee, representing Mr Phil Craven, President of the International Paralympic Committee; Mr Christophe de Kepper, IOC Chief of Staff, representing Mr Willi Kaltschmitt Lujan, Member of the IOC and Member of the IOC Press Commission; Dr Patrick Schamasch, IOC Medical Director, representing Mr Rich Young, ANOC; Dr Robin Mitchell, Member of the IOC, President of the NOC of Fiji; Mr Patrick Chamunda, Member of the IOC; Professor Eduardo Henrique de Rose, President of the PASO Medical Commission; Dr Tamas Aján, Member of the IOC; Mr Francesco Ricci Bitti, President of the International Tennis Federation; Mr Anders Besseberg, President of the International Biathlon Union; Dr Christophe Bergner, Vice Minister of the Interior, Germany; Mr Laurentino Dias, Secretary of State for Youth and Sport, Portugal; Mr Stefan Johansson, State Secretary, representing Mr Stefan Wallin, Minister of Culture and Sport, Ministry of Education, Finland; Ms Maud de Boer-Buquicchio, Deputy Secretary General, Council of Europe, representing Mr Terry Davis, Secretary General, Council of Europe; Mr Ali Rezgui, Chef de Cabinet, representing Mr Yahia Guidoum, Minister of Youth and Sports,

Algeria; Mr Sylvio Tang Wah Hing, Minister of Youth and Sports, Mauritius; Professor Claudio Morresi, President of CONSUDE; Mr Anthony Wood, Minister of Education, Youth Affairs and Sports, Barbados; Dr Ramlan Abdul Aziz, Director General, National Sports Council, representing Ms Datuk Azalina Othman Said, Minister, Youth and Sports, Malaysia; Mr Kamal Al-Hadidi, President of the Jordan Anti-Doping Organisation; Mr Kangcheng Shi, General Director of the Sports, Science and Education Department, representing Mr Duan Shije, Vice Minister, State Sport General Administration, China; Mr James Cameron, Chief General Manager, Arts and Sport Division, representing Mr George Brandis, Minister for the Arts and Sport, Australia; Mr David Howman, WADA Director General; Mr Rune Andersen, Standards and Harmonisation Director, WADA; Mr Jean-Pierre Moser, Director of the WADA European Regional Office; Mr Rodney Swigelaar, Director of the WADA African Regional Office; Mr Diego Torres Villegas, Director of the WADA Latin American Regional Office; Mr Kazuhiro Hayashi, Director of the WADA Asian/Oceanian Regional Office; Ms Elizabeth Hunter, Communications Director, WADA; Dr Alain Garnier, WADA Medical Director, European Regional Office; Dr Olivier Rabin, Science Director, WADA; Ms Julie Carter, Education Director, WADA; and Mr Olivier Niggli, Finance and Legal Director, WADA.

The following observers signed the roll call: Klaus Pöhle, Javier Odriozola, Adrian Lorde, Stanislas Frossard, Linda Beuparlant, Felix Roth, Jens Eval, Jacob Schouenborg, Jennifer Mallowney, Joanne Butler, Jean-Pierre Lefebvre, Torben Hoffeldt, Gustavo Martin Del Campo, Daniel Jacobovich, Timo Haukilahti, John Schumacher, Urs Linsi, Shin Asakawa, Mikio Hibino, Hajira Mashego, Luis Fernando Llosa and Jiri Dvorak.

## **2. Minutes of the Foundation Board meeting on 20 November 2006 in Montreal**

THE CHAIRMAN asked whether the members had any comments regarding the minutes of the Foundation Board meeting on 20 November 2006 in Montreal. Unless any comments or corrections were brought to his attention by noon that day, he would assume that the minutes had been considered satisfactory as circulated.

### DECISION

Minutes of the meeting of the Foundation Board on 20 November 2006 approved and duly signed.

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

### **– 3.1 Executive Committee meeting update**

THE DIRECTOR GENERAL spoke first to the formal report in the members' papers. There were several separate agenda items within that document to which he would not speak during the report. He emphasised a couple of matters he had reported on.

The CAS, with which WADA had a professional relationship, would be holding a seminar for its arbitrators in Nairobi in June, and he had been invited to make an address to that body, concentrating in particular on the revisions projected for the Code.

The members would see a detailed report in relation to the major leagues, concentrating on those in the USA, which WADA had been asked on many occasions to do. He emphasised that they were not the only professional leagues in the world; WADA had good and healthy relationships with quite a number; but, because of the private nature of the leagues in the USA, WADA had engaged in discussions with them. The discussions continued, and some were a little healthier than others. WADA had invited all the leagues to make submissions in relation to the Code and its review; one had been received from Major League Baseball. An enquiry was presently being held into baseball, headed by Senator Mitchell, and WADA was awaiting the report before it could continue its discussions with them. The other leagues were proceeding. He was hopeful that they would become closer to the Code as quickly as possible.

There was a separate report on ADAMS. He asked all of the members to ensure that those they represented implemented ADAMS as soon as possible. If everybody were using ADAMS, and this was a concept upon which WADA had been working for a number of years, many of the difficulties about which one read or heard, such as breaches of confidentiality, would be removed. It was a vital implementation process, it was simple, and it could be done easily without cost. WADA had made an addition to the staff on a commission basis to help, so that all those who were trained would have follow-up visits from the new staff member to ensure and assist in implementation.

WADA was undertaking a number of visits on a presidential basis to some major countries that year: China, India, Russia and Brazil. Brazil would host the Pan-American Games, so WADA would take that opportunity to ensure that appropriate discussions were held with those responsible for anti-doping in that country. WADA was trying to help India really get into full gear in relation to its programme and was paying repeat visits to Russia and China with respect to their importance in the world.

The members would see the list of conferences at which WADA was still making presentations. The list was not complete, as the President undertook many presentations in addition.

WADA had published the laboratory statistics for 2006. He realised that this was always a matter that caused interest and some concern, as they were not the final figures as a result of result management. WADA had published alongside the laboratory statistics those received from ADOs, including the IFs and the NADOs. That was not complete; WADA needed more, but he emphasised that the information that came from the laboratories was conditional upon the information the laboratories received from the doping control officers (DCOs). The name of the sport on the form that was forwarded to the laboratory was the name of the sport about which the laboratories reported to WADA. Many of the names could be described as covering a number of different sporting federations. The term "football" came from FIFA but, around the world, there were other forms played where the DCOs described the sport as football: Australian football, the National Football League in the USA, rugby football, Gaelic football, and so on. Therefore, when one saw a figure for football in the laboratory statistics, it might bear no resemblance to FIFA and that code, because it covered these others. Until everybody was on ADAMS, WADA would not be in a position to report differently, so that was another good reason to encourage people to use ADAMS. It would also mean that the result management process, which included the matching of TUEs and so on with the adverse findings, would be revealed in full, so he encouraged people to pursue that.

WADA had discussed at the Executive Committee meeting the previous day the concept of IFADO, a building on the RADO project to assist IFs, particularly the smaller ones, to have an anti-doping programme by sharing resources, both financial and human. He had been directed to meet with members of GAISF and ASOIF representatives in the coming weeks so that this project could be furthered appropriately.

He had also reported on the increasing concern about bribery and corruption, and been directed to establish a small ad hoc working group to look at this issue, with a view to providing protocols to address the problem in the future. He would do that and report in due course to the Executive Committee.

In addition, he mentioned three initiatives that the WADA management was looking to pursue over the coming years, including the training of laboratory directors to give evidence. This was a topic he thought merited close attention, so that WADA might look at a programme of witness training. Another initiative concerned commissioning an investigator or a person competent at obtaining sworn statements from those who wished to provide information. There had been several examples recently whereby WADA had been able to obtain the statements and pass them on to the relevant result management organisation. The third initiative was to conduct an audit process for the

laboratories in addition to the processes in place at present, which would involve the commissioning of outside people to assist WADA.

He thought that covered the issues not specified elsewhere in the agenda, but took the opportunity to advise the Foundation Board members of the decisions taken by the Executive Committee the previous day.

The WADA management had been directed by the Executive Committee to provide an informal compliance report in September so that the Executive Committee would be fully aware of the status of signatories in relation to the compliance programme. The members would recall that WADA had been asked to work and facilitate compliance over the next two years before the first compliance report was due, which would be in November 2008.

The Executive Committee had provisionally approved the Strategic Plan with a direction to the WADA management to operate from it immediately, with an underlying emphasis that it would be reviewed in September along with any suggested additions or changes made in advance of the September meeting by stakeholders.

The Executive Committee had recommended unanimously that the year-end accounts be approved and had approved the concept of the five-year budget as presented by the Finance and Administration Committee.

There had been considerable discussions on the proposed amendments to the Code, and the Code Project Team had been given directions on the way to proceed. The members would hear fully in relation to that later on.

Because of the number of issues now on the table for the Executive Committee, it had been decided that the meeting in September would be a two-day meeting.

The technical document for EPO had been approved. Papers had been received by the Executive Committee the previous day on laboratories, and had been referred to the Health, Medical and Research Committee for further consideration and recommendation.

Finally, there had been a discussion on compliance and monitoring fees by IFs that were not under the Olympic Movement umbrella or members of GAISF. He had been directed to work with the Chairman of the Finance and Administration Committee to ensure that appropriate fees were set for those federations with a ceiling of 5,000 US dollars for an initial implementation review and a minimum of 2,000 US dollars, with an annual fee of a minimum of 500 US dollars and a maximum of 2,000 US dollars.

THE CHAIRMAN asked whether there were comments or questions for the Director General.

## DECISIONS

Report and Executive Committee meeting  
update by the Director General noted.

### **4. Operations / Management**

#### **4.1 Interpol Memorandum of Understanding**

THE DIRECTOR GENERAL said that WADA had been working closely with Interpol since 2006. The Interpol and WADA lawyers had provided a draft memorandum of understanding for WADA's perusal and for later signature. He had a copy with him if anybody was interested in looking at it, but it was not yet complete, and he did not want to circulate an incomplete document. He advised the members as to the process that would take place and then of the direction in which WADA would head as a result of the memorandum of understanding. WADA would finalise the document; Interpol would be having a general assembly in early November 2007, and needed a resolution to be passed by that assembly in order to be able to sign it. WADA would be in a position to sign it in November in Madrid, at the World Conference on Doping in Sport. WADA had

invited the Secretary General of Interpol to come to Madrid and partake in one of the sessions in the conference programme, and there would be a formal signing of the document at the conclusion of that particular agenda item at the World Conference on Doping in Sport in Madrid. He emphasised that Interpol could assist WADA in the fight against doping in sport only if it was assisted by its own members. Its membership was similar to that of WADA; however, it could take steps in relation to countries and governments only if those members had laws in place. The emphasis was on the obligation that countries had under the UNESCO Convention of ensuring the fight against doping in sport was assisted by laws in place against trafficking and distribution of banned substances, so it was important that countries review their statutes to see that they did have laws in place to deal with trafficking and distribution of banned substances, and he emphasised steroids and hGH and so on, and secondly, if there were laws in place, that the penalties were sufficient to warrant the imposition of the law. Enforcement agencies had priorities in terms of their enforcement procedures and, if the penalties were too low, they would not be bothered to pursue matters. Everybody would remember when, at the end of the federal investigation into BALCO, those primarily responsible at BALCO had been subject to quite a light imprisonment penalty. The USA had reviewed that, and put the penalty at a significantly higher level, thus attracting more enquiries and investigations. That was the position in relation to Interpol. He looked forward to pursuing a relationship with Interpol and to meeting with Interpol representatives in Madrid.

MR RICCI BITTI asked what the memorandum of understanding was targeting.

THE DIRECTOR GENERAL replied that the issue of the memorandum of understanding was to ensure that WADA had a relationship with Interpol so that information that Interpol might get from its enquiries would be shared with WADA for distribution to ADOs so that the process would be sped up, and the information received would be information dealing with sports people by sport.

#### DECISION

Interpol Memorandum of Understanding  
update noted.

#### **4.2 Operational Performance Indicators Update – 2006 and 2007**

THE DIRECTOR GENERAL informed the members that the Performance Indicators were for 2006 and completed the report in relation to WADA's activities for 2006. He recalled that WADA prepared an operational plan in the beginning months of each year for the following year. This was so that WADA could work directly with the Finance and Administration Committee on preparing an appropriate budget, and so that there would be careful management planning to ensure that WADA was engaging in activities that matched pace with the trends WADA was finding in the fight against doping in sport, or to initiate trends, such as what had been done with WADA's anti-doping programme development, investigations, ideas and biological parameter project. So, a forecast was prepared for the following year and then WADA looked at the way in which those activities could be recorded in terms of performance and whether they had been achieved by WADA. The full year for 2006 was on the table. It was complete and very detailed, and he would be happy to receive any queries or questions in relation to it.

#### DECISION

Operational Performance Indicators update  
2006 and 2007 noted.

#### **4.3 Strategic Plan Amendments / Changes**

THE DIRECTOR GENERAL said that the Strategic Plan was a document that WADA had had in place since 2001. It had been reviewed twice during WADA's period of existence. The WADA management had looked at this plan when reviewing ideas for 2008 from an

operational point of view. Because the current plan had been written and implemented in 2004, quite significant movement had occurred in relation to the way in which WADA carried out its activities. It had been felt that the WADA management would be irresponsible and perhaps even careless if it did not update the Strategic Plan. He had thus engaged two independent Strategic Plan writers, who were quite separate from the anti-doping movement, and had asked them to assist WADA. There had been several internal management meetings looking at progress, and the management had prepared the draft approved the previous day by the Executive Committee. It was not new strategy; it was the same strategy that had been in place for some time, but it had been refined and expanded.

The 2003 Strategic Plan had consisted of five key objectives: compliance, education, establishing effective programmes, increasing capability of ADOs and for WADA to be a leading organisation with best practices. WADA was doing all of these. One particular area in the programme department was that the programmes under current strategy had been all the science ones (science, laboratories and research).

The new Strategic Plan broke down the five objectives into eight, and members would see why, because each was advancing. Compliance made up a considerable amount of WADA's work. WADA had a daily responsibility to monitor every case that was decided at a sanction level. WADA had responsibilities in relation to monitoring the laboratories, and so on. This was increasing, both in terms of cost and activity. WADA was improving significantly in education with the appointment of its new Education Director, but the objective was the same as the previous one. He hoped that laboratories would also benefit from improved activity and approach. For example, there was a concept that WADA wished to implement, consisting of an audit team commissioned to make random checks of the 34 accredited laboratories over a period of time. That could not be done simply by WADA staff; it would have to be done with assistance from others. Research was, of course, continuing, and WADA had put "medical" into its series of objectives, with the noticeable increase in what had to be done in the medical area. He referred in particular to the Athlete Passport, more about which the members would hear later that day. Programme development was an area of increasing magnitude, in the establishment of RADOs and now the new concept of the IFADO in the same line. Not only did WADA have to facilitate and assist the establishment of the RADOs, it also had the job of ensuring that their programmes were maintained, so it was an increasing area of responsibility. WADA continued to try to achieve the best practice model of being a leading organisation and the members would see that WADA was asked many questions, both of a technical nature and of a political nature in relation to the direction of anti-doping issues. WADA continued to do that, and would continue to provide communication and information in that respect, with a more detailed approach. That was a snapshot of the direction in which the Strategic Plan had been taken. There was no major change; it was an improvement and an increase rather than a change of direction. He was grateful that the Executive Committee had approved it and would operate under it immediately.

MR JOHANSSON said that the Finnish Government had been analysing the Strategic Plan and appreciated the efforts that WADA had made over recent years. He thought that there would now be a clear framework for actions in the future. As had been heard, the changes were not great; maybe it was more a question of breaking down objectives in a new way and refining them, which was why it was perhaps astonishing that a 5% budgetary increase had been calculated. It was very difficult to accept the 5% increase. There was a new government programme in his country, which put constraints on all sectors. His approval of the Strategic Plan was somewhat conditional and he asked whether it was a question of making things more efficient and trying to prioritise, because this was what had to be done domestically as well.

MR BLATTER spoke on behalf of the Olympic Movement. He wondered whether the ratification of this Strategic Plan for the next five years might be postponed until the autumn, to enable the Olympic Movement to clarify the eight strategic points included in

the Strategic Plan and asked whether, with a new president, it might not be fair to await the election of the new president to enable him to start with a new Strategic Plan. The Olympic Movement would like the ratification of the plan to be in November 2007.

MS DE BOER-BUQUICCHIO echoed what Mr Johansson had just said. She complimented the Director General on the additional efforts made to clarify the strategic direction of WADA on a five-year basis. This was what had been requested, and it made it possible to see more clearly the direction in which WADA would be going in the medium term.

She wished to voice the recent concerns expressed about the lack of clear identification of the link between the strategic objectives and the activities envisaged to achieve these objectives, and in particular their financial implications. Like Finland, most of the Council of Europe member states faced the same difficult financial restraints in their budgets; therefore, it would be important to see in the Strategic Plan at an early stage the financial means required to achieve the objectives and, in that respect, the assumption of a 5% increase had thus far not been considered convincing. She wished to urge the Foundation Board to reflect seriously as to whether it was appropriate to adopt the Strategic Plan or whether it would be a wise idea to envisage inviting all stakeholders to submit suggestions for the Strategic Plan and ask the Director General to take this into consideration, adding the figures to the Strategic Plan so that people could see more clearly where WADA was headed. She regretted making this intervention because, as Deputy Secretary General of the Council of Europe, she always argued the opposite when proposing plans on a medium term basis; she had to challenge the attitude of the governments but, knowing that this was the reality, she was afraid that she had to make this point.

MR MIKKELSEN thought that the Strategic Plan was ambitious, excellent and would take WADA forward. There had been a discussion at the Executive Committee meeting and the governments had thought that the Strategic Plan fulfilled WADA's ambitions. It had been thought that this should be implemented forthwith. He understood Mr Blatter's arguments, but WADA had been discussing the Strategic Plan for several years. The changes were marginal, and the WADA administration should be allowed to have some goals and a strategy to fulfil. If WADA did not implement the Strategic Plan immediately, there would be a period during which the administration would have to work under the old plan; if the aim was to move WADA forward in the new world, the administration should be able to act under the new Strategic Plan. A compromise had been agreed upon the previous day in that, until the September meeting, the stakeholders could review the Strategic Plan to see whether or not they disagreed with it. He thought that the administration should be allowed to have a new Strategic Plan in order to be able to fulfil the goals that it had been set.

MR STOFILÉ wished to make a difference between three issues, which were the Strategic Plan, the budget and the programme of action. These were three different entities in budgetary and planning terms. He believed that the Strategic Plan was a very important framework that broadly defined the direction that an organisation would take over a period of time; it could not be an annual event, it had to be long-term, and he believed that the Strategic Plan had now been reviewed and WADA was in a position to develop a new one for the next five years. In respect of the budget, he believed that it was true that the budget would be affected by the components of the Strategic Plan, not in terms of its global nature but in terms of the programme of action flowing from the Strategic Plan. The programme of action had to be a product of WADA members working out priorities in terms of what they wanted to do, when and how. That would have a direct impact on the budget. It did not necessarily affect the broad framework of the Strategic Plan. For that reason, he was agreeable to providing certainty to where WADA was going by giving a principled acceptance to the proposed Strategic Plan and also giving guidance to the management and operational wing of WADA as to what was expected henceforth. There had to be a road plan, so to speak. In terms of finalisation, he agreed that it would be possible to wait until the sports organisations had been

properly consulted, but he did not think, in principle, that adoption was mutually exclusive to broad consultation, which might lead to the conclusion of the adoption in November. This did not preclude WADA members coming back on a yearly basis, even after that adoption, to review the programmes and elements of the five-year Strategic Plan.

MR RICCI BITTI did not wish to be misunderstood, at least as a representative of the sports side. He did not think that there was a great deal to discuss in terms of work; WADA was already working in the framework of a Strategic Plan that was more or less the same. He welcomed the addition of programme development, as this was key for the sports side; as to the priorities, there was concern about the implementation of some actions related to credibility. The sports side was also worried about the financing required to support such implementation. The sports side wanted a plan that made its programmes more effective. He was not so concerned about approval or not, as the Strategic Plan was terms of reference and could be changed and amended where necessary. His point was that WADA should focus on the priorities of these amendments. He was not against the Strategic Plan. The sports side wanted to work with a Strategic Plan but he thought that priorities and consequent finance were the two key problems, not the Strategic Plan in itself.

THE DIRECTOR GENERAL made a general clarification. The WADA management worked with the Strategic Plan as its base principal document. On an annual basis, an operational plan was prepared in the first few months of the year so that the Finance and Administration Committee could report to the Foundation Board on likely projected dues for the following year and then take away the comments from the Foundation Board meeting to implement them into the budget at its meeting in August. On an annual basis, the Strategic Plan formed the principal basis on which operations were worked out and priorities were achieved. On an annual basis, priorities were examined, and then put to the Finance and Administration Committee. This was a pretty strict body, run by a Scot, who did not necessarily have deep pockets, and the WADA management was asked very stringent questions as to why certain activities cost a certain amount of money. The Finance and Administration Committee then reported to the Executive Committee in September, with a draft budget, and that draft budget was then discussed in considerable detail before it was put to the Foundation Board in November. On an annual basis, activities were reviewed, but not under the Strategic Plan; they were reviewed under the process he had just outlined. It was important for everybody to understand that that was the way in which WADA worked. The WADA management had been doing this for a number of years, but now saw that the Strategic Plan under which WADA was working was old, and for WADA to continue to work under that when it did not really take into account the activities that had come as a result of the implementation of the Code would be careless management, which was why the document had been put on the table in the way it could be seen. It was not the document that had the attached financial figures or numbers to it; that was the annual operational plan that was attached to the budget.

MR JOHANSSON wished to clarify his previous intervention. He thought that everybody was almost in agreement when discussing in what way the Strategic Plan was being approved. He had wished to point out that, of course, the instrument was needed, but he conditionally approved the issue of the budget because he did not want, in autumn, to use the approval of that day's Strategic Plan as an argument for increasing the budget by 5%. It was a totally different matter in his opinion.

MR BLATTER said that, having listened to the other members of the Foundation Board making remarks on finance and then the speech made by Mr Stofile, there was no urgency to ratify the Strategic Plan that day and the request by the sports movement had been to continue until the end of the year, approve the Strategic Plan at the meeting of the Executive Committee in September, and then ratify it by the Foundation Board in November. His feeling was that this request had been accepted.



THE CHAIRMAN explained that the Executive Committee, which had the statutory responsibility to do this, not the Foundation Board, had given provisional approval to the Strategic Plan. The instruction had been to carry on operating on the basis of the plan and, if there were changes that people wished to make, they would come forward in September. He thought that everybody was happy with that. It was not the budgetary exercise. That was a different issue. Nobody in the room should be under the misapprehension that the budget, whether increased by 5% or not, was sufficient for this fight. WADA was woefully underfunded and everybody should be looking for ways to double or triple the budget, not argue about whether or not 550,000 dollars per year from each of the two sets of stakeholders would be added. More and more was being requested from WADA, and everything that WADA was asked to do required resources, and WADA was dealing with an issue that was probably the most fundamental challenge for sport and an issue of public health as well as sport. So 23 million dollars a year was way underfunded for what WADA had to do. The Strategic Plan set out what WADA should be doing, and the budget would tell WADA how many of the activities it would be able to do. WADA could not do everything it wanted to do, and would be able to do less if the resources were not available

#### DECISION

Strategic Plan accepted as provisionally approved with a direction to Management to immediately implement it.

#### **4.4 World Conference on Doping in Sport 2007 Update**

THE CHAIRMAN said that, for those members with long memories and grey hair, this would be the third World Conference on Doping in Sport. The first, held in Lausanne in 1999, was what had given rise to the decision to proceed with the creation of WADA; the second, in Copenhagen in 2003, had provided the opportunity to consider and then adopt the World Anti-Doping Code; and this World Conference on Doping in Sport in Madrid would give WADA a chance, after four years of experience with the Code, to see what improvements could be made to the Code and its related standards and to be more effective in the fight against doping in sport.

THE DIRECTOR GENERAL said that the members were all aware of the brief logistical background to the World Conference on Doping in Sport in Madrid; WADA had been working very hard with the Spanish authorities to make sure that everything was in place in a proper fashion. WADA would be sending out documents for registration the following week, six months prior to the conference itself. This would be done through the WADA website, so that those members with website access would be able to register online, and WADA would also be catering for those who did not have access, so there would be a manual registration process in addition.

The main hall for the conference would have room for 800 delegates and 400 observers, and there was a secondary hall, in which there would be space for a further 900 observers. It was important for WADA that early registration was achieved in order to plan appropriately for seating and so on. The Spanish Government had been very supportive of the conference, putting in a considerable amount of money (about 1.6 million euros). WADA's budget, approved the previous year, was 250,000 dollars, the same budget that WADA had had for the conference in Copenhagen. WADA was operating under tight restraints, and its budget would be primarily to ensure that the appropriate WADA management team would be present at the conference. The previous day, the Executive Committee had approved the draft programme tabled, with a couple of amendments, including the extension of the agenda item entitled "advances in the fight against doping", so that session would be longer than in the draft booklet that the members currently had. That was the brief logistical background. A representative of the Spanish Minister for Sport was present and would update the members.

MR ODRIOZOLA said that he would deliver his message in Spanish on behalf of Mr Lissavetzky, the President of Spain's Higher Council for Sport. His name was Javier Odriozola, and he was the head of international events at the Higher Council for Sport, and responsible for the World Conference on Doping in Sport in Madrid.

Upon taking over in April 2004, the Spanish Government had cited the fight against doping in sport as one of its priorities. Among other measures undertaken to achieve this objective, it had submitted the bid by Madrid to be host city for the third World Conference on Doping in Sport and had been chosen by the members of the Foundation Board in the first round of voting. He therefore wished to take this opportunity to thank the members personally for placing their trust in him. From that date onwards, the Higher Council for Sport had maintained constant contact with the management of WADA to ensure that the World Conference on Doping in Sport in Madrid would be a success in terms of organisation and participation. Preparations were moving ahead satisfactorily and, the following week, once the general programme had been approved by the Executive Committee, the website, which had been designed specifically for the conference and which could be accessed directly from the WADA homepage, would be up and running, as those members who had visited the website since Thursday, 10 May, would have been able to observe. He could assure the members that the facilities at the convention centre, at which the conference working sessions would be held, and the hotels at which the participants would be staying, would meet the highest of expectations. Also, the conference logistics would be covered by a highly competent professional congress organisation company with the assistance of the Higher Council for Sport and WADA itself. The Higher Council for Sport would also ensure that the media suitably communicated the proceedings of the conference, sending out a positive message as to the cleanliness of world sport. As the local organiser of the conference representing the Higher Council for Sport, which is responsible for Spanish sport, he was at the members' disposal and would provide them with all the necessary support during the World Conference on Doping in Sport in Madrid. The preparation of the content of the conference continued to make progress and he was grateful to the WADA management for its constant cooperation in order to achieve the greatest possible success. He looked forward to seeing the members in Madrid and thanked them very much.

THE CHAIRMAN asked whether the Foundation Board members had any questions. WADA looked forward to seeing Mr Odriozola in November and wished him and his colleagues luck with the preparations.

#### DECISION

World Conference on Doping in Sport update noted.

### **5. Finance**

#### **5.1 Finance Update**

MR REEDIE thanked the Director General for expressing concern about the size of his pockets. He assured the members that they were very deep but, unfortunately, he had very short arms. He also thanked the Chairman for the general statement on funding, which was helpful.

He wished to start the reports with the issue of contributions from governments and public authorities.

#### **5.2 Government / IOC Contributions Update**

MR REEDIE said that the paper in the members' files indicated, as at 27 April, a figure of 86.44%. This had been updated the previous day to 88.58%. WADA had collected extremely well and he asked Mr Niggli to take the members through that element of the

financial operation, remembering that the Olympic Movement matched each government contribution dollar for dollar.

MR NIGGLI noted that collections for 2007 were well under way. WADA had received 88% to date, which represented an increase of over 10% on the previous year at the same time. The timing of payments had obviously improved and WADA was grateful to all of the governments for their efforts. Early payments were obviously a great help in terms of cash flow and operations. The IOC was now paying three regular instalments (in January, March and June) as opposed to matching payments as they came in, and would have paid 90% of contributions by mid-June. He was relatively confident that, by the end of June, WADA would probably be at an average of 90% both from governments and the Olympic Movement, which was very good.

In terms of issues, there were still two issues, and the regional directors would discuss regional issues later on. The regional directors were mainly responsible for collections in their areas, but the two remaining issues were in the Americas, in which the USA and Canada were paying 75% of the contribution, and the remaining amount was divided among the Latin American countries. There were still issues on how to split this 25%. He hoped that they would resolve this issue in Rio de Janeiro, where an informal meeting would be taking place to discuss the matter further. It was very important that they find a solution quickly as this had been going on for quite a long time.

The other issue was in Asia, and the members would see in their papers that the Asian percentage had been decreasing since 2005, the reason being that the process put in place had been for the initial country contributing to stick to the initial amount without increasing at the same pace as the budget, hoping for new countries to come to the table and pay the difference. Obviously, there had not been so many new countries thus far, so the percentage had decreased. He would talk to the region at the end of May in Kuala Lumpur and hoped that, for 2008, there would be a resolution of this issue.

Just to conclude, the members would see that, in 2006, WADA had ended up with 95% of the total contributions, which was a relatively good score, but WADA was really aiming at bringing that figure up to 100% and would be working on that during the coming months.

PROFESSOR DE ROSE said that the problem in Latin America was not only the split of the 25% between the countries other than the USA and Canada, but also the relationship between the amount that certain countries, such as Mexico, were paying in Latin America with similar countries of similar economies on other continents. This made it hard to explain to Mexico why it should pay more or less 300,000 dollars when there were countries with better economies in the world paying 150,000 dollars. That was the main problem. He understood that it was very difficult to reassign the division between the Latin American countries but, in the medium term, WADA should reanalyse the distribution among the continents.

MR STOFILÉ said that he was not adverse to the proposal by Mexico, but would like to remind the Foundation Board that the current allocations had been dependent on a number of other permutations; for instance, the 47% that America paid had not been proportionate to the 0.5% that Africa paid in terms of continental proportions. It had been in terms of economies of the different continents. It also invariably influenced the representation of that particular continent on WADA, and that was very important. With contributions, there were also allocations of seats and responsibilities to be taken into account. The regions themselves, having accepted the Cape Town meeting decisions, then had to sit down and see within their allocated percentages how much they would apportion to which component of the region, but the global allocation had been a product of a meeting of the ministers of the various countries and, if it was necessary to revisit that decision, he had no problem with that, but it would also be necessary to revisit all the attendant ramifications of which percentage was apportioned to which continent.

THE CHAIRMAN thought that the point to remember was that the continental allocation among governments had been agreed to among governments. If the governments wanted to go back and re-examine that, that would be fine. It did not affect the Olympic Movement other than that, if the governments did not pay, the Olympic Movement would not pay. He did not think it was a sensible thing for a country like Mexico to say that some other countries were paying less than it was. Canada was 10% of the size of the USA and was paying half of what the USA paid. That was Canada's contribution to the fight against doping in sport and Canada was willing to do this because it was important. With respect, he thought that Latin America had to get its act together, as this matter had gone on too long without any resolution.

#### DECISION

Government / IOC contributions update noted.

### **5.3 2006 Year End Accounts**

MR REEDIE remarked that WADA continued to be adversely affected by the relative decline in the US dollar. WADA received almost all of its income in US dollars and spent a large amount of it in Canadian dollars. The depreciation of the US dollar affected WADA. The 2006 annual accounts had been submitted to the Executive Committee, which had decided unanimously that they should be presented to the Foundation Board for approval. They had been prepared and presented under the International Financial Reporting System (IFRS), a system adopted by the IOC, which had been keen for WADA to present its accounts in the same way. The accounts had been in this format for a number of years, and he hoped that the members would now be familiar with it.

There was only one specific item in these accounts to which he wished to draw the members' attention. It was a note on page 12, under 6a, which talked about a movement of a provision for bad debt. WADA had hoped to be able to negotiate with the Canadian Government to be exempt from GST; unfortunately, such negotiations had failed, so a provision had been made for that and it now had to come out of the accounts. It also meant that WADA had to pay 7% more on quite a lot of its expenditure, as it was not exempt from that tax. Before presenting the accounts to the members for formal approval, he asked Mr Felix Roth, from PricewaterhouseCoopers in Lausanne, who audited WADA's accounts and was accompanied by Ms Linda Beauparlant, who was from PricewaterhouseCoopers in Montreal, both of whom audited WADA's accounts and helped with the presentation, to take the floor.

MR ROTH said that would take the members through the important points of the document in the members' files. The report of the auditors was in the same format as it had been in previous years. Before the members were asked to approve the accounts formally, he could confirm that he could issue a clean opinion on the financial statements. In his opinion, the financial statements gave a true and fair view of the financial position, the results of operations and the cash flows in accordance with the International Financial Reporting Standards, and they also complied with Swiss law.

The balance sheet was on page 2 of the document. There were four columns, which were prepared in US dollars, but then, for presentation purposes, they had been translated into Swiss francs. He would comment on the Swiss franc amounts. The total assets had increased from 36.6 million in 2005 to 37.7 million Swiss francs in 2006. There were two items that made up this increase: on the one hand, cash and cash equivalents, together with the held to maturity investments. These two items together consisted primarily of cash and bank deposits. The short-term bank deposits were included in the cash and cash equivalents, and the longer-term deposits (up to 12 months) were included in held to maturity investments. These two items together had moved up from 31 million in 2005 to 31.7 million in 2006. One should recall, however, that part of these amounts was already committed to research grants.

The second asset item that had increased to a certain extent was intangible assets, which consisted of ADAMS, in which 0.8 million Swiss francs had been invested in 2006.

The balance was actually the amortisation charge for the year, which was why the net amount had increased from 1.5 to 1.8 million Swiss francs.

Moving on to liabilities, total liabilities had decreased slightly; the main item there was the advance contributions paid; at the end of 2005, there had been an important advance payment by the IOC of 1.7 million. This advance payment had not recurred at the end of 2006.

Total equity had moved from 30.7 million to 33.7 million, on the one hand due to the excess of income over expenses for the year of 5.4 million and compensated partially by a translation loss, stemming from the translation of US dollar balances at the closing rate into Swiss francs.

Moving to the statement of activities on page 3, the members would see that the total income had increased from 27.4 million to 30.6 million Swiss francs in 2006. The main part of the income had, of course, been the annual contributions, which had amounted to 28.6 million Swiss francs in 2006, and this amount included contributions paid in 2006 but relating to previous years. These amounts would not be recurring, since most of the contributions were paid during the year.

Looking at the operating expenses, these had moved up from 22.8 to 26.8 million Swiss francs, reflecting a higher level of WADA activity during the year. Two items had constituted a significant part of this increase: salaries and personnel costs, reflecting the increased number of staff members working for WADA, and also travel and accommodation expenses, which had moved up from 2.7 to 3.9 million, reflecting increased travel activity, including more trips to China in anticipation of the 2008 Olympic Games in Beijing.

The operating income had decreased compared to 2005 from 4.6 to 3.8 million Swiss francs, due to the higher increase of operating expenses compared to income; however, the net excess of income over expenses for the year had increased from 4.4 to 5.4 million, the reason for that being a better financial result, mainly due to higher interest income stemming from greater amounts available to be placed in bank deposits and higher interest rates and also a positive exchange, which had been negative the previous year.

MR REEDIE proposed that the Foundation Board approve the annual accounts for 2006.

THE CHAIRMAN asked the meeting to approve the annual accounts for 2006.

#### DECISION

2006 year-end accounts approved.

MR REEDIE moved on to the next item in the members' folders, which showed the actual expenditure as opposed to budget expenditure for 2006. It gave some idea of the level of activity. Looking at each of the various department costs, the average was around 95% of what the Finance and Administration Committee had thought would happen, and that gave a good picture of the full level of activity undertaken by the staff. He picked up on the comment made by Mr Roth. The Finance and Administration Committee had originally budgeted on interest income of 400,000 US dollars and had, in fact, done much better, with just over a million. This was the result of two things: first of all, the payment of contributions earlier in the year, for which the Finance and Administration Committee was very grateful, and second, the slightly slower settlement of research grants than had been anticipated. Research could be a relatively slow issue, and WADA had to provide for that but, if it was not necessary to pay it out, the Finance and Administration Committee held it and invested it as wisely as possible.

There were no other particular items he wanted to draw to the members' attention. He thought that the IT Department had served WADA well by saving a lot of money on

the cost of website maintenance. The Health, Medical and Research Committee, by intelligent organisation of meetings, had saved substantial amounts of money by combining meeting dates. The detailed breakdown of the research commitments was shown. These totalled just over 9.5 million dollars and were the funds that WADA was holding in preparation to pay out when asked. The figures were interesting; he hoped that the members would see that WADA received all the financial information it needed on a very regular basis. This enabled the Director General and the management team to understand exactly what was happening at any given time.

#### **5.4 2007 Quarterly Accounts (Quarter 1)**

MR REEDIE informed the members that there were monthly accounts. Period one was January, period two February, and period three March, so it was possible to know, on a monthly basis, exactly how WADA stood. There was also an actual against budget comparison, so it was possible to see if any particular item of expenditure was running way beyond the assumptions made.

#### DECISION

2007 quarterly accounts noted.

#### **5.5 2008 Budget and Five-Year Plan**

MR REEDIE said that he had listened to the debate and the comments made previously with great interest, and could assure the members that the budget would simply not be based on whatever came out of the Strategic Plan. He was certain that the Finance and Administration Committee could think of a million other reasons for the recommendations that it would make to the Foundation Board. However, there was a whole range of issues that he was not currently in a position to put down in monetary form before the members. It had been decided one year previously that the Finance and Administration Committee would make an attempt at producing a five-year projection on contributions. Governments liked to have a longer-term view so that they could plan their budgets, and he had been well informed that the IOC would be happy with that as well. It was necessary to start from a position that, at the end of 2006, WADA had had approximately 10 million dollars of uncommitted cash. It had been agreed that about 3 million of that would be used in 2007 to subsidise the operations of WADA. Quite clearly, if contributions did not rise at whatever rate, WADA would exhaust all of its uncommitted cash, and would do so pretty quickly. It had also been decided that WADA would wish to have a specific operational reserve. As yet, the Finance and Administration Committee did not have a clear idea of how much that should be. It cost roughly 1.6 million dollars per month to run the agency so, if WADA were to keep roughly five million dollars, it would have about three months of operating expenses in reserve. The issue was whether it was necessary to do that or not. That was the kind of issue that the Finance and Administration Committee would be working on.

The Finance and Administration Committee had started modelling on certain cash flow projections, using figures of 3%, 5% and 7% increase in contributions, just to see how the figures worked out. Once the Finance and Administration Committee had a clear idea of reality, a final budget would be brought to the members. The final element in all of this was what the expenses were likely to be in 2008. He had spent a day going round every department and speaking to the directors and department heads. He would rather describe the first draft budget that the Director General had provided him with as a wish list. That was fine; that was what directors were supposed to do. Clearly, it was not, in his view, his personal responsibility to agree to that, and it should be taken to the Finance and Administration Committee when it met in August. Having pooled all of that together, he would come back to the Executive Committee in September with an argued and hopefully justifiable budget, which would be projected forward to show what increases in contribution would be required. Inflation was an element; he had an indication from the IOC that it would like to retain contributions at the rate of inflation. The IOC had wisely not given him a specific country's inflation on which to work, so that

gave him a little bit of flexibility. All of that work would have to be done and then, once the Executive Committee was happy with it, he would make a presentation on how the Finance and Administration Committee saw the future to the World Conference on Doping in Sport in Madrid and the Foundation Board would meet in November and formally approve that. He could not give the members any more details, other than to say that there was a substantial amount of work to be done.

His final comment was that the agency had been asked to take on more and more responsibilities, whether these included developing assistance for small IFs, educational programmes, or putting more money into research. All of that could be done, provided the resources were there. The members would be responsible for deciding on the level of resource to be put in place. If the members were not prepared to make proper contributions, they would have to decide which areas of activity they wished to reduce or stop.

MR REEDIE said that those members who were familiar with accounts would know that, when accounts were finalised, auditors would normally issue a management report. In his experience, such reports usually contained page after page of recommendations. The management report received by WADA that year had contained one comment, which reflected very highly on the skills of the WADA Finance Department. One comment from one of the world's leading auditors meant that the accounts and finances were in good hands.

## DECISION

2008 budget and five-year plan update noted.

## **6. Legal**

### **6.1 Legal Update**

MR NIGGLI said that the first point related to the Code and the meeting of the working group in Beijing. The meeting agenda had been devoted entirely to the Code, and he would shortly make a presentation on the discussion that had taken place the previous day. There had been discussion with the Council of Europe Data Protection Group on ADAMS in the second week of March. These discussions were still ongoing. There would probably be another round of discussions at the end of the summer, and he hoped that, by that time, the group would be able to issue a report on the compatibility of ADAMS with data protection laws, in particular the Council of Europe convention. This was work in progress. The WADA constitution amendments approved at the previous Foundation Board meeting were in progress, and the members would receive a new version of the Statutes once the Swiss supervisory authorities had approved them.

On the legal cases, which could be seen in attachment 1 to the document in the members' files, there were a number of pending cases, on which he did not intend to comment.

For the members' information, the CAS had dealt with the Mexican football player case in April and WADA was awaiting a decision. The cricket case had also been dealt with, and WADA was also expecting a decision shortly. This would be a decision on jurisdiction only, which would tell WADA whether or not to go forward on the merits of the case. As to the Assis case, which had been won at the CAS, the player had appealed to the Swiss Federal Court. He was not greatly concerned about the case, but it was currently proceeding with the Swiss Federal Court. The Beke case was pending in Belgium; a hearing had been set for September. The Danilo Hondo case, which had gone to the Swiss Federal Court, had now been dealt with definitively. Hondo had tried to go back to the Swiss Federal Court, and had been dismissed recently, so his suspension had been extended to compensate for the competition time he had been granted by the Swiss Federal Court and the civil court in Lausanne. WADA was working with and helping the UCI in relation to the case in Spain that questioned whereabouts, and the Director of

Standards and Harmonisation would be a witness the following week in the trial to explain the rationale for whereabouts and the importance of this.

Apart from that, he intended to draw the members' attention to case 17 in the attachment, which was a Greek case and showed clear non-compliance of the country with the Code. WADA had been unable to appeal, and he intended to address that with the Greek authorities, which had a system in place that did not fulfil the requirements of the Code and the UNESCO Convention.

He wished to make a remark on case 20, which was a case from the CAS regarding a cyclist, and had resulted in the cyclist not being convicted, as there had been a deviation from the laboratory standard. This decision was unfortunate in that the athlete had probably been clearly positive, but had got away with a formality. This would result in a change in the wording of the Code to prevent this happening again, with the addition of the fact that, when deviations from the standard occurred, they resulted in the adverse analytical finding and, if these had no influence on the end result, they should not result in the athlete being able to get away scot-free.

His last comment was about a case that was not in his report, as it had been published after the report had been written. It concerned the Cañas case, which had been decided by the Swiss Federal Court. It was the first time the Swiss Federal Court had actually upheld an appeal from an athlete to the CAS and sent back the decision to the CAS for review. It was a very interesting precedent, but he did not think that this case was a problem in terms of the whole system. The rationale for the Swiss Federal Court was that the athlete had raised some subsidiary issues in his arguments that had not been reflected in the way in which the decision had been drafted, hence the Swiss Federal Court had been unable to appreciate whether or not these had been taken into account by the arbitrators when dealing with the matter. In other words, what the Swiss Federal Court had said to the CAS was that its decisions should be drafted more thoroughly. The other interesting point in this decision concerned the arbitration clause by reference, which was a matter that had been widely discussed in the legal field and in particular in relation to federations. There had been a question as to whether an arbitration clause could be imposed on athletes, and this decision was very good in that it clarified the matter once and for all, clearly indicating that an arbitration clause by reference was perfectly acceptable in the world of sport. It was an interesting decision, and he would be happy to provide a copy to those who wished to read about it.

MR RICCI BITTI raised a point he had wanted to raise earlier: the decision by the Swiss Federal Court to send a case back to the CAS was causing some concern, and it was necessary to work on the credibility of the CAS, as the consequences could be significant in terms of liability, etc. In spite of the informal information provided, and he agreed that the informal information was that the case did not give too much cause for concern, in his opinion, the principle caused concern for the future. If there were to be an increase in cases going to the Swiss Federal Court, this would diminish the credibility of the anti-doping system in global terms, also creating a new liability area for the prosecuting authority, in this case the IF. Therefore, in spite of the fact that this was not a WADA problem, he believed that WADA could contribute to raising this concern with the CAS, as the CAS had to become credible as soon as possible to avoid the development of an attitude among athletes to appeal to the Swiss Federal Court.

THE CHAIRMAN thought that the good news was that the Swiss Federal Court had not purported to substitute its judgment on the outcome from the CAS; it had simply said that some arguments had been raised that had not been dealt with. Some courts went only as far as they needed in order to reach a decision, and they did not have to consider a whole set of arguments that might be without merit or stupid. The lesson for the CAS in this was that, no matter how many arguments it received, it had to deal with them, even if only to reject them. It was encouraging that the court had not said that it thought that the player should be exonerated; the court had simply said that the CAS should consider these arguments, and he thought that that should be the end of it.



MR PASCUAL said that the IPC tried to apply the Code strictly. Even though the proportionality issue had been supported by other tribunals, including the CAS, looking at these cases, he thought that perhaps the IPC was being too strict in following the Code. If one compared cases 8 and 15, decisions in relation to a diuretic that was not stipulated in the Code, both cases appeared to apply a one-year sanction when the standard sanction was two years. Therefore, he thought that, in the new version of the Code and the new List, this perception should be clarified.

MS DE BOER-BUQUICCHIO wished to raise an issue in relation to ADAMS. At the previous meeting, she had promised that the Council of Europe data protection expert would come up with an opinion on the compliance of ADAMS with the data protection standards. In fact, the experts at the Council of Europe had met recently, and it had been strongly felt that there was a need to further clarify a number of relevant issues, including the issue of the athlete's consent, the period of retention of data, and access of athletes to data. These issues would therefore be subject to further discussion, and she expected that the experts would be ready with an opinion by the end of the summer, but she wished to reassure the Foundation Board that the Council of Europe was in constant touch with WADA so that any problems might be anticipated and adaptations made to ADAMS to ensure that everything would be alright at the end of the day, and she was quite optimistic in this respect.

MR NIGGLI said that he was not sure which cases Mr Pascual had been comparing, but the answer was the following.

MR PASCUAL informed Mr Niggli that he was comparing the sentence in case 15, which stated that "WADA is following up since the grounds for a reduction of the standard two-year ban are unclear and do not appear to be acceptable" with case 8, which stated that "WADA's appeal was upheld and a one-year ban was pronounced against the player". He understood that WADA had been proposing a one-year ban for a substance for which the ban, according to the Code, should be two years.

MR NIGGLI suggested there was no need to enter into the details of the matter, but he noted that the ban for case 8 had initially been six months. WADA had appealed and a one-year sanction had been deemed satisfactory given the circumstances. Case 15 was not over; it was the first instance decision and WADA was looking into it, as he was not sure that WADA would agree with it, but he was looking into getting more information on why there had been a deviation from the two-year ban. The principle was always the same; there was already some flexibility in the existing Code; the question was how the flexibility was exercised. WADA had a right of appeal and, if it disagreed with the way in which the flexibility had been exercised, it could appeal to the CAS and bring the arguments forward. This was what was being done and what would also feature in the new version.

## DECISION

Legal update noted.

### **6.2 Operation Puerto (Spain) Update**

MR NIGGLI said that WADA had asked to intervene in the case and be admitted as a party. It had initially been refused, but had appealed the decision and had been accepted on appeal the previous Thursday, which meant that WADA was now a party to the case, along with the UCI and other bodies. That meant that WADA now had access to the file, and would now look into the file as quickly as it could. This also meant that WADA had a possibility to intervene in the case and would file an appeal the following day against a decision from the judge to close the case. Going into the file would provide the possibility to look for documents and other elements that might be useful for disciplinary purposes. Once these documents had been identified, and WADA would obviously work in collaboration with the UCI, the idea would be to ask the judge for permission to use the documents so that the UCI could proceed with its disciplinary procedure. There was obviously no timeframe from the Spanish authority as to when

appeals against the decision to close the matter would be heard. As far as disciplinary matters were concerned, WADA would move forward as quickly as possible to try to have access to the relevant documents. He would report further at the next meeting after having a chance to review the 6,000-page document.

MR BLATTER insisted on what had been said about these files, and made an appeal for transparency. The sports federations were appealing to the governments for transparency. They wanted to know about the athletes involved in the operation. It was important, and he asked and insisted that the Spanish Government disclose all these items, as the federations wanted to know. There could be sports concerned, and he wanted to know, as this was very important.

THE CHAIRMAN said that he had hoped that Minister Lissavetzky would be present, but perhaps Mr Odriozola had further information.

MR ODRIOZOLA emphasised that the Spanish Government felt it was important to clarify some concepts regarding Operation Puerto, particularly having listened to the appeal made by Mr Blatter. He delivered his message in Spanish.

First, it was necessary to clarify that the legal criminal proceedings known as Operation Puerto were not over. On 7 May 2007, a decision had been taken to admit WADA as a party to the proceedings; therefore, the legal decision to suspend proceedings had been appealed by a representative of the Spanish Government, the state prosecutor and the fiscal affairs minister before the court of appeal, and a decision was awaited. This had been delayed because of the appeal made by WADA for recognition as a civil party to the case. He believed that the appeal would proceed and that the proceedings would continue.

Operation Puerto was not the only operation carried out to combat networks involving the illegal trafficking of prohibited substances. The Higher Council for Sport in Spain wished to shed light on Operation Puerto, which was an extremely serious problem. It was necessary to work methodically in order to reach the end of the legal and police investigation. His institution had asked the court of appeal to reverse the decision to suspend the proceedings.

In Spain, as in all democracies in the world, there was a division of power between the legislative, the executive and the judiciary.

The Higher Council for Sport was independent of the judicial authority. The Higher Council for Sport worked together with the public administrations and the justice department, but did not lead investigations and did not make judgments. The trial judge was responsible for these points.

The decision to carry out a zero tolerance policy in sport was a government decision, and the government would not cave in under pressure. At all times, there had been collaboration with other sports bodies and political, national and international organisations, and all available information had been given out, despite the restrictions related to legal proceedings.

Spain hoped that international cooperation in the fight against doping in sport would be consolidated and that there would be continued good results, as the recent cases in Germany and Italy had demonstrated.

Operation Puerto had resulted in a positive 180-degree turn in the fight against doping in the sport of cycling. The situation was improving weekly, and the consequences of the cleaner practice of cycling were already visible. He thought that the members should be clear that the government had provided all the information, and the information that WADA would have would be exactly the same information that the government had.

THE CHAIRMAN looked forward to good progress by the time of the World Conference on Doping in Sport in Madrid. Spain was undertaking a very important operation that

had the potential to be very helpful in the fight against doping in sport. He hoped that all the information would be made available in due course.

#### DECISION

Operation Puerto update noted.

### **6.3 FIFA Rules Update**

MR NIGGLI said that this was a point for information. The last point of discussion with FIFA had been the possibility for FIFA to appeal the decision from its national federations. There had been a meeting between WADA and the FIFA legal department in Montreal in October, and there had been agreement on the issue. WADA had received confirmation again from FIFA's legal department at the end of March that this would take place at the next congress, during which there would be an opportunity to modify the FIFA statutes. He was working on that assumption and, unless he heard otherwise, this was where the matter stood.

MS ELWANI reiterated the view of the IOC Athletes' Commission on the importance of keeping everything about the athletes confidential in the testing procedure. The athletes would like to see stricter rules for laboratories or other entities involved in athletes' results to make sure that no name was linked to any sample collection or procedures. The committee would also like to see in the Code some penalty for those individuals who did leak athletes' names. She would not be comfortable seeing a person at an IF or a laboratory who had been found guilty of leaking information still present at that IF or laboratory. She wanted to make that clear before going into Code matters.

MR BLATTER referred to the changes to be made to the FIFA statutes. These would be done at the FIFA Congress on 31 May in Zurich. He had been unhappy to discover that the necessary provisions were not in the FIFA statutes, and he had been unhappy with the decision taken by the Mexican Football Federation. FIFA had asked WADA to intervene to show that FIFA was now totally in line with the WADA Code, and he hoped that this would be included in the minutes of the meeting so that he could go to the congress on 31 May and announce that FIFA and WADA were not only working together in the fight against doping in sport, but were also compatible with the Code from a legal point of view and upstanding members of WADA.

THE CHAIRMAN thanked Mr Blatter; he was delighted to hear that and to have the most important sport in the world beside WADA.

Ms Elwani's point had been taken; there had been some unfortunate leaks of information, particularly athletes' names that had come from laboratories or anti-doping agencies, and WADA should do whatever it could to make certain that that breach of confidentiality did not occur. He did not want the members of the Foundation Board to think that the major source of all of this information came from laboratories or ADOs. The overwhelming majority of revelations of athlete names and positive tests came from the athletes themselves or their entourages. The system was pretty good; it was not perfect, and WADA would certainly work to improve it, but the overwhelming majority of information that should be confidential had tended to come from the athletes and their entourage and not the laboratories.

#### DECISION

FIFA rules update noted.

### **6.4 Investigations Symposium Update**

THE DIRECTOR GENERAL said that the initiative that had been commenced the previous year in relation to investigations merited revisiting so that he could inform the members of the progress made and the reasons for it. It was described as the new paradigm in anti-doping.

The WADA management had gone back to say that the traditional fight against doping in sport as centred on the athlete had concerned testing, research and education. Looking now at an athlete in the current sporting climate, there were influences on the athlete from all sorts of different people: coaches and trainers, educators, parents, peers, team-mates, competitors, doctors, therapists, sports administrators, lawyers and agents, and sponsors. Those were human influences. Adding to that societal influences, there was what was going on with counterfeit and underground manufacture of prohibited substances, an increase in use and influence on athletes of veterinarian substances. There was the very vexed issue of easy purchase through the Internet, and then the issue of trafficking. WADA suspected that this was heavily involved with organised crime, primarily because, in many countries of the world, this was not a crime, so the organised crime syndicates could traffic without fear of prosecution or retribution. All of this was affecting the athlete.

The WADA management had then looked at the big breakthroughs in the fight against doping in sport over the last few years. They had all come essentially from governmental agencies and investigations as a result of major controversies. Festina had led to WADA's existence. During the Australian customs exercise in 1988, swimmers had been stopped bringing hGH into Australia. BALCO had not been completed, and the members were to have been addressed that day by the lead investigator of BALCO, but he was involved in another enquiry, which was an offshoot from the initial one, and was not able to be present for legal reasons. Operation Gear Grinder was another operation conducted in the USA that had led to the closing down of 80 laboratories primarily responsible for steroid production. Then there was Operation Puerto, about which the members had heard earlier. An Australian weight-lifting enquiry, conducted along with other agencies in that country under their new powers with ASADA, had led to the seizure of materials from a computer that had belonged to a distributor of hGH and had been in progress for a while but had finalised in the first non-analytical cases against individuals for hGH. There had been a new one that year in Florida and New York, undertaken by the Drug Enforcement Agency and which WADA had labelled Signature Pharmacy, which had led to the seizure of significant amounts of steroids. There was another one that was also ongoing, whereby a former major league baseball trainer had been arrested and charged with federal offences in the USA and, as part of a plea bargain, had agreed to hand over names and details to Senator Mitchell, who was conducting the enquiry into baseball in the USA. WADA had been told that this involved dozens of major league baseball players.

WADA had conducted the two symposia to which he had referred previously, the first the previous year, assisted by USADA and the USOC, in Colorado, and then in London the previous month, sponsored by UK Sport. WADA had assembled a group of experts in this area; some were lawyers, some were management people from international sport and national anti-doping agencies, and some were the actual enforcement agents. As a result of the symposium held in London, WADA had now formed a working group of five people, which he would head, involving the production of model rules, or model protocols, for governments and sport to look at to be able to advance the issue in respect of investigations, to see whether it might be possible to get to a position where an investigatory body operating under the national laws within the country in which it was set up could work alongside sport so that the information that it gained in relation to sport and sporting people could be shared in a timely fashion and thereby enable sport to get on with sanctioning those who might be involved. He emphasised the cooperation with the DEA in the USA as an example. The DEA was not interested in the end user, or the sportsperson who might be getting supplied with the banned substance; it was interested in the distributors, the traffickers, the Mr and Mrs Bigs involved in millions of dollars of profits from such illegal provision of substances. Therefore, the DEA would not be interested in prosecuting the end user, and had recognised the interest of sport in sanctioning those end users. WADA now needed, as he had said earlier, a process or protocol so that the information could be shared with sport at an early stage and not two years after the event. This group of experts that WADA had engaged comprised

Jonathan Taylor from UK Sport, Hugh Roberts, the former IAAF lead counsel, Stan Frossard from the Council of Europe, and DEA representatives. These people would be reporting back to the WADA management in the coming months and he hoped to be able to table some model protocols by the time of the September meeting.

WADA also had the collaboration with Interpol, and he was sure that, once WADA was able to put some models in place and countries could accept them, WADA would benefit from its relationship with Interpol. The way forward in relation to the fight against doping in sport included the continuation of sample collection, both urine and blood, based more on intelligent testing, and a symposium would be held in Norway at the end of the month in order to issue some protocols on what WADA really meant by intelligent testing. The way forward also included the longitudinal follow-up launched through the athlete passport, advances in research, and an additional aspect of forensic science. In addition to that, because there were so many anti-doping Code violations that fell into the non-analytical category, WADA needed to pursue the issue of investigations, obtaining evidence that could be used in sanction processes for non-analytical cases. This involved regulations that governments might have, but also regulations that sport might look at, the use of enforcement agencies within countries and the development of relationships with those enforcement agencies that would allow WADA to share information. He was hoping to provide models of best practice and hoping to look at whether there was a need in some countries for an additional statutory legislative approach, and would coordinate the whole process over the coming months. He thought that was a considerable advance on where WADA had been in November 2006. He would be happy to answer any questions that members might have in respect of the process.

#### DECISION

Investigations symposium update noted.

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

#### **7.1 Code Review Update**

THE CHAIRMAN noted that the Code consultation process under way would culminate in November at the World Conference on Doping in Sport in Madrid, during which WADA would expose the proposed amended Code to the world and the Foundation Board would have an opportunity to consider it and, he hoped, adopt whatever came from that process.

MR ANDERSEN wished to give the members an update on the Code review process and the feedback received from stakeholders on meetings held with government representatives and those organisations funded by governments and the sports movement. More specifically, he wanted to report on issues that had been discussed at the Executive Committee meeting the previous day and the conclusions of these meetings. These issues had been identified by the Code Review Team as being of principal character and thus requiring clarification from the Executive Committee. The slide gave an overview of the Code Review process and its three phases. Phase two was currently under way, and discussions the previous day and that day would be important to the team in terms of obtaining clarification regarding some important issues. A new draft of the Code would be posted on the website at the beginning of June, and all stakeholder comments would be posted on the website at the same time. The third phase of the process would begin in June and end in November with the World Conference on Doping in Sport in Madrid, at which a Foundation Board meeting would take place for, he hoped, final approval. For this round of the consultation process, some 80 submissions had been received from stakeholders. The division between the various stakeholders, from governments, NADOs, NOCs, NPCs, the IPC, and so forth, could be seen on the slide.

WADA had received some general feedback from stakeholders, particularly on the process itself. People had appreciated the possibility to comment on the Code and the

open and transparent review process. Stakeholders had also appreciated and fully supported the concept of more flexibility in sanctions, now reflected in Article 10 of the Code. Stakeholders had also said that more flexibility in sanctions was fine, but more harmonisation was necessary in other areas, more specifically in the areas of provisional suspensions, whereabouts and missed tests and TUEs. There had also been a call to weight the List criteria more specifically and, naturally, there had been comments on putting the performance enhancing criteria at the top of the List and giving these more weight than the other criteria. The team had also been asked to give reasoning for including and excluding substances on the List. The team had been asked to put a clause on data protection in the Code, and to define athletes more clearly. The Code encompassed more than simply elite athletes, and he thought that it had now been possible to define the athletes in a more thorough way, so that agencies with testing pools of hundreds of thousands of athletes would be able to use the Code in that respect.

The involvement of governments had been commented on specifically; there should be a clear distinction between the responsibilities of governments and the responsibilities of the signatories to the Code. The team had been asked to look specifically at strengthening the reporting and confidentiality requirements in the Code that had just been mentioned. There had also been a request to look at minor changes, and much of the work had involved trying to fit the Code with the evolving changes in relation to legal requirements for the Code. There had been several meetings of the Code Review Team, the latest having taken place in Beijing, with many stakeholders, and members would see a list of those meetings in their papers.

MR NIGGLI said that the meeting in Zurich with the team sports on 22 March organised by FIFA and chaired by Professor Dvorak had been a very fruitful meeting and had resulted in some comments sent to WADA on behalf of team sports. These comments would be reflected in the next version of the Code. This had also resulted in some commitments from team sports to provide WADA with a common position on two issues that really had to be addressed by team sports, one being whereabouts and missed tests (and something should be received by the end of May about this issue), the other being the consequences to teams, such as the minimum number of players to be tested, the consequences to the team, and so on. That was an ongoing process. Thus far, the Code Project Team had not addressed the issue and was awaiting continued discussion with the team sports.

He wished to make sure that everybody understood the matter at hand. The previous day, the Executive Committee members had had a thorough discussion on a number of points, which had resulted in a recommendation from the Executive Committee to the Code Project Team as to how to draft a number of issues in the next version of the Code. The members would have plenty of opportunity to comment on the new draft of the Code once the draft was published in June. The first issue that required clarification was an article about A and B sample testing. The article had been incomprehensible to everybody apart from those who had written it, so it had been decided to start the exercise again. What would be clearly indicated was that, once there was an A sample adverse result, the B sample could be requested by the athlete or the ADO in charge, even if the athlete did not request it and, if nobody wanted to test the B sample, the A sample result would be sufficient to prosecute the case. He would make sure that the wording reflected that.

The team had been asked to include more information as to why a substance was or was not on the List. There had been a discussion on the matter, in particular with the Legal Committee. It had been strongly felt that this should not be done. There should not be more explanation as to why substances were, or were not, on the List. This was the work done by the scientific experts. If WADA were to start providing reasoning behind its decisions, he felt that the risk of litigation would increase, because there would always be experts who would contradict the rationale, etc. This was not something that would be entertained in the next version of the Code.

The next point related to the existing article on no significant fault or negligence. This article had been limited to certain doping infractions, and would now be open to all infractions in the Code, including the new provision that explained that, if an athlete started competing again while suspended, the ban would start all over again. There had been comments that this might be a bit harsh, particularly if an athlete competed mistakenly two days before the end of his or her ban, so this provision would also be applicable to give some more flexibility in relation to that. The team had decided that it would add one possibility for aggravating circumstances, which was that, if an athlete was provisionally suspended, and still competed, this would trigger the possibility for aggravating circumstances. Nothing had penalised such behaviour in the Code thus far.

The athlete definition had been modified to take into account recreational and master athletes, so that special treatment, particularly for TUE whereabouts and all related issues, could be adapted by the ADO.

The timing between the A and B sample analyses was an important issue raised by stakeholders. There were two issues related to this: one was that it was increasingly evident that some substances tended to disappear quickly so, by the time the B sample was analysed, there was nothing left in it. The other issue concerned provisional suspension. There had been questions about whether the provisional suspension should be after the A sample result or the B sample result. If the time between the A and the B samples was quick, this issue almost went away. The team would try, in the next draft, to have a rule stating that the B sample had to be tested within seven days after the A sample and, if the athlete was unable to send a representative or be present, the laboratory would appoint an independent expert to witness the opening of the sample.

ATUEs had been discussed. The aim of ATUEs was to reduce the administrative burden. The proposal would be that, rather than having advance notification, there would be a possibility to declare the substance on the DCF. If there were an adverse result, the medical authority of the ADO would be able to review the medical file and decide whether or not the use of the substance had been justified. Nevertheless, it had been felt from a legal point of view that there had to be the possibility for those athletes who wished to do so to ask for an ATUE in advance so that they would know in advance whether or not it had been granted.

In the Code, the list of specified substances had been increased so that, for those athletes who could prove no intent to enhance performance, there would be more flexibility. This applied to all substances except for anabolic agents, hormones and prohibited methods. Initially, amphetamine had also been included, but scientists and the List Committee in particular had felt that including amphetamine, which was not a category, but rather a substance, might be misleading, so it had been agreed that, rather than putting the name of one substance, the term "stimulants" would be included, and the List Committee would identify those stimulants that needed to be specified and those that could be treated like the three other categories.

Finally, there had been a discussion on provision 20.3, which related to the acceptance by IFs of bids from countries that had not ratified the UNESCO Convention. On the one hand, it was clear that this was the only means of putting some pressure on governments to sign the convention; on the other hand, some IFs had expressed some concern that there might not be enough countries that had ratified, which would have an impact on their ability to organise world championships. The direction given by the Executive Committee had been to postpone the requirement until 1 January 2010, so it would be for bids made as of this date, probably for world championships that would take place five or six years later, depending on the process and, by this time, there would be sufficient ratification so that there would no longer be an issue.

This concluded his summary of the discussion of the previous day.

MR RICCI BITTI congratulated the team on its work. He fully supported the effort to review the Code, which was the most important tool. Some comments had been made, and he had seen no reaction to these in this report. Some points included did not appear

to be feasible. He had mentioned coordination in relation to event testing. It was clear that, in order to win the fight against doping in sport, testing should be spread throughout competitions. Over recent years, however, there had been a tendency by NADOs to go to where the IFs were already acting, so this should be reviewed and WADA should play a role in this coordination, which was in the interest of the future of the programme. The second point, which was more serious and which he was not willing to accept, concerned the amendment to Article 15.3, which included the provision that, if a NADO did not wish to conduct result management, the IF had to accept responsibility for this. This was not acceptable, as he thought that a testing organisation had to be able to conduct result management and should not give the IFs such responsibility. He was not ready to accept that.

The third and fourth points were recommendations. He was worried about the practicality of certain whereabouts requirements. Feasible whereabouts requirements were essential. He therefore recommended that these requirements be reviewed carefully.

The last point that worried him concerned the allocation of prize money. He thought that this money had to go to the authority conducting the result management.

He hoped that these four points would be taken into consideration.

PROFESSOR LJUNGQVIST noted that one comment had been made the previous day relating to the fact that an athlete could be considered for a lesser sanction if he or she could show no intent to enhance performance. He had pointed out that substances were on the List for two out of three reasons, which might not necessarily be performance enhancement. A substance could be there for being against the spirit of sport and harmful to health. From a scientific point of view, very few substances on the List had been scientifically shown to be performance enhancing, although it was known that they were, so one would be open to challenge if the phrase "no intent to enhance performance" were included. The Executive Committee had been advised to choose different wording because determining that a substance was performance enhancing was scientifically quite difficult.

MR JOHANSSON said that he welcomed the project as a whole to renew the method but, as was known, when the scale got wider, it would also reshape the practice of implementation, and it would be crucial to underline that new problems would not be created at the same time. He meant the possibility or the risk of similar offences in different sports or states leading to different sanctions. It might be a good idea to say a few words about this problem and how it would be dealt with.

On behalf of the Australian Government, MR CAMERON thanked Messrs Andersen and Niggli and the team for the careful consideration given to submissions received. He noted that there had been some discussion in relation to confidentiality of information and the desire of some parties to have a strengthened set of arrangements in relation to that. On the Australian Government's behalf, he would like to add its voice to the request to the team to carefully consider options about how greater or clearer guidance might be given to all signatories about how to handle confidential information. That might well be something that was a level of detail that might not be appropriate for the Code itself, but the team might like to consider other ways of providing clearer rules associated with the handling of information and records of the chain of custody information received by parties including NADOs and any others receiving information during the result management process.

Coming from a laboratory environment, MR PASCUAL said that he was very worried about the proposal to perform an A and B sample analysis in only seven days, because laboratories provided a certificate of analysis and then, some days later, the full documentation package. When the organisation received the certificate of analysis, it still had to wait for the full documentation package to perform the initial review (according to the Code) before it could notify the athlete, and this took some days. In order to perform an expedited hearing between the A and the B analysis, it was



necessary to give the athlete time to prepare for this expedited hearing and he did not think that this would be realistic. WADA would face problems of not fulfilling the calendar as opposed to alleviating any problem. The risk of non-compliance with time was worse than the solution sought.

MR MALLARD wished to give the opposite point of view and the thoughts behind trying to get the B sample results as quickly as possible, and that was that, in many sports, athletes were competing week after week, and the knowledge that people were competing for a month or much longer when they had already been found to have a positive A sample was something that was of great concern, especially to the other athletes. The choice faced was essentially whether to continue with the B sample method and have it confirmed or whether a provisional suspension occurred on the basis of a positive A sample. The period of seven days was essentially a compromise between those two points of view. It was something that needed to be teased out. He thought that WADA had reached the point where it thought that continuing with the B sample approach was a wise way of proceeding; but, if WADA was going to have the B sample, it could not have people competing for weeks in the knowledge that they had tested positive and were cheats. That could not continue.

MR AZIZ added his support for the note of concern that had just been expressed by Mr Pascual. He recognised the need to find a compromise between the length of time and the provisional sanctions or whatever might be put in place, but seven days was a bit too short. He wished to voice his concern about the practicality of that time period; in his experience, more time would be necessary.

THE CHAIRMAN asked the members to bear in mind that this was language that would go into a draft Code for the purpose of eliciting comments; this was not a decision.

In response to Professor Ljungqvist, MR NIGGLI said that, first of all, the wording was in the Code, and applied to specified substances. It was not a scientific concept; it was truly a legal concept. The intent to enhance performance could be with a substance that did or did not enhance performance; it was the intent that counted. This would be discussed by the Code Project Team; however, from a legal point of view, he thought that this concept would work.

He told Mr Johansson that, with more flexibility, there would be the risk of having different sanctions. The idea was to open flexibility in a way that would be manageable and would be based on some rationale so that, if one did not agree with the decision, one could appeal. There would be some discretion and, if WADA or the IF were not happy with the discretion exercise, there would be an appeal and, hopefully, case law would establish what the circumstances were and how it worked. WADA had increased flexibility, also because there had been a few cases in which it had been obvious that the end result was not the right one; when there was somebody who was not a cheat and was recognised as such by everybody and still got a year, one ran the risk of losing public support. The idea behind that was to find a system that opened the door, but not too much, and was manageable through the process in place.

In response to the comment made by Mr Mallard, he acknowledged the comments made by the athletes. The team was looking into some avenues and the next version already included an article that dealt with the possibility to comment on pending cases. The team was also exploring ways of dealing with substances that required further investigations, such as T/E, which had probably triggered Mr Mallard's comments. In such cases, there would probably be a deviation from an adverse result as soon as there was an abnormal (as opposed to adverse) value, and there would be further enquiry by the ADO before it became an adverse result, thereby ensuring greater confidentiality. The team would look at rules and a practical approach, because rules were nice but they could be breached. If WADA could minimise the number of people who knew about the matter, that would probably be the best guarantee.

For those with concerns about the seven-day period, WADA had to try, and would talk to the laboratories to see what was feasible, but this was a very important problem and

would probably be a very important requirement in the future. It would be necessary to have something to ensure that the B sample was tested more quickly than it was at present.

THE CHAIRMAN said that everybody should be careful about the fact that, to date, his impression was that greater flexibility was seen by the public as being a weakening of the commitment in the fight against doping in sport, and it was necessary to work at making it clear that this was not the case and that flexibility at the low end was matched by moving to four years for aggravated offences, so WADA was getting tougher when it came to the bad people rather than those who were the victims of accidents.

MR NIGGLI replied to Mr Ricci Bitti. WADA had received 80 submissions, which was why it was not possible to respond to all of them at the Foundation Board meeting. The members would see their comments reflected in the next draft, especially those regarding whereabouts, but in relation to the comment Mr Ricci Bitti had made about the residual responsibility of the IFs, namely what happened if nobody claimed result management, there had been a few cases whereby an athlete had clearly tested positive, and the organisation conducting the test had said that it had no rules according to which to perform result management and the IF had said that it did not fall under its rules. The end result was that there would be somebody who had tested positive and was still competing because nobody was doing anything about it. That was the rationale behind this article, so that there would be at least somebody with the authority to do something. He was not saying that the IF would have to deal with it; the IF would have the possibility to have in its rules something saying that the NF would have to deal with it, for example, because it was a national case, but at least there would be one point of authority that would decide what to do in such cases.

MR RICCI BITTI said that his position was based on experience. There had been a Belgian case in his federation some five years ago, in an out-of-competition test whereby the IF had been required, and was still required, to intervene in a case in a non-sanctioned competition. His recommendation was that the sooner all those authorities doing tests organised themselves to carry out result management, the better it would be. The problem of liability was a very important issue, and if this liability were expanded, this would be limitless expansion. The testing authority had to organise itself to be capable of managing the results as well.

THE CHAIRMAN said that Mr Ricci Bitti would have the chance to make his point. He was not sure that it was shared by everybody. If one wanted power, one had to accept the responsibility that went with it.

#### DECISION

Code review update noted.

### **7.2 Code Implementation and Compliance Status Report**

MR ANDERSEN said that a thorough interim report would be made to the Executive Committee in September, and the final report would be made at the end of 2008.

There were 572 signatories to the Code, and WADA had received 97 anti-doping regulations and approved them as Code-compliant. WADA also had what was known as WADA Logic. He had presented this to the Foundation Board previously. A total of 147 signatories had completed the compliance questionnaire. He had reported in November 2006 in relation to the article in the Code stating obligations to conduct Code compliance monitoring, and he had presented the system for monitoring such compliance, along with the timelines. As the members would recall, the outcome of the discussions had been that a report should be made by the end of 2008. This was also to try to coordinate this with the UNESCO Convention and the UNESCO report in that respect. The challenge faced when talking about compliance reporting was that many stakeholders had not even implemented rules yet. This was something that WADA was working on daily. Also, if they had rules in place, they did not have anti-doping programmes in place. Thus, there

was an absence of out-of-competition testing and subsequently absence of process for missed tests and whereabouts information, and questions about the reliability of result management processes.

In order to assist stakeholders in these tasks, numerous model rules for NOCs, IFs, NADOs, major event organisers, NFs and NADOs in the RADOs had been developed, in order to provide assistance in the development of their own systems. WADA had also developed guidelines on how to work on certain topics on a daily basis. One very important element in the assistance programme was the development of the RADOs, and WADA had also proposed the development of an anti-doping organisation for IFs (IFADO). WADA was now trying to assist further in order to be able to report by the end of the following year, and was implementing a system to review and assess those stakeholders that were not yet Code-compliant. This included rule implementation and audits, in close cooperation with the regional offices and directed from Montreal. WADA was also assisting in quality assurance programmes in order to get anti-doping organisations involved in state-of-the-art programmes. He would report to the Foundation Board by the end of 2008.

THE CHAIRMAN said that the Executive Committee had requested, for the September meeting that year, a preliminary identification of those signatories who were compliant and those who were not, and also for 2008, because a designation of non-compliance would have a significant impact on signatories. WADA was going to try and get drafts of the reports by the middle of 2008 so that those stakeholders tending towards a non-compliant designation would have an opportunity to try to fix whatever shortcomings there might be prior to the end of the year.

#### DECISION

Code implementation and compliance status report noted.

### **8. Departments / Programme Areas – Decisions and Key Activities**

#### **8.1 Communications**

MS HUNTER gave a brief overview of the mission of WADA's Communications Department. In general terms, the department tried to promote a sense of organisation and identity, and present a consistent and coherent image. The role of the department was to build awareness and an understanding of the fight for clean sport, the Code and WADA. As a standard practice, the department provided consistent core information about the anti-doping movement, WADA and the Code; in addition, the department felt that it was very important to update key messages on a timely basis. Currently, the department had been focusing on several key messages. The fight against doping was an evolutionary process that called upon new tools and strategies; it was an ongoing process but the global anti-doping movement was fairly young and, in spite of its youth, major advances had been achieved since the founding of WADA. It was an evolutionary process that called on new tools and strategies, and WADA's role was to provide leadership in that area. The audiences WADA was trying to reach included the media, athletes, particularly through the Athlete Outreach programme, the core stakeholders, and the public at large. For each of these, to look at the communications, there was a variety of different programmes and tools, all of which were outlined in the materials. She did not wish to go through all of them, but there were a few items she wished to highlight.

In terms of media relations, in January that year a media symposium had been held in Lausanne; this was WADA's second large media symposium, following the one that had taken place in 2004. It had been a full-day programme. The IOC President Jacques Rogge had attended, and the WADA President had delivered a presentation on the current state of the fight against doping in sport. Some additional presentations had then been made by Mr Howman and Dr Rabin, who had been able to talk more

specifically about some of the strategies in anti-doping and advances in science. It had also provided an opportunity to talk about the Code review. In 2004, WADA had focused on presenting the Code; this symposium had offered an opportunity to talk about advances and what needed to be addressed in the Code review. There had been about 100 journalists present, up by about 70 from 2004, highlighting an increase in attention to the topic of anti-doping. The questions from the journalists had been very educated, which was a very good sign.

In conjunction with the media symposium, a communications round table for communications directors from the IFs had been held. There had been discussion mostly about the kinds of resources WADA had to help the communications directors of the IFs communicate with the media and their athletes. As a result of that, WADA now had monthly communications with the IF communications directors to announce any new services that WADA had to help them better educate their athletes and media, and WADA would also be forming a task force with a group of them to develop guidelines, best practices and communication in dealing with in-competition and out-of-competition positive doping cases. The goal was to have that completed by the end of that year.

The department also had the challenge of reaching out to media in regions of the world in which there was less education about anti-doping. The department had to provide the basics and build a framework. In December the previous year, a media outreach event had been piloted at the Asian Games. Fred Donzé, WADA's Media Relations Manager, had spent several days in the media centre and had been able to interact with individual members of the media and develop a media base. It had been a very successful programme, so WADA intended to bring that to the All Africa Games and the Pan-American Games in July.

The RADO programme was an important opportunity to reach out to media in those regions. Another pilot programme had been carried out in March in conjunction with the RADO board meeting for South East Asia, and she had held a media session to answer questions and give the basics about anti-doping. The department was looking into doing this in other areas of the world later that year.

Athlete Outreach was a programme that was well established, and WADA had had its Outreach programme at the Asian Games in Doha in December 2006 and the FIS Junior World Championships in March. The photo on the screen showed one of the Athlete Committee members who had helped at the Outreach event. WADA's Outreach programme would be at a number of other events that year.

She had mentioned previously that the Outreach programme had been incredibly successful. WADA had received a lot of requests to host Outreach events at various stakeholder events; unfortunately, it was not possible to be everywhere, so the department had developed an Outreach model. Since January 2006, when the model had been launched, at least 18 organisations had signed up to the model. There was a brochure in the members' media kit describing the model, which was easy to adopt to develop individual Outreach programmes.

One of the department's targets was the general public, and WADA tried to partner with other organisations to promote anti-doping and better education about the fight against doping. She was extremely honoured to be able to work with the Olympic Museum, which had updated its permanent exhibit on the fight against doping in sport and had done a very nice job, and she wished to show the members a few slides. The permanent anti-doping exhibit had gone live the previous week. She showed slides featuring photographs of the various installations, which included a video showing President Jacques Rogge talking about the zero tolerance of the IOC for doping. One of the things WADA had been pleased to be able to do was use the Doping Quiz from the Athlete Outreach programme, providing visitors with an interactive way to test their knowledge and what they had learnt from the exhibit. Finally, there were some athlete testimonials in video format, which were also showing in the Olympic Museum. She played the video of the athlete testimonials for the members.

## DECISION

Communications report noted.

### – **8.1.1 Athlete Committee Chair Report**

MS HUNTER said that the Athlete Committee had met in April that year in Portugal and had been hosted by the Government of Portugal. During the meeting, a number of topics had been covered. The first related to athlete information confidentiality; the athletes had stressed that it was important for the anti-doping system and those involved in anti-doping to ensure absolute confidence in the system. The committee had also discussed the List of Prohibited Substances, and had been very supportive of the current system for identifying which substances and methods should be put on the List. The committee had also discussed the topic of cannabis, and had considered that removing cannabis from the List would send a very negative message to athletes around the world. As far as sanctions for doping offences were concerned, the committee had reiterated a previous message: there had to be tough sanctions for first-time doping offences, and the committee encouraged strengthening a first sanction for a serious doping offence. As to cooperation with investigations, the committee had generally agreed with the principle of offering incentives but, out of fairness to clean athletes, thought that any incentives should not be too weak, and there should not be a rapid or easy return to competition for athletes who had cheated. Any potential loopholes should be looked at. The committee had also been concerned about financial penalties, and the clean athletes who lost awards to athletes who were later found to have doped, and encouraged more discussion and consideration during the Code revision process given to the recuperation of financial awards. The committee had also been asked to consult on whereabouts and missed test topics in the context of the review of the International Standard for Testing. Some very detailed and practical feedback had been given to the team revising the IST. The committee had also had an opportunity to visit the laboratory in Lisbon, and the athletes had had some very good questions about chain of command and laboratory practices.

At the next meeting, some more education and follow-up on these questions would be provided. The next meeting of the committee would be in Montreal on 27 August, and the primary purpose of the meeting would be to finalise the athletes' feedback in relation to the Code review so that the athletes would have a final say in the final version of the Code to go to the Executive Committee in September.

## DECISION

Athlete Committee Chair report noted.

## **8.2 Science**

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

PROFESSOR LJUNGQVIST said that he would be brief and deal with the first two items. He had the pleasure of informing the members that WADA, as a research funding body, had achieved high recognition in the scientific community for being a stable and permanent funding resource for research into anti-doping. To recruit good researchers, one needed permanent funding, since research was a long-term commitment, and it took some time to become recognised as a stable source of funding for research. WADA had reached that status, and this could be seen because more and more high profile laboratories and researchers were applying for grants from WADA. This was a great source of satisfaction. WADA had recently made official the application round for the following year's research funding and the application deadline was on 20 May, following which there would be the usual peer review round during the summer period and review to decide upon proposals at the Health, Medical and Research Committee for the allocation of research grants for 2008. The Executive Committee would take a decision in September on that matter.

The members had previously received an update on the outcome of research thus far supported by WADA. These were long-term projects and he would keep members continuously updated.

#### DECISION

Health, Medical and Research Committee Chair  
report noted.

#### – **8.2.2 Draft 2008 List Update**

PROFESSOR LJUNGOVIST said that one major task for the Health, Medical and Research Committee was the production of the List of Prohibited Substances and Methods with the List Committee. The two committees had met in January and a few weeks previously. A proposed 2008 List had been drafted; it was not very different to the 2007 List, but there were some amendments about which stakeholder opinion would be sought. The draft List would shortly be circulated over the summer period to have the stakeholders' opinions back in early September for the Health, Medical and Research Committee and List Committee meetings during that month. The Executive Committee would receive proposals regarding the allocation of research money and the 2008 List at its September meeting.

#### DECISION

Draft 2008 List update noted.

#### – **8.2.3 Athlete Passport / Blood Parameters Update**

DR GARNIER briefly reviewed the situation regarding the Athlete Passport project, which was something that WADA had discussed since the very beginning of its activities. It had been presented the previous year and reactivated subsequent to the Turin Olympic Games, which had caused a confusing situation. WADA had thus taken the initiative to invite all those IFs already involved in similar blood testing programmes to plan a harmonised approach. During the two symposiums organised in September 2006 by the IAAF and USADA in Lausanne, all the experts and participants present had confirmed the benefit of longitudinal follow-up and blood monitoring. At the first meeting, WADA had been asked by the IFs to lead the process. WADA had subsequently organised several meetings with the IFs concerned, as well as external experts in the field to discuss and define the best approach. The most recent meeting had taken place the previous month in Lausanne. The main outcomes of the meetings were that there had been a general agreement to consider the practice as part of the anti-doping process itself (to be considered within the framework of the current Code review process). WADA had been given the task to achieve the goal of harmonisation and give guidance for implementation. General principles had also been defined for a haematological passport. At the latest meeting, experts had reached consensus on the scientific approach.

The general principles included increasing anti-doping efficiency whilst improving health protection. Certain relevant parameters should be monitored to establish the athlete's individual profile. Samples should be collected in and out-of-competition with standardised protocols. All of the results should be registered in a database. Result analysis should be done on an individual-based reference as opposed to a population-based reference. All of the participants had also agreed that doping prevention rules should be established and that abnormal values should lead to provisional suspension, according to the specific rules of the relevant ADO.

WADA's strategy was therefore to continue the process by coordinating meetings with legal experts and those in charge of implementation, to facilitate the implementation of the proposed model with a pilot project, to establish models of best practice and, in parallel, to continue to support the technical and legal feasibility studies (AFT programme, Lausanne laboratory).

In conclusion, the scientific consensus was significant, as there was now evolution from a population reference to an individual reference approach. It would be necessary to update the model following the results of all the work in progress. Legal validation would also be needed, and it would be necessary to organise and facilitate the implementation with appropriate tools.

#### DECISION

Athlete Passport / blood parameters update noted.

#### – **8.2.4 Development of Regional Anti-Doping Laboratories**

DR RABIN said that he would be very brief. This was a matter of information. WADA was aware of the existence and development of regional anti-doping laboratories in some countries, particularly in Europe, and believed that they created a serious breach of the harmonised anti-doping system being developed under the umbrella of the World Anti-Doping Code. Such laboratories operated outside any international quality control system, had no obligation in relation to ethical rules, and could potentially lead to frequent questionable results, which could lead to confusion among the athletes and the public. He believed that a strong message should be sent by the public authorities to ensure that only accredited laboratories were used for anti-doping analysis and that consideration be given to the resources and capacity of the existing laboratories instead of creating a two-tier system with less capable regional anti-doping laboratories.

MR MORRESI said that, in March, he had put forward a proposal for the standardisation of national laboratories under WADA supervision, the reason being that there had not been sufficient funds for the accreditation of different national laboratories in many countries. Many national federations had been unable to deal with their commitments. If the proposal were not approved, it would be impossible to apply standards due to insufficient funds. Many countries sought laboratory accreditation. He requested an in-depth analysis of the standardisation of national laboratories under WADA supervision.

PROFESSOR LJUNGOVIST noted that there had been a presentation to the Executive Committee the previous day about alternatives with respect to the development of laboratory facilities for the purpose of doping controls in the future and he suggested that Dr Rabin comment on this.

DR RABIN informed the Foundation Board members that the document and submission had been received from South America and had been looked at by the Laboratory Committee. All of the elements had been looked at very carefully. The conclusion at the technical level of the Laboratory Committee was that the spirit and the mandate given to WADA were to ensure that it developed a high quality system for anti-doping laboratories, and this had been reflected in the International Standard for Laboratories (ISL). This standard had been completely revised and sent out for comment until autumn. It was clear that, if WADA were to consider the two-tier system, it would mean that flexibility would be given to potentially reduce the quality of the existing accredited laboratories, and some of the rules put in place would not necessarily be to achieve high quality, and this would be of concern to the system because the rules in place required human resources and financial resources, and he believed that the system currently in place was of high quality. This had been acknowledged by the international bodies with which WADA worked, including the ILAC or BIPM, and this was the trend that could be seen for all the laboratories operating at an international level with a high quality system. Having said that, WADA was currently looking at other options of maintaining high quality but also opening up to other laboratories with fewer resources. This had been presented to the Executive Committee the previous day and would be discussed with the Laboratory Committee and the Health, Medical and Research Committee with the objective of coming up with some proposals for the Executive Committee and the Foundation Board in forthcoming sessions.

## DECISION

Development of regional anti-doping  
laboratories update noted.

### **8.3 Education**

MS CARTER said that, at the previous meeting of the Foundation Board, a number of members had voiced their support for the approach of developing a strategy based on developing positive values for prevention in education through the coordination of information and education programmes with stakeholders. The Education Department had been actively pursuing this strategic direction.

The purpose of the presentation was to provide a broad outline of what was currently being done. The education strategy distinguished between information and education, based on the notion that education was more a matter of developing values than it was developing awareness or knowledge of fact. It was not to discount the importance of information, but information was the here and now, whereas education would provide effects over the longer term. This was a strategy seen as being inherently preventative, intended to complement WADA's general intervention work.

The long term goal of the department was to assist all the stakeholders in setting up or developing their own education programmes that would not only provide information, but also education for fair play and clean sport. In the longer term, the department would also plan to add a facet to develop decision-making skills to help the individuals use the information and values that they had to make the right decisions and not to engage in doping.

The department tried to keep abreast of current materials and activities and collect them in a database of existing materials; it tried to identify the obvious gaps and develop tools and activities that would help fill those gaps, and make these available to stakeholders. The department wanted to promote ownership by stakeholders of their own tools and programmes, so anything developed was developed with a neutral tone so that it could best be adapted to suit the contexts, needs and resources of the respective stakeholders.

As referred to earlier, the department now had a social science research grant programme, set up to enable it to use an evidence-based approach for developing its education work. The programme was still very young but, in the long term, she expected that the results of the research projects would provide a better understanding of the causes of doping so as to be able to better address these through education strategies. She also hoped to get from the social science research projects indications as to how to best evaluate the efficiency of the work and activities in education. Going forward, the department wanted to establish a central database of social science research projects arising from the grant programme, but also wished to invite all stakeholders aware of published research in this area to make that available so that a relevant database of research could be built up.

One of the tools also mentioned was the Digital Library, which was basically a database of anti-doping materials developed by the stakeholders. The premise was simple: those stakeholders who had developed materials were invited to present them to WADA, which advertised them on the website. The idea was that those who did not have materials and did not wish to reinvent the wheel could contact the authors and ask for permission to use whatever they wanted to use as a basis for their own information materials. The Digital Library was only as good as what the stakeholders could provide WADA with, so she invited stakeholders to consult the library, contact other stakeholders to ask their permission, but also check to ensure that what they had developed was shown on the Digital Library and updated if necessary, so as to keep it as current and as far-reaching as possible.



Some key work over the past year had been the development of a set of education toolkits, to serve stakeholders for their own anti-doping education programmes. The toolkits had been designed with a view to adaptation by the end user to suit local needs and contexts. The toolkits were available in English, French and Spanish.

The teachers' toolkit consisted of a series of lesson plans and teaching materials directed at primary and secondary school children. It also included a card game that exhibited the different values related to the spirit of sport definition. The department was currently working with UNESCO to try and get the curriculum and materials used in UNESCO's associated schools project network, and she hoped to be able to pilot the use of these materials over the next year in a couple of schools from that network.

The coaches' toolkit was currently directed at elite coaches; it was designed on the train the trainer model and essentially provided a ready-to-deliver three-hour workshop for elite coaches on anti-doping subjects. It had been officially launched a month previously and WADA had already received a large number of orders, also from members around the table. Members were asked to consult the website if they were interested in receiving the toolkit. The procedure was very simple and she would be very happy to get the toolkit to them. A number of anti-doping colleagues from German-speaking countries had offered and were in the process of translating the coaches' toolkit into German, so it would already be available in four languages, and she would welcome any offers from stakeholders to translate the toolkits into other languages.

The programme officers' toolkit was more of a collection of information material and presentations for those interested in setting up anti-doping information and education programmes. It had basic information on the history of the doping world, the main players and the health effects of doping, also in presentation form, so that anybody wishing to make a presentation to a school or sports club could readily use it.

WADA was working with Dr Garnier on developing a toolkit for healthcare practitioners, and also with Mr Anderson in the Standards and Harmonisation Department in developing a similar toolkit for DCOs.

One of the department's key activities had been the international education symposia. The department had been adapting that formula because, in education, one was dealing with the very human aspects. It was human to sit around a table and then to walk away and forget what had been heard. It was human to have a better memory of what had been seen, and it was human to understand only once one had actually done. The bulk of the education approach started from these human premises, so the materials that were developed were intended as models to be seen and remembered, and the activities used were intended to promote understanding for long-term effect. The department urged and encouraged participants to pass on what they had learnt within their own communities.

At that stage, the education team consisted of four people, and she was currently trying to find a fifth person but, to be able to reach the number of stakeholders the department had the mandate to reach, it depended on the train the trainer model and the ripple effects of participants taking on the job of developing WADA's work. To maximise the train the trainer effect of the education activities, the department had tried to target more those who "did". The department had been holding very formal education symposia, but was finding that better results were achieved through reaching out to a smaller group of people actually working in the field, either in education or directly with athletes.

Also, because she wanted to make WADA's education activities as accessible as possible, she realised that many stakeholders did not have the resources to host the more formal and larger symposia. The department had therefore developed a seminar format in which the WADA team took on the cost and expense of travelling and the human resources, and counted on the energy and enthusiasm of the participants on the ground. The outcomes sought from seminars were that WADA provide guidance and tools for setting up and running doping prevention programmes; specifically, the

seminars led participants through a set of activities that led them to a basic plan for anti-doping education going forward and ideally a local working group would be named, and that working group would have the role to follow up on the development and use of this basic plan in launching its own education activities.

The department had already added to its seminar and symposium activities with school activities, in which the school materials developed had been taken to local schools, and focus group activities, for which the department consulted a small group of education experts, in which it tried to include a representative from the local ministry of education, as this really accelerated the integration of anti-doping components into local schools.

On a long-term basis, the department would also like to add to the general anti-doping teaching materials the development of decision-making skills and encourage self-sufficiency.

As members would see from the photos, many of which had been taken in the Seychelles and Mauritius, WADA had just been to the Indian Ocean, thanks to the assistance of Mr Swigelaar, and taken a set of seminars to the Seychelles, Mauritius and Madagascar.

Looking forward, the WADA Education Department would be returning to Africa that year, as well as Latin America, the Caribbean and Oceania and, depending on availability, might also reach Eastern Europe and South East Asia.

She wished to address a concern relating to following up on education activities and determining how exactly these were serving the stakeholders in the communities at large. Something that, admittedly, the department had not been doing and that formed the focus for the year coming forward was to develop some form of systematic evaluation and monitoring process. The new team was keen to start setting up and implementing the process. This was not only to serve as a reporting tool for the Foundation Board members and for administrative accountability purposes; it was also a way to engage stakeholders and underline the importance that WADA placed on ongoing education activities. Unlike other areas of the fight against doping, which could be more easily quantified with numbers of tests, AAF, etc., there was nothing easily quantifiable about the effects of education. In the short term, the department would be reporting on the people reached and the number of education tools distributed, but any real effects of education would in all likelihood be measurable only in decades, if not generations.

She concluded the presentation with what she thought was a crucial notion: education was not an event; it was a process, and education activities had to be regular, repeated and sustained. Talking about education with a class in a particular year, the message had to be repeated during the years that followed. Everybody present around the table and all of the stakeholders had a role to play in education; whether they liked it or not, they were all role models, especially for children and youth, and the message they gave was picked up by others and perpetuated, especially for children, who tended to do as was done rather than do as was said. She encouraged the members to think that they were all role models and that they had prospects of acting as educators every time they were surrounded by children, youth and athletes.

She thanked all those around the table because, without their enthusiasm and interest in education activities, the department would not have been able to reach the regions that it had already reached and would be reaching. She thanked the Ethics and Education Committee, which was being very supportive of the values-based work being carried out. She thanked the invaluable regional directors, without whom the seminar and symposium activities carried out to date would not have been possible, and her education team, without whom all the tools that had been seen on the screen would not have been developed. She thanked the members for listening and for their contribution to the education work.

PROFESSOR LJUNGOVIST thanked Ms Carter for the excellent presentation. He noticed that the department was planning to produce educational material for health

personnel, and he welcomed that. He suggested that, during the course of production of such material, Ms Carter consult with the IOC Medical Commission to make sure that any such educational material be in harmony with the Olympic Movement Medical Code, which was now compulsory for the Olympic Movement. It had been produced recently and made compulsory for health personnel operating within the Olympic Movement.

MR BOUCHARD underlined the remarkable work done by the Education Department, which was a small department that had a difficult task: the results were not seen immediately, as Ms Carter had rightly pointed out. It was a highly qualified and dedicated team, and he thanked the members for the work that they did, because the material was of very high quality.

THE CHAIRMAN agreed that the long-term solution to doping was not doping tests but education and bringing about a change in attitudes.

MS CARTER thanked Professor Ljungqvist for his comment. The Education Department would of course work with the IOC Medical Commission. It was still gathering material, for which Dr Garnier had kindly provided the basis; but, as soon as the material was compiled in some form of structure, the department would be liaising more closely with Professor Ljungqvist and the IOC.

#### DECISION

Education update noted.

#### – **8.3.1 Education Committee Chair Report**

MR BOUCHARD said that the previous meeting had been held the previous month. Whilst building on previous efforts, the committee was seeking to strengthen a new and innovative approach to the education strategy. During the two-day meeting, the members had covered a number of issues, talking about the Social Science Research programme, the World Anti-Doping Code review process, the Travelling Seminar initiatives, as well as the IF symposium, collaboration with the Council of Europe and the WADA education tools, and how to monitor and evaluate the education work being conducted on a regular basis.

From the start, the committee members had made a clear demonstration of their respective countries' commitment to promote education as a key tool for fair and drug-free sport. During the discussions, a number of recommendations had been made, one of which had been to the effect that the education seminar content and format be kept flexible so as to adapt to local circumstances and culture. There had also been a recommendation to the effect that the WADA Digital Library be expanded by developing regular contact with stakeholders requesting additional information and updated material. In a discussion about social science research, the committee had recommended the implementation of a central database of social science results relevant to the fight against doping that would include reports from WADA-funded projects and others and shared with a great number of people. The committee had also been of the view that some of the material introduced by the Education Department might be included in some of the tools used by the Communication Department; more specifically, in WADA's Play True magazine, there might be a regular feature on education initiatives and the use of the Outreach programme might be increased in relation with education activities. The committee had also recommended that WADA offer the use of its e-Forum to the Council of Europe Education Advisory Group as an anti-doping education, communication and information sharing tool. The committee had also invited the WADA Education Department to coordinate the committee members' review and comments on the education provision of the next revised version of the Code, and the Education Department would coordinate the views of the committee members. With respect to monitoring and the evaluation of the work conducted, the committee had recommended that the Education Department develop a systematic monitoring and evaluation process for education activities and tools. In the short term, this meant having a better indication of the material received and the material being produced. In the longer run, it

implied monitoring and evaluating changes in attitudes and behaviours, which was always more difficult but quite essential, so some of the recommendations had been to the effect that surveys should be used to see the changes in behaviour and attitudes of the people who received the information from the Education Department. On a final note, the committee had recommended that, in order to use current resources to the greatest effect and maximise the benefit of recent activities and development, the WADA Education Department should favour consolidated assessment of these activities over proceeding with new projects. Several activities were being conducted and were showing some results but, at the same time, the consensus had been not to develop too many additional activities.

#### DECISION

Education Committee chair report noted.

#### **8.4 Governments (including UNESCO Convention)**

MS JANSEN said that she would be reporting on and giving a brief overview of the UNESCO Convention against Doping in Sport. The members had a full report on government liaison in their folders.

She began with the key milestones that the governments had achieved over the past six months between November and the present date. By 11 December 2006, there had been 30 UNESCO member states that had ratified the Convention, and this was a UNESCO speed record for ratifications. The 30 states were listed on the slide. The next milestone had been the entry into force of the Convention on 1 February 2007, setting another UNESCO speed record. A total of 52 states had now ratified the Convention, the most recent being Portugal and the Czech Republic. The first meeting of the UNESCO Conference of Parties had been held from 5 to 7 February 2007. The UNESCO Director General and Mr Lamour, the WADA Vice-Chairman, had opened the meeting. Mr Fetisov had been elected as vice-chairman, and WADA had attended as an advisory organisation as required under the Convention. Mr Howman had given a full presentation on WADA and the new direction being taken.

The key outcomes from the meeting included the adoption of the 2007 Prohibited List; the fund set up for the elimination of doping in sport had been discussed and it had been agreed that it should be used for education projects focusing on youth and sports, policy advice and mentoring and capacity development programmes. It had also been noted during that meeting that this work should be coordinated with WADA, in particular to avoid replication and make sure that things progressed in a coordinated manner. To date, UNESCO had 450,000 US dollars in that fund.

The monitoring framework for the Convention had been discussed and UNESCO had been directed to prepare a cost/benefit analysis and report to the states, which would then take a decision about this in autumn 2007. UNESCO had been asked to meet with WADA in the first instance and the Council of Europe to look at monitoring systems.

With respect to monitoring, WADA had met with UNESCO on 4 and 5 April that year. UNESCO had looked at the WADA Logic Monitoring Tool. UNESCO had wanted to know more about its capabilities, suitability and cost, and one of the key points for discussion had been that WADA wished to avoid the duplication of requests for the same information already provided, for example, by NADOs to WADA. UNESCO had met that week with the Council of Europe to look at its monitoring system, and it was now a matter for UNESCO to report back to the member states on options for a monitoring system by autumn.

The next slide was a look at where WADA was today. The Foundation Board report included an overall report for each region and each government, and how far each was progressing. Members should understand this in the context that 187 countries had signed the Copenhagen Declaration, and that was the moral and political commitment that they had made to ratify the Convention. She pointed out that Costa Rica, through

the assistance of Mr Torres Villegas, had become a new signatory. In May 2006, she had reported that 13 governments had ratified; there were now 52, which was quite a remarkable achievement. In terms of the overall picture, there were 106 governments in progress and 34 for which more limited progress had been made or about which WADA had no information currently. Put another way, 82% had completed or were in progress, and another 18% had made more limited progress. The focus was on the 106. For the 34, those countries were experiencing elections, civil or political unrest, or had new administrations. WADA kept a watching brief on them and, as things changed, would be able to bring them on board.

The next slide covered some of the actions to encourage ratification. The first stop was with the WADA regional offices. In Africa, Asia/Oceania and the Americas, the regional office directors were in constant contact with all of the governments within their regions to try and ascertain how far they were progressing, what help they might need, and to disseminate information. The WADA head office provided the coordination and any briefing papers or extra help that might be needed. The WADA regional office directors attended governmental and sports meetings in the regions, and they ensured that anti-doping and the Convention in particular were on the agenda, taking every opportunity to promote the Convention.

WADA also worked directly with its Executive Committee and Foundation Board members. In the European region, WADA had the assistance of Mr Mikkelsen and his officials, who had recently written to the Danish embassies in Europe, asking for ratification and information, and would hold follow-up meetings. In Oceania, both the Australian and New Zealand governments were working to be in contact with the sports ministers there, and Dr Mitchell and the RADO coordinator in the region had had meetings. In the Caribbean, WADA was also working with the RADO coordinator. Another channel used was the WADA RADOs, currently reaching 104 countries, predicted to reach 120 by the end of the year. It was generally a matter of policy adopted by the RADOs that they should be progressing towards ratification. WADA also took the opportunity through the education travelling seminars to promote that message as well.

The regional office directors would give more in depth information about their regions and what they were doing. Finally, she had had many offers of assistance from the governments about what they could do in their regions; she appreciated these and would be taking the governments up on their offers. She would welcome any other assistance that Foundation Board members could provide.

PROFESSOR LJUNGOVIST made an observation on a problem in Greece, with respect to the possibility of appealing a case. He noticed that Greece had ratified the UNESCO Convention, so believed that WADA had good arguments to ask Greece to change its regulations.

DR BERGNER gave information to the Foundation Board from the EU. Germany had prepared a review of how the legal systems of EU member states reflected the problem of how to manage athletes in possession of doping substances. The report was not yet finalised, but various bodies had expressed interest. The importance of this question lay in how state and autonomous sports bodies would share the responsibility in fighting against doping. There had been intense discussion in Germany during that time. He also mentioned that Germany had been somewhat irritated by the report by Alessandro Donati, published a few weeks previously by WADA, which was an important report about the trafficking of doping substances but, on the other hand, expressed that Germany had no anti-doping law due to the powerful influence of the sporting organisations. It was important to note that this was not true; Germany had had anti-doping regulations in force for years in its pharmaceutical acts, and he asked for caution. It was a complicated discussion, and it would be useful if such discussion were not ruined by one-sided positions such as that expressed in the review.

#### DECISION

Governments update noted.

## 8.5 Standards and Harmonisation

### – 8.5.1 Anti-Doping Programme Development

MR KOEHLER said that he wanted to give a brief overview of the programme development. The World Anti-Doping Code required every country to have a NADO. Given that every NOC had signed the Code, every country had a NADO because, in the absence of a NADO, the NOC took on the responsibility. However, WADA knew that this was not the case, which was why the programme development had been devised.

Looking at the current situation, there were 106 NADOs registered with WADA, of which 68 had accepted the Code and 35 had implemented rules and sent them to WADA. Some countries had a NADO that was not carrying out activities. As a result of the programme development, WADA had been able to assist other countries and ensure that all athletes were subject to the same anti-doping protocols through the Regional Anti-Doping Organisations (RADOs).

He wanted to give the members an overview of what a RADO was and how WADA developed a RADO in each region. He cited the example of Africa Zone 6, Southern Africa. The process was started by bringing together both government and NOCs. Generally, WADA involved high-ranking government officials and presidents or secretaries general of NOCs, and brainstormed on the idea of how working together could help assist the development of national anti-doping programmes. From that stage, a RADO was developed and, in order to keep down the costs of the operations that were owned and run locally, the governments and NOCs jointly appointed one representative per country to sit on the RADO board to make decisions on how to progress in each country and how to progress in each of the regions. WADA worked with the RADO administrators to establish a TUE committee, a result management panel, an appeals mechanism and, to see activities happening in the field, WADA also assisted with the development and training of DCOs.

There was a RADO in Central America and Columbia, with the host office in Columbia. There was also a RADO the Caribbean, and he wished to highlight how the RADOs were starting to develop and were in a position to help others. Recently, the International Cricket Council had held its world cup in the Caribbean and the ICC had approached the Caribbean RADO to carry out all the testing for that event. The RADO had successfully carried out testing under the leadership of Dr Lorde and the RADO administrator. It was an achievement for the RADO and showed that the development was working. There was also a RADO in East Africa, with an office in Kenya; one in Southern Africa, with Mozambique hosting the office; one in West Africa; one in the Gulf States and Yemen; one in Central Asia, where the first DCO training would be held in mid-June in Iran; one in South East Asia; and one in Oceania, which was one of the most active and the first to have been developed. It had seen very sustainable progress.

In 2007, since the last meeting in November, WADA had worked with Central Africa in Zone 4, and established a RADO office in Cameroon. That office, like all the other offices, was being supported by the government of the host country. WADA would be working in the Indian Ocean in October 2007; that coming week, it would be in South Asia, assisting with the development of that region; and, in July, would be working with West Asia with a meeting in Jordan. The final RADO to be established was the Eastern European RADO; its host office was in Belarus and was being supported by both the government and the NOC.

The goal was to have every country engaged by 2010 in some type of anti-doping work and bring every country closer to Code compliance. In November, the members had talked about South America; WADA had worked with South America, but it had been decided through the ministers' meeting that those countries would work to establish individual NADOs and would not require the immediate assistance of a RADO.

Over the past three years, WADA would have developed 14 RADOs involving 120 countries, which had been doing little to no anti-doping work, but which would now be

executing the work. In Montreal, there were two staff members working on the project. The reason it was possible to manage such activities was the involvement, commitment and daily work of the regional offices. The other element that made this possible was WADA's partners, and WADA had worked with the CCES in the Caribbean, which would now be working with WADA in Africa; with ASADA and the Australian Government in Oceania and South East Asia; with South African Drug Free Sport throughout Africa; with Drug Free Sport New Zealand; with the Portuguese NADO; with UK Sport in the Gulf States; with the Japanese Anti-Doping Organisation in South East Asia; and with Anti-Doping Norway, representatives of which would be joining WADA in June in Iran for DCO training. The Olympic Council of Asia had been working with WADA in every single project it had done in Asia, and had been extremely supportive of anti-doping and developing anti-doping programmes. WADA had been working with ANOCA in Africa, and the Oceania National Olympic Committees had been very supportive of the Oceania RADO. WADA had worked with the IAAF throughout Africa; the IAAF had committed support to help develop programmes. WADA had also worked with the International Rugby Board, which had been involved in the pilot project and continued to be involved and used the RADOs for testing and education purposes. The Commonwealth Secretariat had partnered WADA since the beginning and helped fund the staff and education in the Caribbean, Africa Zones 5 and 6, and the Oceania RADO.

Every now and then, WADA had to play a balancing act with the RADO programme. It balanced WADA assistance with "not WADA operated". The aim was to lead from behind. These were not WADA organisations; they were owned and run locally. WADA was there to facilitate the process. As mentioned in the assistance programme, WADA was now at a point whereby the RADOs were expanding so rapidly and there had been success in each of the regions, and it had to balance using its partners with putting too much demand on them. That was a challenge that WADA faced every day. The last balancing act involved balancing letting go of the RADOs with sustainability. WADA had to find a balance to make sure that they were sustainable; there was a lot more work to do with each of them but there was progress being made. If WADA kept the balance, it would not lose any of the blocks and the RADOs would be successful and development would be seen in each of the countries.

With regard to the IFADO project, this had been introduced some time ago, realising that some of the smaller IFs had limited anti-doping activities. WADA had met with the umbrella organisations in August 2005 and, from there, had established a framework with seven IFs, and developed terms of reference, budgets and strategic plans to move forward to find out how to assist. In December 2006, GAISF and ASOIF had indicated that they were not ready to move forward with such an organisation. The Director General had been communicating with GAISF to review the concept and, the previous day, WADA had been invited by GAISF to sit together with GAISF, ASOIF and AWOIF to start discussing how WADA could help and how such a concept could be developed to help these smaller IFs.

PROFESSOR DE ROSE said that there were countries that worked and did not have NADOs. Since 1973, Brazil had had laws against doping and performed more than 5,000 controls in football alone. Over the past 16 years, his country had been conducting out-of-competition testing at major competitions in Brazil. Brazil had not created a NADO as it had been waiting for CONSUDE to decide whether or not to set up a RADO in South America. Now that CONSUDE had decided not to set up a RADO, Brazil would surely set up a NADO following the Pan-American Games.

MR REEDIE thought that this was a spectacularly successful programme and the members should be proud of it. He thanked Mr Koehler for his help in establishing the RADO in Eastern Europe. Much could be done by helping an enthusiast and, in that part of the world, the enthusiast was the secretary general of the Belarus NOC; almost single-handedly, he had gripped this and, with the help received from Mr Koehler and WADA, a proper RADO was being established. The secretary general's next challenge was to get

an accredited laboratory. It was amazing what could be done when one set one's sights high.

#### DECISION

Anti-doping programme development update noted.

#### – **8.5.2 Out-of-Competition Testing Update**

MR ANDERSEN reported briefly on the out-of-competition testing situation. He informed the members of the International Standard for Testing (IST), which was now out for consultation. As the Foundation Board members might be aware, the IST also now included a specific chapter or article on whereabouts and missed tests, and this referred to numerous comments from stakeholders in the Code review process, that the whereabouts and missed tests policy needed to be harmonised and standardised, which was why it had been included in the IST. It was out for review, and there would be another couple of rounds of consultation before presenting it to the Executive Committee meeting in September and then to the Executive Committee in November.

As to the out-of-competition testing process status report from 2006, the members would see that WADA had reached north of the 3,000 tests that had been planned, and these tests were based on extensive research conducted on when, where and who to test. There was quite good cooperation with the IFs on trends, who to test and scientific information from various sources. The collection of samples was conducted by NADOs and an international private company in Stockholm, Sweden. WADA had all but one of the Olympic sports on board, and contracts with these IFs as well as seven of the 29 or 30 recognised IFs. WADA had conducted tests on athletes of 108 different nationalities based in 72 countries. As the members were aware, WADA was trying to focus testing where there was limited testing so as not to duplicate testing. This was targeted, which meant that random testing was rarely used, so the tests were unpredictable.

The members would see some figures on the slide relating to where WADA was in terms of Adverse Analytical Findings (AAF). Of those findings, 13 cases had resulted in Anti-Doping Rule Violations (ADRV), 10 cases were pending decision and several cases required follow-up; of course, this involved close cooperation between the IFs and WADA. Finally, 12 cases had been closed without sanction. As could also be seen, the number of elevated T/E cases had been quite high, which the members would also see from the statistics that had been made official earlier that week.

For that year, WADA was following the same line as the previous year, in that it expected to do north of 3,000 tests. There was good cooperation with the IFs, and WADA was trying to test athletes bound for major games, which meant that, in the lead-up to major games, athletes were more expected to dope, and WADA was trying to find the right period to test prior to these major games. Finally, WADA had excellent cooperation with the IOC and the IOC Medical Director, Dr Schamasch, and WADA was now commencing discussion on how to cooperate with the IOC in the lead-up to the Olympic Games in Beijing in 2008.

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

#### DECISION

Out-of-competition testing update noted.

### **8.6 Regional Offices**

#### – **8.6.1 Cape Town**

MR SWIGELAAR said that, looking at Africa and where it stood in terms of financial contributions, as of 30 April 2007, members could see that, from 2002 to 2007, there



had been a significant increase in contributions from the countries. He believed that this was due to the fact that there was increased realisation by the countries as to the importance of these contributions, but it was also important to note that, whilst these contributions were being paid more efficiently, countries were also starting to look at the other years and that funding would be coming in as well. Africa was indeed responding.

In terms of the UNESCO ratifications, there were ten countries in the continent that had already ratified the UNESCO Convention. The regional office would continue to mobilise, advise, inform and encourage countries to conclude the process. The office would continue to do what was necessary and appropriate. During the period from January to May, there had been approximately 22 elections in 19 countries, which certainly had an impact on the position of countries and their ability to conclude the process. Africa was committed to the process.

In terms of activities, Ms Carter had indicated the education and training seminars that had taken place in the Indian Ocean. There had been three seminars already, and they had given a good idea of what needed to be done as WADA moved forward. Five more were planned for the rest of 2007 and he looked forward to reporting back on those events the following year.

In terms of the RADOs, there were currently four in place and the addition of another one was envisaged before the end of 2007. Africa was mobilising.

Communication was critical in the region and, in addition to making presentations at the various stakeholder meetings, the newsletter continued to be a significant source of information for the stakeholders; it was also becoming a source that stakeholders could use to communicate their activities to their peers, other countries or confederations in the region. There was also a quarterly circular to ensure that stakeholders received the most current and relevant information as to what was happening. The continuation of that interaction with stakeholders was certainly something that was critical to output in the region.

There had been one ADAMS training session that year involving three NADOs, one laboratory and one IF, and the regional office would continue to seek opportunities with stakeholders ready to implement the ADAMS programme. Advocacy of ADAMS was continuous.

Africa would gather in Algiers in 2007 for the All Africa Games and WADA would be present through Athlete Outreach. This would be the second time that the programme was used; it had been used in 2003 in Nigeria. The Independent Observer programme would be a first for Africa, as would the Media Outreach programme. Then there would be the presence of the Executive Office at the games as well. The continent was certainly looking forward to that, and the regional office in particular was looking forward to implementing these programmes at Africa's biggest gathering. In conclusion, Africa was consolidating, moving and making progress.

#### DECISION

Cape Town regional office update noted.

#### – 8.6.2 Lausanne

MR MOSER said that he would be looking at three aspects: contribution to the European region, the state of the UNESCO Convention ratifications, and short-term activities. Members would see on the screen the level of contributions as of the end of April for the previous few years. The red bars represented Europe and the blue bar represented WADA as a whole. The level of contribution for Europe had been steady. Looking at the percentage of contributions from Europe out of the total percentage of contributions to WADA, this had also been steady. Looking at the percentage of contributions out of the total amount invoiced, Europe had been at around 90%.

Looking at the status of the UNESCO Convention ratification, 45% of the ratifications received to date were from Europe.

As to major activities, the office would continue to hold ADAMS training sessions. There had been several training sessions and he would be scheduling more in the coming months. The office continued to communicate with the region, and had participated in a number of meetings, including the Directors General of Sports Meeting in Bonn organised by the European Commission and the meetings of the Monitoring Group of the Council of Europe.

### DECISION

Lausanne regional office update noted.

#### – **8.6.3 Montevideo**

MR TORRES VILLEGAS said that, based on consistent WADA activity in the region over the past years, the number of supporting countries in the global fight against doping in sport and the level of contributions had increased notably. That year, 24 countries had made their contributions, not including seven countries that had been paying over recent years. Three other countries had announced that they would start paying that year after completing their ratification of the UNESCO Convention. A new formula for contributions had been proposed by Mexico to the other governments of the continent at the recent CADE meeting in Puerto Rico. This formula was currently under assessment by each country and the outcomes were to be finalised in July in Rio de Janeiro at the time of the Pan-American Games.

Regarding the UNESCO Convention ratifications, at the previous meeting in November, there had been only a few countries that had achieved that goal; there were now nine countries plus two other extensions and, in spite of several governmental changes that the region had seen, mainly over the past year with more than 12 presidential elections, the region was increasingly committed to the global process in order to better align domestic policies with international provisions, seeking the harmonisation goal that WADA was offering to the global fight against doping.

As to activities being conducted in the region, it was important to mention WADA's participation at the 2007 Pan-American Games in Brazil. WADA would be participating with three different programmes: ADAMS, the Independent Observer programme and Athlete Outreach, which meant that WADA would be giving support from prevention to management at a very important event in the continent.

Regarding communications, the office provided a quarterly newsletter for all stakeholders, including public and sport authorities in the region. The office participated actively in all governmental and sports meetings, and continued to make available to all relevant stakeholders relevant material in Spanish in order to disseminate the information produced by the WADA headquarters.

Regarding ADAMS, that year there had been three training sessions for seven NADOs, and there had recently been one training session for NOC officials in advance of the Pan-American Games, at which the system would be used. More training was scheduled for that year, including one the following week in Ecuador.

In terms of education and development, in coordination with the Education Department, he looked forward to holding three cycles of seminars in the three areas of Latin America, involving seven countries, on development, which included the two RADOs. This showed that more and more countries were interested in aligning their domestic policies and sharing resources in order to be more cost-effective in the global fight. He had recently identified two very suitable occasions during which to implement the Outreach model, the Central American School Games and the Central American and Caribbean School Games, to be held in Guatemala and Puerto Rico respectively later that year. He had initiated discussions with the relevant authorities in order to better implement these very effective programmes focusing primarily on young athletes.

## DECISION

Montevideo regional office update noted.

### – 8.6.4 Tokyo

MR HAYASHI said that the Tokyo regional office continued to promote a positive relationship with stakeholders. In 2006, the funding rating in the Asian region had reached 94.3%. The payment countries were increasing, although more were needed in 2007. Payment in 2007 had reached 82.5% by the end of April. At the next intergovernmental meeting in Kuala Lumpur, it was expected that new consensus would be reached on funding shares for 2008 and beyond. A key task of the office was to encourage all Asian countries to contribute to WADA.

The UNESCO Convention had been ratified by nine countries from the region. The upcoming meeting in Kuala Lumpur should also result in a decision to encourage all UNESCO member countries in the region to ratify the Convention before the World Conference on Doping in Sport in Madrid in November.

As to activities, WADA had worked with the OCA and the Winter Asian Games organising committee to implement ADAMS at the Winter Asian Games in China that February. ADAMS training sessions were planned in Qatar that year.

As to education, the office had coordinated various education-related activities throughout the region. In relation to implementation, the office generated three newsletters per year to all stakeholders. The fourth Asian Regional Intergovernmental Meeting would be held in Kuala Lumpur that month, followed by a science seminar. The office continued to provide anti-doping support and information at regional major games such as the Asian Winter Games, the Indoor Asian Games and the South East Asian Games. As reported by Mr Koehler, there were four RADOs in operation in the region. Some RADOs had already begun DCO training courses and education programmes. In total, six RADOs would cover the Asia Pacific countries by the end of the year.

## DECISION

Tokyo regional office update noted.

### **8.7 International Federations**

MR MOSER wished to give the members a brief update of activities with IFs. WADA took part in various meetings with IFs and provided assistance on an as-needed basis. Following the Code compliance evaluation the previous year and the 2007 IF symposium held in March in Lausanne, WADA saw that more and more IFs called on it to help them review the current state of their anti-doping programmes as far as compliance was concerned, and they sought help to set up an appropriate action plan to achieve Code compliance. WADA was very happy to do that, and did it in cooperation with the Standards and Harmonisation Department in Montreal, which was in charge of Code compliance. There had been several meetings with Olympic Movement stakeholders, and he had participated in the Sport Accord meeting in Beijing in April; this had been very useful to WADA as it had been an opportunity to reach out to IFs that would usually be harder to reach, and he had also participated in the consultation with stakeholders as part of the Code Project Team.

Another area in which an active role was played was the implementation of ADAMS. This was done through a series of meetings, either individual meetings with IFs, or follow-up meetings after training, or specific targeted training to satisfy individual stakeholders' needs. The main difficulty remained that of turning trained IFs into regular ADAMS users.

As far as the IF symposium held at the end of March was concerned, this had been very successful in terms of the number of participants, as there had been more than 80 from over 50 IFs. One of the merits of having an IF-only symposium was that it allowed

WADA to accept more than one participant per IF, and some IFs had registered up to three and four participants, so this had been very positive.

The cooperation on harmonisation of programmes between NADOs and IFs had been expressed on several occasions. There was a need to have tools in order to facilitate this cooperation and harmonisation. These tools existed in the form of ADAMS and the e-Forum, and all of the participants in this symposium had been encouraged to use these tools. The Code review process and the first draft of the Code had been presented to the participants in the symposium. A session had been dedicated to results management issues and the role of IFs in protecting the Code. Whenever decisions were made that were not Code-compliant, it was the role of the IFs to exercise their right to appeal. Some of the testing procedures had been clarified, and the synergies between IFs and NADOs had also been addressed, and WADA had received several encouraging responses in that respect. An important part of the symposium had been dedicated to education and ADAMS. Since the collective approach with IFADO would not be materialising immediately, WADA had looked at ways to help IFs in a different way and on a more bilateral basis.

The 2008 symposium would again be an IF and NADO symposium, and the format being considered was the following: on day one, WADA would have a meeting with the IFs, and would ask ANADO to have a meeting on the same day with its constituents, the NADOs. Then, on day two of the symposium, WADA would host a joint IF and NADO session. The tentative dates were 1 and 2 April 2008. The venue would be the Olympic Museum in Lausanne and a working group would again be set up to consult stakeholders in order to set up content that met the participants' expectations.

As far as immediate plans and priorities were concerned, the work had to be continued and intensified in terms of ADAMS implementation. There was still a great deal of ground to cover. The anti-doping programme development would continue on a bilateral basis with IFs. He would be attending the EOC Secretaries General and Chefs de Mission meeting in Riga at the end of the month, and consultation with stakeholders as part of the Code Project Team would continue over the coming month.

#### DECISION

International Federations update noted.

### **8.8 ADAMS – Anti-Doping Administration and Management System**

MR BIRDI said that 37 ADAMS users had been trained and 25 had been committed or were using the system. A total of 49 NADOs had been trained and 22 had implemented or were committed to implementing the system. Out of the 33 laboratories, 20 were using ADAMS for AAFs. The Asian Games had been a success, so much so that the OCA had decided to use the system on its own at the Asian Winter Games in China. Planning for the Pan-American Games had been completed, thanks to Professor de Rose, who had been of assistance in the planning. The two languages that had been added since November, Arabic and Russian, meant that the system was now available in seven languages. As Mr Niggli had pointed out, there were some outstanding issues regarding data protection to discuss, and this would be done over the summer.

The strategies continued as he had outlined the previous year. To date, only two staff members had been involved with ADAMS, one almost exclusively in the field of enhancement, and the additional help foreseen would definitely speed up the process. WADA would continue to train and retrain potential users of ADAMS, and would seek from the Executive Committee and Foundation Board members assistance in any shape or form, whether as champions or role models to promote ADAMS, and use the ADAMS User Group (which included UK Sport and JADA) to promote ADAMS.

As far as the challenges were concerned, training was a huge challenge, as the train the trainer programme had not been as successful as initially thought; the plan had been

to train the IFs which, in turn would train the NFs and athletes. The plan had not turned out to be as simple.

There were no plans to add any other language to the seven in which ADAMS functioned; most likely, Chinese was required, but seven was plenty to work on. The custodianship issue was always there, but he was always working on it to ensure that entry of athletes was done only at one place. Enhancement was a major challenge: the system had to be used by everybody, so that, if one organisation requested additional modules, WADA had to make sure that the others could use them too. As to the major releases of ADAMS, there would be just two more that year, one in two weeks' time and one later in the year, and he would then concentrate on retraining and promoting ADAMS.

#### DECISION

ADAMS update noted.

### **8.9 Independent Observers**

THE DIRECTOR GENERAL said that this was a brief report; the Independent Observer programme had been refined so that fewer members needed to go on the projects, and they worked on the basis of working with the major games organisers to assist during an audit-style Independent Observer programme.

At the Asian Games, there had been a five-member team, and this had been successful. The team had provided a report, which was on the WADA website.

Based on that model, WADA would send similar teams to the All-Africa Games and the Pan-American Games. The teams would be smaller, fiscally prudent but fiscally efficient, and of more benefit and considerable help to the organisers. The teams would not be there simply to observe and report; they would be there to observe on a daily basis and report any inaccuracies or inadequacies in the programme so that they could be remedied. He liked to think that this was part of the monitoring or auditing programme on the way forward and that a similar model could be prepared for even bigger events in 2008.

#### DECISION

Independent Observer report noted.

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

THE CHAIRMAN said that Mr Lamour had just come out of the election proceedings in France. Mr Lamour had hoped to be at the Foundation Board meeting that day; however, the plane Mr Lamour had been on had been delayed by three or four hours and he had been unable to make the meeting. WADA had arranged for Mr Lamour to call in, as he wished to address the Foundation Board on a matter. He understood that Mr Lamour was on line and, if that was the case, he asked Mr Lamour to speak.

MR LAMOUR thanked the Chairman for his introduction and for enabling him to take the floor in somewhat unusual circumstances. He did not need to remind the members that he was currently in a particularly busy period, what with the political events in France. He had decided to attend the Foundation Board meeting but air traffic control problems over England had delayed his Air Canada flight, thus preventing him from being able to arrive before the end of the meeting.

Nevertheless, he had wanted to address the members from Paris in order to review certain information published in a Danish newspaper which had then been picked up by a number of other newspapers throughout the world. The information was erroneous and dishonest. This was why the newspapers, the authors of the articles and all those who attempted to relay these untruths would systematically be taken to court by him.

He wished to give the members some details about the substance and form of the allegations. As to the substance, from the very beginning, the truth about these dossiers had been in the public domain. Every time he had been asked about the facts, at the time and ever since, he had replied truthfully based on the following points. In 1987, following the announcement of the discovery in one of his samples of caffeine above the authorised limits at the time, a B sample analysis had cleared him of all fault and invalidated the results of the first analysis, carried out by the Macolin laboratory in Switzerland. It should be noted that this laboratory, following numerous similar errors to the detriment of other athletes, had lost its IOC accreditation some weeks later. The members of the IOC Medical Commission at the time, or those close to them, would be able to confirm this information. He added that the results of the B sample analysis had shed light on the unacceptable conditions in which the analyses were carried out. Such conditions were unworthy of an IOC-accredited laboratory.

As to the pseudo-affair of 1989, this was based on no reality whatsoever. The substance referred to had not at the time, or since that time, featured on the IOC's list of banned products or the WADA List. A French newspaper had been prosecuted at the time for disseminating false information.

He reiterated that there had never been any issue of doping or suspicion of doping. He had been the victim, in these dossiers, of unfortunate mistakes, and it was in light of these events that, in the context of his commitment to the fight against doping in sport, through his various roles, he had always taken care to ensure that the standard of the accredited laboratories would be as high as possible and that the list of banned products was known to all.

Moving on to the form of the dissemination of this false information, he noted that the timing of the appearance of these pseudo-revelations had not been an accident. It was strange to see the resurfacing, in an erroneous form, of facts that had occurred some 20 years previously, some days prior to the Executive Committee and Foundation Board meetings, and particularly during such a decisive year for WADA.

The so-called expert behind the information had waited almost seven months after his election as Vice-President of WADA to disseminate the information. Was this person a hermit, living in a cave, not to have heard about or read in the numerous articles in the European and international press about the election? Why wait until this precise moment? Perhaps because it was vital for some people to try, during this period, to weaken those countries that had been fighting effectively and for some time against doping, but also to tarnish WADA's image because, since its creation, WADA had been a thorn in the side of cheats and their advisers and entourage.

Did the members of the Foundation Board really think that the press, in a democratic country such as France, which was perfectly aware of the facts, would not have raised these questions during his appointment as minister in 2002 if there had been any real basis? The press had not done so because the information raised no suspicion and did not call into question his commitment to the fight against doping in sport. Did the members of the Foundation Board not think that his political opponents in France would have used these arguments to weaken the position of the government to which he belonged? This was why, in response to the legitimate questions asked by his colleagues from New Zealand and the USA during the Executive Committee meeting, there had been nothing to talk about because there had been no case.

He had felt it necessary to talk about these events to the members of the Foundation Board, not to defend himself against unfounded allegations, but because he was convinced that the members needed to understand the reasons behind the publication of the information. It was evident that this was an attempt to destabilise him, as well as all those involved in the fight against doping in sport, at a time during which considerable progress was being made. Those who pretended to ask questions, thus contributing to the polemic, were the strongest adversaries of the fight against doping in sport.

He did not wish to be intimidated by those in favour of legalising doping who were currently at work, as could be seen in a number of proceedings under way, and he would relentlessly pursue the fight led by WADA against this scourge.

He would be happy to provide greater details, then or over the coming weeks, to those members who requested them. He thanked the members for their trust and friendship.

THE CHAIRMAN thanked Mr Lamour; he was certain that Mr Lamour's colleagues supported him in expressing his regret about the situation.

THE CHAIRMAN said that the Executive Committee meeting in September was likely to be a two-day meeting; if it could be done in one day it would be. As to the meetings in November in Madrid, there was an Executive Committee meeting planned for the afternoon of 14 November (prior to the World Conference on Doping in Sport in Madrid) and the Foundation Board would meet in the afternoon of 17 November, after the conference. He asked the members to make their arrangements early, as space would be limited.

As far as ADAMS was concerned, he asked members to get on with it. It was better, easier and cheaper than they thought. WADA would require that, to be Code-compliant in the future, stakeholders had to be on ADAMS unless there was some technical reason why they could not be.

He thanked Mr Odriozola for the replica of the prize that the Spanish Government had awarded to WADA for its contribution to the fight against doping in sport for 2005. This would be put in WADA's trophy case; he thought that it was WADA's first and only trophy so far, so it would be right in the centre! He thanked the Director General and his staff members for their usual first-class preparations for the meeting. The quality of the preparation enabled WADA to get through a huge volume of work, and the reporting made it easy to digest the material and deal with it effectively. He thanked the members for reviewing the material so that it was not necessary to spend time at the meetings educating one another. He also thanked the WADA staff, wherever they might be around the world, for their work. A first-class team was doing a splendid job in less than ideal conditions, and their work made the members look good. Finally, he thanked the interpreters for their work.

#### DECISION

Executive Committee – 22-23 September 2007  
in Montreal, Canada;  
Executive Committee – 14 November 2007 in  
Madrid, Spain;  
2007 World Conference – 15, 16 and 17  
November 2007, in Madrid, Spain;  
Foundation Board – 17 November 2007, in  
Madrid, Spain;  
Executive Committee – 10 May 2008;  
Foundation Board – 11 May 2008;  
Executive Committee – 20 September 2008;  
Executive Committee – 22 November 2008;  
Foundation Board – 23 November 2008.

The meeting adjourned at 3.35 p.m.

**FOR APPROVAL**

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