



**Minutes of the WADA Foundation Board Meeting
23 November 2008
Montreal, Canada**

The meeting began at 9.00 a.m.

1. Welcome, Roll Call and Observers

THE CHAIRMAN called the meeting to order and welcomed everybody to the Foundation Board meeting, particularly acknowledging those members who were attending for the first time.

The following members attended the meeting: Mr John Fahey, AC, President and Chairman of WADA; Ms Maud De Boer-Buquicchio, Deputy Secretary General, Council of Europe, representing Mr Terry Davis, Secretary General, Council of Europe; Professor Arne Ljungqvist, WADA Vice-Chairman, IOC Member and Chairman of the WADA Health, Medical and Research Committee; Ms Rania Elwani, Member of the IOC Athletes' Commission; Ms Tomoko Ukishima, Vice Minister, MEXT, representing Mr Hirokazu Matsuno, Senior Vice Minister of Education, Culture, Sports, Science and Technology, Japan; Mr Scott Burns, Deputy Director of the ONDCP; Mr Craig Reedie, IOC Member; Mr Makhenkesi A. Stofile, Minister of Sport and Recreation, South Africa; Ms Kate Ellis, Minister for Sport, Australia; Mr Graeme Steel, Minister for Sport and Recreation, New Zealand, representing Mr Murray McCully, Chief Executive, Drug Free Sport New Zealand; Mr Gian Franco Kasper, IOC Member and President of the FIS; Mr Christophe De Kepper, representing Mr Francesco Ricci Bitti, President of the International Tennis Federation and Member of ASOIF; Mr Moutouh, Director of the Private Cabinet, representing Mr Laporte, State Secretary for Sport, France; Mr Richard Pound, IOC Member; Mr Ramlan bin Abd Aziz, Director General, National Sports Institute, representing Mr Datuk Ismail Sabri Bin Yaakob, Minister, Youth and Sports, Malaysia; Mr Kamal Al-Hadidi, President, Jordan Anti-Doping Committee; Mr Duan Shijie, Vice Minister, State Sport General Administration, China; Mr Toni Pascual, representing Sir Phil Craven, IPC President; Mr Patrick Chamunda, IOC Member; Mr Willi Kaltschmitt Lujan, IOC Member; Professor Claudio Moressi, President of CONSUDE; Mr Bert Mandelbaum, representing Mr Joseph Blatter, FIFA President; Mr Richard Young, ANOC representative; Mr Andrew Ryan, ASOIF Director, representing Dr Tamás Aján, IOC Member; Dr Robin Mitchell, IOC Member; Mr Carlos Manuel Herмосillo Goytortúa, President of CONADE; Professor Eduardo Henrique De Rose, ANOC representative; Mr Verovnik, Secretary, representing Mr Zver, Minister of Education and Sport, Slovenia; Mr Besseberg, President, IBU; Mr Saku Koivu, IOC Member; Ms Claudia Bokel, Member of the IOC Athletes' Commission, representing Mr Alexander Popov, IOC Member; Dr Patrick Schamasch, IOC Medical Director, representing Ms Beckie Scott, IOC Member; Mr Jan Kocourek, Deputy Minister for Education, Youth and Sport, Czech Republic; Mr Ashu Agborngah, First Secretary, Administrative and Consular Affairs, High Commission for the Republic of Cameroon in Canada, representing Mr Edjoa, Minister for Sport and Physical Education, Cameroon; Mr Satyaprakash Ritoo, Minister of Youth and Sports, Mauritius; Mr Gary Lunn, Minister for Sport, Canada; Mr Mustapha Larfaoui, IOC Member and President of FINA; Mr David Howman, WADA Director General; Mr Rune Andersen, Standards and Harmonisation Director, WADA; Dr Olivier Rabin, Science Director, WADA; Mr Rob Koehler, Education Director, WADA; Mr Olivier Niggli, Finance and Legal Director, WADA; Mr Kazuhiro

Hayashi, Asia/Oceania Regional Office Director; Mr Rodney Swigelaar, Africa Regional Office Director; Mr Diego Torres Villegas, Latin America Regional Office Director.

The following observers signed the roll call: Marjorit Nurmi, Hakan Nyberg, Paul Marriott-Lloyd, Hans Holdmans, Hajira Mashego, Michael Gottlieb, Gael Diaz de Tuesta, Shi Kangcheng, Wang Yun, Wang Xinzhai, Zhao Jian, Daniel Jacobovich, Gustavo Martin Del Campo, Timo Haukilahti, Jan Prerovsky, Robert Ndjana, Victor Feizal Knight, Monika Ungar, René Bouchard, Jean-Pierre Lefebvre, Nayen Koomar Ballah, Patrick Penninckx, Peter De Klerk, Markus Adelsbach, Torben Hoffeldt, François Allaire, Alexander Derevoedov, Abalyan Avak, Viacheslav Sinev, Igor Zagorskiy, Shannon Rees, Hinshi Kurisaki, Shin Asakawa, Yuko Hasegawa, Satoshi Ashidate, Mikio Hibino, Bill Rowe, Young Seung Kim.

MR LUNN referred to the 2010 Olympic Winter Games and Paralympic Games in Vancouver. He was delighted to welcome the members back to Canada, and mentioned the small gift (an umbrella) that the organising committee and the Canadian Government had given them. He looked forward to welcoming the world in February to Vancouver in 2010.

2. Minutes of the previous meeting on 11 May 2008 (Montreal)

THE CHAIRMAN asked whether it was the members' wish that he sign the minutes of the meeting of the Foundation Board on 11 May 2008 as an accurate record of the proceedings. No feedback had been received by the WADA management following the circulation of the minutes some weeks previously.

DECISION

Minutes of the meeting of the Foundation Board on 11 May 2008 approved and duly signed.

3. Director General's Report

THE DIRECTOR GENERAL referred to a number of the items in his report. He said that there were now 103 countries that had ratified the UNESCO Convention. On Friday, another country, Burkina Faso, from Africa, had succeeded in the ratification. There would be a more in-depth report on governments later in the agenda, but he reminded the members that this was the fastest ratified convention in the history of UNESCO, representing another number one for the fight against doping in sport.

WADA had completed the memorandum of understanding with Interpol. This was a significant partnership now able to advance, but one for which Interpol would rely on countries to have laws in force so that police in each of the countries could pass information to one another through the Interpol databank. He urged all countries to look at their legislation in relation to the distribution and trafficking of prohibited substances to ensure that their countries could partake in this exercise. WADA had been working on this for a couple of years, and it was significant to note that it had been approved at the Interpol General Assembly in St Petersburg, with one abstention and one vote against, out of more than 105 delegates.

WADA had also been working with the French Government in relation to the secondment of an officer to deal with the issue of taking a firm stance in relation to the laws that were in place, and he thanked the French for that initiative and looked forward to putting it into place. The Legal Director and he would be visiting Lyons in January to attend to an official signing with the Secretary General of Interpol.

WADA had continued to advance the project on the sharing of evidence and information under the investigations protocol and would, in the coming weeks, be convening a meeting of report writers to ensure that the protocols would meet each particular situation to be confronted in this sharing of information. This would have to be

done according to the laws of the countries involved and the rules of the federations involved. When gathering evidence, WADA had to show situations whereby information was shared by two public authorities, by a public authority with a private body, a private body with another private body, and a private body with a public authority. WADA would be publishing a series of case studies to show how the various situations could work.

WADA representatives had not gone to Nigeria in October because of visa problems, but would be visiting the country in April 2009. WADA was also looking at continuing to aid some of the other large countries that were still developing their national anti-doping programmes. There had been a visit to India, followed by a second visit, and he would ensure that the programme was established appropriately. The same procedure had been used in relation to Korea. WADA was liaising with Brazil along the same lines and was also looking at other countries that might need similar assistance from the WADA management team.

His report mentioned the Olympic Games and the Paralympic Games in Beijing. These had been very successful events for all concerned and WADA had been happy to be of assistance to the organising committee and the event controllers. He hoped that the experiences noted from both games would be looked to for future games to ensure that anti-doping programmes were enhanced further. The Independent Observer reports had been published and were available on the WADA website.

The Executive Committee had discussed his report in relation to the concept that WADA had been directed to advance with the IFs, and the Executive Committee had instructed him to continue those discussions and that dialogue. His report was probably misleading in saying that the concept had been rejected. It was still on the table and he was still involved in proceeding with it in a way in order to produce a useful outcome for IFs to enable them to run proper Code-compliant out-of-competition testing programmes.

He wished to note, in relation to the Landis case, that he had provided a memorandum indicating some of the views that might be deemed interesting from the decision of the CAS. Mr Landis had initiated further proceedings in the federal court system in the USA. He had been personally involved in discussing a proper resolution of these proceedings with USADA, and would continue those discussions in the optimistic hope that they would end in a resolution in the coming weeks. There would be no change to the decision made by the CAS in seeking that resolution.

There was a note relating to extra measures, which had been discussed at the September meeting of the Executive Committee, concerning steps that might be taken around the world in relation to selection criteria or eligibility for a major event. The WADA management had been told to keep an eye on the development of these matters to ensure that there was no legal difficulty going forward in relation to how they fitted within the sanction process of the Code. The WADA management looked on a daily basis to see what needed to be done in relation to the Code, took suggestions as to how it might be better drafted going forward, and anticipated that, at the May meeting, it would present a report to the Executive Committee with a suggestion as to when the next Code revision might take place.

The Executive Committee had suggested a process for a small disciplinary committee to look at issues relating to the laboratories. There was a process required under the ISL allowing WADA to advance issues when it was not happy with matters in relation to accreditation as a result of the proficiency testing or some other problem and allowed laboratories to be heard in response to such complaints before a decision was taken by the Executive Committee for suspension or partial suspension.

WADA would be convening a thought leadership seminar in Oslo, Norway, in June 2009. The Executive Committee would go to hear people challenging the way in which the fight against doping in sport was currently being run, to listen to how it might be bettered and to listen to criticisms that might provoke the adoption of different approaches.

The WADA management had been told by the Executive Committee to continue to look at the issue of betting and corruption. Further discussions would take place with those interested, and WADA would use the new connection with Interpol to help advance that particular issue.

In the past few weeks, WADA had hired two new directors. Julie Masse, the new Communications Director, would commence employment on 1 December. Elizabeth Hunter had left WADA to take up a new position in the USA and he wished her well in her endeavours. Kelly Fairweather had accepted the position of Regional Director for the Lausanne office, and would also be responsible for IFs. Kelly Fairweather would commence his job in mid-January the following year. Jean-Pierre Moser would be leaving WADA at the beginning of the following month, and WADA wished him well in his future endeavours. Jean-Pierre Moser was not present as he was working on a presentation to the EOC in Istanbul.

3.1 Executive Committee meeting update

THE DIRECTOR GENERAL moved on to the next item to update the members on the decisions of the Executive Committee the previous day.

WADA had appealed to Spain in relation to the process with the Puerto investigation. The WADA management had been directed to ensure awareness of the necessary separation of the judiciary from the executive, and ensure that the evidence gathered in this enquiry was appropriately shared. The matter would be discussed further in Biarritz the following week.

There had been an item on the agenda in relation to article 7 of the constitution, and the management had been directed, upon receipt of suggestions from Europe, and the Council of Europe in particular, to prepare a further paper for the following meeting. This decision was to be deferred to allow more information to be tabled and to allow the management to provide an updated report in May.

The WADA management had also been asked to prepare a paper for May outlining suggestions for a way forward with the revision of the Code and how to appropriately time the next compliance report and put together a process to deal with matters of compliance in the interim, i.e. to look at a mechanism whereby any signatory that might be deemed non-compliant would have a way forward of achieving compliance rather than waiting two or three years for the next report. This issue would ultimately be for the Foundation Board to determine because the compliance issue was a matter for the Foundation Board.

He had mentioned the decision taken in relation to the disciplinary commission for laboratories. There had also been a discussion in relation to the Independent Observer process, and the management had been encouraged further dialogue with the IOC to ensure that the next Independent Observer mission for the Olympic Games would be run in the same way as it had been for all other major events including the Paralympic Games. The Independent Observer mission had been loosely described as an audit role; it was more a role whereby WADA liaised with the organising committee as it went through the event, to ensure that problems could be remedied and compliance achieved during the event. It was a facilitation, assistance and advisory role rather than an audit, and he hoped to be able to put that in place for the Olympic Games in Vancouver.

Three social science projects had been approved by the Executive Committee the previous day.

A discussion had taken place about recent issues that had occurred in Russia in relation to the transport of samples, and the management team would take that matter further by ensuring a full report would be obtained in order to be able to consider whether there needed to be any further action taken. WADA had been in discussion with the relevant IF and would continue to assist the IF concerned so that this did not occur again.

That covered the issues that had been on the Executive Committee agenda, apart from some points on the Foundation Board agenda for decision.

MS DE BOER-BUQUICCHIO stated that she had not heard any reference to the discussion on the International Standard for the Protection of Privacy and Personal Information, which had occupied a substantial part of the meeting of the Executive Committee.

THE DIRECTOR GENERAL responded that that was because it was an item on the Foundation Board agenda and would therefore come up for discussion later on.

THE CHAIRMAN said that there was a procedural matter to be dealt with first. Certain papers should then be circulated for consideration so that discussion could take place informally later in the day.

MR POUND said that, with regard to the UNESCO convention, it might be more relevant to include, aside from the 103 different countries, what percentage of the population was represented by those who had signed the convention.

He thought that WADA should make a special point of thanking the IOC for the superb location organised in Beijing during the Olympic Games for the Outreach programme, making it much more effective and immediate for the athletes involved.

During the Olympic Games, he had been interested to see that the 110 ml issue debated at length previously had not appeared to be a problem.

The issue of extra sanctions or measures was a lot more important than people had recognised, and that might have a knock-off effect, as it could put entire NOCs offside. It would have been much better if those organisations wanting to have additional penalties had taken the opportunity the previous November to adjust the Code.

At the bottom of page 5, under the heading "statistics", there was a misleading impression that perhaps the quality of the tests being done was not good; he thought that the idea was that there should be more efficiency in the way in which WADA designed its tests.

He shared the concern of the Executive Committee regarding Spain and the Puerto affair; there had been a very unfortunate series of developments. If it turned out that WADA was butting its head against a judicial wall, maybe it was time for Spain to take a step back and find another approach, because there was a great deal of information that would be very helpful to the people concerned with doping in sport from that investigation.

The discussion on Article 7 and the statutes would be useful.

The Independent Observer mission was, in fact, an audit combined with an independent report at the end. He had no problem about giving comments in real time to enable organising committees to adjust what they were doing, but noted that WADA should not get sucked into the system. WADA did audit and did issue an independent report, and that was a tremendously valuable function.

THE CHAIRMAN noted the very constructive suggestion on population figures versus the figure of 103 countries, and that data would be included the following time. The other matters would be noted.

PROFESSOR LJUNGOVIST referred to statistics: unfortunately, it appeared as if the statistics delivered annually did not fully reflect the actual situation. Comparing facts and figures, it turned out that there had sometimes been difficulties deciding what sport had actually been involved in a particular event. For example, did hockey refer to ice hockey or field hockey? Therefore, the statistics needed to be looked into and the Executive Committee had encouraged the establishment of some kind of group to look into statistics.

With regard to the issue of Independent Observers, the IOC welcomed the initiative from WADA to continue as outlined by the Director General. He made the same reservation as that made by Mr Pound regarding close involvement with the anti-doping activities during the period of the Olympic Games. There had been some good experience from earlier games such as the Paralympic Games, the Pan-American Games and the Asian Games. He looked forward to efficient cooperation during the Vancouver Olympic Games.

He also wanted to congratulate the administration and the President on the memorandum of understanding with Interpol, and underlined the importance of having domestic laws in place criminalising certain activities such as possession beyond personal use, as this would enable police action to be taken where sports administrators had no power to act. It was important to state the Turin experience as one extreme example. Italian criminal law had enabled the police to detect what was going on in the Austrian ski team, and this had resulted in major action against those skiers and their leadership. The IOC had done what it could within its rules, and the tests performed had all been negative, but the athletes had still been in possession of doping substances, so it was of the utmost importance that domestic law be in place that criminalised such activities. The IOC was looking into the extent to which such requirement could be incorporated into the requirements for host cities wishing to host the Olympic Games.

The 110 ml matter had not seemed to be a major problem at the Beijing Olympic Games, but this had been used only to a very limited extent (only for EPO analysis and not for the vast majority of samples), so it was a little early to tell whether it would be seen as a problem in the future.

THE CHAIRMAN asked the Director General to respond to the comments.

THE DIRECTOR GENERAL replied that WADA published the statistics that it was given on an annual basis. Article 14.4 of the Code required every ADO to supply WADA with its annual figures; if WADA did not get them, it could not publish them. WADA did have all the statistics from the laboratories, as it received the laboratory reports. If everybody adopted ADAMS, then WADA would receive this information in a timely fashion and be able to publish it. The statistics published were due to the information received, so he really urged people to provide the data so that WADA could publish a report, as that was the sort of report that should be available to everybody and, until complete, it would be misleading.

There would be an Independent Observer report issued at the end of the games, and during the games there would be appropriate reporting. Members would be content that the mission was still being conducted with independence and integrity. He thanked the IPC for the way in which it had received the report and the team that had delivered the report.

In relation to investigations, this was a matter that had been stimulated as a result of what had happened through BALCO and numerous other investigations. Cheats would not all be caught through taking samples and analysing them. Marion Jones had cheated for seven years. She had given many samples, all of which had been analysed, and not one had returned a result to show that she had been in breach of the rules. There had been sufficient evidence collected through an independent investigation to show that she had cheated and she had gone to jail because she had lied. WADA would continue to push in this line, because it was vital that WADA did not rely on only one way to look for cheats in sport.

DECISION

Director General's report noted.

4. Operations/Management

4.1 Executive Committee appointments 2009

THE CHAIRMAN informed the members of the Foundation Board that there were a couple of names to be added to the list. There would be a meeting in Athens in a fortnight to determine the representative from Europe and, on Thursday, another meeting would be held in Johannesburg to determine the African representative. The name of the American representative was in limbo pending administrative decisions. Subject to that, he sought endorsement of the names on the list and the appointment of those people, and the members' cooperation in what would need to be a circular resolution to endorse the nominees of Europe and Africa when known.

DECISION

Executive Committee appointments 2009 approved.

4.2. Foundation Board

4.2.1 Foundation Board membership 2009

THE CHAIRMAN stated that the Foundation Board membership needed to be approved by the Foundation Board for statutory reasons, and the members' names were required under Swiss law.

THE DIRECTOR GENERAL said that the WADA management was required to keep a list of deputies and WADA would be writing to each member to ensure that, for 2009, the deputies were noted in WADA's records. The reason for this was twofold. If a member could not come, the deputy was entitled to sit in his or her place and WADA would meet the deputy's travel and accommodation expenses. If the member and the deputy were unable to attend the Foundation Board meeting, the rules were such that a third person would be regarded as an observer and would not have the power to vote or right to speak unless invited by the Chairman. He wished to ensure that the members were aware of this and why they would receive a letter seeking the nomination of a deputy for 2009.

DECISION

Foundation Board membership 2009 approved.

4.2.2 Endorsement of the Foundation Board composition for the Swiss authorities

THE CHAIRMAN thanked the members for their support.

DECISION

Foundation Board composition endorsed.

4.3 Standing Committees

4.3.1 Standing Committee and Working Group members 2009

THE CHAIRMAN referred the members to a list of the standing committees, noting the interesting statistics in the papers.

THE DIRECTOR GENERAL said that the composition had been approved. There were some interesting statistics to be noted. Out of the total number of members (53), 6 were from Africa, 10 were from the Americas, 9 were from Asia, 24 were from Europe and 4 were from Oceania. There were 36 males and 17 females. That was to be noted to see how WADA carefully looked at the requirement imposed on it by its constitution to ensure appropriate regional and gender representation. The second aspect was that the

composition of some of the committees had resulted in two or three being larger than mandated to be under the constitution, so there would be a rotation the following year and WADA would achieve compliance with the statutes at the end of 2009.

THE CHAIRMAN noted that he did not see any need for discussion.

DECISION

Standing committee and working group members for 2009 approved.

4.4 Beijing 2008 activity report

THE CHAIRMAN added, on behalf of the Foundation Board, WADA's congratulations of the wonderful Olympic Games and Paralympic Games put on by China and also congratulated the Olympic Movement on its conduct of wonderful games.

DECISION

Beijing 2008 activity report noted.

4.5 Interpol Memorandum of Understanding

THE CHAIRMAN stated that there was a copy of the memorandum of understanding for noting. Unless there was a pressing need, he did not propose to seek comments.

MR MOUTOUH said that the interior minister had confirmed the availability of an officer for Interpol. WADA had to produce a job description so that France could find the most appropriate person for the job.

THE CHAIRMAN expressed WADA's appreciation of the support given by France.

DECISION

Interpol memorandum of understanding noted.

4.6 Strategic Plan Performance Indicators

THE CHAIRMAN informed the members that the Strategic Plan performance indicators had been provided for information.

DECISION

Strategic Plan performance indicators noted.

5. Legal

5.1 Legal update

MR NIGGLI highlighted several points from his report. There had already been a number of interventions in relation to the Puerto case. The situation was very unsatisfactory from a legal point of view. The judge had again decided to close the enquiry without seeking any further evidence. Of course, WADA had again appealed the decision to close the enquiry, together with the UCI and the Government of Spain, and the case was pending. There was also a procedure before the CAS against Valverde and WADA was trying to get access to a bloodbag seized by the Guardia Civil in the course of the Puerto affair. All requests for access had been refused thus far, even though WADA had officially requested the handing over of the bloodbag. This decision had been appealed; another request had been sent through the Swiss court, and this had also been refused on the grounds that it came from the civil as opposed to the criminal channel. WADA was again trying to work around that, but was not getting very favourable cooperation from the magistrate and judge in Spain, although he hoped that the appeal court would have a more sympathetic ear. The President would be in Biarritz

the following week, and a meeting had been organised to discuss the matter with the relevant authorities.

He did not intend to comment on pending cases. There was one piece of good news related to the Pinto case (a case emerging from the Turin Olympic Games). The case had been resolved on Friday with a decision from the CAS to give a four-year sanction to the athlete. There were two pending appeals before the Swiss federal court, concerning Stadnych, a wrestler, and Dodo, a football player.

MR POUND asked what had happened to the Pakistani cricketers. Had the case been resolved?

MR NIGGLI responded that the CAS had decided that it had no jurisdiction in relation to this matter.

THE DIRECTOR GENERAL noted that the same cricketer had been subjected to a further sanction process in relation to a second incident. The hearing had taken place but the result had not yet been made known.

MR YOUNG said that there was a new investigation with a different judge and, hopefully, there would be a better outcome.

MS DE BOER-BUQUICCHIO asked what had happened to item 5.2.

THE CHAIRMAN replied that this item had been taken off the agenda, but invited Ms De Boer-Buquicchio to speak to it.

MS DE BOER-BUQUICCHIO stated that Europe welcomed the fact that this was an item that had been taken forward, particularly after the meeting in Ljubljana in January. The procedure for the nomination of the president and vice-president was a first step, which was appreciated, although there was a whole series of issues that needed to be addressed and WADA needed to have a comprehensive approach to this issue. She was looking forward to discussion with WADA and making suggestions for a comprehensive set of rules, and this was not just in relation to the issue of the nomination of the president, but also in relation to a quorum for decision-making, in what circumstances a secret ballot could and should be used, and the issue of the relationship between the Executive Committee and the Foundation Board, because WADA was frequently confronted with procedural problems in terms of who was responsible for what decision. All of this needed to be clarified; however, she was happy to note that this was simply the beginning of a process that would be continued.

MR POUND said that he thought that it was not appropriate to change the statutes to deal with how one side chose its particular candidate. Only governments could come up with a process as complicated as this. This process required a minimum of 180 days to come up with a name, and he wondered whether it was appropriate. He did not think how one of the two stakeholder groups chose its candidates needed to be enshrined in the statutes.

THE CHAIRMAN proposed this as a by-law. No decisions had been taken; there was a request that further suggestions might well be put, and that would be examined by the management and there would be further discussion at the meeting in May. It was on the table and the Foundation Board would deliberate in May.

MR STOFILÉ agreed with the general thrust of the proposal for consultation and discussion, and also agreed with broadening the focus of discussion, although Africa would also want to be part of those processes. It was not just a WADA Europe matter; it affected all of the regions and Africa would want to be consulted and be part of those discussions.

THE CHAIRMAN responded that suggestions could come from anybody.

DECISION

Legal update noted.

6. Finance Report

6.1 Finance update

MR REEDIE took the members through the various items in their files. The finance update was effectively the very short minutes of the very long meeting of the Finance and Administration Committee in Lausanne in July 2008. Since then, the finance and economic world had changed out of all recognition, which would probably have a very dramatic effect on governments and the Olympic Movement. There was an element of guesswork in terms of where WADA would be and what might happen.

DECISION

Finance update noted.

6.2 Government/IOC Contributions

MR REEDIE said that the members had in their files the statement of contributions to date (26 September), showing that WADA had been able to collect 98.32% of the proposed contributions. He had a paper dated 20 November, taking this figure up to 98.44%. The end result was that the governments had made their contributions to WADA in a greater degree than ever before and earlier in the calendar year, which greatly eased matters for WADA. These government payments were matched by the IOC on a dollar-for-dollar basis: the IOC made three set payments, all of which were front-end loaded so that they came in during the early part of the year, and a subsequent balancing payment at the end of the year. He noted the success in the collection of contributions, particularly from governments, and he was grateful for the speed and accuracy with which they made their payments. He had also included a historical statement in the members' files.

DECISION

Government/IOC contributions update noted.

6.3 2008 Quarterly Accounts

MR REEDIE said that these accounts were the accounts to 30 September 2008. They were produced routinely, and were there as a matter of record. The quote surplus was about 4.6 million dollars in the period of the first nine months of the year; for the last three months, WADA would take very little income. On the very first page, he drew the members' attention to where WADA kept its money. WADA had moved away from bank deposits (because of the very different financial situation), and now had quite substantial holdings in government bonds. These produced a reasonable rate of interest at absolutely minimum risk, and he hoped that the members would support that philosophy.

He always thought that the more interesting element was the attachment that came with attachment 2, detailing the actual against budgeted income and expenditure, which enabled him to see whether WADA was in line to produce the outcome expected when the annual budget was approved. Mr Niggli had talked about the number of legal cases. In the Landis case, WADA had spent almost all of the 1.8 million dollars budgeted without touching any of the litigation reserve. The figures were all there, and gave the management and him a pretty clear idea of the situation and what the likely outcome was going to be. Under "Standards and Harmonisation", in the first nine months of the year, WADA had rather overspent, and much of this had been because of the amount of code compliance work undertaken.

DECISION

Quarterly accounts update noted.

6.4 2009 Budget

MR REEDIE said that the 2009 budget was the important paper. Looking at section 6.4, the members would see the strategic and operational plan agreed by the Executive Committee. The Finance and Administration Committee tried not to draw figures out of thin air and looked at what the Executive Committee told the agency.

Going to the draft budget (6.4 attachment 2), the members would see some modest changes. It had been decided that it was a very reasonable assumption that, in 2009, WADA would collect 96% rather than 93% of dues. On the expenditure side, the committee had assumed a maximum 4.5% increase in remuneration for staff. One figure was slightly speculative, and that was the figure for interest income on investment. It seemed to him that governments and financial institutions would pull interest rates down at a pretty rapid rate. All the statistics and details of the budget were before the members. The committee had been able to reduce the litigation figure for that year, and hoped that WADA would not face another Landis case, which had been extremely expensive. The committee had increased the allocation for intergovernmental and sports meetings. Air ticket prices were going up and not coming down, and the committee had tried to reflect that. On the IT side, there was an increase of just over 9%. This operation worked on having very good IT services and WADA had decided to completely renew what it had. The more the committee had looked at it, it had seemed that the best deal would be to buy the equipment, which had made that decision a little easier to make. Under Health, Medical and Research, the figure was just over 6.5 million dollars, and the members would receive a report later that day on the quite notable success of the research programme to date. The figure for education was up by 11% and Mr Koehler had said that he was happy with the figure and would put it to very good use. As for operational costs, there was a modest and affordable increase.

The ongoing projected cash flow statement showed that WADA had somewhere over 8 million dollars of unallocated cash. In 2008, the committee expected to show a deficit of just over 2 million dollars, and that would be taken from the unallocated cash. The members would see that, using the unallocated cash, WADA would come down to a balance of just over 4 million dollars in 2009. Different rates of increase in contributions had been considered and discussed with the Olympic Movement, which had stated that it was comfortable for 2009 with an increase at the rate of 4% but would not wish to be committed to 5%, 5.5% and 6% going forward. It would be difficult to speculate on increases going forward given the current climate; however, everybody should realise that it was likely that there would be increases.

The final thing he wished to say was that there had been some pretty spectacular swings in the currency markets. When drawing up the 2009 budget, the committee had assumed, just out of interest, that the exchange rate would be 1.15 Canadian dollars to the US dollar; if it was 1.05 throughout the year, the deficit for the year, meaning that WADA held slightly more of its unallocated cash, would be improved by about 328,000 dollars. If it was 1.10, the deficit would be improved (i.e. smaller) by 627,000 dollars and, if it was 1.15, the deficit would come down by 862,000 dollars. This was rather difficult to project. It was reasonable to guess that the rate would not be as favourable throughout the year but the strengthening of the US dollar and the weakening of the Canadian dollar was good news for WADA as it spent in Canadian dollars.

THE CHAIRMAN thanked Mr Reedie. There was no doubt that the Foundation Board was being asked to approve the budget for 2009 only, and not being asked to approve or in any way lock in any reference to subsequent years or budgets.

MR REEDIE formally asked the Foundation Board to approve the budget as distributed for 2009.

DECISION

2009 budget approved.

6.5 Appointment of 2009 auditors

MR REEDIE said that WADA needed to appoint the auditors for 2009. PricewaterhouseCoopers had been of considerable assistance to WADA, and he proposed the reappointment of the firm for the year ending 31 December 2009.

DECISION

Proposal to appoint PricewaterhouseCoopers as WADA auditors for 2009 approved.

6.6 Additional funding proposals

THE DIRECTOR GENERAL informed the members that the WADA management had engaged in fruitful dialogue with the Japanese and French governments. The Japanese Government had committed to make an extra contribution of up to 350,000 US dollars on an annual basis to assist the progress of the Asian RADOs, and WADA had been delighted to conclude those discussions with an agreement, which would be signed once the documentation was available in Japanese, English and French, and WADA was really grateful to Japan for engaging in this initiative.

The management had also had discussions with the French Government, during which the minister in Paris had indicated that France would make an extra contribution to WADA's income with specific reference to the Athlete Passport project, and WADA had been informed that the contribution would be 200,000 euros, which was a significant gesture and one he was very grateful to receive.

DECISION

Additional funding proposals noted.

6.6.1 Japan

MS UKISHIMA stated that she wished to take the opportunity to explain the additional contribution from Japan to WADA. Since its inception, WADA had made a significant contribution to promoting anti-doping activities throughout the world; however, there were many countries and regions in which the arrangements for such activities were very insufficient and the anti-doping arrangements had become very important from the point of view of state policies. Taking this into account, Japan had decided to propose additional funding in addition to its national contributions, and wanted these funds to be used by WADA in order to assist anti-doping activities in Asia, more specifically to set up and support RADOs in the Asian region to assist those countries and areas in which anti-doping arrangements were not sufficient.

6.6.2 France

MR MOUTOUH confirmed the financial contribution by France (initially anticipated for the UCI), of 200,000 US dollars to WADA.

7. World Anti-Doping Code

7.1 Code Compliance and implementation report

THE CHAIRMAN asked the Director General to introduce this topic.

THE DIRECTOR GENERAL said that he had been asked to ensure that everybody understood the issue of the compliance report, as he had been asked many questions about the consequences of non-compliance and so on. The monitoring report made by WADA was pursuant to the Code, and there was an article in the Code requiring WADA to report to the Foundation Board on a two-yearly basis. This was the first report pursuant to the Code. It was a Foundation Board decision. The Executive Committee was recommending to the Foundation Board that the report be deferred until May 2009.

Should there be a determination of non-compliance, WADA did not have any sanction power. Any issue of non-compliance on the part of a signatory must be sent to the IOC and to other sport movement representatives and, if these bodies wished to take any steps in relation to non-compliance, they would be responsible for doing so. Similarly for governments (obviously, he referred to the NADOs), it was a matter for governments to take steps in relation to non-compliance. WADA could decide that it would not have any representative from a non-compliant signatory on its Foundation Board or in its working groups. Under the revised Code, there were additional issues that would occur; for example, under the new ISL, it would not be possible to continue having a laboratory accredited in a country that was non-compliant. There was a clause in the revised Code that said that events would not be hosted or might not be hosted in countries that were non-compliant (including NOC and NADO non-compliance). Those were terms in the revised Code, which was not yet in force. The impact of this report would have effect as of 1 January 2009. He wanted to make sure that there was clarity in relation to those issues before asking Mr Andersen to provide the report on non-compliance.

MR ANDERSEN said that he would provide facts and figures on what was in the members' papers and some updates from the past couple of weeks. As mentioned, Article 20.3.4 of the Code (and he was talking about the current Code) said that Code compliance would be monitored by WADA every second year. The members had the possibility to consider explanations for non-compliance and could recommend excuses for stakeholders. Mr Howman had touched on the consequences of non-compliance. WADA had defined the scope of how it reported on compliance, stating that it would report on compliance only for IFs and NADOs, and this had been decided by the Executive Committee in November 2007. WADA was reporting on Code compliance among the major games organisations through the Independent Observer mission, and it had been decided by the Executive Committee that the monitoring of RADOs, including NOCs, was to be done through that very project. The Executive Committee had defined extraordinary circumstances for excuses. There had been a request to consider the sports record and history of the country in question, political circumstances and unrest, and also the economic situation of the specific country. There had also been a request to define minimum requirements in order to be in line with the Code, and it had been agreed that certain provisions had to be in place for a body to be deemed Code-compliant: there were provisions in the Code for ADRV; there were provisions in place for sanctions; in line with the Code, there must be a right to appeal for WADA; there must be respect of the international standards; and there must be an out-of-competition testing programme in place.

Since the report in May, there had been ongoing communication with stakeholders, the objective being to assist as many as possible to implement and enforce the rules appropriately. One might think that the report that was being put forward contained too many non-compliances or too few. He had been trying to follow the lead of the Executive Committee in limiting the scope of those who were declared or deemed to be non-compliant.

He updated the members on where WADA was. In terms of Code acceptance, the numbers were pretty good for the Olympic and IOC-recognised IFs: all had accepted the Code. In terms of NADOs and NOCs acting as NADOS, 114 had signed the Code. In terms of anti-doping rules received and reviewed by the team in Montreal which consisted of in-house lawyers but also external law firms, rules had been received from all Olympic and IOC-recognised IFs, and all of these were in line with the Code. In terms of NADOs, WADA had received 102 sets of rules, and 77 of those were in line with the Code. In terms of out-of-competition testing for Olympic federations, 30 out of 35 had out-of-competition testing programmes in place or were planning to have out-of-competition testing programmes in place. For the IOC-recognised federations, 15 out of 31 had out-of-competition testing programmes in place. Moving to those GAISF members outside the Olympic Movement, 21 had signed out of 24. WADA had received 21 rules and 21 were in line with the Code.

In terms of progress since the previous meeting in May, WADA had received 26 additional Code acceptances from NADOs, and had received and reviewed 49 additional sets of rules and five additional GAISF non-IOC recognised IF sets of rules. WADA had declared 50 additional NADO sets of rules in line with the Code, one additional Olympic IF set of rules in line with the Code, and four additional IOC-recognised IF rules and nine additional GAISF rules in line with the Code.

The conclusions were based, as he had outlined earlier, on the criteria put forward by the Executive Committee and the Foundation Board. For the Olympic IFs, all of the rules were in line, and five IFs did not have out-of-competition testing programmes. Of the IOC-recognised IFs, several IFs had no out-of-competition testing programme in place, as could be seen on the slide. Of the GAISF IFs with no IOC recognition, numerous IFs had no out-of-competition testing programme in place. In terms of NADOs, the countries had been divided into three different groups. The first group referred to those NADOs or NOCs acting as NADOs that did not yet have rules in line with the Code but had provided WADA with evidence that they were in the process of adopting rules. Those countries could be seen on the slide. The second group included those NADOs or NOCs acting as NADOs that did not have rules in line with the Code but for which excuses had been given by the Executive Committee in September, and the members would see the countries outlined on the slide (they were also in the paper). The third group included NADOs that did not yet have rules in line with the Code and had not provided WADA with full evidence that they were in the process of adopting rules in line with the Code. Since the management had prepared the papers for the meeting and the papers that were in the members' files, there had been certain developments over the past three weeks. The latest had been received the previous morning. WADA had received evidence that the IFSS and FIDE had started out-of-competition testing programmes; the Chinese Taipei NADO now had rules in line with the Code; the Russian NADO was in the process of implementing rules (he had seen the rules and they were in line with the Code, and there had been several meetings with the NADO); there was evidence from the Andorran anti-doping system that rules were in progress; and there had been a message from UNESCO alerting WADA to the fact that the Austrian Government had issued a reservation in relation to the TUE standard that would be in force from 1 January 2009.

The conclusions could be seen in the members' files, and mentioned those federations and NADOs that were not in line with the Code. The members would see Olympic Movement IFs, IOC-recognised IFs, non IOC-recognised GAISF members, NADOs, and the anti-doping systems of two countries that were not in line with the Code. That concluded the facts and figures and the current updates.

THE CHAIRMAN stated that the members had before them the report and the conclusions, which were the recommendations by the WADA management. He had indicated that the Executive Committee had discussed this subject at some length the previous day, and a motion had been carried to postpone the report until further consideration had taken place at the May meeting.

MS DE BOER-BUQUICCHIO repeated an issue that she had raised the previous day at the Executive Committee meeting. She had not heard any reference to the request of the Flemish community to be considered as Code-compliant and did not wish to express a judgement on that, but she would like to hear the answer that she had received the previous day.

MR ANDERSEN responded that, as he had mentioned the previous day, WADA had received copies of letters sent to Ms De Boer-Buquicchio and the Danish minister for sport referencing a letter sent to WADA arguing for the Flemish community in Belgium to be declared fully Code-compliant. The WADA management had suggested that the Flemish community be placed in the in progress category, which did not mean that the Flemish community was non-compliant; it was simply in the in progress category.

MR LUNN spoke against the motion of granting an extension. Everybody knew that this Code had been in existence for five years and there had been numerous requests for

delays. To offer another delay or approve another delay would do a number of things. He separated WADA's role and the role of sanctions. He stood to be corrected, but he did not believe that it was WADA's role to be imposing sanctions. WADA's role was only to name those that were non-compliant. WADA would be sending the wrong message if it approved another delay. This would undermine the agency's efforts in the fight against doping in sport, and there was nobody who wanted to see the non-compliant countries with sanctions imposed on them, as the objective was to bring them into compliance; however, granting them another delay would not help achieve that goal. Naming them non-compliant would only encourage them to very quickly become compliant. Granting another delay meant that words would become meaningless. What would be achieved by delaying this by six months? There were no games of which he was aware within those six months, so he was not sure that the sanctions would have any real meaning or effect. The second point, and this was an important point that had been raised, was that, when a non-compliant Code signatory became compliant, it could be immediately removed from the list. Depending on the discussion, he would be prepared to move the appropriate motion that there be no delay and that WADA do what it should do and name those that were non-compliant and leave it up to the IOC and IFs to determine the sanctions.

THE CHAIRMAN noted that Mr Lunne had the right to propose a motion.

MR BURNS joined Mr Lunne in his motion. Mr Lunne's words were consistent with the views that he and others had expressed the previous day.

MS DE BOER-BUQUICCHIO also supported the motion. It was very important to go along with the recommendations made by the management.

MR BESSEBERG said that he foresaw a problem by taking the decision that day. Not all of the signatories would be treated fairly. Some had been accepted, as their work was in progress, but WADA did not know whether or not they would be fully compliant with the Code when they had finished that work. It was necessary to clarify whether or not they were compliant with the Code. Many nations were in progress with the work; was it correct to say that they were compliant before knowing the result? It would be better to give them the six months before determining whether or not they were compliant.

MR RYAN said that he wanted to offer some words of support to his colleague on the other side of the table. The IFs did not believe that there had been equal treatment of the stakeholders; for those NADOs that had no rules in line with the Code, it was difficult to accept from the IF side that they could be declared compliant with the Code when they had no rules. The contrast was that all the Olympic IFs had rules in line with the Code. His second point referred to a particular case. Upon the intervention of the president of the IOC the previous week, a meeting had been called with the president of the FIG. A letter had been sent to WADA by the president of the FIG in relation to its out-of-competition testing programme and he had heard no mention of this letter anywhere whatsoever in the current day's assessment.

MR SIMONELLI stated that what WADA was trying to do in the report was present an in progress category for IFs as well. As for the FIG letter, WADA had not seen that the FIG had conducted any out-of-competition testing. There was an understanding that the FIG would be conducting tests in the near future, but WADA could not put it in the in progress category as had been done with other IFs (namely boxing, equestrian, basketball, bobsleigh, ice hockey, shooting, table tennis and curling), as the FIG had not conducted any out-of-competition tests that year.

MR ANDERSEN concluded that there was an in progress category for IFs as well.

MR RYAN said that the situation was clearer, but he continued to believe that there was a double standard.

MR ANDERSEN responded that this related to one letter from one IF. WADA had received hundreds of letters from many federations (and NADOs), and had been trying to

examine the content of these letters and determine which category to put the IFs in. This had been done as consistently as possible, and WADA had presented the results.

MR YOUNG said that the suggestion was that, if WADA waited until May, it would be possible to get rid of the in progress category and state that signatories were either compliant or not compliant. He thought that the IFs should be able to conduct out-of-competition testing before the next meeting, which would resolve that issue. He did not see the delay as being a problem. As far as some NADOs were concerned, the issue was that they would like to be compliant but they had problems with national legislation, and that issue could be resolved in the next six months as well.

MR ANDERSEN asked the members what basis WADA should monitor on in six months' time. Should WADA say that it would go back four years and measure organisations up against something that was no longer valid? This was an issue that needed to be resolved. In terms of national legislation, it was up to the Foundation Board to decide. He would report at every Executive Committee and Foundation Board meeting on the progress made. It would not be a formal compliance report, and the Director General had indicated that a plan would be put forward in May on how to deal with a new revised Code and compliance.

THE CHAIRMAN pointed out that, at every meeting going forward, there would be an information report.

MR POUND stated that this was a Code that had been in existence for practically five years, and the terms had been known for even longer. He could not see how any IF could possibly suggest that it was taking active steps against doping in sport if it did not have an out-of-competition testing programme. This was the second request for a deferral, and the Olympic Movement was starting to look incompetent and weak. He supported the recommendations made by the management; he also agreed that there should be an easy process to get out of jail, and a signatory should not have to wait for two years to get out of jail. He did not agree with the lowest common denominator approach. He was somewhat uncomfortable with the in progress category. If there were an in progress category, each signatory in the category should be informed that, come May, if the problem was not solved, that signatory would be declared non-compliant. The time had come to report; if signatories were unwilling to take whatever steps were necessary, that was their problem, but WADA should not be shouldering that burden. WADA was a monitoring and reporting organisation; it had monitored, and now it had to report.

DR SCHAMASCH thought that the Foundation Board was made up of reasonable people. How could the members speak of fairness when a country had, only the previous day, been re-included on the group 1 list when no testing was possible in that country and the life of DCOs was put in danger? Once again, there were double standards, and WADA could not continue to exercise these standards. The members should consider the motion submitted by the Olympic Movement and give the necessary time to all stakeholders to become compliant with the Code.

THE CHAIRMAN noted that Dr Schamasch was referring to the addendum relating to Russia.

THE DIRECTOR GENERAL said that WADA had received some information in relation to matters that had occurred in Russia. WADA was not in a position to verify or validate the evidence and had not yet asked Russia for a response to the allegations. To follow due process, WADA must assemble the information that it could get with help from the sport movement and give it to Russia so that it could answer the allegations. Until then, WADA would not be in any position to report on possible consequences. It was very early stages, and was not a matter relating to the new NADO in Russia; it related more to the freedom of movement of DCOs and the transport of samples. WADA would report on the matter after conducting an appropriate enquiry.

PROFESSOR LJUNGOVIST said that he was somewhat confused about the procedural aspect. The members had been discussing postponing, but were now discussing details in the report. If there was a postponement for six months, any additional discussion on particular IFs and NADOs would be superfluous.

THE CHAIRMAN believed that the paper contained recommendations from the management. Secondly, there was the Executive Committee decision to postpone, and it had seemed to him that this would include postponing all of the categories, including the countries, and therefore Russia. He was foreshadowing that there would be two motions for consideration: the management proposal and the Executive Committee recommendation determined the previous day.

PROFESSOR LJUNGOVIST referred to the Russian affair: should a decision be taken not to postpone, until WADA had full information from the Russian NADO, given the recent experience with anti-doping activities in Russia, he would certainly not be in favour of determining compliance, but would be in favour of giving the authorities a chance to explain.

THE CHAIRMAN responded that, should the outcome require Professor Ljungqvist to move such a motion, Professor Ljungqvist would be given the opportunity to do so.

MR STEEL said that compliance was a tough job and monitoring compliance was even tougher. WADA could not second-guess, but had to move on. On the face of it, to decide in May 2009 about compliance on a document that had expired on 31 December 2008 was nonsense. If there were particularly good reasons why that was not nonsense, they should be on the table. He was particularly concerned about the notion of out-of-competition testing being the point at issue. The out-of-competition testing programme would change on 1 January, and the new whereabouts component would add a whole new dimension to out-of-competition testing, and for WADA to determine compliance based on the old rules did not seem to make sense to him. Athletes were the people at the other end of this. They should be asking their ADOs, IFs or NADOs why they were not being adequately protected. On a more constructive note, there were common problems relating to IFs and NADOs and, if necessary, he could arrange for the ANADO group to offer assistance. In his view, the Foundation Board should support the recommendation of the management.

MS ELLIS said that her sentiments had been well put by every other government speaker. The Foundation Board was trying to find the grey in a black and white issue. It was a very serious role of the Foundation Board to make sure that it held people to account for protecting the integrity of sport and making sure that they had the appropriate measures in place. This was not just a discussion about tough love, which was why the Executive Committee and Foundation Board had discussed the need for there to be a fair process whereby people could come back in once the appropriate mechanisms were in place. It was therefore important to put in place the necessary mechanisms.

PROFESSOR DE ROSE said that there were two groups, with three colours in one group and two colours in the other group. For the governments, it was white, black and grey; for the Olympic Movement, it was black and white. Everybody agreed that these countries and IFs were not operating in accordance with the Code. WADA should not use three colours for the governments and two for the Olympic Movement.

MR VEROVNIK stated that the Foundation Board should consider, when thinking about taking on board the decision, that the WADA 2005 Code would terminate on 31 December 2008, and then the circle would be complete. On 1 January 2009, a new Code would be in place.

THE CHAIRMAN congratulated Mr Verovnik because Mr Verovnik had reminded him of the fact that the Code had been translated and published in Slovenian.

PROFESSOR LJUNGOVIST explained why the Olympic Movement saw this as a problem. The arguments raised must not be taken as an attempt to excuse those IFs

that had not been conducting out-of-competition testing. He had probably pushed the hardest 20 years ago at a time when it had been regarded as impossible to implement out-of-competition testing; today, out-of-competition testing was a compulsory part of the Code. His country had been among the first to introduce out-of-competition testing back in 1981, as had his IF (in 1991). It was not an attempt to try to excuse the IFs. He had repeatedly expressed his frustration at the slow rate of progress, but the problem that the IOC and the Olympic Movement had regarding this proposal had been expressed by Mr Ryan as a feeling of double standards. Looking at the first group of NADOs, countries were being excused despite the fact that their rules were not in line with the Code, whereas the IFs were not being excused. The alternative would be to suggest that the first group of nations named also be deemed non-compliant, as they did not even have rules in line with the Code. It would have surprising effects. WADA would lose nine of the best laboratories in the world, but that was a consequence. He could not understand why the absence of out-of-competition testing should be more serious an offence than not even having the proper rules in place.

MR BURNS suggested voting.

THE CHAIRMAN said that the members had before them the motion that emanated from the previous day's meeting, which was the Executive Committee's recommendation to the Foundation Board that the compliance report be deferred until the May Foundation Board meeting and that WADA continue to work with those not in compliance to assist them to achieve compliance. He acknowledged that if, in fact, that particular recommendation was defeated, he would move to the recommendations of the management, then go to Mr Lunne, if that particular resolution was supported, and allow Mr Lunne to move a motion described by Mr Pound as a "get out of jail" proposal, providing a prompt and immediate response to acknowledge compliance if and when it did occur. Lastly, Professor Ljungqvist might wish to take the floor to make a proposal, to provide a greater opportunity for a decision to be taken more promptly, if dealt with by the Executive Committee.

MR LUNN read the motion that he was trying to propose. If the first motion were defeated, he would propose the following: "In accordance with Article 23.4 of the Code, the Foundation Board shall declare the following signatories non-compliant on 1 May 2009 with the following understanding: once compliant, they shall be immediately removed from the list". That was the motion that he would be prepared to move. It represented a bit of a compromise.

THE CHAIRMAN asked the members to vote. He foreshadowed a close contest and therefore sought to appoint scrutineers. If they were willing to do so, Mr Marriott-Lloyd and Mr Lefebvre might act as scrutineers. Mr Marriott-Lloyd was from UNESCO, and Mr Lefebvre was from Canada. He put the recommendation of the Executive Committee that "the compliance report be deferred until the May Foundation Board meeting and that WADA continue to work with those not in compliance to assist them to achieve compliance". All those in favour were asked to raise their hands. He noted that 36 people in the room had the right to cast a vote. All those against the motion were then asked to raise their hands. There were 23 votes in favour, and 13 against. The motion was therefore carried. He believed that this now led to the motion by Mr Lunne.

MR LUNN said that he understood that it would be moot. The first motion had to fail for his motion to be in order.

PROFESSOR LJUNGOVIST stated that he would be happy to leave any further issues until May, but he reminded the members that it was not just a matter of having a mechanism in place to rule earlier on non-compliant NADOs or IFs, but also the other way round. WADA had to have a mechanism to be totally up to date. Such proposal would be submitted for the May meeting.

THE CHAIRMAN noted that the Foundation Board would discuss that at a later point in time in May.

MR YOUNG asked whether it was the sense of the group that, when reconsidering the matter in May, it would be dealing with compliance or non-compliance and would not have further extensions or in progress categories.

THE CHAIRMAN replied that he would sincerely hope so. It was incumbent on all to use whatever resources they had to make sure that there was a clear and concise outcome and there should be no contemplation of a further postponement.

MR REEDIE said that, after that debate, he clearly understood the feelings expressed. The Foundation Board should record the phenomenal amount of work that had been done by Mr Andersen and his team. WADA had moved a very long way in a complex issue. He thought that WADA was 98% there. The last 2% threw up difficulties, many of which were beyond WADA's control. The work was good, and there was a limited amount of time to finalise the issue. He did think that the whole monitoring question and the issue of timing needed to come back on the table.

MR POUND asked whether, in May, when measuring compliance and non-compliance, the Foundation Board would be talking about the 2009 Code. The Foundation Board should make that clear immediately and he thought that there should be a new vote.

THE CHAIRMAN replied that the Director General had been saying the same thing. The Foundation Board needed to be absolutely clear.

THE DIRECTOR GENERAL said that the report as tabled was on the Code and rules that existed at that point in time. In May 2009, the Foundation Board would either ask the management to report on the rules in effect in May 2009 (i.e. the new Code), which meant that everybody would have had to take steps to implement the revisions and new standards, or it would ask the management to report on rules and regulations that were out of date. The Foundation Board should be asked to specify the report that it was now requiring. If the management presented a report that people were going to deem out of date, maybe the management would be wasting its time. He was speaking from a point of view of management resource and fiscal prudence, as WADA had already engaged in monitoring the revisions. The Foundation Board members needed to say what they wanted the management to report on.

PROFESSOR LJUNGOVIST said that he had raised the question of timing the previous day at the Executive Committee meeting, as the present time was far from ideal. To consider compliance with the Code one month before the Code became obsolete was not perfect timing. It was a matter of resources for the WADA office but, in his view, it seemed strange to judge compliance with the current Code. The Olympic Movement would want the 2009 Code to be the guideline for the work on compliance.

THE CHAIRMAN noted that the members should therefore consider whether or not all of those signatories now deemed to be compliant should be evaluated again for consistency. The Foundation Board would be asking the management to go back and do it all over again if the 2009 Code were applied.

MR MANDELBAUM referred to the various degrees of compliance and interpretation of compliance.

MR ANDERSEN said that, if the management were directed to report on the 2009 Code in May 2009, the Foundation Board members should be prepared to receive many more cases of non-compliance. Secondly, responding to the comment by the FIFA representative, WADA had such a system in place through the online Code compliance monitoring system, detailing various categories of importance and lesser importance.

MR POUND asked if the Executive Committee had provided a list of the five criteria used for this purpose. He did not think that there would be major changes. This was not rocket science. These were organisations that were supposed to be on top of their sports and anti-doping efforts and they should be doing this anyway.

THE CHAIRMAN replied that the answer was yes, the Executive Committee had provided a list of the five criteria, which had been measured against the current Code.

MR POUND responded that WADA already looked bad, and should not add looking stupid to that. It would have to be the 2009 Code.

THE CHAIRMAN said that it would therefore be incumbent on the management to go over all those signatories that had been ticked off. That might well mean that a lot more would be deemed non-compliant, but so be it. Did the members wish for the management to be asked to report in May against the then current Code, which would be the revised Code entering into force on 1 January 2009? On the basis of no objections, the Foundation Board was clearly directing the management to report on the basis of the revised Code. He appreciated the manner in which the discussion had occurred. The issue would be discussed again in May.

DECISION

Proposal to postpone Code compliance report until May 2009 approved. Compliance report to be based on the revised Code (entering into force on 1 January 2009).

7.2 World Anti-Doping Code, International Standards and Model Rules update

THE CHAIRMAN noted that the paper was for information on the current state of play relating to the international standards and model rules.

DECISION

World Anti-Doping Code, International Standards and Model Rules update noted.

7.2.1 International Standard for the Protection of Privacy and Personal Information

THE CHAIRMAN said that this item had been included on the agenda to note the Executive Committee decision. The issue had been determined by the Executive Committee at the September meeting, and it had been on the agenda again the previous day. At the instigation of Europe, there had been a motion for a moratorium; such motion had not been successful. It was necessary to give leave for discussion by the Foundation Board. He proposed putting the point in the following manner. He believed very much in the right to speak if anybody wished to do so. He indicated that the matter could be dealt with by the Foundation Board, unless there were objections from anybody in the room. Were the members happy that this become a matter for discussion? Did anybody object to the proposal for a discussion? He saw no objections. Papers had been made available to the Executive Committee from the management the previous day, but these had not been circulated for the Foundation Board meeting; he would now ask the management to circulate those papers.

He would conclude the first morning session by asking the management to play the three-minute video that had been prepared for corporate distribution, which should be of interest to the members.

Since the papers had been circulated, he asked the management to indicate the position on this. He could say that this was, in fact, a decision that had been taken at the September meeting and it was a decision that the Executive Committee had the power to determine and approve. It had been put again to the Executive Committee the previous day, and the Executive Committee had reaffirmed the decision that it had taken in September. If it was the wish to have the matter raised with the Foundation Board, that would not be denied.

MR NIGGLI said that he was delighted to talk about an easy topic. He tried to encapsulate the issue on the table and would try to put forward the different views expressed the previous day. The standard had been prepared and more detail on the history would be given by Mr Cooper, who was a leading expert on data protection in

Europe. The standard had been prepared with the aim of providing all athletes around the world with minimum protection on the way in which data were used and, in the event of any conflict between the standard and national law, the national law would prevail. Europe had made it clear that it had an issue at the past two Executive Committee meetings. The first issue was a feeling that the standard was not at a level that would enable European organisations to transfer data to other countries outside Europe under the umbrella of the standard. The second issue was that there was a view in Europe that the standard conflicted with European law. The Executive Committee had had some sympathy with the first view. It was clear that about two-thirds of the world currently had no data protection in place whatsoever and it would be difficult to get something in place overnight; therefore, the feeling was that, if the standard was to be applicable and realistic, it would have to be at a level that could be reached by as many countries as possible. It was a lot harder to understand the issue being raised by Europe that the standard conflicted with European law. It was made clear in the standard that, in the event of any conflict between the standard and national law, national law would prevail; therefore, it was hard to see the conflict. At the end of the day, the Executive Committee decisions in both cases were based on the fact that all athletes outside the more developed systems of data protection in Europe would benefit from a minimum level of data protection.

MR COOPER said that he thought that it might be useful to begin by putting the request into context. The process of consultation with respect to the standard had begun in 2007; since that time, two very robust consultation rounds had been held, generating over 80 contributions from interested stakeholders, governments, sports bodies and so forth. It was fair to say that the process had involved substantial European input; in fact, WADA had probably received more comments in substance from a European perspective (and had been very diligent in responding to that input) than any other region in the world. WADA had received consultation submissions directly from a number of European DPAs and ADOs that had consulted with their DPAs. WADA had received a submission from Belgium from which he would quote later on. WADA had received a submission from the French Government, the German Government, the Swiss DPA and the Danish ADO, which had consulted with its own DPA. In 2007 in November, WADA had met with the heads of the German and Swiss DPAs, as well as representatives of the Canadian privacy regulatory body. As the Council of Europe members knew, meetings had been held with them over 2008 on a variety of issues, including ADAMS and the standard. At various meetings, the DPAs had also been represented. Most recently, WADA had had to engage in an exercise to respond to a paper that had been prepared and released by the Article 29 Working Party, a very influential body of European authorities in the EU. Unfortunately, that paper had been based on an early draft of the standard and, when WADA had consulted with the Article 29 Working Party to provide that information and asked that it reconsider and look at a more recent draft of the standard, it had declined. WADA had received extensive European input and had been very attentive to that. This was only natural, as Europe had some of the most advanced laws on data protection in the world.

It was probably worth saying something about the latest developments. Based on the previous Executive Committee meeting, the management had been mandated to meet with the Article 29 Working Party or at least a sub-group of that body. It had only been possible to agree on a date for that meeting on 12 November. The meeting had taken place the previous week and, frankly, somewhat to his surprise, the standard had not actually been discussed, although that had been the precondition for WADA meeting with the group. A very rich and informative discussion had taken place, but this had tended to be on issues unrelated to the standard, and the interaction between data protection laws and anti-doping practices, which he felt was unfortunate and frankly a little frustrating.

He responded to some of the points that had been made and some of the themes that came up in discussions with European representatives. The first issue was the claim that the standard was incompatible with EU law. "Compatible" should mean equivalent to

European law. The members of the expert group assisting WADA had really not felt that this particular argument resonated or had a strong rationale; in particular, the experts had been very clear about making this a minimum standard, but had also had a concern to make sure that the standard would not conflict in a direct sense with any existing national legislation and, for that reason, a close reading of the standard would actually bear out the fact that it could not conflict; where there was a national law that would conflict with any of the standards, the national law prevailed, and this was consistent with the production of an international standard. For instance, he read from the current version of the standard, article 4.1: "In cases where compliance with this international standard may cause any anti-doping organisation to breach other applicable laws, those laws will prevail". Article 5.1 said that: "Anti-doping organisations shall only process personal information provided such processing does not conflict with applicable privacy and data protection laws", so the argument that somehow the standard might be conflicting with national laws did not have much strength.

Alternatively, another theme that kept coming up was that the standard did not go far enough. He had been clear throughout that this was a minimum standard, but he thought that "minimum" was actually a very pejorative term. Looking at the standard, the members would see that it was actually an extremely robust standard, extremely dominated by European principles and norms. In fact, the very framework of it was not very far off from the directive, so it was quite a high standard. At the same time, there had been no intention to ape any national or regional law. The experts had been mindful of the fact that WADA was trying to adopt a global and international standard, and there was no precedent for this at all. If there was one, he would like to see it. The belief of the experts in the group that had worked on this was that, when implementation took place, the rest of the world, bearing in mind the fact that probably three-quarters of the sporting nations did not have data protection laws and practices, would find this an enormous challenge. And it had been a little surprising to hear the argument that implementation should be postponed coming from the very quarters that actually had such laws to protect their athletes, despite the fact that he had pointed out that this would be extended to regions that did not have any legal protection.

Just to finish up, he was often asked why WADA should not postpone, and what the harm in delaying was. He wished to turn the question on its head, and asked what postponing would really achieve. Looking at it from a European perspective, this was a minimum standard, so European laws would continue to provide the additional more robust protection that was afforded by national laws. If one was worried about conflicts, there could not be any. But what would one lose by delaying? First, one would certainly not be providing any type of protection in terms of privacy or data protection for three quarters of the globe. Secondly, there was the question of delay. He did not want to be too pessimistic, but he thought that history should be the guide. When the EU authorities had sought to generate consensus on something such as a code, the timeframes had been quite lengthy. To date, in the 13 years since the adoption of the EU directive, the original statute that served as the origin for EU data protection laws, there had been one industry code that had been blessed, and there were five that were still pending. In terms of adequate nation determinations, there had been three: Switzerland, Argentina and (in part) Canada, plus two Channel Islands. That was it in 13 years. One had to bear that in mind if one was going to take on board the fact that there would be a delay.

The final point was that the group's mandate had always been and would continue to be to work with regulators in Europe and elsewhere in terms of strengthening this minimum standard.

He concluded, as he knew that many submissions had been received from European contingents, all of which had been extremely helpful and taken on board, that he thought that the Belgian DPA, which had been around for a long time and was very well respected, had got it right. The DPA had told the group the following: "The commission takes the view that, given that the standard imposes minimum standards, divergences

between these rules and Belgian legislation basically do not constitute a danger for the privacy of sportsmen, provided that the competent Belgian governments take into account these differences during the implementation of the standard into national law. The commission takes the view that the present standard contains a number of basic principles, which can unmistakably contribute to a better protection of the privacy of the sportsman". He thought that this really summed up the principles behind this initiative and the desired objective.

MS DE BOER-BUQUICCHIO thanked the Chairman for putting the item back on the agenda. She wished to clarify her position for the benefit of all of the members. She thought that she was in a better position to present Europe's position than the WADA management. Since May, there had been a number of meetings in Europe, some of which had been attended by the WADA management and, during the meetings, the tensions that existed in relation to the application of data protection laws and anti-doping rules and regulations had been addressed, and it had been concluded that it was necessary to have more time for the fundamental issues to be resolved and for stakeholders to comment on the draft document before the adoption of the standard. Growing concern had been expressed by Europe and conclusions had been sent by the highly respected Article 29 Working Party of the European Commission to WADA. A request for postponement had been made by Europe, and a formal reservation had been expressed in September, but the standard had been adopted hastily by the Executive Committee. Europe regretted this decision and had unanimously requested a moratorium on the entry into force of the standard, although such request had not been carried. She said that she would very much like to underline that Europe wanted a standard to allow for the respect of privacy and personal data when conducting anti-doping programmes. Europe was concerned that the data released would not be sufficiently protected in the text adopted, that access was unclearly regulated, that there were no clear rules about dissemination and the use made of this information and storage time, not only in Europe, but also worldwide. Europe believed that more attention and drafting work were necessary from an anti-doping and data protection perspective. Already, quite a bit of time had been wasted analysing why the standard was not applicable. The meetings were not drafting sessions, but they should allow for the expression of a clear warning, and that was what she was doing now. She repeated the questions she has asked the previous day. What was the hurry? She had just witnessed a core business decision being deferred, but why was this issue so urgent? She still had no answer to this question. WADA was suggesting that the sports movement wanted this standard, but so did the public authorities. The human rights of athletes had to be protected in a harmonised manner worldwide. Privacy could not be protected a little bit. The minimum threshold was not applicable to this standard, and this was the argument that could constantly be heard. Mr Pound had said a moment ago that he could not agree with the minimum common denominator approach. She thought that the same applied to this standard. Europe did not want to slow down the process of improving data protection on a global scale, and would like to see the standard in force as soon as possible. Europe continued to be involved in discussions with other countries and the WADA management on how to amend the standard. Europe could not currently implement the standard, not because it wanted to be difficult, but simply for clear legal reasons, and it had the right not to apply the standard until it was compatible with national and European data protection laws. This was absolutely essential in terms of human rights.

THE CHAIRMAN suggested breaking for lunch.

MR POUND asked what had been decided.

MR MOUTOUH thought that such an important discussion should not be deferred for longer. He was worried that the participants might not be able to continue after lunch. He proposed continuing with the discussion before breaking for lunch.

THE CHAIRMAN noted that the proposal was to proceed with the discussion and resolve the issue before breaking for lunch. Was that the members' wish?

MR POUND asked whether the Executive Committee had adopted the standard and whether it was now in effect.

THE CHAIRMAN responded that the Executive Committee had done that; the recommendation had come at the September meeting for the proposal to go before the November Executive Committee meeting. The discussion had occurred the previous day and a motion had been moved to have a moratorium on the implementation of the standard. Ultimately, the Foundation Board had the authority to decide the outcome and he put it to the Foundation Board to determine the outcome in light of the disagreement from Europe. There was now a matter for decision.

MR POUND asked whether this was not something that could effectively be a living document. There was nothing to stop WADA implementing the standard and continuing to discuss with Europe. WADA should take advantage of whatever progress Europe was making in this area.

THE CHAIRMAN referred to the papers circulated to the Foundation Board members. There would be a meeting of the Article 29 Working Party in February, the report of which would come back to the Executive Committee for consideration if somebody wished to have that. It was a living document and it would continue to be just that if the existing decision of the Executive Committee were upheld.

MR POUND said that he would favour proceeding on that basis.

MS DE BOER-BUQUICCHIO clarified that Europe had asked for a moratorium on the entry into force of the standard.

THE CHAIRMAN thought that this had been understood.

MR KOCOUREK stated that the bridge between the two sides of WADA for the governments was the UNESCO convention. He was happy that Mr Pound had mentioned it. The UNESCO convention clearly stated that all the existing documents in the area of protection of human rights should be considered. He believed that the standard would not be binding for the states. Now there was a position whereby the NADOs would operate according to the standard in countries in which it would be non-operational according to national law. Would those countries therefore be non-compliant?

THE CHAIRMAN responded that, in the event of conflict between existing national law and the standard adopted, existing national law would prevail. There was no doubt about that. The sovereignty of any nation would be respected.

MR STOFIE thought that the problem with this debate was that the Foundation Board meeting had been reduced to the International Court of the Hague. The lawyers expected the members to be able to make sense of these discussions. He thought that WADA was the coming together of sports leaders and administrators and athletes themselves to discuss fundamental principles and policies of how sport should be administered and undertaken in the world, and the responsibility of the lawyers was to go home and look at the various laws and synchronise policies and principles with the laws of their respective authorities. That was not the function of the Foundation Board.

He was pleased to hear that Ms De Boer-Buquicchio had said that she was not opposing the standard that had already been adopted, but was calling for a moratorium on when it came into effect, which was an amendment to what had been requested in September. In September, Europe had called for a deferment of the original decision. Europe was asking for its entry into force to be deferred indefinitely, as there was no time frame for the moratorium. He repeated again what he had been saying. Africa did not have these conflicts between ADAMS and WADA and ADOs and other things, and was fortunate in that respect, but it was not fortunate in terms of the availability of alternative mechanisms or regulations or laws. In the majority of countries on that continent, there were no laws that protected the human rights of people, let alone athletes. He did not agree with the notion that one could not protect human rights to a

minimum; this was happening all the time. Like the eggs of a chicken, countries did not achieve a majority at the same time.

Reading this document, the wool over his face, about which he had been complaining since September, had cleared somewhat. It did seem to him that the real issue was the tension between ADAMS and the countries. He was only saying that on the basis of what was in front of the members. The report said that certain areas had not been highlighted. There was an elaborate system for the protection of athletes' privacy, and there were so many athletes travelling to many continents of the world. This was a very helpful threshold from which everybody could move upwards rather than downwards. He was pleased to support that. He thought that WADA should be encouraged and the countries of Europe that had a problem should deal with the issues; they should not skirt the issues, and they should come back with a report on where the offensive elements were. This had still not been given, i.e. a breakdown of the offensive elements. Europe should go back and engage on those things and, in the meantime, the other countries should be allowed to go ahead.

MR BOUCHARD said that he had listened to the arguments put forward, and could understand them. The arguments were convincing him that WADA should be moving ahead with the new standard. This was a moving or living document, so any other adjustment could be made down the road. At that point in time, in view of making steps regarding the fight against doping in sport, WADA should be moving on with the standard and not putting a moratorium on the decision taken by the Executive Committee.

MR KOCOUREK said that, on behalf of the Czech Republic and Europe, he supported the opinion expressed by Ms De Boer-Buquicchio. He supported the postponement of the entry into force of the international standard and the proposal to continue discussing the matter with the WADA management and other stakeholders. Europe was open to such discussion.

MS ELWANI pointed out that everybody was present for the athletes. The main concern was trying to protect the athletes. Her understanding was that, in the event of conflict with the standard, any national law would prevail, and countries with no laws would have the benefit of the standard. She compared the situation to people stranded at sea with the option of getting into a wooden boat, but deciding to hang around and wait for the speedboat. She had a problem with the non-binding nature of the document. WADA should go back to the baseline and think of the athletes first. WADA was there to protect the athletes. This was a matter of simple logic and common sense.

MR MOUTOUH said that, since France currently held the EU presidency, he would speak on behalf of the 27 European Member States. Applying the lowest common denominator would weaken the fight against doping in sport. The enemies of anti-doping controls wanted no legal framework. Using minimum standards to protect the athletes would weaken the fight against doping in sport. The questions related to principle and legality. As the standard was currently drafted, it went against the European Convention on Human Rights and the Directive of the European Parliament and the European Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data. The Article 29 Working Party had pointed out the absence of athlete consensus, precise rules on data processing and information on access by third parties to sensitive data. In an ideal world, everybody would have maximum protection. Pursuant to the European Convention on Human Rights, one European country could never send data to another country that did not apply same standards as Europe. As to the moratorium, it was not indefinite; under item 7.1, the Foundation Board had accepted the principle of a moratorium, which could be seen as shocking. Europe sought a moratorium via a vote until the Article 29 Working Party submitted a study on European law and the World Anti-Doping Code in March. Sport specificity did not mean the recognition of the extraterritoriality of human rights. He agreed with what Ms De Boer-Buquicchio had said: one could not protect a little bit; one either protected or one did not.

MR STOFILÉ observed that there was nothing like not having minimum human rights; that was academic. The truth of the matter was that the majority of the world's countries had no human rights protection and one could not say that something was too little. Minimum could not be smaller than nothing. Human rights were only being gradually introduced to a number of countries in the world, not just in Africa. The truth of the matter, and even the lawyers knew this, was that the continued amendment of the laws was precisely because life was not dormant; it was developmental. In the same way, knowledge was not static. There was always a minimum for everything. The starting point was the minimum. He did not really agree that Europe would not be able to exchange data with countries with a minimum standard. They were governed by their national legislation. One could not tell somebody not to ride a bicycle to work just because that person did not have a car. Life worked on the basis of what one had in the present day, not what one aspired to have, and that applied to human rights and the rest of life.

MR MOUTOUH said that the minimum would be less than nothing if it constituted a risk to the fight against doping in sport. The members should consider the consequences of a legal decision that might affect everything that had been built in the field of anti-doping.

THE CHAIRMAN noted that the motion foreshadowed had been that there be a moratorium on the implementation of the International Standard for the Protection of Privacy and Personal Information adopted by WADA. Ms De Boer-Buquicchio had not defined a particular period of time. He wanted to be clear that the wording was correct before putting the motion to the Foundation Board.

MS DE BOER-BUQUICCHIO responded that Mr Moutouh had formally tabled the motion and perhaps Mr Moutouh should answer the question.

MR MOUTOUH proposed a moratorium until March 2009, as the Article 29 Working Party would submit its conclusions on the standard at the end of February in an attempt to ensure compatibility between European law and the standard.

MS ELWANI asked what the moratorium until March would do. Would the Foundation Board have to make amendments to the original document in March?

THE CHAIRMAN explained that the moratorium meant that the decision was to be deferred but that the decision would stand unless something happened between then and that decision coming into effect. There would be no meeting of the Executive Committee before March. The next Executive Committee meeting would take place in May. Without the Executive Committee and the Foundation Board meeting again, the standard would take effect in March.

MR MOUTOUH therefore suggested requesting a review in May.

THE CHAIRMAN agreed that it would be more helpful to use May as the reference.

MS ELWANI stated that the Foundation Board was trying to change a decision that had already been taken.

THE CHAIRMAN pointed out that the standard would take effect on 1 January. The Foundation Board could vary that decision and the motion now before the members was to have a moratorium on the implementation of the standard until the Executive Committee and Foundation Board met in May 2009. Unless something was brought forward to do something at that time, the standard would take effect in May if the motion were carried.

MS DE BOER-BUQUICCHIO said that she had referred to the text as a living instrument. Asking for a moratorium would mean that all of the meetings, negotiations and reports taking place in the meantime, in particular the meeting of the Article 29 Working Party, would not be in abstracto; ideas would be presented that the Executive Committee would have to examine. That should be understood.

THE CHAIRMAN confirmed that he understood; however, there would be an opportunity at the next meeting of the WADA Executive Committee and Foundation Board in May for a further motion to be put if that was the wish of any member. He could not imagine that there would be a further motion. There would have to be some change voted on; otherwise, the standard would take effect as of 1 January. He put the motion of Europe, asking all those in favour of the moratorium to raise their hands. He then asked all those against the proposal for a moratorium to raise their hands. There was no doubt as to the decision. He thanked the members and thought that it might be an appropriate time to break for lunch.

He asked whether anybody wished to comment on the paper containing information on the international standards and model rules. If not, the paper as read was to be noted.

DECISION

European proposal for a moratorium on the entry into force of the International Standard for the Protection of Privacy and Personal Information rejected. International Standard for the Protection of Privacy and Personal Information to come into force on 1 January 2009.

7.3 IWF compliance issue

THE CHAIRMAN referred to the report in the members' files. Did anybody wish to make any comments in relation to the report?

MR POUND observed that this was taking an awfully long time, and one of the things that WADA would have to do to be effective in the fight against doping in sport was to act quickly and make sure that requirements for information were responded to in a reasonable time. This matter dated back to 2006, and was still being dealt with at the end of 2008, so something was not right.

THE CHAIRMAN said that he could only agree with Mr Pound. The time it had taken had blurred many of the issues. It was necessary to ensure timely investigation and response on any issue to get the optimum outcome. Mr Pound's observation was well founded. He hoped that, when the members next met, it would be to discuss the paper for the last time. The paper was noted. He asked the members to watch the three-minute corporate video before breaking for morning coffee.

DECISION

IWF compliance issue noted.

8. Departments/Programme Areas

8.1 Science Department Report

8.1.1 Health, Medical and Research Committee Chair Report

PROFESSOR LJUNGOVIST informed the members that he would not take up much time, as they had an extensive report in their binders explaining the activities of the Health, Medical and Research Committee over the past few months since the previous Foundation Board meeting. It reflected the general overview of the activities, the List, which would be in force as of 1 January 2009, research projects completed and granted, the accredited laboratories, standards for TUEs, and some medical activities. He would not go into those details. There were two items of particular interest listed separately on the agenda, the Athlete Passport and the follow-up of the research activities over the past six years.

DECISION

Health, Medical and Research Committee
report noted.

8.1.2 Athlete Passport/blood parameters

THE DIRECTOR GENERAL said that the Athlete Passport remained one of WADA's key activities going forward and WADA had continued to spend time, energy and money on its development. WADA would be completing publication of a booklet, which would harmonise all ADOs and their approach to the passport, covering everything that people needed to know about running an Athlete Passport programme, including result management. He hoped that this would be completed in the coming two to three weeks. Having completed the draft, the management would then consult and meet with those experts who had generously given of their time to the project to date, so that they could have input and offer guidance on the way in which it could be finalised before it was published. He hoped to be in a position to publish sometime early in 2009, and make it available to all those stakeholders interested in pursuing the Athlete Passport concept.

DR GARNIER believed that the document that the members had before them was sufficiently clear; however, he wished to highlight a couple of essential points to demonstrate how WADA had pursued this approach. A convention had been signed with the Lausanne research team to ensure scientific and legal validity. WADA had also commissioned an independent expert study to guarantee solidity regarding the mathematical process model employed. This independent study should be made public before the end of the year. WADA had developed a specific module to manage the Athlete Passport through ADAMS. This module was already being used by the UCI for its passport. To ensure WADA's coordination and harmonisation role and to avoid disparate approaches, WADA wanted to produce a veritable passport manual (as the Director General had stated), to be available by the start of the following year. It was a global document that went above and beyond fundamental scientific principles, taking into account all of the procedures necessary for the implementation of such a tool. It would include specific technical documents on issues such as sample collection and result processing. This would be made available to all ADOs wishing to initiate this new approach and would ensure harmonisation. The passport was a tool that would be developed and adapted to the doping methods currently used and other fields that had already been anticipated. An endocrine model was being developed with the experts concerned. In the operational phase, WADA should continue its monitoring role to ensure that everything was in accordance with the provisions of the Code and recommendations made in the other scientific documents. Based on the elements already in WADA's possession, it was possible to confirm the validity of the approach, which would enable the targeting of athletes, more sensitive detection and screening, and thus deterrence, and improve the protection of athletes' health through the detection of abnormalities, whether or not these occurred as a result of doping.

DECISION

Athlete Passport/blood parameters update
noted.

8.1.3 Scientific research programmes – report on 2001-2008 research projects

DR RABIN said that he would give a brief extract from the longer presentation that he had given the previous day to the Executive Committee to briefly review some of the key facts of the WADA research programme over the past eight years, as this programme had been started early after the inception of WADA in 2001. Over this period, WADA had received 441 projects, which had been reviewed independently and by the Health, Medical and Research Committee, from 36 different nationalities and the five continents. The research projects had come from 211 teams worldwide. What was quite significant, looking at the origin of the projects, was the fact that three-quarters of the projects had

come from research teams not directly involved in routine anti-doping testing, showing that the research programme attracted teams beyond the borders of traditional anti-doping activities, which was excellent in terms of bringing different science into some of the issues being faced in the research programme.

Looking at the total amount of money dedicated by WADA, nearly 40 million dollars, almost two thirds of the money went to Europe in terms of grants and targeted or reactive projects. About 17% went to Oceania, and a similar percentage went to the Americas. In the Americas, particularly the USA, USADA was also a strong promoter of research projects, which could explain why some of the teams had not come to WADA for sponsorship. Only a few projects had come from Asia, and WADA planned to further intensify the advertisement of the research programme to ensure that all of the teams around the world were aware of what WADA was doing in terms of anti-doping research. As of October 2008, out of the nearly 40 million dollars committed by WADA, about 25 million dollars had been spent on research, and 70 projects out of the 194 projects approved had been completed. Therefore, almost one third of the projects had been completed, and a lot was ongoing.

The previous day, he had presented the outcomes of the research in five different themes. He would not do that again, as it was rather long and technical, but he pointed out that significant progress had been made in several areas, including new detection methods, the detection of new substances and the improvement of current methods, as well as pharmacological and physiological studies, which helped WADA to better understand the environment of some of the drugs that were being worked with. It was difficult to illustrate the impact of the research, despite having provided a lot of information the previous day. He had tried to find a macro parameter, or a macro variable, about the impact of research in day-to-day anti-doping testing and efficacy. Looking at the simple graph, which referred to AAFs reported by anti-doping laboratories, starting at 100, when the Code, List and ISL had come into force on 1 January 2004, the members would see that there had been a constant increase in the reporting of AAFs by laboratories. This was a multi-variable graph, in that it reflected better athlete targeting, better sample collection, and also better ability by the anti-doping laboratories to report on substances and methods. Looking at the upper line, which referred to anti-oestrogenic drugs, that had been a lot of emphasis made by WADA, the WADA Laboratory Committee and the anti-doping laboratories on better detecting and defining this group of substances. After a dramatic increase over a period of three years, it was now falling, which could be a sign that athletes were now aware that there was better testing for these substances.

The WADA research programme was a truly international programme, reflected by the number of countries and research teams involved. The number of applications was coming to maturity: WADA had received 75 to 80 applications every year. About 25% of WADA's total annual budget was dedicated to research. There was a fairly high success rate, with about 40% of applications to WADA covered by WADA financial support, which was quite significant. There was good quality of results and achievements in terms of the impact on the capability of the anti-doping laboratories to detect and report substances, and also contribution to the knowledge of anti-doping science in the more international scientific literature. Each grant completed had generated about two international publications in peer review journals. It was important to explain what anti-doping science was doing, but also to show the nature of the results and how such results could be incorporated into general scientific knowledge worldwide.

Also, there were still some areas that needed to be further developed and implemented. Autologous blood transfusion was an extremely complex area in which WADA had gained tremendous ground over the past few years. He was happy to report that, during a discussion with Professor Ljungqvist in preparation for the Executive Committee and the Foundation Board, it had been agreed that a proposal would be made to dedicate the WADA scientific symposium in 2009 to blood manipulation and the detection of blood manipulation, including autologous blood transfusions, to review the

very good research and achievements made. Hormones/peptides and releasing factors was an active area of research, particularly in the pharmaceutical and biotech companies, and was something that should be followed very closely. Gene doping was another subject that could be seen frequently in the press. There were some very good projects that had generated some very interesting results and the first leads for the future detection of gene doping. Cell doping was another area to focus attention on in the future. WADA was very mindful of costs and did everything possible to limit expenditure; WADA also had anti-doping laboratories working on better integration of anti-doping methods and a lot of the laboratories were moving to new technologies to be more cost- and time-efficient.

For the future, he hoped to make some proposals, in particular one that was key in terms of addressing future issues, to further develop targeted research and WADA's capability to go and discuss with leading research teams in a given field and bring them into the anti-doping perspective, partner with them and capitalise on their research. Also, WADA sought to develop cooperation with the pharmaceutical and biotech industry. It remained a fact that the vast majority of doping cases were related to the abuse or misuse of legitimate drugs and the companies developing those substances knew, years before the molecules came onto the market, the potential of those molecules. He recommended maintaining the efforts made by the agency to date, as there was a strong feeling that the gap was closing. This was the report from the scientists working in the field. WADA was in a much better situation to detect and report on drugs compared to previous years before all of the research efforts had been made.

MR POUND said that he had been looking at the note on monitoring. Was part of what WADA did in its Independent Observer missions to monitor whether full menus were being applied and whether WADA was using the most modern testing methods? Taking the Olympic Games in Turin or Beijing as an example, were there things for which the responsible authorities had not been testing or methods that had not been used and, if so, what was WADA's monitoring role in something like that?

DR RABIN replied that the principle established was that the substances and methods listed on the Prohibited List formed the basis for the laboratories. WADA had a duty to ensure the best science available to make sure that tests were developed and implemented at the anti-doping laboratories. There were some methods currently being developed at the research level and, for those methods, some laboratories were not fully equipped to use them. WADA tried to ensure that the tests were implemented as soon as possible. The fact remained that WADA had shared a lot of information with all the scientists in the anti-doping laboratories so that, if a substance or profile was suspicious and a laboratory was unable to implement the method on the spot, the laboratory would have the opportunity to transfer the sample to another laboratory or have the capability to retest later on. The fact remained that there was a core group of methods and substances that all of the laboratories had to implement.

THE CHAIRMAN informed the Foundation Board that there had been significant progress made in the cooperation between WADA and the pharmaceutical and biotech industry. In Biarritz the following week, there would be an agreement signed by the representative of the French pharmaceutical industry and the French drug agency. That collaboration could not be underestimated, particularly in the context of some of the more recent breakthroughs that had occurred, flowing directly from such collaboration. He commended the French on the agreement into which they were about to enter and urged members to follow suit where applicable.

DECISION

Scientific research programmes update noted.

8.1.4 Updated criteria for WADA laboratory accreditation

MR BARROSO said that he would shortly be presenting the outcomes of the review process for the new criteria for WADA laboratory accreditation. In September 2007, the

WADA Executive Committee had approved a new model of WADA laboratory accreditation. According to this model, the WADA accredited laboratories around the world would be limited to a number of well equipped and experienced laboratories capable of performing all of the analytical tests required. The rationale for this was to increase the overall quality and standards of the WADA accredited laboratories and to try to harmonise where possible the work of the laboratories across the world.

In order to fit the new accreditation criteria to the new model, the Executive Committee had instructed an ad hoc working group (chaired by Mr Reddie and Professor Ljungqvist) to try to update the accreditation requirements. The working group, over a little more than a year, had come up with new and updated criteria concentrated on three main categories, involving the environment of the laboratory, the testing and quality of the analytical services and the participation of the laboratories in research activities. These criteria would be applicable to accredited laboratories and laboratories in the probationary phase of accreditation, and also to new or future laboratory applicants. Concentrating on the first criterion, the environment (mainly the political environment), two main requisites were contemplated. The first one was compliance by the country in which the laboratory was located; the NADO or Olympic committee of the country had to be Code compliant. The second one was that the host country would have to have ratified the UNESCO Convention. These two prerequisites were a go/no-go decision. In the second category, relating to the testing and quality of the analytical services provided by the laboratory, there were some important changes compared to previous criteria, the first one being that the minimum number of annual test samples was to be incremented from 1,500 to 3,000 samples, and also the laboratories would have to increase their basic analytical capability. The obligatory implementation of three new analytical methods would be required: the tests for hGH, erythropoietin and isotope ratio mass spectrometry for the detection of exogenous steroid abuse. Also, there would be new methods implemented on a regional basis, meaning that at least one laboratory in the region would have to cover the methods, particularly blood methods, i.e. blood transfusion, blood parameters, or the haemoglobin based oxygen carriers. Looking at the asterisks, the two provisions for the additional obligatory methods and the 3,000 annual samples would be required within two years of approval of the new rules, meaning two years from 1 January 2009 when the new ISL came into effect. Also relating to testing and quality, another parameter that would be looked for was the performance of laboratories in WADA proficiency testing rounds. The normal proficiency testing rounds were scored according to the ISL and also participation in the double-blind proficiency testing or EQAS programme. This double-blind programme meant that samples would be delivered to the laboratories as if they were normal test samples, so the laboratories did not know that these samples formed part of the proficiency testing programme, and that would tell WADA how the laboratories were performing routinely.

Regarding routine performance, any deviations would be assessed on a case-by-case basis according to severity, and a disciplinary commission would be set up by the Laboratory Committee. In serious cases, WADA reserved the right to have unannounced laboratory audits. Finally, regarding participation in research activities, as per the ISL, 7% of the annual budget of the laboratories had to be dedicated to research, but WADA was also promoting and recommending the sharing of knowledge within the anti-doping community through participation in anti-doping symposia and conferences, the publication of results in scientific peer-review journals, and also applications for research grants from WADA or other research institutions or bodies.

Regarding new laboratory applicants, there were some additional requirements; of course, any laboratory applicant would have to comply with the first two prerequisites regarding Code compliance and signature and ratification of the UNESCO convention. Also, the WADA Executive Committee would pay particular attention to the geographical distribution and political environment of the laboratory applicants, for example, if there was a RADO in the region where the new laboratory would be located, whether there was a need for increased capacity, whether the region was particularly underserved, and so on. Also, WADA would require a letter of support from the ADOs ensuring that the new

laboratories would have the necessary number of annual test samples and the necessary financial support for their activities and, as part of their business plan, the laboratories would have to show that they would be able to meet the requirement of 3,000 samples per year. Clearly, once the new laboratories were accredited, all of the rules applying to those laboratories already accredited would apply to the new laboratories.

In September that year, the WADA Executive Committee had approved the updated accreditation requirements, and these were reflected in the new version of the ISL that would come into effect on 1 January 2009.

THE CHAIRMAN acknowledged the ad hoc committee that had worked extremely well in the preparation of the ISL. The committee had provided some very important considerations, and he thanked the two chairs, Mr Reddie and Professor Ljungqvist, for their input.

DECISION

Updated criteria for laboratory accreditation update noted.

8.2 Education

8.2.1 Education Committee Chair Report

MR BOUCHARD stated that the Education Committee had met fairly recently, on 2 and 3 October 2008. A number of topics had been discussed, and he planned to talk about three of these. He started with the social science research programme.

The Committee had reviewed 21 grant applications. When evaluating and selecting projects for recommendation, members had to consider that, due to a limited envelope of 200,000 dollars for the Social Science Research Grant Programme, the committee could recommend only three projects for funding.

Members had agreed that the funding currently available primarily provided support to fund domestic research instead of much needed global research. They had agreed that additional funding should be made available to support a more global approach to this programme.

To address these two issues, committee members had decided to develop a five-year strategic plan, reflecting a way forward and supporting increased funding for the programme. Also to be reflected in this strategic plan, the following year's Social Science Research Programme would seek to implement both open and targeted research. The committee believed that this approach would better serve WADA in helping to develop specific programmes.

The committee was very pleased with the tools created by WADA to assist countries in developing preventative education programmes. WADA's Education Department continued to monitor and evaluate its activities and the use of its materials. Although this process had been mostly quantitative, it was seeking to become more qualitative by monitoring and evaluating changes in attitudes and behaviours.

Finally, programmes for 2009 had been discussed. Moving forward in further developing programmes in 2009, members had supported the Education Department's goal of creating interactive online resources to further expand its global reach while at the same time having resources available to cater to those countries that did not have easy access to web-based programmes.

As a result of a very successful pilot programme of the Play True Generation during the Commonwealth Youth Games, members were very excited about the rollout plan for this programme. Lessons learned from the pilot would be used to further advance the programme in preparation for the 2010 Youth Olympic Games in Singapore, thus better serving the programme but, more importantly, engaging young athletes.

The committee had also endorsed the department's initiative of partnering with Chooseco, creators of the "Choose Your Own Adventure" book series. These books, which would have an anti-doping theme, engaged the reader in making choices about where the story should go and how it should end. The Education Department would be working with the UNESCO Associated School Programme Network to develop curricula and ensure distribution of the materials.

The committee had been pleased by the expansion of WADA partnerships. Such partnerships would continue to promote a global approach to education initiatives. The committee had also recommended that the department begin a series of pilot projects working with various ministries of education throughout the world to integrate anti-doping education messages into the mainstream curriculum. The intention of such pilot projects was to develop a model to assist other governments integrate such material.

In conclusion, approaching 2009 and the first year of mandatory education programmes for all Code signatories, it was necessary to explore how WADA could best support global efforts to educate athletes and their support personnel about the risks and harmful effects of doping and further reach out to young athletes.

He invited Rob Koehler, Director of WADA's Education Department, to expand on some of the most recent activities of the Education Department, and he would invite comments and questions after his presentation.

MR KOEHLER said that his detailed report was in the members' binders. He simply wanted to provide a brief introduction to the Play True Generation programme launched in India at the Commonwealth Youth Games. The programme was about encouraging young athletes, their coaches and support personnel to be leaders in ensuring and promoting clean sport. WADA was looking for buy-in from these athletes, to be part of a generation of athletes wanting to play true. The programme for the Commonwealth Youth Games had obviously been targeted at the audience, aged 12 to 18 years, and the aim had been to ensure a fun and relaxing environment for the athletes to learn about anti-doping, with an engaging and interactive approach to learning about the issue. At the Commonwealth Youth Games, four things had occurred. As the members could see from the picture, there had been blow-up furniture, and WADA had made it fun for the young adults. There had been a youth edition of the anti-doping quiz, and athletes had been given the opportunity to sign a Play True Pledge, stating what play true meant to them at the Commonwealth Youth Games. They had also been encouraged to complete a survey, and, by completing all three activities, the athletes had been able to go and play some games, and WADA had learned a lot about how the games room had encouraged the athletes to want to learn more. He showed the members one example of the Play True Generation pledge card, which had been filled out by the athletes. It had been very encouraging to see that all of the walls in the location had been covered by these cards, filled out by the athletes and their entourage.

Touching briefly on the survey carried out among the athletes and their entourage, there had been 80 entourage members and 332 athletes. He wished to highlight a few of the outcomes of the survey, which would help WADA with the implementation of the Youth Olympic Games and other youth programmes in which WADA would be involved. The athletes had been asked about the reasons for not taking a banned substance and, as the members could see, the athletes had strongly agreed that taking banned substances was against the rules of sport, against the values of sport and against their own personal values. Over 90% had responded that they would not take banned substances because of the potential health risks. The athletes had also been asked why they thought athletes would use banned substances. They had responded that banned substances would improve performance, that athletes were pressured by others, and 63% had responded that athletes believed that they should take a banned substance to be competitive. In response to the question about who had the most influence on the athlete, the first answer had been the coach. The athletes felt that their coaches had the most influence on them, followed by parents, doctors and then friends. Finally, the

athletes had been asked how they wanted to learn about the issue of anti-doping, and 89% had felt that they needed to learn in an interactive manner. This was what WADA had been doing with the Play True Generation. General feedback from the athletes included the fact that they would like to see the game room repeated for future activities, have an athlete role model present at the events, hear about the real side effects and real stories from athletes who had experienced side effects as a result of using banned substances, and learn more about doping control procedures, and he had been surprised by the response that they would be interested in presentations about the issue.

After the Commonwealth Youth Games Play True Generation programme, he had realised that it was somewhat easy to implement at games. There had been challenges and some things needed to be improved upon, but the implementation had been easy.

He was now looking at moving forward with the Youth Olympic Games, and there had been a very productive meeting the previous week in Lausanne with the coordination group, speaking about culture and education, and one of the things that this group wished to see was pre-games work. The pre-games objective for all of the young athletes going to the Youth Olympic Games was to ensure that the programme was captivating, fun and that the information was retained. Passive content delivery was successful, ensuring 30% retention; but, after six weeks, such retention dropped to 4%. He wanted to ensure long-term retention of information, which was why, when the programme had been developed, combining all of the passive lecturing, audiovisual demonstrations and retention games, interactive games including discussion groups, practising and teaching others, the retention rate had increased to 80%. This was how WADA would move forward with the Play True Generation programme, ensuring that it was fun and interactive. One of the things currently being explored was e-learning for coaches, a web-based programme that would combine information and interaction for coaches.

For 2009, WADA would also start a pilot project, and he was very pleased to say that, over the past two days, when there had been discussion of piloting with ministries of education, several countries had come forward expressing interest in further exploring this approach (Mexico and Argentina; something was already ongoing in Costa Rica, and discussions would be taking place with Canada that week relating to a pilot project in schools). As also mentioned, by May, the adventure book would be concluded. This book was made to encourage athletes to think about their choices. Bad choices led to bad results. Each book had anywhere between nine and 18 endings. The Education Department would also be working with UNESCO to get the materials out into schools and, leading up to the 2010 Youth Olympic Games, activities on developing prevention campaigns for young athletes would be worked on. The department would also focus on social science research in 2009 and, with the development of a five-year plan, he hoped to be able to improve on the programme and ensure greater support and a global approach.

DR SCHAMASCH congratulated the Education Committee and the Education Department on the work undertaken. Education was essential and, without education, WADA's mission would fail. The IOC Medical Commission had worked closely with WADA to ask WADA to take charge of the anti-doping model in the courses implemented with Olympic Solidarity around the world, and the IOC Medical Commission had also asked WADA to prepare the chapter on anti-doping for the manual distributed during the courses. The second thing was to be sure that WADA had compiled a clear and complete inventory of all the anti-doping programmes developed by different countries in order to avoid reinventing the wheel. Finally, the objective was to try to be as visual as possible in the anti-doping programme to prevent a huge amount of translation.

On behalf of the IFs, MR RYAN offered massive congratulations to Mr Koehler and his team for the work that they were doing, and emphasised the importance of the opportunity presented by the Youth Olympic Games to get a quality message across in Singapore in 2010.

MR KOEHLER showed the Foundation Board members a brief video of the Play True Generation programme in Pune.

DECISION

Education update noted.

8.2.2 Social Science Research – report on research projects and outcomes

MR KOEHLER gave a presentation on the item and referred the members to the social science research report in their files.

DECISION

Report on social science research projects and outcomes noted.

8.2.3 Anti-doping programme development

MR KOEHLER gave a presentation on the item and referred the members to the anti-doping programme development report in their files.

MR REEDIE asked about the social science research programmes; the results appeared to be hugely interesting and of great value. Did WADA make the results of these projects available to other people who might find them interesting or did WADA sit and wait until the people came to WADA?

MR KOEHLER replied that the results were made available to people and a new database would make the dissemination of results easier.

THE CHAIRMAN said that the Commonwealth Secretariat funding had been extended until 2010; the more optimal outcome would have been funding to 2012, but the extension was not insignificant. That funding came from the Commonwealth countries, which were represented around the table by Australia, Great Britain, New Zealand, Fiji, Mauritius, Canada and South Africa. If people wished to assist in the matter, perhaps they could have a quiet word with their foreign ministers and indicate that, in the context of the budget, a very beneficial programme was taking place and any extension would be of great value to WADA.

MR ROWE (*standing in for Kate Ellis*) noted that the Commonwealth ministers at the meeting had resolved that funding should continue, and it now remained to try and carry that through.

THE CHAIRMAN said that he would talk to the management about that matter.

DECISION

Anti-doping programme development update noted.

8.3 Standards and Harmonisation

8.3.1 Testing programme strategies/anti-doping symposium 2009

MR ANDERSEN referred the members to the information papers in their files.

DECISION

Testing programme strategies update noted.

8.3.2 Out-of-competition testing update

MR ANDERSEN told the members that he would be happy to answer any questions that they might have in relation to the papers before them on out-of-competition testing.

PROFESSOR LJUNGOVIST referred to the issue of the out-of-competition testing programme. This had been discussed at length during the earlier presentation, where it had been found that most IFs did seem to comply in the sense that they did have out-of-competition testing programmes. Were they truly meaningful out-of-competition testing programmes, involving unannounced out-of-competition testing to some reasonable extent? He was afraid that there was still much to do in terms of truly unannounced out-of-competition testing in sports.

MR ANDERSEN replied that this question gave him the opportunity to respond to the question of in-progress IFs. Several IFs had reported that they had out-of-competition testing programmes in place and the issue would of course be monitored in due course.

MR POUND said that it had always been a pull and tug concern in WADA as to whether or not WADA should be doing tests, and the Olympic Movement had always insisted that WADA do a certain amount of testing, but it seemed to him that perhaps there was a quid pro quo in all of that, which was that WADA would do tests, but WADA would decide when and where and whom, and it need not necessarily be in conjunction with any ADO. Was that built into the deal that WADA would do testing on an ongoing basis?

THE CHAIRMAN replied that it was WADA's decision; that was not to say that other initiatives were not on the drawing board. WADA must have the capacity to test and he believed that it continued to do that and must have the capacity and right to test where it wanted and chose.

THE DIRECTOR GENERAL thought that the way forward was to make that strategy fair.

MR POUND concluded that the answer to his question was "not yet".

THE DIRECTOR GENERAL responded that it was a work in progress.

MR POUND said that maybe some kind of deal could be encouraged, so that WADA could perform testing when and where it wanted.

THE CHAIRMAN said that he fully supported that principle and thought that the message was clear.

MR REEDIE referred to the follow up columns. 23 of the 29 cases were all elevated T/E ratios. Was that unusual and, if so, would Mr Andersen like to speculate why?

MR ANDERSEN said that it was not uncommon that there were many elevated T/E ratios requiring follow-up, but it was an issue for many ADOs that there were elevated T/E ratios and of course additional work came with the follow-up testing.

DECISION

Out-of-competition testing update noted.

8.4 Communications

8.4.1 Director's report

MR DONZÉ highlighted certain key elements of some of the recent communications activities, all of which were documented in the report in the members' files.

MS SPLETZER informed the members about other activities that the Communications Department carried out. She mentioned the Athlete Outreach programme, which had been taken to the Olympic Games and Paralympic Games. Nearly 9,000 athletes and officials had visited the booth during both events. The Doping Quiz prize had been an

Asian-inspired hat and a USB stick. She wanted to thank the IOC and the IPC and the Chinese hosts for everything they had done to support the programme. The Outreach booth had been located right in the middle of the athlete village next to the main dining room. She had put together a short video to show the members, giving a nice overview of the programme and what had been achieved.

DECISION

Communication report noted.

8.5 ADAMS

MR NIGGLI updated the members on the programme since the previous meeting, referring the members to the information in their files. WADA continued to offer help to any organisations wishing to use ADAMS. WADA carried out remote training, and was there to help stakeholders get the maximum benefit from the system. WADA continued to progress with major games organisers. Finally, WADA relied on all of the Foundation Board members to help by encouraging others to use the system and showing them the benefits of doing so.

MR POUND asked whether WADA had started to work with London for the 2012 Olympic Games.

THE CHAIRMAN replied that WADA had not yet started to work with London, but would be doing so shortly.

MR REEDIE said that those who had been round the table for years would know the agonising amount of time and thinking and effort that had gone into setting up ADAMS. WADA had saved large amounts of money through the implementation of this system and had made it work. This should help the whole business.

DECISION

ADAMS update noted.

8.6 Governments

MS JANSEN noted that Mr Marriott-Lloyd, representing UNESCO, was present at the Foundation Board, which was very helpful.

She referred to the government relations update in the members' files. Attachment one to the update was a progress report on governments becoming states parties to the UNESCO International Convention against Doping in Sport. A second attachment showed all of the actions undertaken to encourage governments to ratify the convention.

WADA invited anybody with any more ideas or information in terms of encouraging those countries that remained to ratify the convention to do so, but the ultimate aim was 100%.

DR SCHAMASCH said that he wanted to be sure that the values developed by the WADA Education Committee were fully endorsed by the voluntary fund, and he was a bit worried about this kind of Balkanisation of funding.

THE DIRECTOR GENERAL observed that WADA had a very strong partnership with Mr Marriott-Lloyd and his team at UNESCO to ensure that there was no duplication of funding.

MR MARRIOTT-LLOYD confirmed that it was very much a partnership between WADA and UNESCO, particularly in the area of education. He sought to ensure that there was no duplication in terms of what WADA and UNESCO were doing, and that there was harmonisation between the two programmes.

DECISION

Governments update noted.

8.7 International Federations

THE DIRECTOR GENERAL said that Mr Moser had asked him to give the report as Mr Moser was in Istanbul. Mr Moser had said that the reports both spoke for themselves and wished to thank the Foundation Board members for their support during his period with WADA. Mr Moser had also wanted him to say that he had been very grateful for the support he had received from the Foundation Board members and all of the IFs. Ms Claudia Bokel had been asked to represent WADA, and it would be very remiss of him not to thank her for her participation.

DECISION

International Federations update noted.

8.8 Regional Offices

8.8.1 Lausanne

THE DIRECTOR GENERAL said that Mr Moser had asked him to say that the report spoke for itself.

DECISION

Lausanne regional office update noted.

8.8.2 Cape Town

MR SWIGELAAR referred the members to the report in their files.

THE CHAIRMAN noted the report.

DECISION

Cape Town regional office update noted.

8.8.3 Montevideo

MR TORRES referred the members to the report in their files.

PROFESSOR DE ROSE asked about information relating to the ratification of the convention by Chile.

MR TORRES replied that he expected Chile to have an instrument ratified as soon as possible and maintained weekly contact with the relevant authorities in that country.

THE CHAIRMAN said that perhaps Professor De Rose could talk to the prime minister.

MR KALTSCHMITT congratulated the regional representatives, especially the representatives from Latin America. He had doubted initially whether the office would work and had to accept that he had been wrong. He was very glad and satisfied with the work done by Mr Torres and Professor De Rose. It was not easy in any country; but, in Latin America in particular, there was a lot of bureaucracy. The progress was something that had to be applauded and that was mostly because of the work done by Mr Torres in close cooperation with the WADA headquarters.

MR TORRES said that this was a joint effort and would not be possible without the support of the stakeholders.

DR SCHAMASCH said that the regional offices had been very instrumental in helping WADA in terms of financial input from the various countries and he congratulated the regional offices on that. A certain number of small NOCs would not be able to totally comply with some parts of the Code. Could the regional offices work with the continental associations in order to help them to comply with the standards and the Code? Many small NOCs were not physically able to totally comply with the Code and would need some external help and he thought that, in some parts of the world, the regional offices could increase their assistance to the NOCs.

THE DIRECTOR GENERAL said that WADA did have a strategy for this. WADA was particularly concerned about assisting NOCs and would continue to do so.

DECISION

Montevideo regional office update noted.

8.8.4 Tokyo

MR HAYASHI referred the members to the report in their files.

DECISION

Tokyo regional office update noted.

9. Other business/future meetings

THE CHAIRMAN informed the members that the dates in the papers were to be noted. There was a view that something different should occur the following year to recognise the tenth anniversary of WADA and the progress that had been achieved since the establishment of WADA. WADA had commenced its operations in Europe, and there was a thought that the anniversary could be celebrated in a way that brought greater attention to its existence. Professor Ljungqvist had made a proposal to hold the November meetings in Sweden. He simply said that this was a work in progress and he asked the members to note the meeting dates.

PROFESSOR LJUNGOVIST thanked the President for giving him the opportunity to express a discussion he had held with the Swedish Government relating to the tenth anniversary of WADA. There was no official suggestion or invitation yet from the government; he had held brief discussions with the government representatives, and they had been very positive about the project. It would be extremely pleasant indeed to host the WADA meetings in Sweden. He felt that Sweden had a good anti-doping record, having been the first to ratify the UNESCO convention within a three-week period.

THE CHAIRMAN assured all of the Foundation Board members that any steps taken in this regard would be under the watchful eye of the Chairman of the Finance and Administration Committee. He asked the members to note the meeting dates.

MR POUND said that he had been asked to enquire about how it was that the Ethics Commission had not met.

THE CHAIRMAN responded that the Ethics Commission was an ad hoc commission, which was why it had not needed to meet.

He concluded the proceedings by thanking all of the members for the courtesy and manner in which they had conducted themselves during the course of the day. There had been healthy debate. He thanked the WADA team for their work, which allowed WADA to conduct meetings of this nature. The significant extra work undertaken was very much appreciated by everybody. He wished everybody a safe journey home and declared the meeting adjourned.

DECISION

Executive Committee – 9 May 2009, Montreal;
Foundation Board – 10 May 2009, Montreal;
Executive Committee – 19 and 20 September 2009, Montreal;
Executive Committee – 1 December 2009, location to be determined;
Foundation Board – 2 December 2009, location to be determined.

The meeting adjourned at 4.25 p.m.

FOR APPROVAL

JOHN FAHEY, AC
PRESIDENT AND CHAIRMAN OF WADA