

## **REPORT TO THE 136<sup>TH</sup> IOC SESSION, 2020**

**17 JULY 2020**

**SUBMITTED BY WITOLD BAŃKA, WORLD ANTI-DOPING AGENCY PRESIDENT**

Since my first report to the 135<sup>th</sup> IOC Session held in January 2020 in Lausanne, the World Anti-Doping Agency (WADA) – along with the rest of the world – has undergone significant upheaval due to the COVID-19 pandemic and its effect on the sporting world.

In May, we held an Executive Committee (ExCo) meeting by video conference and, although the Foundation Board (Board) meeting, scheduled to be held the day after in Montreal, Canada, was cancelled, a number of decisions were made by the Board via a circulatory vote.

What is outlined hereafter is a brief summary for IOC Members of some of WADA's main activities carried out since January 2020. A standard, more comprehensive, report will be provided for the next Session.

### **1. COVID-19 PANDEMIC, ITS EFFECT ON ANTI-DOPING AND WADA'S RESPONSE**

As with nearly every aspect of daily life around the world, WADA and the global anti-doping system have been significantly impacted by the COVID-19 global health emergency. From the very start, WADA has taken this issue extremely seriously with our number-one priority being public health and safety.

As the virus began to spread throughout the world, on [28 February](#) WADA announced its decision to cancel the 2020 Annual Symposium, which was due to take place in Lausanne from 17-19 March. The Symposium, which was to be delivered under the theme "Bringing the 2021 Code and Standards into Action", was primarily aimed at assisting [World Anti-Doping Code](#) (Code) Signatories in their adjustment to, and implementation of, the 2021 Code and International Standards, which will enter into force on 1 January 2021. Over the subsequent weeks, WADA launched a [series of webinars](#) that is being offered in place of some of the sessions that would have otherwise been delivered during the Symposium.

On [6 March](#), WADA advised Anti-Doping Organizations (ADOs) worldwide of the Agency's approach for monitoring the integrity of anti-doping testing in light of the pandemic and called on ADOs to prioritize health and safety while protecting the integrity of doping control programs.

On [20 March](#), WADA delivered a comprehensive guidance document for ADOs based on the latest information and advice available from the relevant health authorities. The guidance, which has been refined over time as the situation evolves, was developed in consultation with a number of stakeholders, including the International Testing Agency and National Anti-Doping Organizations (NADOs), and covers a number of areas affected by COVID-19, including the provision of whereabouts information, sample collection and transport to laboratories, sample analysis, education programs, investigations, results management, therapeutic use exemptions

(TUEs), compliance and other activities and obligations covered by the World Anti-Doping Program.

Primarily, the guidance advises ADOs on how best to operate their testing programs in this challenging environment. It follows globally recommended health and hygiene procedures while, crucially, also being in line with the Code and [International Standard for Testing and Investigations](#).

While some parts of the world are returning to normal and restrictions are being lifted, WADA has updated its guidance and concentrated in particular on what procedures should be employed by ADOs and their sample collection personnel when conducting testing during this period in order to protect themselves and the athletes they test.

In parallel to this, WADA responded to athlete queries by publishing question-and-answer documents on [23 March](#) and [25 May](#) that it developed in consultation with its Athlete Committee, outlining athletes' rights and responsibilities during this time and covering such topics as ongoing testing, minimizing the risk of contracting or transmitting the virus, filing of whereabouts information, validating TUEs, maintaining the integrity of the anti-doping system, and the issue of refusing to comply with testers.

To review the lessons learned, WADA has established a Strategic Testing Working Group that will, among other activities, collect feedback from ADOs on their testing programs during the COVID-19 pandemic. This expert group will also consider ways to address any other crisis situations that may arise in terms of testing in the future. WADA continues to stand ready to assist ADOs in supporting and monitoring their anti-doping program implementation.

On the education front, on [5 June](#), WADA published ADO Guidance for Remote Education Programs in light of COVID-19, which the Agency developed in consultation with its Education Committee. This document aims to support ADOs in carrying out remote anti-doping education programs for athletes, their support personnel and other stakeholders during the ongoing pandemic.

In addition, it was unfortunately necessary for WADA to [postpone](#) its third Global Education Conference, which had been scheduled to take place from 13-14 October 2020 in Sydney, Australia. The intention is to hold the conference next year in the same location.

## **2. THE U.S. ONDCP REPORT**

In June, the United States Office of National Drug Control Policy (ONDCP) submitted a 19-page report to the U.S. Congress criticizing WADA and calling for its funding to be withdrawn if the U.S. did not receive more representation within the governance of the Agency. The request from the ONDCP, under threat of funding withdrawal, would simply result in entire regions not being represented around the WADA table, such as Africa or Latin America (with the exception of Brazil) and for a reduction of the seats allocated to sport. Not only are these proposals clearly undemocratic but they are simply against the founding principles of WADA which are an equal partnership between the world public authorities and the sport movement.

It was very unfortunate that the report was written without due regard for the facts or context and with the clear intention to discredit WADA and mislead Congress. It is beyond WADA's comprehension that such a report was produced when representatives from the U.S. Government have never raised any concerns about WADA's governance model around the table of the WADA

Foundation Board table over the past 20 years, and actually endorsed (at the November 2018 meeting of the Board) the WADA governance reforms that are now being implemented.

On [26 June](#), WADA provided the ONDCP with a detailed rebuttal along with a request for the ONDCP to pass it to Congress in the name of fairness and accuracy. ONDCP did not inform congress but WADA was able to do so. WADA is encouraged, however, by the fact that a large number of governments, sports organizations and NADOs – some publicly, others in private – have rejected the ONDCP report, sought to distance themselves from it and offered strong support for WADA and the global anti-doping system.

On 7 July 2020, WADA's Director General, Olivier Niggli, and Director of Government Relations, René Bouchard, met virtually with the Professional Staff members of the U.S. Senate Committee on Appropriations as a follow up to the ONDCP Report. A follow-up document was sent to the Committee addressing all questions raised by the Professional Staff members at the meeting.

WADA has reiterated to the ONDCP the fact that it was still willing to help and support the U.S. Government to address its domestic issues and in particular college and professional sports that remain outside the World-Anti Doping Code system, and do not offer proper protection to its athletes, rather than focusing their efforts in hindering the world fight against doping to the detriment of their own athletes.

### **3. RODCHENKOV ACT**

On [12 March](#), WADA publicly acknowledged the decision by the United States Senate Committee on Commerce, Science and Transportation to approve the Rodchenkov Anti-Doping Act of 2019 for referral to and consideration by the U.S. Senate and called on the Senate to consider widely held concerns about the Rodchenkov Act.

WADA has continued to work with U.S. authorities to provide information as needed and to explain some important reservations that a number of other governments, anti-doping organizations and sports organizations share about the bill as it is currently drafted.

WADA supports governments using their legislative powers to protect clean athletes in the fight against doping, and the Rodchenkov Act is no exception. Specifically, WADA considers positive the proposed measures outlined in the bill to assist anti-doping by facilitating the sharing of information between U.S. law enforcement entities and the United States Anti-Doping Agency and by providing protection to whistleblowers.

However, some other very important elements of the bill will, if approved with no changes, have unintended consequences that have the potential to disrupt the globally recognized legal anti-doping framework and to undermine WADA's capacity to fulfill its mission as the global anti-doping regulator. WADA and many other organizations around the world, including the IOC, have a concern around the issue of extra-territoriality in the bill.

The bill in its current form could lead to overlapping laws in different jurisdictions that would compromise having a single set of rules for all anti-doping matters, all sports and all anti-doping organizations that are subject to the World Anti-Doping Code. This harmonization of rules is at the very core of the global anti-doping program.

A second unintended consequence is rather than assisting WADA and law enforcement engage whistleblowers as the legislation intends, the bill will actually impede the capacity to use

whistleblowers by exposing them to multiple jurisdictions and preventing 'substantial assistance' deals. This will thus greatly compromise WADA's and other anti-doping organizations' investigation capacity.

A third unintended consequence could be the emergence of other extra-territorial jurisdictions worldwide and their misuse for purposes other than anti-doping, for example to discriminate against athletes of specific nationalities. This would likely lead to retaliation by stakeholders concerned and set off a chain reaction, which would be detrimental to anti-doping and athletes from all countries, including the U.S.

On a number of occasions in the past six months, WADA has publicly and directly requested the U.S. Senate to consider these widely held and legitimate concerns about the Act and to permit WADA the opportunity to discuss those concerns in more detail.

#### **4. GOVERNANCE**

Since the Board approved a wide-ranging [series of reforms](#) of WADA's governance model at its November 2018 meeting, work has been continuing in the implementation phase of the plan.

The following elements have been fully implemented:

- Formation of a Nominations Committee to ensure the right people in terms of skills and independence serve in senior governance roles within WADA.
- An independent President and Vice-President, with a remuneration associated with the role of the President.
- A minimum of one seat each for both athlete and National Anti-Doping Organization representation on all Standing Committees.
- A limit of three, three-year terms (nine years in total) for all members of the Board, Executive Committee (ExCo), and Standing Committees, with no possibility of stepping out for a term and returning.

The following elements are well underway:

- The addition of two independent seats – with full voting rights – to the ExCo, regarding which candidacies are to be submitted to the Board for approval in November 2020.
- Formation of an Independent Ethics Board to ensure compliance with the standards of conduct required for good governance, which will also be submitted to the Board in November.
- Work with our Athlete Committee regarding how they can transform from an advisory body to a representative body, with a view to subsequently determining together how athlete representation can be further strengthened at various levels of WADA, including within the Agency's governing bodies. This work is currently being progressed by our Athlete Committee.

For WADA, it is clear that the above reforms are a first phase and that as with all well-run organizations, the Agency wants to ensure that its model evolves with best practice over time. Accordingly, a smaller working group of governance experts is to be set up shortly to look at additional reforms as part of a second phase.

In [May](#), WADA invited its stakeholders to nominate candidates for vacant positions on the 2021 Standing Committees. The Standing Committees, which report into WADA's ExCo, play a key advisory role in policy and priority development for the Agency. The successful candidates will be approved by WADA's ExCo on 11 November 2020 and take office on 1 January 2021 for three-year terms.

## 5. RUSADA COMPLIANCE & OPERATION LIMS

As communicated on [9 January](#), WADA filed a formal request for arbitration with the Court of Arbitration for Sport (CAS) to resolve the dispute surrounding WADA's compliance case against the Russian Anti-Doping Agency (RUSADA). WADA is committed to an efficient resolution of the proceedings to resolve the RUSADA dispute. The matter is now in the hands of CAS, and WADA is preparing for the hearing, which has been scheduled for November 2020.

The circumstances in relation to the non-compliance case WADA brought against RUSADA for alleged manipulation of some data are well known and will ultimately be decided at CAS.

Meanwhile, separate to that case, WADA is continuing to forge ahead using all available evidence it has collected, including data and samples from the former Moscow Laboratory. To that end, on [30 April 2020](#), WADA announced that its independent Intelligence and Investigations (I&I) team had completed its investigation of 298 Russian athletes that WADA I&I targeted as part of its ongoing 'Operation Laboratory Information Management System (LIMS)' probe into doping in Russia and had provided detailed case packages to a total of 28 anti-doping organizations, including 27 International Federations and one Major Event Organization.

153 of the 298 cases handed over to the 28 relevant anti-doping organizations are unaffected by the alleged manipulation that resulted in a non-compliance case being brought by WADA against RUSADA. However, WADA has provided packages for all 298 targeted athletes. This will enable the relevant organizations to access and evaluate all available evidence.

The evidence available for each package is different, and the relevant organizations now have to decide in each case whether to bring it forward as an anti-doping rule violation or not. WADA is reviewing and discussing the facts with each anti-doping organizations. The Agency will also review the decisions rendered by the anti-doping organizations and appeal, if appropriate, to CAS. In addition, WADA has the option under the World Anti-Doping Code, where no decision is rendered in a reasonable timeframe, to bring cases directly to CAS.

In addition, WADA's I&I is proceeding with the reanalysis of samples retrieved from the former Moscow Laboratory. This reanalysis process has so far uncovered 61 cases that are in the results management phase. This is in addition to dozens of cases that have already been brought and procedures that have been opened by International Federations based on evidence uncovered by 'Operation LIMS' in weightlifting, biathlon and athletics, as well as other cases in various sports that resulted from the Pound and McLaren investigations commissioned by WADA between 2014 and 2016.

'Operation LIMS' has been the most complex enquiry in anti-doping history, and WADA's investigations team has been doing an outstanding job. It has been a huge undertaking, involving thousands of samples, 24 terabytes of data, hundreds of athletes, and it is delivering real results.

Lastly, on [22 January](#), following the December 2019 decision of WADA's Executive Committee to unanimously support the assertion of non-compliance of RUSADA based on alleged manipulation of data from the Moscow Laboratory, the decision was taken to provisionally suspend the WADA-approved status of the laboratory, pending formal disciplinary action. WADA-approved laboratories, which must not be confused with fully WADA-accredited laboratories, only conduct analysis of blood samples in connection with the Athlete Biological Passport program, in regions of the world where the current network of WADA-accredited laboratories may be limited. This provisional suspension prohibits the Moscow Laboratory from carrying out any work.

## 6. STRATEGIC PLAN

On [2 July](#), WADA published its five-year [Strategic Plan](#), which lays the foundation for WADA's strategic activity for 2020-2024 as the Agency is 'Leading Anti-Doping in a New Era'. The plan was agreed by WADA's ExCo when it met virtually on 15 May 2020 and was subsequently approved unanimously by the Board via a circulatory vote.

In May 2019, WADA had initiated development of the Strategic Plan with a commitment to soliciting feedback from key stakeholders within the anti-doping ecosystem; such as athletes, representatives of the Sports Movement and governments of the world, industry influencers, as well as National Anti-Doping Organizations and WADA-accredited laboratories. The feedback acknowledged how much WADA had achieved over its 20-year history, how the Agency's growth had helped spur on the global movement for doping-free sport, and it also identified a number of areas where WADA could improve or focus more.

WADA is now in a completely different place than it was a few years ago thanks to the governance reform that the Agency initiated, to its increasing investigative work and to the strengthening of its compliance monitoring activities. While stakeholders recognize these achievements, there is consensus that WADA must go further to build bridges and unite efforts to protect athletes and the integrity of sports globally and that the Agency's resources are not reflecting the magnitude of the challenges that we face.

The Strategic Priorities laid out in the Strategic Plan have been defined with athletes at the center and will shape the transformational journey that WADA will take over the next five years. Day in, day out, the Agency will continue to collaborate with athletes and all our partners worldwide to strengthen the World Anti-Doping Program. The engagement and empowerment of athletes in developing Clean Sport is vital as we continue to build anti-doping capacity and community worldwide. Securing additional funding for anti-doping is also a major priority.

### Our Strategic Priorities

WADA defined the following Strategic Priorities, which address the key issues and challenges identified via our internal and external consultation:

1. **Lead:** Lead by example by taking bold steps to proactively tackle emerging issues with agility and innovative solutions across all facets of anti-doping.
2. **Grow Impact:** Expand the reach and impact of anti-doping programs by enhancing capacity building and knowledge sharing between anti-doping organizations and empowering local program delivery.
3. **Be Athlete-Centered:** Engage and empower athletes to contribute to the development of anti-doping policies, build an easier anti-doping journey for athletes, and increase the contribution that our programs deliver for athletes and their entourage so that they can build healthy and sustainable careers in sport.
4. **Collaborate and Unite:** Engage and collaborate with everyone involved in anti-doping, in particular with the sports movement and public authorities, to increase support, unity and coherence in everyone's efforts.
5. **Be Visible:** Raise awareness and shape a proactive narrative that will demonstrate the positive impact of doping-free sport and WADA's role.

6. **Perform:** Provide greater value to our stakeholders by reducing operational complexities and maximizing impact and cost-effectiveness.

## 7. ATHLETE ENGAGEMENT

Using the Strategic Plan as the guide, WADA President Bańka has now kickstarted a [series of meetings](#) with athletes and athlete groups, following up on his personal pledge to engage meaningfully with the athlete community and on WADA's overall commitment to being more athlete-centered.

As a former elite athlete, he understands the importance of listening to the views of athletes worldwide and addressing the matters that are of most interest to them. The Agency will be looking for every opportunity to engage with them to further enhance the global anti-doping system. Over the last months, Mr. Bańka has personally met with many of the athletes that sit on the WADA Board, ExCo, Athlete Committee and expert committees. This engagement will continue throughout his presidency, including meeting with individual athletes and athlete groups and associations that represent different sports, regions of the world and perspectives. Given current limitations brought about by COVID-19, this includes virtual calls with athletes that are already within the Agency's governance structure, calls with a range of athlete commissions, and many other virtual opportunities that will present themselves. Once COVID-19 restrictions lift, face-to-face discussions will be held.

It has also been decided that, starting with September's ExCo meeting, WADA will have a dedicated agenda item on athletes' matters during each ExCo and Board meeting, which will be in addition to the report by the Agency's Athlete Committee Chair. This will allow for better reporting to our stakeholders about initiatives being carried out in this regard.

## 8. 2021 WORLD ANTI-DOPING CODE AND INTERNATIONAL STANDARDS

On [16 June](#), WADA published the final versions of the 2021 World Anti-Doping Code and International Standards, which come into force on 1 January 2021. These final versions include limited changes from those that WADA published on [26 November 2019](#), which were the versions that were approved by the Board and ExCo, respectively, on [7 November 2019](#), during the Agency's World Conference on Doping in Sport that was held in Katowice, Poland.

Code Signatories are currently revising their anti-doping rules, with WADA's support where needed, to ensure that they comply with the 2021 Code. The [2021 Model Rules for Code Signatories](#) are guiding Signatories through this process.

Meanwhile, on [4 May](#), WADA's Code Implementation Support Program (CISP), which the Agency developed to help Code Signatories prepare for implementation of the 2021 Code and Standards went 'live'. The following types of CISP resources are available via the Agency's [Anti-Doping eLearning platform](#):

- Factsheets
- Video tutorials
- Checklists
- Presentations; and
- Pre-recorded webinars

These resources are focused on understanding the main changes and what Signatories can do to implement the 2021 Code and Standards. To start with, resources will be offered in English with French and Spanish being made available in the coming months.

## **9. IWF**

On [9 June](#), WADA confirmed it had received some evidentiary information from the team that conducted the McLaren Independent Weightlifting Investigation into the activities of the International Weightlifting Federation (IWF). This information covers the period 2009-2014.

Thanks to evidence obtained by the McLaren investigation team through access to IWF's servers and other sources that were not available to WADA, the Agency wrote to the IWF on 12 June to request immediate action on all pending doping cases, with priority being given to those that are close to the statute of limitations. The IWF is the entity responsible to ensure that proper results management is conducted under the World Anti-Doping Code, and WADA will monitor that process closely.

In addition, WADA's independent Intelligence & Investigations Department, which collaborated with the McLaren team throughout, is continuing its own ongoing investigation related to the sport of weightlifting. WADA is also reviewing all available information to determine whether any further action may be warranted in terms of compliance of the IWF and other relevant anti-doping organizations with the World Anti-Doping Code.

WADA is appalled by the behaviors exposed by the McLaren Investigation Team and strongly condemns all interference with anti-doping procedures with the utmost vigor. These revelations are incredibly upsetting for clean athletes, for WADA and for all advocates of clean sport.

As is recognized by the McLaren report, WADA is confident that recent strengthening of global anti-doping rules, and growing powers being afforded to it as the global anti-doping regulator, would ensure that, today, this kind of behaviors could be dealt with as a matter of anti-doping organization compliance within much shorter timelines. Through the new International Standard for Code Compliance by Signatories, which took effect in April 2018, WADA can now address delayed results management as a matter of compliance.

## **10. LAUNCH OF UNIVERSITÉ DE SHERBROOKE RESEARCH CHAIR ON ANTI-DOPING IN SPORT**

On [11 February](#), WADA and the Université de Sherbrooke, in Canada, officially launched the university's Research Chair on Anti-Doping in Sport.

The Chair and related graduate program in the field of humanities – which was developed in partnership by the two organizations, but which will be independently led by the university – aim to develop globally recognized expertise in the field of anti-doping through an approach focused on advancing research and knowledge transfer.

In [May 2019](#), WADA had announced the approval by the Board of the creation of the Chair and that as part of this partnership, the Agency committed to an investment of USD 200,000 per year for five years that the University would match. In order to ensure the long-term sustainability of the Chair, the university will work to raise additional funds from the public and private sectors.



## 11. PLAY TRUE DAY

On [9 April](#), WADA celebrated 'Play Safe on Play True Day 2020' with athletes, Sports Federations, National and Regional Anti-Doping Organizations, Major Event Organizers and other anti-doping stakeholders from the global Clean Sport community.

Every April since 2014, WADA and the anti-doping community worldwide have celebrated 'Play True Day' – a day intended to raise awareness among athletes, the sporting public and others about the importance of protecting Clean Sport. The inspiration for Play True Day stems from a WADA-hosted Education Conference in 2013, which was attended by 17 Latin American countries. While the celebration started as a relatively small Latin American initiative, it has since grown into a campaign that reaches millions of people with numerous individuals and organizations taking part from around the globe.

This year, given the impact that the COVID-19 pandemic, WADA seized the opportunity to engage the global anti-doping community – and all stakeholders in the fight to protect Clean Sport – in solidarity around the theme 'Play Safe on Play True Day 2020', asking them to participate in a digital and social media campaign by sharing what they are doing to help curb the spread of the virus. This successful #PlayTrue #Play Safe social media campaign reached more than 50 million people, with in excess of 2,500 posts being shared and more than 50,000 engagements.