

**Minutes of the WADA Foundation Board Meeting  
15 November 2018, Baku, Azerbaijan**

The meeting began at 8.30 a.m.

**1. Welcome, roll call and observers**

THE CHAIRMAN welcomed the members to the WADA Foundation Board meeting. As had happened at the previous day's Executive Committee meeting, he had to start that day with a heavy heart as he remembered his dear colleague, Mr Patrick Baumann, who had died suddenly on 14 October whilst attending the Youth Olympic Games in Buenos Aires. He was sure that he spoke for everybody when he said that Mr Baumann had been much admired and respected, a man of great integrity and an outstanding sport administrator with a very bright future, and he wished to recognise his immense contribution to sport and his commitment to WADA and anti-doping. It was without question a great loss to those global communities. On behalf of WADA, he had extended heartfelt condolences to Patricia, Mr Baumann's wife, his family, friends and colleagues, and he asked the members to stand for a minute's silence.

The following members attended the meeting: Sir Craig Reedie, President and Chairman of WADA; Ms Linda Hofstad Helleland, Vice-Chairman of WADA, Minister of Culture, Norway; Mr Andrew Parsons, IPC President; Mr Nenad Lalovic, GAISF Council Member, Member of the IOC, President, United World Wrestling; Dr Robin Mitchell, Member of the IOC, President, Oceania National Olympic Committees; Mr Richard Pound, IOC Member; Mr Jiri Kejval, President, NOC, Czech Republic; Ms Rania Elwani, representing ANOC; Mr Fabio Pigozzi, President, International Federation of Sports Medicine; Mr Andrey Kryukov, Vice-President, Kazakhstan National Olympic Committee; Mr Zlatko Matesa, President, Croatian Olympic Committee; Dr Tamás Aján, Honorary IOC Member, President of the IWF; Professor Ugur Erdener, Vice-President of the IOC, President, World Archery; Mr Jean-Christophe Rolland, President, FISA; Mr Francesco Ricci Bitti, President of ASOIF; Mr Jan Dijkema, President, International Skating Union; Ms Beckie Scott, WADA Athlete Committee Member; Ms Danka Barteková, IOC Member and IOC Athletes' Commission Member; Mr Bindra, representing Ms Kirsty Coventry, IOC Member and IOC Athletes' Commission Member; Mr Seung-Min Ryu, IOC Member and IOC Athletes' Commission Member; Ms Emma Terho, IOC Member and IOC Athletes' Commission Member; Mr Butuza, representing Ms Ioana Bran, Minister of Youth and Sports, Romania; Mr Kraslen Králev, Minister of Youth and Sports, Bulgaria; Mr Philippe Muyters, Flemish Minister for Work, Economy, Innovation and Sport, Belgium; Ms Gabriella Battaini-Dragoni, Deputy Secretary General, Council of Europe; Mr Akif Çagatay Kiliç, Member of Parliament, Turkey; Mr Noor Hassan, representing Mr Rachid Mohammed, Cabinet Secretary, Ministry of Sports and Heritage, Kenya; Mr Larue, representing Ms Macsuzy Mondon, Ministry of Home Affairs, Local Government, Youth, Sports, Culture, Risk and Disaster Management, Seychelles; Ms Tjongarero, representing Mr Erastus Uutoni, Minister of Youth, National Service, Sports and Culture, Namibia; Mr Marcos Díaz, CADE President, Dominican Republic; Mr Gerardo Fajardo, President of CONCECADE, Honduras; Mr Michael K. Gottlieb, Assistant Deputy Director, White House Drug Policy Office, Executive Office of the President, USA; Mr Reyes, representing Mr Ernesto Lucena, President of the South-American Sport Council (CONSUDE); Mr Mohammed Saleh Al Konbaz, President, Saudi Arabian Anti-Doping Committee, Saudi Arabia; Ms Tomoko Ukishima, State Minister of Education, Culture, Sports, Science and Technology, Japan; Mr Taekang Roh, Vice-Minister, Ministry of Culture, Sports and Tourism, Republic of Korea; Mr Yingchuan Li, Vice-Minister, General Administration of Sport, China; Mr Godkin, representing Ms Bridget McKenzie, Minister for Sport, Australia; Mr Cosgrove, representing Mr Grant Robertson, Minister for Sport and Recreation, New Zealand; Mr Edwin Moses, Chairman of the WADA Education Committee, Chairman of the Board of Directors, USADA; Mr Jonathan Taylor, Compliance Review Committee Chairman, Bird & Bird LLP; Mr Olivier Niggli, Director General, WADA; Mr Tim Ricketts, Standards and Harmonisation Director, WADA; Ms Catherine MacLean, Communications Director, WADA; Dr Olivier Rabin, Science and International Partnerships Director, WADA; Dr Alan Verneer, Medical Director, WADA; Mr Julien Sieveking, Legal Affairs Director, WADA; Mr Gunter Younger, Intelligence and Investigations Director, WADA; Mr René Bouchard, Government Relations Director, WADA; Mr Frédéric

Donzé, Chief Operating Officer, WADA; Mr Sébastien Gillot, European Office and IF Relations Director, WADA; Ms Maria José Pesce Cutri, Latin American Regional Office Director, WADA; Mr Rodney Swigelaar, African Regional Office Director, WADA; and Mr Kazuhiro Hayashi, Asian/Oceanian Regional Office Director, WADA.

The following observers signed the roll call: Richard Budgett, Andrew Ryan, Taera Choi, Chan Park, Rachel Kwon, Heymin Yun, Yan Qingping, Machacha Shepande, Kazushige Ogawa, Koichi Yamamura, Martin Vaso, Hannah Grossenbacher, Michael Vesper, Alexis Weber, Rune Andersen, Yewbzaf Tesfaye, Elhafiz E.A. Adam, Japhter Rugut, Jessica Jossob, Victoria Katukula, Frank Hans Dannenberg Castellanos, Fukuei Saito, Kaori Hoshi, Taichi Kaneshiro, Abdulaziz Almasaed, Akira Kataoka, Chihiro Maekawa, Keiko Uchitani, Rafal Piechota, Joanna Zukowska-Easton, Hubert Dziudzik, Shin Asakawa, Nobuhiro Takegawa, Mehmet Yogurtcuoglu, Rustu Guner, Joe Van Ryn, Olivier Fontaine, Andrés Tobias Rubio, Maren Aasan, Zhiyu Chen, Yewu Li, Yu Wan, Sergey Khrychikov, Liene Kozlovskā, Irène Kitsou-Milonas, Christian Balaj, An Vermeesch, Eva Bruusgaard, Jan Åge Fjørtoft, Viktoria Slavkova, Violeta Zarkova, Nick Paterson, Valérie Fournayron, Benjamin Cohen, Graeme Steel, Shafag Huseynli, Elchin Safarov, Azad Rahimov, Yusuf Mammadaliyev, Chingiz Huseynzade, Ulvi Guliyev, Ismayil Ismayilov, Namik Novruzov, Samaya Memmedova, Elnara Rasulzade, Victoria Aggar, Jeong-Ho Hong, Petr Koukal, Tegla Loroupe, Adam Pengilly, Ben Sandford, Richard Schmidt, Chiel Warners and Lauryn Williams.

#### – **1.1 Disclosures of Conflict(s) of interest**

He asked the members, if they had a conflict of interest in relation to any of the issues on the agenda, to declare it. In the absence of any such declaration, he would continue.

### **2. Minutes of the previous meeting on 17 May 2018**

THE CHAIRMAN drew the members' attention to the minutes of the previous Foundation Board meeting, which had been sent to them well in advance of that day's meeting. Could he assume that the minutes met with the members' approval? He would sign them at the end of the meeting.

#### DECISION

Minutes of the meeting of the Foundation Board on  
17 May 2018 approved and duly signed.

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

THE DIRECTOR GENERAL said that his report to the Foundation Board included a summary of the previous day's discussion at the Executive Committee meeting. He would therefore start with that before moving on to discuss the other points. The meeting had started with a statement made by the WADA President reminding all Executive Committee members of the need to work together, respect one another and respect decisions taken by the organisation in a democratic fashion following open debate. The President had strongly regretted the organised campaign over the past few weeks against the organisation and had mentioned in particular the summit organised in Washington to which a number of selected guests had been invited. They had all been against the decision taken by the WADA Executive Committee on Russia. The statement from the President had received strong support from public authority and Olympic Movement members.

The Executive Committee had then dealt with allegations of improper behaviour by a WADA Executive Committee member at the September Executive Committee meeting. They had been discussed extensively during the meeting. As part of the discussion, the findings of an independent review commissioned by WADA, but conducted by an external firm specialising in such matters, had been presented. While the findings had not concluded that the alleged bullying had taken place, the Executive Committee had agreed that, given the seriousness of the allegations, a second phase should take place to allow the many people present at the meeting to be interviewed so as to be able to conclude the matter satisfactorily. A further report would be presented to the Executive Committee at the earliest opportunity.

As far as a broader and more general investigation was concerned, that had also been discussed by the Executive Committee. It was concluded that an investigation was not merited at that time based on the information at its disposal. The Executive Committee had however concluded that legal advice should

be sought by the agency given that a letter had been received from a US lawyer in the past 48 hours on the topic.

The Executive Committee had then dealt with a number of decisions. It had decided to postpone the adoption of the ISL to allow for further consultation and take a decision in May next year. The Executive Committee had adopted some changes to the ISTI, in particular related to sample collection equipment and the minimum criteria to be met by such equipment. That was linked to what had happened before the Olympic Games in Korea when there had been issues with one manufacturer in particular and the importance of having a minimum level of quality requirements in place had emerged.

Under compliance, the recommendations of the Compliance Review Committee had been adopted by the Executive Committee: an assertion of non-compliance for Nigeria and the placing on a watchlist of the Gymnastics Federation (the IGF), with a four-month deadline for the remaining issues to be corrected.

The Executive Committee had adopted some changes to the TDSSA, including the mandatory implementation of the Athlete Biological Passport in all sports and disciplines requesting more than 30% of testing for erythropoiesis-stimulating agents.

Social science research grants had been approved, and six projects had been awarded a grant for a total of 209,000 US dollars. Each project had been in the range of 20,000 to 75,000 dollars.

The revocation of the Bogotá laboratory had been decided upon and, at the same time, it had been approved that the Bogotá and Lisbon laboratories would commence a fast-track procedure for reaccreditation. The Kazakhstan laboratory had been approved as a candidate laboratory.

Finally, a number of scientific technical documents had been approved, the main one on decision limits.

The Executive Committee had also made a number of recommendations on matters for the Foundation Board to decide upon that day. The most important recommendation was for the Foundation Board to adopt the governance reforms to be presented shortly. There was a recommendation to adopt the election rules; however, with the inclusion of the independence criterion from option one but with the exclusion of the nominations committee as currently proposed. Mr Sieveking would take the members through that. The Executive Committee did not recommend the adoption of the rules of conduct in the election process, which were also in the members' folders.

The Executive Committee formally recommended the adoption of the Executive Committee composition for the following year.

The Executive Committee recommended the adoption of the 2019 budget and the appointment of PricewaterhouseCoopers for another year as auditors of the agency on the understanding that there would be an auditing services tender the following year.

The members had his report which included his report for the September Executive Committee meeting in their folders.

He insisted on the fact (and it would come as no surprise) that, from a management and staff perspective, since the previous meeting, it had not been a particularly easy period to focus on anti-doping work. The constant attacks on the organisation had forced the staff to be reactive rather than progressing the work as planned. From a staff point of view, for the many people working with a lot of dedication to ensure that anti-doping was progressed, it had felt very discouraging, sometimes very unfair and created a lot of uncertainty and stress within the organisation, so he really hoped that, in the future, it would be possible to focus on the actual anti-doping work.

In terms of other matters that had happened over the past few weeks, the members would probably have seen that WADA had won an important CAS case, the Bruyneel case, involving several years of litigation. Bruyneel had been the manager of Lance Armstrong, and that result would never have happened without WADA's involvement.

WADA had organised a very successful education symposium in Beijing and he thanked the Chinese authorities and other organisations involved for their help. That had been very successful and very well received by all, and the President had been present.

WADA had also organised in Rome (and he thanked the Italian friends for their help) an Athlete Biological Passport symposium earlier that month. It had been a high-level scientific gathering, and there had been very welcome and positive feedback on the meeting from all (IFs, NADOs, scientists, laboratories, and so on), and he thought that that was also positive.

WADA continued to do a lot of work on the Code, as he was sure the members would have seen by the amount of paper they had received. The revision of the Code and Standards continued and was an absolute priority in the lead-up to the World Conference on Doping in Sport the following year.

The members would be updated on the progress with ADAMS. The athletes had received an update at their meeting. He thought that a lot of progress had been made and it would be satisfactory to the athletes.

Investigations were continuing and WADA was very busy on that front. So overall, a lot of things were happening and a lot of good work was being done and that should be the focus of attention.

Dealing with the strategic plan approach, which was linked to his report, there had been a discussion on that during the previous Executive Committee meeting in the Seychelles based on the lessons learned from the Russian experience and the fact that, after completion of the first phase of the governance review, WADA should be looking at working on the revision of the strategic plan. That would include not just building a new strategic plan but also doing a gap analysis in consultation with stakeholders to see what could be done better or what was missing, and a risk analysis of the various activities. WADA was in discussion with a couple of different consulting firms to see how that might be set up.

THE CHAIRMAN paused the meeting proceedings and said that he was delighted that Minister Asimov, Azerbaijan's Minister for Sport had been able to join the Foundation Board.

MR ASIMOV addressed the meeting participants. He was delighted to welcome everybody to Baku. It was no coincidence that such an internationally acclaimed event was taking place in the capital city of Baku. It had hosted the first European Games, the fourth Islamic Solidarity Games, the World Chess Olympiad, the Formula 1 Grand Prix, world and European championships, and was delighted to be able to host this event, appreciating the importance and sensitivity of the issue.

It was an illustrative example that the Azerbaijani Government attached special importance to the development of sport and exceptional attention to clean sport. It was proud and committed to building crystal clear, transparent anti-doping structures in the country based on the principles of independence, equality and fairness. He expressed his gratitude to the WADA team for all the help and support provided to the Azerbaijani ADO (AMADA) during the capacity-building process and special thanks to the Polish ADO for its important help.

He was delighted to note that AMADA had managed to make sure that its efforts in ensuring integrity in sport, supported by the Azerbaijani Government, were met by the sport community with the understanding that it was about the protection of clean sport and the rights of clean athletes.

There were many approaches to ensuring integrity in sport, but it was his strong belief that the best way to deal with the particular problem was to educate. It was necessary to raise awareness about anti-doping issues not only among the professional athlete community but also to make efforts to involve the wider community and enlist the support of a wider circle of stakeholders. He was happy to see lasting improvements with more people getting active and involved in promoting clean sport. The highest priority was to protect the integrity of sport to ensure that clean athletes had an opportunity to compete on a level playing field. There was no better way to do it than in a spirit of cooperation and partnership.

He was sure that the Executive Committee and Foundation Board meetings in Baku would be the platform for sharing innovative ideas and visions. Those ideas and visions would help increase the role and level of clean sport promotion. He wished every success to the members and once again stated how happy he was to welcome the participants to his country, Azerbaijan.

THE CHAIRMAN thanked the minister for his kind words and put on record his grateful appreciation to the minister and all of his colleagues for the substantial assistance given to WADA for the meetings, the warmth of their welcome and the monumental dinner and entertainment that they had enjoyed the previous evening. It had been a very exciting two days.

MR COSGROVE said that he had some comments and hoped that they would be seen in the spirit of the Chairman's introductory comments in terms of resolving issues and moving on.

He started by honouring the memory of Mr Baumann; his heart went out to his spouse and children.

He wished to address the so-called investigative report alluded to by the Director General. He wanted it on the record that he believed that the report was inadequate and incomplete and, therefore, should be withdrawn. He said that because the mandate from WADA to the investigative company had been only to review the tapes and written transcripts. The mandate had prevented the company from interviewing any people present at the meeting in question, including the complainant and the accused and that, in his view, was a breach of natural justice. Because no witnesses had been interviewed, no account had been taken of the remarks made to and directed at Ms Scott when the microphone had been turned off. The Director General had stated that there had not been enough time to interview any individuals present at the meeting in question. He put it to the Director General that the claim was invalid, as the company had been engaged on 16 October and had reported some 22 days later, on 7 November. In his view, there had been ample time to interview at least the complainant and anybody accused. The Director General had stated that Ms Scott had been approached by him and asked if she wished to provide him (not the investigation company) with input into the case and issue. She had rightly declined, as the investigation had been about the conduct of WADA, which was headed by the Director General. The report had been unable to confirm that there had been bullying or belittling that had occurred during the meeting. Further, it had been unable to confirm that the exchanges during the meeting had been of the abusive characteristic required to constitute bullying. Nor had it been able to confirm that the exchanges had caused Ms Scott to seem little or less; but, bizarrely, it had then concluded, subject to all the issues it had been unable to confirm, that Ms Scott had not been disrespected and WADA had been cleared. Having drawn the aforementioned conclusions, WADA sought retrospectively 'to allow the many people present at the meeting to be interviewed so that the matter could be concluded satisfactorily'. So, in essence, the verdict was reached and then the witnesses were asked if they wished to be interviewed, which in any tenets of law was bizarre.

Finally, the Director General had advised that WADA needed to take legal advice in respect of Ms Scott's formal request via her legally engaged counsel for a wider independent investigation of allegations of bullying and harassment of WADA; however, the previous day, the Director General had authorised media staff to respond to journalists about the investigative report, a response that had simply claimed that WADA had been cleared and had not alluded to the facts he had outlined to the Executive Committee members that day.

In his view, the response created a one-sided impression and had put WADA at legal risk. His view was that the report should be withdrawn and Ms Scott's request for a proper, open, independent enquiry should be agreed to immediately. The reason was to resolve the issues and, in doing so, strengthen the international institution that is WADA.

MR DIJKEMA said that he had not received a report, as it had not been given to the Foundation Board members, so he wondered whether it was a Foundation Board matter. Had there been a unanimous conclusion the previous day at the Executive Committee meeting, or had there been a vote and abstentions? It might be good to know. He was not aware of the contents of the report since he had not received it.

MR POUND said that his understanding was that the WADA policy did not accept any kind of bullying or harassment, and that was a good policy to have. There had been a complaint, there was only one he knew about, it was not a climate of bullying or harassment. Whatever might have happened in the early stages of the internal investigation was one thing. He also understood that the matter had been referred to an independent organisation that did that sort of work and it had reviewed the evidence collected to date and, on the basis of the evidence collected to date, it had reported, at least on an interim basis, that it did not see any harassment. That was not the end of it, of course, and he thought that WADA had quite properly decided not to conduct the investigation all by itself. It had made available the evidence it had, and made it clear that, if there was other information that witnesses or people had, that should be brought forward. That was certainly proper; however, he did not think that WADA should draw any conclusions as to what had actually happened on the basis of what the members currently knew. It was also prudent on the part of WADA, if it had had representations or statements made to it by a lawyer on behalf of the complainant, that it seek its own legal advice. Those matters were delicate and there were

processes that had to be put in place. The key was a process that would elicit all the facts. It seemed to him that that was in place. WADA should take its legal advice and let that process evolve and reach a conclusion. It was important for all the members to say that, in WADA, they did not tolerate bullying.

MR DÍAZ added to the comments. As Mr Pound had mentioned, the matter had been taken very seriously, and the public authorities had acknowledged a serious complaint and also that WADA and the Director General and WADA management had taken action immediately, going through a third party that had been outsourced. The public authorities had requested a second stage of the investigation, which had been approved unanimously. He looked forward to the outcome.

PROFESSOR ERDENER fully agreed with Messrs Pound and Díaz. There had been a very lengthy discussion the previous day during the Executive Committee meeting and an agreement of principle had been reached with a great majority. In any case, the process for the investigation would be ongoing and there would be no need for further discussion, especially in the public sphere, which would damage such an important organisation.

THE DIRECTOR GENERAL clarified certain points. The Executive Committee had discussed the matter fully the previous day. The request that the report be withdrawn had already been made by Mr Cosgrove and rejected by the Executive Committee. The report had never sought to be anything other than what it was. It was clearly indicated that it was based on the recording of the meeting and the transcript, and that nobody had been heard. The fact that nobody had been interviewed was simply because, in order to operate natural justice, one needed to listen to everybody and not just one person. There had been about 50 people in the room and that would not have been possible over the course of one week or two. It was clear to everybody that it was a first phase, carried out within less than one month. The second phase would take more time because there would be a lot of people to interview. It was not a matter of just hearing one or two people to get their view on the matter, and their claim this would be natural justice. He thought that that was very clear.

Mr Cosgrove had also referred to a statement made by WADA the previous day. He had read the statement to the group that morning in his report. It was exactly the statement made the previous day: in his summary of what had been discussed the previous day. Nothing else had been published by WADA. What the media published was a different matter and WADA did not control that.

MR POUND made two points in addition. As a WADA Foundation Board member, he found it very annoying and very unacceptable and very damaging to WADA that there were leaks of documents. It was really important, and anybody sitting at the table knew it was important that some topics had to be discussed openly and that there would be a different view expressed by people before getting to the final decision, and one had to have confidence that all of those discussions could take place confidentially. It was not acceptable to start putting out documents to the media. He hoped that the WADA management would take whatever steps were necessary to identify what was happening. He certainly hoped it was nobody at that table. If it happened to be observers at the meetings, then the members might have to revisit the possibility that WADA was being too transparent and that that was impeding the work of the organisation. That was unacceptable in an international organisation of that nature.

His second point related to the amount of documentation that the members received.

THE CHAIRMAN asked if the Foundation Board could deal with the leaks issue.

MR POUND stated that he would reserve his right to talk about documents.

THE CHAIRMAN responded that he would concede that but, for Mr Pound's information, the Executive Committee had dealt with the leak of documents matter very firmly when there had been a mass of leaks prior to a very contentious meeting in the Seychelles at which WADA had dealt with RUSADA compliance and that effectively meant that, for about seven or eight days before an Executive Committee meeting, WADA had been in a media firestorm. WADA had taken a decision that that should not recur and had asked Mr Younger, the Agency's investigative officer, to look into the matter, and he had done so. WADA had not been able to prove who had done it, but the point made by Mr Pound that it was not a good way to run a business had been made and it had been made again the previous day. There had been very shaky security arrangements at the meeting in the Seychelles and information had escaped, but it was quite clear that people still felt free to put issues in the media as befitted them. He agreed that it made the conduct of the organisation extremely difficult and he was grateful to Mr Pound for raising it.

MR POUND observed that one would have to read War and Peace twice in order to deal with all of the documents prepared for that meeting. He thought that an ad hoc working group should be set up to figure out exactly what should be provided at the meetings. Ideally, there should be a meeting file with a maximum of 100 pages; if there were information geeks who wanted to follow a link to the source documents, that was all very well, but what the Foundation Board members needed was the issues and the agenda items on which advice or feedback were sought. That could be limited to three, four or five points to be considered, but to dump those documents on the entire Foundation Board was neither fair nor sensible. He read quickly and in English. He hated to think what some of the colleagues struggling with a second or third language would feel, so it was not productive and, frankly, it could lead to the impression that the organisation did not want any advice because nobody could possibly absorb what was provided.

THE CHAIRMAN specifically denied the last accusation. Of course WADA wanted advice. It was particularly heavy at that meeting because WADA was providing interim reporting on a Code and several international standards. There were some people who trusted the management and did not go through the standards, whilst there were others who took a great deal of interest. It was easier for the Executive Committee members who picked up a rhythm of information and could follow notes. If the best use of the time of the Foundation Board members was to deal with five or six serious issues, then the meetings should perhaps be structured that way and perhaps leave the members with the ability to get all of the background information via some kind of link. The point would be taken on board.

THE DIRECTOR GENERAL said that he hoped that Mr Pound had been reading more peace than war. The management had been trying to distinguish between the background information and the main documents, so there were links, and those who wanted to download everything could do so. At that time, with the revision of the Code and standards, that was the bulk of what the members had received. The main changes could be summarised without the detailed wording being provided. Clearly, there were different views depending on organisations and so on. He took Mr Pound's point on board. He realised how much work was entailed. He would be happy to try to find a solution. If the members did not get everything or if not everything was available to them, he did not want that to backfire on the organisation with members saying that they had not seen everything, and it was not transparent.

MR POUND said that it was probably the tenth time he had raised the matter and he had started raising it when he was president, so it just showed how long it had been going on.

THE DIRECTOR GENERAL acknowledged that that just went to show that there was no easy answer.

#### DECISION

Director General's report noted.

### – **3.1 Strategic plan approach**

#### DECISION

Strategic plan approach noted.

### – **3.2 International Testing Agency activity report**

MS FOURNEYRON addressed the Foundation Board members. It was an honour and pleasure to find herself attending the meeting of the WADA Foundation Board two years after leaving it in 2016 after four years of commitment to the agency, first as a sport minister representing Europe, then as a doctor chairing the Health, Medical and Research Committee.

In 2017, the Foundation Board had validated the statutory framework of a new actor in the global anti-doping landscape, the International Testing Agency. The WADA Executive Committee had then approved the composition of a five-member board and her nomination as the first ITA chair following a review of the candidacy by the WADA ad hoc nominations committee. In addition, WADA had been given a permanent seat on the board as an observer. After seven months of operations, she had been invited to give the members a short report on the ITA's activities and she thanked the Chairman for giving her the opportunity.

The ITA had been born during the turmoil generated by the Russian scandal. The Olympic summit, which brought together all of the stakeholders in the Olympic Movement alongside the IOC, had

supported the principle of making anti-doping testing operationally independent from sport organisations and national interests. The Olympic Movement had called for the establishment of an independent authority and asked WADA as the global anti-doping regulator to take the lead in the process. The Foundation Board had therefore approved the establishment of a working group and a steering group composed of representatives of the sport movement, public authorities and NADOs. Based on collective effort and following a number of discussions among the different stakeholder groups, the WADA Foundation Board had approved the framework for the establishment of the ITA. She was in a position to say that she had not a single doubt about the relevance of the organisation in the world of anti-doping and was confident that it would contribute significantly to the collective fight against doping in sport. The ITA could indeed contribute to creating a level playing field among athletes and restoring their trust in the system; however, it could not achieve that alone. The ITA's operational independence did not mean that it should not foster strong cooperation, collective intelligence and information sharing with NADOs and IFs through the expertise they had gained over the years. It also implied working closely with the various intelligence units and whistleblowers willing to disclose information for the protection of clean athletes.

Before she updated the members on the latest activities of the ITA since its official registration as a not-for-profit foundation in Switzerland on 5 March 2018, she took a few minutes to remind the members of the mission of the ITA.

The ITA was there to address five key objectives: one, to guarantee operational independence in the fight against doping in sport, in particular in the way doping controls were conducted, getting away from real or perceived conflicts of interest, where ADOs kept internal responsibility to target and manage tests, issue TUEs and manage test results. Two, to reinforce and centralise the expertise that existed among the sport movement, major event organisers and NADOs around a team of experts entirely dedicated to anti-doping operations. With that objective in mind, the director general, Benjamin Cohen, had appointed in February staff from all corners of the world representing various stakeholder groups, the sport movement, NADOs, laboratory experts, doctors, academics and lawyers, all experts in the field of anti-doping. He had also ensured the smooth transfer of the GAISF Doping-Free Sport Unit to the ITA. In that respect, she also wished to warmly thank and pay tribute to the late Mr Baumann, who had been instrumental in the smooth transfer of the GAISF team to the ITA. The ITA team of 18 staff was established at its headquarters in Lausanne and continued to grow and add world-leading expertise to its ranks. Three, to help ensure compliance with the World Anti-Doping Code among anti-doping organisations that decided to partner with the ITA; in addition, the ITA could help its partners comply with increasing requirements in the areas of IT security and data protection. Four, to harmonise processes and policies to ensure equal treatment of athletes across all sports and countries. While there was one single Code applying uniformly across all sports and countries, practice showed that significant discrepancies remained. Given its position, the ITA could therefore act as a catalyst to increase a level playing field and consolidate the efforts of the anti-doping movement, which was spending significant resources on the fight against doping in sport so that, together, it would be possible to regain athlete and public trust.

The members would see the organisational chart of the ITA, which provided for a clear demarcation between the board and the operations, the latter being centred around testing, science and medical, and legal and compliance. The ITA provided a comprehensive range of services to ensure that it could effectively manage the full programme of its partners. She gave the members an overview: testing in and out of competition, major event anti-doping programmes, supporting ADO compliance with the World Anti-Doping Code, risk assessment, test distribution planning, long-term storage and reanalysis of samples, Athlete Biological Passport, TUEs, research management for adverse analytical findings and anti-doping regulations, ADAMS management, education and investigations.

Over the past eight months, the ITA had held regular meetings with IFs, major event organisers, WADA, the IOC, NADOs, laboratories, sample collection companies, the CAS and universities to present its activities but also to engage in various cooperation areas for the good of clean sport. A number of bilateral meetings with IFs and NADOs had already taken place and she was pleased to report that close to 300 stakeholders had already visited the ITA headquarters in Lausanne since July. More importantly, for the first time, the ITA had conducted the programme for the Youth Olympic Games in Buenos Aires, and she was pleased to report that cooperation between the ITA and the local organising committee had



gone well and that the programme had been successful, with a strong emphasis on education and prevention.

The ITA was currently working with the local organising committees of Lausanne 2020 and Tokyo 2020, and was also getting ready for the upcoming Winter University Games. The ITA was also in discussion with the organising committee of the European Games to be held in Minsk and the organising committee for the Pan American Games to be held in Lima the following summer.

Since the ITA director general had taken on his functions in June 2018, the ITA had signed global cooperation agreements with the IFs of table tennis, boxing, judo, taekwondo, university sports, handball, gymnastics, weight lifting and biathlon. An important contract had also been signed with the IOC in relation to the reanalysis programme of the Olympic Games. Naturally, the partners of the Drug Free Sport Unit (the DFSU) had become ITA partners. In addition, WADA, the ITA and the Lausanne laboratory cooperated on the analysis of samples stored in Lausanne since their extraction from Moscow, before the suspension of the laboratory. With already more than 30 international partners, the ITA continued to develop its activities and support anti-doping organisations with their anti-doping programmes. As WADA had an ex officio seat on the ITA board as an observer, she was keen to show how truly beneficial the ITA was to global anti-doping efforts.

Of course, as was the case with any new international organisation, the ITA had several challenges, including the ITA's position in the anti-doping landscape. She had recently been invited by the French Parliament to present the ITA as a new body of WADA. It was therefore important that the roles and responsibilities be clearly understood. WADA was a global regulator, while the ITA ran anti-doping programmes with operational independence on behalf of ADOs that wished to delegate their programmes to an international centre of expertise. The second challenge was to build a structure agile enough to be able to scale up during major events and continue to run the regular programmes of partners with the same level of service. Another important challenge was to guarantee IT security and data protection, which were key to all partners, but more importantly to all athletes whose data was being processed for anti-doping purposes.

As a not-for-profit foundation, the ITA continued to work on a pricing model that could be absolutely transparent and able to serve partners who were predominantly not-for-profit organisations themselves. The ITA worked for a significant number of organisations and aimed to create economies of scale and share the significant costs generated by anti-doping activities. The ITA would also like to continue taking part in the discussion in relation to the current revision of the World Anti-Doping Code. Many items had an impact on the ITA and many ITA activities had an impact on WADA. It was therefore important to maintain a permanent line of communication to ensure that a new Code could best serve the anti-doping community, taking into account the ITA as a new important piece of the puzzle, in particular in the areas of testing, compliance monitoring, result management, ADAMS access and the Athlete Biological Passport to name just a few.

To conclude, there were numerous clear benefits to joining the ITA. The mission had just started and she was fully committed to contributing to making the ITA a success for the global anti-doping community. The ITA's unique goal was summarised by its motto: Keeping sport real. The ITA wished to provide athletes and the public with more confidence in the fight against doping in sport. The other day, a journalist had asked her what the main success factor of the ITA would be in her opinion. She had answered that she thought that the ITA would be truly successful when all athletes, irrespective of their country and sport, asked their umbrella organisations to join the ITA as a site of independence, excellence, integrity and quality. She thanked the participants for their attention.

MS BARTEKOVÁ congratulated Ms Fourneyron and thanked her very much for leading the initiative. It was great to have support from the ITA to make the world anti-doping system a little bit more transparent and independent, and she thanked her for the work she was doing.

MR GODKIN thanked Ms Fourneyron for her very helpful presentation. Could she expand further on the ITA's aspirations for further collaboration with NADOs in the interests of pursuing the global solidarity she had mentioned?

MS FOURNEYRON responded that the question on independence was a justified question and it had been at the beginning of the story of the ITA. The only responsibilities of the board were to appoint, dismiss, vote on the budget and vote on the strategic plan; but, in terms of operational responsibilities,

the team and the director general were in charge of the work. It was very important to the organisation of course, and it had been the WADA Foundation Board members' choice when they had voted to appoint the five-member board. There might be some changes in the future, but it really was an operationally independent agency.

THE CHAIRMAN thanked Ms Fourneyron very much indeed. The members would follow the progress of the ITA.

#### DECISION

ITA activity report noted.

#### – **3.3 UNESCO convention activity report/update**

THE CHAIRMAN noted that there was no report from UNESCO.

### **4. Working Group on WADA Governance Matters**

#### – **4.1 Working Group recommendations**

THE CHAIRMAN informed the members that Professor Haas had been chairing the governance review working group for the last two of the five meetings. He was in Zurich, as he could not be present in person that morning. He would provide his report via video.

PROFESSOR HAAS stated that he was very happy to present the results of the working group. The task entrusted to the group looked quite small from a distance but, if they got any closer, the members would realise it had been quite a steep mountain to climb. He described the road map used in order to get to the summit. The think tank had suggested a new structure for WADA in September 2016, an idea taken up in November 2016 by the Executive Committee and, in January, the Foundation Board had approved the composition of the working group and the terms of reference. The group had met for the first time in March 2017 and the last meeting had taken place on 22 October 2018. Some of the meetings had been in person, some by teleconference. In terms of the composition of the group, there had been a chairman, five representatives from the public authorities, five from the sport movement, two athlete representatives, representatives from the NADOs, and two independent experts on governance issues with non-voting rights. The two experts and the chairman had been appointed by WADA. For the in-person meetings, there had also been observers attending the meetings and there had been support from the WADA management in steering the course of the working group. The methodology applied had been with the terms of reference constantly in mind, seeking to have the maximum support from members when trying to find solutions. The aim had been to have consensus. In addition, at the end of the day, the group had borne in mind that there would have to be a two-thirds majority at the Foundation Board to get recommendations through. Nevertheless, the group had tried to have the best changes possible for a new structure for WADA. The members needed to bear in mind that the recommendations in front of them were not a legal document. It was necessary to turn those recommendations into a final legal document, which was a change of the statutes.

One of the biggest issues the group had sought to tackle had been the issue of independence. There had been widespread support within the group that independence was an essential prerequisite for good governance within WADA; however, the group had also felt that there was no one-size-fits-all approach and that, depending on the hierarchy level in WADA, different categories of independence should apply. The flexible approach had been to have a general principle of independence that applied to pretty much every level at WADA but, in addition, for certain levels at least, in addition to the general principle of independence, there was a red flag approach, which actually said that there was no balancing of interests possible for certain positions within WADA. He would give a couple of examples later on of the applicability of those principles to independence. Looking at the Executive Committee, the situation recommended would be to have, in addition to the six representatives from the sport movement and six from the public authorities, two additional independent members, and those independent members would be truly independent, meaning that they would have no ties whatsoever to the sport movement and the governments. For those two independent members, the highest level of independence possible would be required, so they would need to comply not only with the general principle of independence but also with all kinds of red flags in the event of conflict. The process for appointing the two independent members would involve the nominations committee carrying out a skills mapping exercise, looking at the

representatives from the sport movement and the public authorities to identify missing skills. The public authorities and the sport movement would then each propose a candidate for the independent members based on the skills map drawn up by the nominations committee. The WADA Athlete Committee and the NADOs could make proposals to the sport movement and the public authorities for such candidates. Once identified, they would be vetted by the nominations committee and then recommended to the Foundation Board, which would finally vote on the two independent members. The two independent members were actually part of a larger group and the idea had been that the chairman and the vice-chairman of the Executive Committee would have to fulfil quite stringent independence criteria in the future. In doing so, there would be a critical mass of four people in the Executive Committee with high standards of independence which would be a game changer in the future discussions on the governance of the Executive Committee. The maximum term of all the Executive Committee members would be three times three years. In terms of the chairman, the group wanted the chairman to be more independent in the future. He was aware that there had been a promise to the governments to stick to the rotational system for one more election. Therefore, there was a distinction between the first process, the election in 2019, and future election processes. For the next election, the public authorities would be able to propose a chairman. The chairman would have to meet more stringent independence criteria than in the past, because the chairman would have to comply with the general principle of independence and, in addition, would not be allowed any current connections as of the time the term of office commenced. The candidate would be vetted by the nominations committee, would need a letter of support by a Foundation Board member and then they would be elected by the Foundation Board. For future elections, things would be slightly different. In the future, the nominations committee would recruit candidates, so the rotational system would be abandoned. In addition, not only would the candidate have to comply with the independence criteria of the first process, but a moderate cooling-off period was recommended, something like six months prior to commencing office, to ensure that there would be no ties with the sport movement or the governments. For the rest, the process would be pretty much the same. There would be vetting by the nominations committee, a letter of support by a Foundation Board member and, of course, the Foundation Board would be responsible for the election of the chairman. What would happen if, in the first process, the chairman who had been elected stood for re-election? It was the view of the group that the re-election of such chairman would be covered by the first process and not by the second. Finally, since there would be much more stringent criteria for re-election, the group recommended remunerating the chairman and had made suggestions in relation to that.

In terms of the standing committees, a lot of work in WADA was done by these, which was one of the reasons for which the group had looked at them in greater depth. There were different types of standing committees: the common ones, including the Education Committee, Finance and Administration Committee and Health, Medical and Research Committee. The purpose of the common ones was field work, so WADA needed experts to become members of the common standing committees, and was looking for quality and expertise. In addition, commitment to the general principle of independence was required and a diversity and gender policy should also apply to those members. In order to strengthen the athletes' voice and that of the NADOs, spots on the common standing committees had been reserved, one for the Athlete Committee and one for the NADOs. The committee chairmen would have to comply with the general principle of independence, and the chairmen would not be Executive Committee members; however, the chairmen would be observers at the Executive Committee meetings. The nominations committee would vet the candidates but not actively search for them. There were standing committees other than the common ones. It had been the view of the working group that the Athlete Committee, as it was, was an expert group rather than a representative group and would be treated in the same way as the common committees in most instances, with one little exception, which was how the chairperson of the group would be proposed to the Executive Committee. The Compliance Review Committee was a completely different type of entity, and much more stringent independence criteria applied to it, so it was a completely different animal.

As to the Foundation Board, it had been discussed at length, and the group had not reached consensus to make any Foundation Board changes. Its view was that stakeholders such as the NADOs and the athlete committees were heavily involved in field work and would be in the standing committees. The athletes also had representatives from the sport movement on the Foundation Board. The chairman of the Athlete Committee was also allowed to be an observer at Executive Committee meetings. The same could also be true for the NADOs, as long as they had a chairman in one of the standing committees, but no changes should apply at that moment in time for the Foundation Board, so everything would stay the same.

Finally, the group had looked into possibilities to improve decision-making. There were actually two ways, one of which was to select the best decision-maker. The second was, once a person was elected, to give them an ethical compass to ensure that everything remained in order. All tasks in relation to the selection of the decision-maker would be entrusted to a nominations committee, which would do the gap analysis, seek candidates and vet them for certain organs. The group proposed three independent members plus one from the sport movement and another from the public authorities. It was the view of the group that the nominations committee should reach a decision unanimously, the maximum term of the nominations committee members would be two times three years, and the nominations committee members would be appointed by the Executive Committee.

As for the ethical compass, that would be a task entrusted to the independent ethics board. It would have to set the rules of ethical conduct, and would operate independently from WADA. The nominations committee would seek and vet candidates. There would be access to justice for all subjects of the disciplinary proceedings initiated by the independent ethics board.

Finally, there was one issue still open, which was to be discussed, and that was whether the independent ethics board should have decision-making powers, or whether there should be a rapporteur system, meaning that the independent ethics board would make a proposal to the Executive Committee and it would take the final decision. There had been no unanimity within the group as to the two approaches.

Taking a step back, the organisation was not quite at the top of the mountain, but in the last snow field just beneath the summit, so what was left to be done? What needed to be done was that it was necessary to get from the recommendations to the legal text and, in order to do so, the Foundation Board's acceptance was required. It would be necessary to draw up a text, change the statutes, liaise with the Swiss authorities and, of course, then the approval of the Foundation Board was necessary.

The second step was an ongoing review process that would be recommended to study the impacts of the governance changes made. The group felt that there was a need to strengthen the athletes' and the NADOs' voice beyond what had been done to date, but there were some crucial questions that needed to be decided before that. The WADA management should be included in the follow-up review as well. The WADA management had been part of the working group's terms of reference, but it had not had enough time to study the matter, so it had been left to the ongoing review process. The group would recommend a comprehensive policy on diversity and gender equality for all WADA organs. That would be the last step that had to be done in order to enact the governance changes and, once all that was done, all that would be left for him to do would be to congratulate WADA on reaching the summit.

THE CHAIRMAN thanked Professor Haas. He was sure there would be a number of questions.

MS HOFSTAD HELLELAND first expressed her deepest condolences in relation to the sudden death of Mr Baumann, a respected friend and colleague of the Executive Committee and Foundation Board.

She complimented Professor Haas and the members of the group, and commended the work of the group, which had been ongoing for almost two years, fully acknowledging the challenging work it had done. The conclusions were a step in the right direction towards an improved system of governance and it was crucial that the work on governance continued and that the members did not stop at that stage. Although athletes would be represented on various committees, she deemed it necessary to stress that the representation of athletes on the Executive Committee and Foundation Board had yet to be established. The members often talked about the need to involve the athletes in decision-making bodies; therefore, she urged everybody to find ways to improve WADA's record in that respect.

MR MUYTERS said, as a member of the Working Group on WADA Governance Matters, that he wished to thank all the members of the group for their constructive cooperation, and he gave special thanks to Professor Haas, who had done a great job on finding consensus within the group. He was pleased that the group's recommendations had been presented to the members in a very clear and original way and he believed that the recommendations were a very important first step in strengthening the principles of accountability, transparency and independence within WADA's governance. The public authorities therefore fully endorsed the recommendations of the group; however, it was clear that the work was not complete in that respect. There were three questions in relation to the implementation and follow-up of the group's work. The first was about the timeline. It was clear that a number of decisions could be implemented the following day. Some would take more time, as they required a legal text to be drafted

or a change in the statutes. A specific question that the public authorities had in that regard was the effect of the timeframe on the presidential election procedure. The second question was about who would do the concrete work of implementation. Would it be the WADA management, a technical group, or was there another option? That should be clear and the members should receive regular feedback on that work. Thirdly, a number of points needed further work and discussion. Strengthening good governance was an ongoing process. Work should continue in particular in relation to the development of WADA's operational procedures. Also, the public authorities stressed that further discussion should be held on better ensuring that NADOs', athletes' and other relevant actors' views were heard and taken into account by the WADA statutory bodies. He hoped that the management would be able to provide a response to his three questions.

PROFESSOR ERDENER said that he did not have any questions, but did wish to mention that the Olympic Movement fully supported all the recommendations of the working group and thanked its chairman, Professor Haas, and the members, for their great efforts. The Olympic Movement underlined the importance of the partnership between the sport movement and the public authorities and the value in ensuring the balance between the two sides. The implementation of the recommendations would be very important for the future of WADA and especially a strong WADA; therefore, the Olympic Movement supported the WADA Executive Committee being responsible for overseeing and monitoring the implementation of the recommendations made by the working group with the support of the WADA management.

MR DÍAZ made a statement. Officially, the public authority members of the Foundation Board had met two days previously and had supported the approval of the proposal as a package. They acknowledged that it was a first step, which would require the Executive Committee to put together the plan to execute the next step-by-step recommendations expressed in the package. It was a dynamic and ongoing process and the public authorities were satisfied with the outcomes and the proposal. At the same time, they wished to thank all the experts appointed by WADA, the athletes involved, the NADOs and ANOC, which had allowed the group to meet at its headquarters in Lausanne. He also thanked the IOC because, of the five members of the group, two of its experts had provided a lot of knowledge and experience to guide the discussions. Last but not least, he congratulated and thanked Professor Haas, a great chairman who had guided the members over the past two meetings to get to where they currently were.

MS SCOTT thanked Professor Haas. The WADA Athlete Committee had been engaged and represented throughout the governance review process, and thanked the members for their time, effort and energy in what had been a long and arduous process at times. The Athlete Committee acknowledged that some progress had been made; however, the WADA Athlete Committee disagreed with the governance review's conclusion not to add a position for athlete representation on the Executive Committee and Foundation Board. In fact, the Athlete Committee asserted that it was a disappointing missed opportunity. Athletes were WADA's central stakeholders and constituents and they had been increasingly vocal in their desire to participate in the decision-making process and the policies that directly affected them. They believed that adding a full representative and voting member to the organisation's decision-making tables would have been a constructive and progressive step forward that would have brought tremendous value and benefit to the organisation.

On the recommendations, the Athlete Committee believed that there should be three independent members of the Executive Committee recruited, vetted and nominated by the nominations committee, and that the ethics board should have decision-making power.

PROFESSOR HAAS responded that he would try to group some of the questions together. It was clear that the progress was step by step. Nobody could have everything they wished for; but, to find consensus, it was necessary to compromise on certain issues. The compromise had been to take it step by step and that there should be a process for the future in order to obtain the goals. It was important to state that it was a package, and the members should vote on the package and not on individual items. That had been the compromise found within the group, and the group had comprised representatives of all the stakeholders. It was equally important that there would be a follow-up process. WADA had very good experience in follow-up processes. There had been similar things with the World Anti-Doping Code. Comparing the first 2003 World Anti-Doping Code with the most recent one in force, there had been huge changes, and it took a little while to adapt to the existing system, so a follow-up process was vital and should be structured in a smaller group to allow for greater speed in terms of reacting, and it should

comprise all the stakeholder representatives, as had been the case in the past. If the members were as committed as the members in his group, he was certain that solutions would be found to strengthen the athletes' voice and that of the NADOs within the internal structure.

In terms of the timeline, he thought that his work as the chairman of the working group was basically complete. It was not really for him to say what the follow-up process should look like, who should chair it and who should be a member. He would have a follow-up group that was fast-moving and had in-depth insight regarding the impacts of the changes. He was very happy that the Foundation Board had approved what had been done thus far. It had been a pleasure to work with the other members of the group, but it was important to take the package as a first step and immediately start the follow-up process to incorporate and strengthen the athletes' and NADOs' voice. If WADA did not find a solution to strengthening the athletes' voice, there would be athletes' unions trying to do exactly that in the future, so he thought it would be a very good idea to pick up on some of the issues mentioned by Ms Scott to avoid external pressure from completely different groups.

THE DIRECTOR GENERAL thanked all the members of the working group, because it had been a long journey with a number of meetings, and it had not always been easy. The mountain analogy had been pretty accurate in terms of getting to the summit. The easy answer to the first question was that the management would oversee the implementation, because that would require a combination of legal work and practical changes. The management would oversee that and report to the Executive Committee. As to the timeline, some of it could be controlled, some less so; therefore, the management would look at what needed to be done legally in terms of changing the statutes or creating new bylaws (for example, for the nominations committee or the ethics committee) for which the Swiss counsel would be used, as it had to be done under Swiss law. The target was to have everything that needed legal approval to be presented in May for discussion (and possible approval) at the next Foundation Board meeting. Because WADA was a Swiss foundation, that would all have to be submitted to the Swiss supervisory authority, which would have to accept the proposals. That would be done at the same time, but he was not sure that there would be a response by May, because it took longer, so that was the process. As far as the election of the president was concerned, the only thing he could see that would become a part of the statutes was likely to be the independence criteria, once approved. He did not think that there would be anything else, depending on what was done about the nominations committee.

As to the ongoing work, everybody agreed that that was a first step. Professor Haas had mentioned the Code and it was a good analogy in terms of how to think about moving forward. He agreed that a small group of true experts should be appointed in due course. The experts in the working group had been very helpful, and there should be a process similar to that used for the Code. The experts should come with suggestions, collect comments, ideas and so on, formulate proposals that would then go for consultation to the broader community in order to move things forward. Most of what was to be done that day, except for the election and potentially the nominations committee and the ethics committee, would hopefully be implemented by 1 January 2020. He added that, as part of the work, as had just been discussed, WADA's management was committed to providing help to the athletes and making experts available to them to help them discuss and try to find a way of sorting out the global representation of athletes, because that was one of the key elements. One of the key questions asked during the discussion had been who would be sitting in the seats that were being created for athletes? That was the question that needed to be answered and the management was committed to doing that work with the athletes. There would of course be a cost attached to all of the governance reforms. It had been discussed by the working group. It was hard to predict exactly what that would be but it would be discussed in May when the required changes were implemented.

THE CHAIRMAN noted that the Executive Committee had said the previous day that it hoped that the proposals would be accepted unanimously. Were the members happy to do that? He thanked them and he thanked Professor Haas for taking on the chairmanship of the group and bringing the work to a successful conclusion. The members were really grateful to him.

#### DECISION

Recommendations by the Working Group on  
WADA Governance matters approved.

– **4.2 Procedural rules – chairman and vice-chairman election, November 2019**

MR SIEVEKING informed the members that a Foundation Board decision was requested that day in relation to the rules applicable to the election process for the following year. The members had two sets of rules in their papers. One set, option one, included the proposal from the Working Group on WADA Governance Matters just approved, meaning a nominations committee and the addition of criteria in relation to the candidates' independence. The other option did not include those two points. The purpose of the set of rules proposed was to define the provisions applicable to the election process in conformity with the statutes and the provisions of Swiss law governing WADA. The legal basis of the rules would be approval by the Foundation Board and subsequent approval by the Swiss federal authority supervising foundations. The objective of the rules was merely to follow best practice and ensure that good governance principles applied to the process. There was also a set of rules concerning conduct which candidates should respect during the election process. The questions had been discussed the previous day by the Executive Committee, which recommended that the Foundation Board members accept option one with the inclusion of the independence criteria as defined by the Working Group on WADA Governance Matters but without the inclusion of the nominations committee. The rules of conduct had not been recommended by the Executive Committee for adoption. He underlined that, whatever option was chosen for the election, the members still had to take a decision on the rules of the nominations committee. Given that the recommendation by the Working Group on WADA Governance Matters had been approved, a nominations committee was needed. Even if the decision was taken not for the following year, a nominations committee still needed to be established and therefore rules, given that the committee would be responsible for vetting the candidates for the standing committee chairs as well as for future elections.

MR RICCI BITTI noted that a document had just been circulated by the Public Authorities. What did it represent?

MR SHEPANDE said that he was speaking on behalf of the public authorities. Africa was chairing the public authority meetings, as the members were aware, and he reported that the next president of WADA would be coming from the public authorities side, and the public authorities had agreed that they should develop criteria to help them arrive at a credible candidate of high integrity. At one point, the draft that had been shared had been leaked, which of course had not been the intention of the public authorities, and it had been assumed that the draft had been initiated by the WADA management. That had not been the case. It had been an internal document for deliberation by the public authorities before being shared in the public domain. The public authorities had developed the criteria and subjected them to a peer review among the public authority members who had agreed to it in principle the previous day. That morning, the public authorities had further presented a brief on the criteria presented to the Executive Committee meeting the previous day, and the members had made some comments to enrich the document. To further improve the quality of the criteria, the public authorities had taken into consideration encapsulating elements pertaining to the candidates during the elections and integrating acceptable etiquette and decorum befitting the status of the office and, of course, in the interest of transparency, in relation to the question that had just been asked as to what the document was all about, it had just been shared. The public authorities believed in transparency and had therefore believed that they should present the document to the Foundation Board. Arising from the deliberations the previous day, the issue of the nominations committee considering the election of the upcoming president would not apply.

PROFESSOR ERDENER referred briefly to the procedural rules. The Olympic Movement believed that the spirit of the working group recommendations could be reflected in the election process, but it would not be possible to implement all of the recommendations in a timely and appropriate manner; therefore, the Olympic Movement supported the fact that the next president would be elected from the public authorities and it fully supported the internal process. The independence criteria should be applied without any nominations committee, as discussed the previous day, although maybe the Executive Committee could be responsible for checking eligibility. Finally, it was important for the Olympic Movement that the WADA president not be perceived to be representing another constituency.

MR KRALEV said that it was a great pleasure to be present at his last meeting during that term of office as the minister representing the EU on the WADA Foundation Board. A lot of work had been done and he was proud to have been a part of the decision-making process over the past year and a half. New standards, Code revision and recommendations had been done to make WADA stronger and the fight

against doping in sport more sustainable at all levels. He fully recognised that it was going in the right direction, even though there were hard times after each crucial decision, which took a lot of effort. Last but not least, reaching consensus between governments and the Olympic Movement was always a challenge. WADA was one of the few places that gave a platform to both sides to work together.

In relation to the procedural rules for the elections for the chairman and vice-chairman in November 2019, Europe, together with the other public authorities, supported option one as outlined in the WADA document. Furthermore, the public authorities would like the nominations committee to be excluded from the election process in 2019. The public authorities also considered that the proposed code of conduct was redundant and irrelevant in relation to the election of the WADA president and declined to support its adoption by the WADA Foundation Board. Finally, the public authorities would like WADA, as well as any other organisation concerned, to ensure equal campaigning opportunities to all declared candidates from the moment their intention to run for a post was publicly announced to avoid offering an unfair advantage or disadvantage to any of them.

THE CHAIRMAN said that he thought that the paper was helpful; it was entirely up to the public authorities to decide how to run their campaign. He was sure that the Olympic Movement would have similar thoughts on the nomination of the vice-president. It seemed to him to be a very good way to move forward. He congratulated its authors.

MR DÍAZ clarified that what had been discussed the previous day was the code of conduct that had been included in the internal document, and it would not be part of the criteria being presented.

MR SIEVEKING responded that the Foundation Board was being asked to approve option one without the nominations committee, but he was not sure he was clear about the code of conduct. There was no recommendation to adopt it for the election process.

THE DIRECTOR GENERAL summarised. The Foundation Board was being asked to adopt option one, item 4.2 attachment 3a, without the nominations committee. The Foundation Board would not adopt any rules of conduct; each side would adopt its own rules, and would be in charge of policing them.

The Foundation Board was also being asked to adopt the rules of the nominations committee, which would be needed for activities other than the election. That was what the members were being asked to adopt.

THE CHAIRMAN thanked the members.

#### DECISION

Proposed procedural rules for the election of the WADA chairman and vice-chairman in November 2019 approved.

Rules of the Nominations Committee adopted.

### **5. Operations/Management**

#### **– 5.1 Executive Committee appointments 2019**

THE CHAIRMAN referred to the appointments for 2019 that were before the members for decision. Those were the people appointed by the stakeholders. Were the members happy with that group?

#### DECISION

Proposed Executive Committee appointments 2019 approved.

#### **– 5.2 Foundation Board**

##### **5.2.1 Memberships 2019**

THE CHAIRMAN informed the members that the management did not yet have all of the final names for 2019; however, when it did, it would send them all to the members.



Concerning the current membership for 2018, as was due process, it would be necessary to get the members' permission to send them to the Swiss authorities, which of course the management would do.

### **5.2.2 Endorsement of composition for Swiss authorities**

#### DECISION

2018 Foundation Board membership confirmed to be sent to the Swiss authorities.

### **– 5.3 Standing committee memberships 2019**

THE CHAIRMAN said that the members would see the completed list of appointments made by the chair of the committee in question, the Director General and himself.

#### DECISION

2019 standing committee memberships noted.

### **– 5.4 Montreal International headquarters agreement update**

MR BOUCHARD informed the members that, the previous September, WADA had renewed the agreement with the Canadian authorities to maintain the WADA headquarters in Montreal until 2031. The agreement was very beneficial for the agency and provided much stability, so he thanked the Canadian authorities for their renewed partnership.

THE CHAIRMAN thanked Mr Bouchard for his work in bringing that to a conclusion.

#### DECISION

Montreal International headquarters agreement update noted.

### **– 5.5 Meeting documentation**

THE CHAIRMAN noted that meeting documentation issue had been dealt with.

#### DECISION

Meeting documentation update noted.

### **– 5.6 Operational performance indicators**

THE DIRECTOR GENERAL highlighted the fact that part of what WADA was trying to do in terms of its new strategic plan involved the establishment of KPIs, which would have to be different. That was one of the tasks that the Finance and Administration Committee had asked the management to do, and it would look at it the following years, alongside the development of a revised Strategic Plan.

#### DECISION

Operational performance indicators update noted.

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

### **– 6.1 World Anti-Doping Code and international standards review update**

#### **6.1.1 World Anti-Doping Code**

THE CHAIRMAN informed the members that they had to consider the revision of the World Anti-Doping Code and the international standards. Judge Costa had once given WADA an authority that the reason the World Anti-Doping Code was so accepted by stakeholders around the world was the quality and extent of the consultation period, and everybody was allowed to make their observations, so that was an exercise that was very well worth doing properly.

MR SIEVEKING told the members that the second phase of consultation had taken place from June to September that year, and a very high number of comments had been received (more than 700 comments in 300 pages), and that was much appreciated and showed the interest of all the stakeholders

in that process. It was important to note that the level and complexity and detail of the comments had not made the work easier, but it was good to see such interest, so the drafting team had been very pleased with the comments and their quality. Most of the comments on the first draft had been positive, and many stakeholders had expressed their support to the work done by the team. In particular, the WADA Athlete Committee had considered that most of the changes were really positive and would be of considerable benefit to the athletes. Mr Sandford had also informed him that the Athlete Committee was satisfied with the second draft. A number of meetings had been held with stakeholders, as well as a number of conference calls and meetings with partners.

The next phase would start in early December and run until early March. There would also be a possibility to discuss the review process with all the stakeholders at the symposium in Lausanne mid-March. The main drafter, Mr Young, was in Colorado Springs, and he would make a presentation on the substance of the changes via video.

Mr Young was recovering from surgery, and it was the middle of the night in Colorado Springs, so he thanked him for being available.

MR YOUNG said that one of the things he missed about not being at the meeting was the opportunity to meet with the members during the breaks and before and after the meetings to talk and answer questions and discuss ideas and, frankly, looking back at the history of the Code, that had been the source of a lot of good ideas that were currently in the Code. He made a standing offer: Mr Sieveking had his office and mobile phone number. If any of the members wished to call him to talk about the Code, he would be delighted to hear from them.

Thinking back to where WADA had been when the Code had been introduced, the different IFs had had different rules and sanctions, and governments had had different rules and different lists, and there had not been much credibility in anti-doping because of all that. The idea of the Code had been to bring all that together in a harmonised set of rules. One group had said that individual case management subject to very broad principles was necessary. The problem was that all the stakeholders with their different rules had liked their rules and thought that they were the best and, if WADA had added a lot of flexibility, they would have gone back to their old rules. So the team had taken a different, fairly rigid approach to get harmonisation. Perhaps it had been too rigid. The more rigid, the more harmonised; the more rigid, the more problems with fairness. Each of the different Code versions since 2003 had brought in more flexibility, and that was true with the first and second draft of the 2021 Code as well. What the team had thought about in drafting was whether it should be more flexible or more rigid to keep the harmonisation. When one sent a document out to the whole world, it was not surprising that one got lots of good comments, and that had happened even though the 2015 Code had been a good document and even though the team had been told that the first draft of that Code was a good document. The team had looked at the changes and incorporated a whole lot of them. He had started counting all the different changes between the first and second draft and had stopped at about 150. The Code continued to get better based on the stakeholders' feedback. He had done a fairly detailed presentation for the Executive Committee the previous day. He would make the Foundation Board one shorter because he knew that the Foundation Board was tight on time.

The team had broken up the major changes into four categories. The first was changes on which the team thought that there was a general consensus; the second was changes on which the team believed there was consensus but significant new language had been added; the next was where there had been more conflicting feedback from the stakeholders on changes, advising the team to do it differently; and the last category comprised changes for which the team was waiting to hear from WADA committees and working groups.

In relation to the changes on which there was general consensus, the first was the multiple violations article. The general principle was that one did not get a second violation until one had been warned of the first violation. That made a lot of sense if one had had a steroid injection and tested three times over five days, but it did not make a lot of sense when an athlete had had the first violation, which was discovered later, a year before the one the athlete had actually been caught with first. That allowed for greater sanctions for those retesting positives and other violations in the past that were discovered.

The second category had to do with the redistribution of prize money. There appeared to be a consensus on that with a couple of exceptions. One was that only the money actually recovered from the athletes had to be redistributed. That was true. The second was whether, if it were possible to reach

an agreement with the athletes that recovered prize money went to a general fund such as anti-doping, that would be acceptable, and the response was that it would be. A new article 2.12 talked about retaliation. It was a very important article. It was in the Code, it was mandatory, it would be in the rules of every signatory, and that had not been changed. What had been changed was that, in the roles and responsibilities of signatories, there was mention of the protection of whistleblowers, and a lot of the stakeholders had said that that was too broad, the resources of different signatories were different, and they could not be providing protection, so that had been taken out. On the delegation of responsibility, as a signatory, one could delegate any part of anti-doping responsibility, but one remained responsible. On fraudulent conduct during the doping control process, one of the problems the team had had was, for example, an evasion case in which the athlete produced a document saying they had been in a hotel in Switzerland and had a receipt, so they could not have been evading, but it turned out it was a forged, fraudulent document. The panels had never really known what to do with that. The chances of an athlete losing their case were better when they were caught forging a document, but that version of the Code made clear that that was a separate violation for tampering.

On public disclosure, article 14 of the Code had always said that, after the hearing and appeals process was over, it was mandatory for the ADO to publish information: name, sport, substance and the like. Privacy laws in some countries might have put a crimp in that, so the team had said that, if the national law said that one could not do the publication required by article 14, it would not be a compliance violation.

The expectation of stakeholders and governments would not limit WADA's access to doping and anti-doping information held by a signatory of WADA or an accredited laboratory. That was pretty obvious and, frankly, that probably should have been in the 2015 Code.

The next was the obligations of individuals who participated with signatories to agree to be bound by the Code. The problem was that the Code said that, when it came to violations such as administration, trafficking and complicity, it was a violation for any athlete, athlete support person or other person to have committed those acts, but a lot of those other people were not bound by the Code, so the change said that signatories needed the following people to agree to be bound by the Code in the organisation: officers, directors, volunteers and employees who worked in doping control or provided medical assistance to athletes. There had been feedback in both directions on that, that it was too broad and ought to be narrowed, and that it ought to be made broader to include contractors, for example. A middle ground had been taken but, in the next consultation phase, the team would see whether or not it had hit the right spot and if the people liked what it proposed.

On prompt admission and timely admission, the idea was that, if an athlete came and admitted, one could save on hearing costs and the athlete should get some benefit. That had not worked out well at all; in fact, those two clauses had been a mess. Athletes had said that they would admit the anti-doping rule violation but wanted to go to a full-blown hearing on fault because the sanction being asked for was too long. That had not helped WADA very much, so the team had come up with two different concepts. The first was a result management agreement, so that an athlete looking at a four-year ban could say that they wanted to do a result management agreement, meaning that a year came off the four years and that was the end of the case, they had admitted and got a three-year ban, which saved money and time for the ADO and the athlete still served a long sanction. The other was a case resolution agreement, and that meant that, if the athlete and the ADO with result management authority and WADA all agreed that it was appropriate in the circumstances of that particular case to reduce the sanction, they could enter into an agreement to do that and the sanction could go down to half whatever the athlete was otherwise going to get and start as early as the date of the violation.

On Code modifications for the new international standard, the issue was that the Code had always said that, from the beginning, it was up to each organisation to have its own result management system, as long as there was a fair hearing before an impartial hearing panel. The problem was that there were several result management systems by stakeholders out there whereby the hearing was not fair and the panel was not impartial. It was nice to try to leave it up to everybody, but there were people who were not living up to it, so the team was coming up with more detailed rules. Another 20 or 30 pages could be put in the Code to spell out the detailed rules, but the team thought that the best approach would be to have an international standard, which would be mandatory and binding, for result management. There might be principles from that international standard that could expand the Code language, but it was not going to be another 20 or 30 pages.

The last issue was substances of abuse. The problem heard from stakeholders was that they were spending a ton of time on cocaine cases, not whether it was a positive test but how long the sanction could be. The team had tried to come up with a hard, fast, one-size-fits-all sanction for cocaine cases, but only cocaine cases for which the athletes could demonstrate out-of-competition use not related to sport performance. In those unique circumstances, the sanction would be three months, full stop. There would be no argument about no significant fault. There was an opportunity to reduce that to one month for rehabilitation satisfactory to the ADO. It would save time and money. He was interested to hear from the members as to whether it was a good or a bad idea.

There had been more conflicting stakeholders' opinions, first on flexibility in sanctioning minors and a new concept of other protected people. In the old Code, minors had been given a break in two ways: it had not been mandatory to disclose their names under article 14 and, to benefit from the substantial assistance article, they had not needed to prove where the prohibited substance had come from. Those two were still in the new draft. In the first draft, another benefit for minors had been added which was that, when it came to intentional doping, they did not have to establish, for a non-specified substance, that the doping had not been intentional. Everybody else had to do that but minors did not. The burden shifted to the ADO to establish that it was intentional. The team had received a lot of feedback on it and dropped it. Some of the most interesting feedback had come from the Council of Europe, which had always been a very strong supporter of minors' rights, and it had told the team that it had gone too far. Another change had been left in, and that was, where a minor could establish no significant fault, normally it would be a year and it could go down to a half; in the case of a minor, it could go all the way down to a reprimand. Some people thought that it was great and flexible and made sense, while others thought that it went too far. The other issue on minors was the use of the word 'minor'. There was a very strong feeling on the part of the athletes that somebody who was an elite athlete and was 16 or 17 and was on a podium should not be considered a minor in terms of getting special breaks so, in the first draft, the team had redefined the term to exclude elite 16- and 17-year-olds. There had been a lot of feedback saying that that was a bad idea because 'minor' was a widely accepted term, and a lot of feedback saying that the team needed to take care of Para-athletes and give them the same breaks as it gave to minors. The team had therefore killed two birds with one stone and there had been lengthy discussion with the Paralympic Committee. All Para-athletes did not want that break, because they might be physically disabled but they were not mentally disabled and they sure as heck did not want to be treated as minors. The team had decided to scrap the terms 'minor' and 'Para' and come up with the new term of 'protected' people.

There was a new concept of recreational athletes. The old rule had been that they did not have to be tested but, if they were tested, they got the full sanctions. The team would give them the same benefit as minors, in that it was not necessary to disclose under article 14 and they were not required to establish how the prohibited substance had entered their system.

In relation to WADA's relationship with service providers, some people had said that WADA really ought to certify all of them. That could be done, but it would be really expensive. The team had said that the signatories were responsible for what the service providers did. The next issue was whether there ought to be some special mention of the ITA in the Code. The team had met with the ITA and, to its credit, it had said that it did not need special recognition in the Code and wanted its work to be judged on the quality of what it did.

On the criteria to be a signatory, that did not need to be dealt with because it would go into a guideline.

In relation to the fourth group, it comprised things on which the team had not made substantive changes because it was awaiting feedback from others. There had been several comments from the Ethics Committee and a number of stakeholders on the principles at the beginning of the Code under fundamental rationale in the introduction. From the team's experience as lawyers, there had been hardly any cases on it and those that there had been had talked about it favourably, so the team was not entirely sure why a change needed to be made, but a lot of people seemed to think so, so the team was putting that in the hands of the Ethics Committee to look at all the stakeholder feedback to see if some consensus might be reached. The same applied to education, and it was what had been done with past versions of the Code: let the Education Committee look at the feedback and see if it could reach consensus.

On WADA governance, some people wanted a bunch of governance standards and requirements built into the Code, and the team's view was that the Code contained anti-doping rules and not good governance rules. There were people who wanted criteria for WADA governance built into the Code and the team had been waiting to see what the Foundation Board members decided in terms of WADA governance generally, but thought that the appropriate place to put governance criteria was not in the Code but in WADA's foundation documents.

There had been some problem with substances that were permitted out of competition being tested at very low levels in competition where the use had clearly been out of competition. That caused a problem, as did the fact that there was a list of substances for which, because the laboratories had been able to reduce sensitivity from nanograms to picograms, there was a high likelihood of contamination. A blue riband group of scientists had been put together to try to come up with a scientific approach to solve the contamination and low-level positives coming from substances that were not prohibited out of competition. Their feedback would be provided in time for version 3.

Until the team actually saw the Anti-Doping Charter of Athlete Rights, it was premature to see how exactly it fitted in the Code. It was currently mentioned in the fundamental rationale in a supportive way but not in a way that would cause compliance violations for any of the signatories. When it was finalised, the team would see. What he had seen was a very good compendium of what his rights (if he were an athlete) were under existing Code provisions. It was a useful tool. The other part was aspirational, and there would be a lot of discussion on how that fitted into the Code if at all.

He would be happy to answer any questions. If the members had questions that were important to them but did not merit the attention and time of the whole group, they could call him.

THE CHAIRMAN asked if there were any questions. As the members could see, it was a very considerable undertaking. There were papers in the folders, particularly the item on current terms, which provided further explanations. He strongly suggested that the members look at those. The consultation would continue, and eventually the final version would be before the entire World Conference on Doping in Sport in Katowice in Poland in November the following year. He thanked Mr Young very much for his help and wished him a speedy recovery.

### **6.1.2 International standards**

#### **- 6.1.2.1 International Standard for Code Compliance by Signatories**

MR SIEVEKING said that the members had the details on the item in their papers. A significant number of comments had been received for all the standards in the framework of the consultation process, in particular for the ISL and the ISTI. The drafting teams had been working hard and the next drafts were in the members' files. There was a summary of the major changes proposed for each standard, with the exception of the standard on compliance, which would be dealt with separately by Mr Taylor.

It had been decided to draft the new standard for result management in May. The first draft would be circulated for comments to all of the stakeholders in the next round to be released in December. Result management was a key part of the anti-doping programme. It was already monitored for compliance but there had been no existing standard and many of the rules in the Code had been too detailed for the Code, and there had also been rules on result management in different WADA documents (for example, there had been rules on whereabouts result management in the ISTI), so everything had been grouped in the new standard, which would soon be circulated for review. The idea for the standard had come from the Council of Europe's comments on fair hearings and the need to reinforce article 8 of the Code, and it had been considered better to have that in a separate standard than in the Code so as to keep the Code as short as possible. He would be happy to take questions on that standard or direct questions on other standards to his colleagues.

THE CHAIRMAN noted that the members would begin to see the scale of the operation.

MR KILIC made a comment on the issue in general that the Foundation Board was addressing. There was a lot of work going into the Code changes and the international standards, and quite a lot of effort being put into achieving a good standard and comprehensive work. He knew that it was necessary to act speedily, but he reminded the members that they should not rush, because the work should be comprehensive, everybody should be on board and all the matters that WADA was trying to address

should be addressed. It was necessary to be fast but not rush, as everything necessary needed to be incorporated.

MR SIEVEKING took due note of the comment. There was a lot of work for the drafting teams given the number, quality and complexity of the comments received. The paper suggested a possible reduced consultation period in terms of time in the next consultation phase, but that had been discussed the previous day by the Executive Committee and it would not be reduced. He spoke on behalf of all the drafting teams when he said that there was a lot of work. He understood that there was a lot of work for the stakeholders as well in terms of commenting and reviewing. He felt that the current drafts of the Code and the standards in the members' files were of very good quality.

THE CHAIRMAN noted that there had been a slightly more detailed discussion on the Compliance Standard, the ISCCS, and a number of observations had been made on that draft standard, in particular by the IOC. He asked Mr Taylor, the Chairman of the Compliance Review Committee, to briefly comment on the standard.

MR TAYLOR informed the members that they had a paper in their files that discussed the outcomes of the first round of consultation on the ISCCS. He wished to note that the Standard was new and had only come into effect in April that year but it had already had occasion to be applied in several cases. It was a living document that needed to benefit from experience, and so the Standard had been included in the consultation round seeking feedback from stakeholders. The comments from the first round were limited, from a fairly limited number of stakeholders, but there had been some significant comments from the IOC based on its experience with the Standard. He had had a useful meeting with the IOC representatives the previous day and they had agreed to sit down and discuss those suggestions and see how to make sure that the compliance system remained strong and effective. That was clearly the common goal, and he thought that progress could be made through that discussion. There was a second round of consultation, and it might be that those discussions would lead to suggestions in the next round. That was the current situation in relation to the consultation process and he was looking forward to a productive meeting with the IOC.

MR POUND wondered whether that would be the appropriate time to ask about next steps by the Compliance Review Committee on the Russian agenda.

THE CHAIRMAN responded that that point would be coming up under 6.2.3.

### **6.1.3 International Standard for Laboratories - changes**

THE CHAIRMAN noted that it had been discussed in detail the day prior and agreed that more work needed to be done and that it would be brought to the members once completed.

### **6.1.4 International Standard for Testing and Investigations – article 6.3.4 and Annex L**

THE CHAIRMAN noted that some detailed work had also been done on the ISTI and Mr Ricketts would be providing a presentation.

MR RICKETTS informed the members that, the previous day, the ISTI had been put before the Executive Committee and two areas of immediate changes had been proposed. One related to the sample collection equipment: the criteria had been enhanced considerably based on the issues faced earlier that year in relation to one particular manufacturer, as there had been problems with the urine sample bottles. That was based on enhanced testing requirements and quality control measures had been put in place. To do that, WADA had formed an ad hoc expert group to come up with an additional 17 criteria to the original four in the ISTI.

In addition, annex L of the ISTI regarded result management procedures for the Athlete Biological Passport, and the changes had been primarily a result of the changes to a number of technical documents relating to the Athlete Biological Passport programme. That section would eventually be part of the new result management standard. Until that happened, it would stay in the ISTI and the changes approved would come into force on 1 March 2019.

The ISTI was otherwise included in the general round of consultation, like for the other international standards and the Code, and a working group was reviewing the comments in preparation for a next draft version.

THE CHAIRMAN said that the members might like to look at the detailed papers if they had time.

### DECISION

World Anti-Doping Code and international standards  
review update noted.

#### – **6.2 Code compliance**

##### **6.2.1 Compliance Review Committee Chair report**

MR TAYLOR said that the members had in their papers a short report from him on general issues in relation to the work of the Compliance Review Committee. There were separate agenda items for the update on Russia and new recommendations or decisions on non-compliance which the Director General had already mentioned in his report. He would be happy to take any questions or comments on that.

He hoped that the short report was clear. The committee was still in the process of implementing a new standard and working its way through that. He should say that the focus was on non-compliant signatories. The majority of signatories were compliant and some signatories that were not complying sorted themselves out and became compliant before the matter got to the Executive Committee, and that was obviously what the system sought to achieve: to get people to comply with the system and the rules and provide a level playing field. Without pre-empting Mr Rickett's presentation, he paid tribute to the WADA staff and the work that they did. The compliance programme had come a long way in a very short time, and the success it had had in getting signatories to bring their programmes fully into line with best practice had been, in his opinion, little short of remarkable.

In terms of the process in place for reviewing non-compliance and making recommendations, the procedures had been tweaked slightly. Coming up to an Executive Committee meeting, there was a balance to be struck between giving signatories as much time as possible to comply and having enough time and information for the CRC to be sure it was making a robust recommendation on which the Executive Committee members could rely. The committee had therefore decided to move its meetings forward a little bit, in order to have a reserve date in place if necessary for further deliberation, to try and ensure the integrity of the process. In addition, another meeting had been added to the normal schedule, so the Compliance Review Committee would be meeting on 14-15 January the following year in Montreal, and one of the items on the agenda would be an update on Russia. Those were the comments he wished to emphasise in particular from the report but, obviously, he would be happy to answer any questions.

MR POUND apologised for jumping the gun on that particular item. He had been one who had thought that the right decision had been made in relation to RUSADA on the basis of the Compliance Review Committee's recommendation, but that was very much conditioned on it being as close to automatic as could be imagined, that if, for example, the 31 December deadline was missed, without pre-judging what would be found, there would be an automatic recommendation that there be a new suspension imposed, and all he saw in the document was that the Executive Committee would consider proposals from the Compliance Review Committee. Frankly, he thought that WADA was further down the road than the Executive Committee suddenly taking a new look at recommendations from the Compliance Review Committee and he wondered whether he was right in thinking that there would be robust follow-up on any recommendation that the Compliance Review Committee might make in relation to a failure to have met, inter alia, the 31 December deadline.

MR TAYLOR responded that, first of all, the decision that the Executive Committee had taken in the Seychelles had included very carefully crafted wording to make clear precisely what needed to be done and by when in terms of access to the data and the samples at the Moscow laboratory, so there was great clarity and very specific requirements to be met, and that would help when it came to the meeting in early January in deciding whether or not all requirements had been met. If they were not all met, and obviously it was not possible to pre-judge, hopefully it would be clear one way or another. What was clear from the ExCo's decision was that the requirement to provide the data was a 'Critical' requirement under the new Standard, and that also took away any uncertainty and it allowed the Compliance Review Committee to follow the provisions in the Standard which were specific about the consequences for non-compliance with a Critical requirement. The Compliance Review Committee could not pre-determine the matter anymore than anybody else, but it could be expected to take that factor very carefully into account. The new International Standard also said that in urgent, "fast-track" cases, there could be a

very quick procedure put in place whereby the Compliance Review Committee could ask the Executive Committee to convene quickly, the normal procedural timetable and deadlines were waived, and it could be recommended that speedy action be taken in terms of asserting non-compliance and proposing consequences. In terms of the Executive Committee's stance, obviously it needed to be careful (and it had had to be careful in the Seychelles) not to be seen to be pre-determining the issue. Part of the purpose of the decision had been to ensure that, with reinstatement and through the new Standard, new provisions would apply to enable the Executive Committee to respond robustly to non-compliance with a critical condition, and certainly that was the very clear message that he had received from the Executive Committee members that that was what they would expect. Obviously, they needed to be able to say that they would look at it with an open mind in January, considering all of the facts and circumstances properly and judging it according to the new Standard, which did give WADA the power to respond robustly to non-compliance with critical requirements.

MS HOFSTAD HELLELAND said that she had been in the small minority that had voted against the reinstatement of RUSADA, and she felt it important to say at that meeting that she of course fully accepted and respected the decision taken in the Seychelles. She hoped that WADA would have all of the answers and material requested by the end of the year. In that regard, there was a question that had been raised by many and she had been unable to answer it properly. It was related to the legal status of a decision or assertion by the Compliance Review Committee and the Executive Committee. Could RUSADA still be made accountable for access to the laboratory and the data and could WADA be certain that, if RUSADA did not deliver on the laboratory data, including access to the laboratory, the non-compliance of RUSADA would stand up in the CAS?

MS SCOTT asked a question on behalf of the Athlete Committee. If there was a recommendation from the Compliance Review Committee of non-compliance post-31 December, had a date been decided upon for deliberation of the decision or was there any kind of established path forward, or was that a decision that would be taken at the May Executive Committee meeting?

MR TAYLOR responded to the questions. In terms of whether RUSADA could be held accountable for the non-provision of access to the data, he told Ms Hofstad Helleland that the answer to that was yes. Those were samples that RUSADA had collected and provided to the Moscow laboratory. It may be the case that the Russian authorities were saying the samples were part of a crime scene, but the condition was that RUSADA procure that access was nevertheless provided to those samples and to the analytical data relating to those samples. It was an issue that had been litigated in a case related to the IPC and the RPC around the Rio Paralympic Games. In that case, the CAS had said that an ADO had an obligation to ensure that it got the support of all necessary authorities in its country to live up to the obligations imposed upon it. Therefore, he said that RUSADA would be legally accountable if there was a failure to provide the data and the samples. A case based on that non-compliance would stand up at the CAS. There were numerous legal arguments that he was sure would be made. They had been anticipated and factored into the recommendation made to the Executive Committee and the decision taken by the Executive Committee. No lawyer would give any guarantees, but the issues had been thought about and, if there was a legal fight, he would expect WADA to prevail.

In response to Ms Scott's question, the Standard did provide for a fast-track process and he thought that if there was a recommendation that WADA make a formal assertion of non-compliance and propose consequences, the CRC would also recommend that that recommendation should be considered by the Executive Committee as quickly as possible. It would be for the Executive Committee to decide, but that would be the recommendation of the Compliance Review Committee.

THE CHAIRMAN said that he would expect the Compliance Review Committee recommendation to encourage the Executive Committee to operate on a fast-track basis because, clearly, there would be a major decision and, as had happened in the Seychelles, he would support the recommendation from the Compliance Review Committee. Thirdly, he had heard only that morning that a delegation from WADA would be in the Moscow laboratory on 28 November with rather high hopes that the full technical team to complete the work would be there within days thereafter.

MR GODKIN noted that everybody was familiar with the outcomes of the 20 September vote regarding the reinstatement of RUSADA as a Code-compliant NADO under the conditions specified, and to clarify the earlier reference to the so-called White House summit attendees, at the 20 September vote, Europe had actually abstained from voting and the Americas as a group had voted for the



resolution, but whatever the views at the time, clearly the universal objective of the Foundation Board was to have a positive response to the Executive Committee decision by the 31 December deadline. Assuming that that was the case, he suggested that it might be in the interests of the Foundation Board to formally record its high hopes and expectations of a positive response to those conditions set by the Executive Committee in the time provided, and that that be formally recorded, perhaps in a communiqué in the interests of clean athletes of all countries and the global commitment to clean sport.

THE CHAIRMAN said that he would be happy for that to be formally recorded.

### **6.2.2 Compliance monitoring update**

MR RICKETTS noted that WADA had spent considerable time over the past three years developing an enhanced compliance monitoring programme, which had taken a gradual approach, focusing on partnerships between WADA and each signatory, with only recommendations or assertions of non-compliance the last resort under the new international compliance standard that had come into force on 1 April.

In terms of the current situation, the blue bar at the top of the slide represented the start of the monitoring programme, which had kicked off in February 2017, when the Code compliance questionnaire had been issued to 307 signatories, giving them three months in which to complete. In June 2018, all of the questionnaires had been reviewed and all of the corrective action reports (CARs) issued. The questionnaires had had over 200 questions and required various data to be uploaded and various documents as well to validate the responses. The first orange bar represented the tier-one signatories, who had 100% completed all of the critical and high-priority corrective actions. The next orange bar represented tier-two signatories, at around 98% for completion of the critical corrective actions, and the bottom orange bar referred to the tier-three signatories, who had just recently received their CARs and had only just started processing them. Under the ISCCS, there was a prioritisation policy in place, and that essentially held the different tiers accountable to different consequences. The table outlined the number of IFs and NADOs that had fully completed their CARs with, in blue, the IFs, of which there were 103. 33 had fully completed their CARs (including the corrective actions for which they were not accountable for consequences under the prioritisation policy). In red, the members would see the NADOs, of which there were 204, with 34 that had fully completed their CARs, giving a total of 67 of the 307 signatories that had received the Code compliance questionnaire. In terms of the audit programme, 23 audits had been conducted since December 2016, 16 on the NADOs and seven on the IFs. There were a further four audits scheduled until the end of 2018, for two NADOs and two IFs. The audit on Russia was a requirement of the original road map (an audit had to be conducted within four months of the reinstatement of RUSADA), and that would be happening in early December.

Since 2016, signatories had successfully addressed nearly 300 corrective actions identified through the audit programme, which was usually conducted over two days by a three- or four-person audit team, usually at the signatory's headquarters. WADA had trained 35 auditors, including 17 international external experts from various anti-doping organisations, so on each audit there was an external person who had expertise in various areas. The audit reports that came out of the actual audits were included on the Code compliance questionnaire online platform, meaning that the standardised findings and the related corrective actions were presented within a single central IT platform accessible to both WADA and the signatory, which would make things a lot easier. There had been over 10,500 corrective actions generated from the Code compliance questionnaire and the audits conducted to date. 500 of those actions came from the audits, which had been focused on the tier-one signatories, and the members would see at the bottom the number of corrective actions from the Code compliance questionnaire, with the majority sitting in tier three, the developing and smaller IFs falling within that category.

There were currently 2,700 of those 10,500 corrective actions implemented. Signatories continued to work on those outstanding ones. In March that year, 1,000 corrective actions had been completed, a good advancement compared to eight months previously. In terms of the completion rate, the tier-one, -two and -three signatories operating under the prioritisation policy would have until April 2020 to continue to build capacity and development within their programmes.

In terms of new compliance developments, a long-term strategy for compliance had been developed, the objective being to make compliance a business-as-usual policy for signatories and interactive where possible through ADAMS. Work was also under way on a new monitoring system for the major event organisers which would consist of a modified Code compliance questionnaire, which the major event

organisers would receive well in advance of their events. That would be complemented by the existing Independent Observer programme, which would make visits and observations and report back on any corrective actions through a report. There was also a continuous monitoring programme focused on the critical corrective actions. The review of the questionnaires had been completed and audits were being conducted, so WADA was not just switching off; it continued to monitor certain areas, and that included doping control form entry, TUE decisions being entered into ADAMS, the level of out-of-competition testing and also the decisions that came from any anti-doping rule violations. That was also complemented with a post-audit monitoring programme, whereby WADA followed up with the signatories after they had completed all of their corrective actions to ensure that they stayed on track and continued to operate in a compliant fashion.

There had been an excellent response rate to the original Code compliance questionnaire, with 74% of all signatories completing it after three months. Within a further six months, 100% of the signatories had completed the questionnaire. There had been ongoing and sustained engagement with all the signatories WADA had been working with, driven by the regional offices, which had recently received some additional staff or were in the process of adding staff to assist with the extra work generated by the programme and to provide the necessary support to the signatories in their regions. All of the audits had been conducted in an open, transparent, collaborative manner, and the feedback from both sides had been positive. There had been no issues at all with the signatories, who had been very cooperative, and the audit reports would be built into an online system, which was just starting to be used. As a result of the compliance programme, a number of NADOs were using the outcomes of the Code compliance questionnaire and the audits to put pressure on their government funding bodies to make changes to legislation and also to seek additional human and financial resources to enable them to deliver or complete on the corrective actions.

In terms of the challenges, the sheer volume of questionnaires to review and the significant number of corrective actions would take time to work through. It had not been possible to audit everybody at the same time, so there was a process and a priority; however, the number of audits was increasing year on year. There was also an issue with compliance versus quality programmes. The Code compliance questionnaire was a self-assessment tool and the audit programme was there to validate those responses, dig a little deeper and ask for examples of documents and programmes that the signatories had been implementing. From a resource perspective, on WADA's side, there had been a great deal of material to go through, and WADA was working through that. From the signatories' perspective as well, there was a resource limitation among some of the them in terms of being able to deliver the corrective actions.

In summary, the objective was to continue to work closely with signatories and embed a culture of compliance and business as usual. Maintaining that ongoing assistance and communication where necessary, he hoped that the new ADAMS would continue to support the programme and provide automated monitoring for signatories to assist them with their programmes. The lessons learnt from the compliance programme had led to some amendments within the Code and the international standards, so WADA was learning from experience and changes would be made on that front. The prioritisation policy had been a real pragmatic approach that enabled capacity building prior to compliance accountability. As with anything, it took time and needed to be rigorously done to ensure that ongoing effective anti-doping programmes were sustained.

In closing, that remained the number-one priority for WADA. In a short timeframe, it had been possible to set up a compliance monitoring programme, a new international standard and an independent Compliance Review Committee, which had supported the increased level of compliance of anti-doping programmes and had consequently provided greater protection to clean sport and, of course, to clean athletes. He thanked the signatories for their commitment in buying into the programme, the Chairman of the Compliance Review Committee and its members, and his colleagues in the various WADA departments for their concerted effort to make a difference to that.

THE CHAIRMAN thanked Mr Ricketts. It had been well worth waiting for.

MS SCOTT spoke on behalf of the Athlete Committee to congratulate and thank Mr Ricketts and his team. The programme had been a success and it had really improved anti-doping practices across the landscape. The clean athletes really thanked him for his efforts.

THE CHAIRMAN thought that it was terrific. It was not so long ago that WADA had decided to move from having people being rule-compliant to operationally compliant. The figures were staggering. It was a super piece of work and it was nice that the first congratulations had come from the athletes.

### **6.2.3 Russia update**

*Refer 6.2.1*

### **6.2.4 Recommendations of non-compliance**

MR TAYLOR said that, as D-day got closer, a number of non-conforming signatories suddenly complied with requirements, and therefore what had been going to be on the table as recommendations for decision could be taken off the table. At the Executive Committee meeting the previous day, only two cases had had to be discussed, the first of which related to the Nigerian NADO, and the recommendation accepted by the Executive Committee had been to send a notice asserting non-compliance and proposing certain consequences to the Nigerian NADO, and that would be sent. In relation to the International Gymnastics Federation, it had provided a very specific corrective action plan for the remaining corrective actions, and had engaged the ITA in order to address each of the outstanding corrective actions, and there was a provision in the International Standard for Code Compliance by Signatories that allowed for that by saying that the federation was on what was colloquially known as the 'watch list', whereby it was asked to complete those corrective actions within four months, in which case the case would be closed; but, if it did not complete within four months, there would be an automatic assertion of non-compliance.

THE CHAIRMAN thanked Mr Taylor. The compliance section had been dealt with.

### DECISION

Code compliance update noted.

## **7. Athletes**

MS SCOTT informed the members that the Athlete Committee had held a meeting in Baku and, as a matter of interest in WADA and its operations and management, the WADA Athlete Committee had asked to meet in conjunction with the Foundation Board meeting so as to be present at one of the meetings. She introduced the members who had travelled to Baku to attend the meeting: Mr Richard Schmidt from Germany, Mr Chiel Warners from the Netherlands, Mr Ben Sandford from New Zealand, Mr Adam Pengilly from the UK, Ms Lauryn Williams from the USA, Mr Jeong-Ho Hong from Korea, Mr Petr Koukal from the Czech Republic, and of course the IOC athletes' commission members were seated at the table. The Athlete Committee had held its meeting and come up with a number of outcomes, which she would present together with a video, after which she would talk about the most current draft of the Anti-Doping Charter of Athlete Rights.

The WADA Athlete Committee wished to acknowledge and thank the athletes and athlete groups that had spoken up and rendered opinions on the current state of anti-doping. The Athlete Committee was of the opinion that the athletes' voice was vitally important and valuable and encouraged athletes to continue to make their voices heard and be part of the conversation. The Athlete Committee had expressed some opinions on governance, and had spoken about RUSADA and its reinstatement and, although the WADA Athlete Committee remained disappointed with WADA's decision to declare RUSADA compliant prior to achieving the established conditions, it did acknowledge the process and, given the conditions set out, was anticipating that access to the LIMS data would be obtained by 31 December 2018 by WADA and, as soon as the data had or had not been validated, the Athlete Committee expected a recommendation and a decision on compliance to be rendered immediately.

The WADA Athlete Committee continued to work and engage the global athlete community as part of its development of an Anti-Doping Charter of Athlete Rights. The intention was for the document to be fully implemented in the revised World Anti-Doping Code, due to be ratified the following year, and the next Code consultation phase would be taking place shortly and would include a draft of the charter. The IOC athletes' commission had offered its database to help the Athlete Committee engage as many athletes as possible and she thanked it for that.

The WADA Athlete Committee had been given an overview of the Code review and an opportunity to consult on proposed Code revisions, with the added bonus of a member of the WADA Athlete Committee

being a member of the Code Drafting Team, so there would be a line of communication and many opportunities to engage with the Code Drafting Team through Mr Sandford.

There had also been a presentation on ADAMS from Mr Kemp, and the WADA Athlete Committee welcomed and supported the new developments and the new athlete-central whereabouts application, and some members were involved in ongoing developments and feedback.

She had spoken a little bit about the forum earlier. The WADA Athlete Committee had held a global athlete forum in Calgary in June that year, the first of its kind, and the members had a summary of that in their folders. The Athlete Committee acknowledged the value and importance of creating an environment and an opportunity for the broader athlete community to engage exclusively on the subject of anti-doping. The Athlete Committee had found that the forum had been a very positive and well received event and considered it a success overall. For that reason, the WADA management and the Athlete Committee would assess the feasibility of combining a second edition of the forum together with the WADA Annual symposium in Lausanne in March 2019.

The Athlete Committee had received some very positive news from Mr Paterson of Drug Free Sport New Zealand: a group of NADOs in support of the forum that year had confirmed their intent to provide financial support of the forum to the amount of 50,000 dollars. She thanked Mr Paterson and the contributing NADOs very much for their support and endorsement. Mr Paterson would get a personal invite to the after-party!

The IOC athletes' commission would be holding a forum in April in Lausanne and had invited the WADA Athlete Committee to take part and the WADA Athlete Committee was thinking about how it might participate and contribute.

In terms of athletes' groups and cooperation, the Athlete Committee had received an invitation from the IOC athletes' commission to have a joint face-to-face meeting to discuss recent incidents and she could definitely confirm its interest in the meeting and was optimistic about the outcome of a possible memorandum of understanding to ensure mutually respectful differences of opinion. She was hopeful of a positive outcome. As a result of that, the Athlete Committee had also agreed to establish a working group to look at the potential for improved collaboration and communication across all athlete groups, as the Athlete Committee engaged with many members of the athlete community and was looking at how to increase and improve that engagement.

She asked for the video to be shown. It consisted of some short highlights from the first global athlete forum held in June that year in Calgary, close to her home town, which the Athlete Committee considered to have been very successful.

## DECISION

Athlete Committee Chair report noted.

### **– 7.1 Anti-Doping Charter of Athlete Rights**

MS SCOTT invited her colleague Mr Sandford to make a presentation.

MR SANDFORD said that it was a real privilege to talk about the Anti-Doping Charter of Athlete Rights, the process and the draft charter that the members should have in their folders. It was quite a long slide show, so he would skip over some slides and try to shorten the presentation.

The whole process had started a couple of years previously. There had been a number of athletes' committees expressing their concerns about the current system and asking for rights, so the WADA Athlete Committee had listened to those voices from around the world and discussed the possibility of establishing a charter, and had then taken the idea out for consultation. The first step had been to find out if the athletes wanted a charter of athlete rights, and so the Athlete Committee had developed a survey, which had got over 2,100 responses from athletes, which was an incredible response rate when talking about athletes concerned about anti-doping. The responses were what was heard all the time from athletes, which had really reinforced the work that WADA was achieving and the work of the WADA Athlete Committee and athletes' committees around the world. There had been responses from over 2,100 athletes from 60 countries representing 50 sports, and the survey was representative of what was heard every day. 97% of the athletes believed that it was essential or desirable to have a right to clean sport. Overwhelmingly, the athletes wanted clean sport, rights and access to those rights. Following on

from the feedback, the first draft of the charter had been developed and presented at the ADO symposium and discussed with stakeholders. From there, it had been taken to the global athlete forum in Calgary, and the first draft had been discussed with all the athletes in attendance. The engagement had been really incredible and he thanked all of those who had taken part in the process. The athletes were steering and leading the way. During the forum in Calgary, a number of changes had been made to the document, and the document the members saw before them reflected those changes.

The Athlete Committee wanted to take the document out to the athletes again, and had had an offer from the IOC athletes' committee to use its database to be able to contact even more athletes. That sounded like a great idea. The Athlete Committee also wanted the WADA members' feedback, with the same sort of timelines as for the Code feedback. WADA would put it up for full public consultation, and the Athlete Committee would love to have the members' feedback, to hear their concerns about it, improve it and to make it a document all the members were really proud of and that really did guarantee athletes rights in the anti-doping movement. The feedback would run until the beginning of March. The idea of holding another athlete forum in the middle of March was being looked at. The feedback received would be supplied mid-March, after which a third draft would be developed and presented mid-way through the following year and at the IOC athlete forum in April and at the ADO symposium in March.

The members had a copy of the second draft in their documents and he would be happy to take any questions on it. It started with the mission, followed by the preamble and then the actual rights. One of the things identified at the forum in Calgary was that the athletes wanted actual rights in the document, but they also wanted it to be aspirational, which was why it was divided into two parts. In the first part, there were ten actual rights; they were not necessarily new, but would be articulated within WADA documents, so the primary document relied upon was the Code but also the international standards and other associated documents. One of the benefits of being on the Code Drafting Team was being able to identify sections in which athletes had rights and carve out more room and give those rights to athletes. It was not enough to have rights for athletes. Athletes currently had rights but they did not have access to those rights and they were not in one place. Athletes trying to find out about their rights might want to look at the WADA statutes, which spoke about athletes' rights, while the convention talked about human rights, but those rights were not actually articulated. A good job had been done at WADA of creating an anti-doping legal system and applying thousands of rules to athletes to ensure as harmonised an approach as possible around the world, but there was not one page articulating what athletes' rights were. The aim was to centralise those rights and make them available to athletes. The first part was trying to find out what one's rights were; the second was actually having access to them. Article 10 did not fit so neatly within the actual rights, but it was the idea of having an anti-doping ombudsman, and the WADA Athlete Committee thought that it was key: it was about making rights accessible, making the entire anti-doping movement stronger by making sure that athletes had rights. The idea was to have a centralised independent ombudsman able to assist athletes and enquire with ADOs about the processes followed, and it would be fantastic if the members could supply their ideas about how to develop that concept. The Athlete Committee would write a paper on the process of developing the ombudsman and submit it to WADA with its suggestions to see if the position could be developed, but the Athlete Committee really believed that that was a game changer, making sure that athletes were part of the anti-doping movement, knew where to go and how to access their rights.

The second part of the document was the aspirational rights, rights that the athletes felt really strongly about, and they wanted them in the future. In some countries and in some jurisdictions they had those rights, but they were not universally applicable. The athletes were saying that they were best practice rights and rights that they would like to see, but they understood that they could not be guaranteed in all situations around the world. It was very much a work in progress and it was very much a draft. There was a very small steering team and the work was very much steered by the feedback received. If the members had any feedback, he would really value their input. He thanked them very much for the opportunity to make a presentation. Another topic was how to incorporate it into the Code, and the members' submissions on that would be greatly appreciated. Athletes felt really strongly about it and that, by having such a document, the anti-doping movement would be made a lot stronger and it would be beneficial for everybody.

MS BARTEKOVÁ wished, on behalf of the IOC athletes' commission, to thank the WADA Athlete Committee for a very constructive meeting. The two groups might not have agreed on every single point in the past, and that was a basic principle of democracy, not agreeing but seeking common ground

(which was being done), but the IOC athletes' commission was very happy to start a new chapter of cooperation between the two groups, help and provide feedback, and she wished the WADA Athlete Committee good luck with the Anti-Doping Charter of Athlete Rights. The IOC athletes' commission was happy to be part of it.

MS BATTAINI-DRAGONI said that the Council of Europe valued the work going on and was already in close contact and worked with the WADA Athlete Committee, which was a very important improvement, because the Council of Europe also needed input. She wished to provide a couple of pieces of very concrete information about what was going on in terms of protection of athletes' rights at the Council of Europe. Access to justice for athletes was a very important issue and that had come out earlier that morning during the presentation on the new governance rules. The Council of Europe Monitoring Group of the Anti-Doping Convention had set up an ad hoc group with athletes and on athletes' access to justice. The aim of the ad hoc group was to review the judicial system in sport from a human rights perspective and formulate proposals for change. Interestingly from the point of view of the way in which it was necessary to work on such issues, the group comprised anti-doping experts and athletes together with some of the Council of Europe experts from the registry of the European Court of Human Rights as well as other Council of Europe human rights bodies. The next meeting of the group would be taking place the following week on 20 November. She mentioned such details because she wanted the members to understand how motivated the Council of Europe was about working on such issues. The other very interesting piece of news was that the Council of Europe was pleased that WADA participated in that work and, recently, the IOC had also expressed an interest in the group's work. If it was possible to bring together so many people around the table on a very specific subject, they were moving in the right direction. It was an ideal opportunity for the Council of Europe stakeholders to work closely to reform the system of sport justice to solidly anchor it within the principles of human rights and rule of law as well as good governance. By doing that, the Council of Europe believed that the stakeholders were also strongly contributing to giving athletes adequate mechanisms of protection of their rights in line with the European Convention on Human Rights. There had been two judgements from the European Court of Human Rights on the protection of the rights of athletes and she referred to work undertaken the previous year in relation to that question of making sure that there was a proper hearing panel system when a body delivering justice was not providing for hearing panels to take place at the request of those interested. If that did not happen, that had to be sanctioned. She wanted to give everybody in the room an idea about the way in which Europe saw the important work undertaken. What had been presented in relation to the draft Anti-Doping Charter of Athlete Rights was something the Council of Europe was keen to follow up on closely. The Council of Europe's role was limited; however, it was pinpointing the important issue of facilitating access to rights for athletes and then looking at the measures that went with that.

MR POUND congratulated the Athlete Committee on the worthwhile effort that it was undertaking. He had a concern of a practical nature, which was that, if the Athlete Committee was wanting to get the Anti-Doping Charter of Athlete Rights incorporated in the World Anti-Doping Code, there was effectively a mid-year deadline for the following year; otherwise, it would be another five years, so the Athlete Committee would have to be in pretty close contact with the Code Drafting Team to make sure that it was satisfied with the scope as well as the content of the proposed intervention.

MR KEJVAL stated that the sport movement understood the Anti-Doping Charter of Athlete Rights as a strictly anti-doping document. He thanked Ms Scott and Mr Sandford for their efforts, but wanted a much broader group working on it, in particular the WADA Athlete Committee and the IOC athletes' commission. There was great optimism, because the atmosphere was much warmer than it had been in the Seychelles. It was very important at the end of the day for the work to continue in order to have a united athletes' voice. He would like to see how the document would be incorporated into the WADA documents in general.

MS HOFSTAD HELLELAND thanked Ms Scott and Mr Sandford and congratulated them on the Anti-Doping Charter of Athlete Rights, which was an important document, and she believed it would be useful for athletes across the world in years to come. When it was finalised, WADA should ensure that it was embedded in the revised World Anti-Doping Code. She congratulated the WADA Athlete Committee on the successful first global athlete forum held in Calgary and the clear and constructive outcomes. She asked that the outcomes be reviewed and an update given in May on how they had been implemented so that the Foundation Board could find out more about them.

MR SANDFORD thanked the IOC athletes' commission and the Council of Europe for the work they had done and continued to do. A number of months previously, a small working group had been set up between the Athlete Committee, the IOC athletes' commission and the World Players' Union. The World Players' Union already had a declaration of athletes rights, the IOC athletes' committee had just established its declaration of athletes' rights and responsibilities and the WADA Athlete Committee was working its way through its Anti-Doping Charter of Athlete Rights, so the idea of the working group was to make sure that the WADA Athlete Committee was consistent and that all the documents fitted together in some ways. The three organisations were quite different and had quite a different mandate, but they were still trying to make sure that athletes had access to rights, so they would continue to work together, and he had had the privilege of talking about the Anti-Doping Charter of Athlete Rights at the Council of Europe earlier that year and he thanked the representatives for their hospitality.

In terms of the timing of the document, he was very aware that he was on a tight schedule and that the WADA Athlete Committee would have to get the Anti-Doping Charter of Athlete Rights into the Code mid-way through the following year. That phase of consultation very much tied in with what was happening with the Code. Fortunately, he was on the Code Drafting Team and therefore in constant contact with the team about the best way to incorporate the Anti-Doping Charter of Athlete Rights into the Code, and for that he would be grateful for the members' feedback either through the Code submission process or through the Anti-Doping Charter of Athlete Rights submission process. The members had heard Mr Young talk about that. There was currently a place-holder in the Code draft for a reference to the Anti-Doping Charter of Athlete Rights and that was how it was currently being looked at, but he would be interested to hear what the members thought about that.

As to the idea about the outcomes of the forum, it was a really good one. He would hand that back to the Athlete Committee so that it could update the members and continually work on the outcomes to make sure that it was answering the athletes.

#### DECISION

Anti-Doping Charter of Athlete Rights update noted.

### **8. Finance**

MR RICCI BITTI informed the members that he would try to be brief, but he had to provide more information to the Foundation Board than to the Executive Committee. Starting with the report that was not in the agenda (he would call it item 8.0), he noted that the Finance and Administration Committee had met in Rome in July and, among the many decisions and discussions, wished to convey three messages to the Foundation Board. He thanked the members of the committee, two of whom were present that day, for their contribution. The highlights included consideration of the yearly annual accounts, which had been approved at the Foundation Board meeting in May 2017. They showed an excess in income of 2.57 million dollars, much better than the revised budget of around 1.2 million dollars, allowing for many things, in financial terms, including for an increase in the operational reserve of 382,000 dollars, bringing the reserve to almost 3 million dollars (2.9 million), considered by the Finance and Administration Committee not to be sufficient, even for a non-profit organisation such as WADA. The Finance and Administration Committee believed that there should be between three and six months of operation, not one-and-a-half months as was currently the case. The second message was that the Finance and Administration Committee reiterated the recommendation to the Foundation Board, in particular to the public authorities, to continue working on a review of the share split, which was not in line with reality. When he referred to a split, he meant within the continents and between the continents. The split set at the foundation of WADA was perhaps somewhat outdated. The third very important message from the Finance and Administration Committee was related to the fact that the Executive Committee had approved an 8% increase for four years, from 2019 to 2022, and obviously that was to be approved by the Foundation Board in principle. It was a huge effort, and he referred to the long discussions in the past with Mr Muyters from the public authorities. WADA had suffered a great deal for many years and currently appeared to be rich, but had to be careful, because there were risks when one was rich that were different to the risks when one was poor. The Finance and Administration Committee recommended expanding the function of its Committee, introducing KPIs, as mentioned that

morning by the Director General, to evaluate the validity and effectiveness of all of the new additional activities in WADA as a result of the new possibilities.

#### DECISION

Finance and Administration Committee update noted.

#### – **8.1 Government/IOC contributions update**

MR RICCI BITTI informed the members that there was good news, because that morning the contributions rate was at 98.84%, much better than the previous year. Also, there were additional contributions amounting to about 1.3 million and he thanked Australia, Japan, the City of Lausanne and, in particular, China, which had made a huge additional contribution of one million dollars, which was also another reason to support the review of standard contributions, because there were some countries (although not many) that felt a duty to pay more than they paid.

#### DECISION

Government/IOC contributions update noted.

#### – **8.2 2018 quarterly accounts (quarter 3)**

MR RICCI BITTI informed the members that he did not have much to say. The members had the summary of the quarterly accounts, and everything was under control because, obviously, 75% was a reference and, even if there were expenses that occurred at the end of the year, there was nothing unexpected; so, as the members would see, all the expenses to date were more or less under 70% and on average 67%, which was better than the theoretical 75%. He thanked the management. He believed WADA was under control, even if the organisation was investing a lot of money in certain strategic plan items such as the executive office, intelligence and investigations and ADAMS. Those were the quarterly accounts.

#### DECISION

2018 quarterly accounts update noted.

#### – **8.3 Confirmation of auditors for 2019**

MR RICCI BITTI asked the members for their approval to confirm the auditors. The three-year mandate of PricewaterhouseCoopers would end on 31 December 2018, but there had been some delays in relation to staff transition. Ms Pisani, whose work he had greatly appreciated, had retired, and had been replaced by Ms Dao Chung, the new Chief Financial Officer of WADA. Due to the transition period, the management had asked the Executive Committee to recommend keeping PricewaterhouseCoopers on for 2019 in order to facilitate the transition.

THE CHAIRMAN explained that the request was a formal one, to retain some services to help Ms Chung take over the full operation.

MR MUYTERS agreed to the proposal. Reacting to the point made earlier, he welcomed the work with KPIs, which was a good way of working, and announced that the public authorities were looking at the issue of the regional split and had made arrangements to start working on the matter.

MR RICCI BITTI thanked Mr Muyters.

#### DECISION

Proposal to appoint PricewaterhouseCoopers as auditors for 2019 approved.

#### – **8.4 2019 draft budget**

MR RICCI BITTI stated that, at the November 2016 meeting, the Foundation Board had approved a series of recommendations to keep the agency fit for the future. 2019 reflected the continuation of the work in relation to those recommendations. The members would see an attachment with all the details and he simply wished to mention the highlights. He referred to a net increase in income of 1.1 million dollars, not the 8% coming from the two sides because there was less special income. The total



expenditure increase of 2.6 million dollars was mainly due to the executive office, staff increases, the strategic plan, branding, the World Conference on Doping in Sport, UNESCO and so on. The document with all the additional activities was in the members' papers and the Director General could also provide an explanation. There was an increase for education, NADOs and RADOs and science and research (one million dollars). WADA had sacrificed science and research in the period he had referred to previously. WADA had to recover that. It was very important. The fight against doping in sport also involved following people who researched and who had greater capacity, and he mentioned the pharmaceutical industry, so WADA needed to be on the case and have more money available for special research. There had been an increase for standards and harmonisation and operational costs. That was the summary in figures. There was a loss or deficit for 2019 of 351,000 dollars, but there was a decrease in depreciation to 2.4 million dollars, and 2.53 million dollars was the capital expenditure. Again, capital expenditure was focused mainly on ADAMS (the project that drained the most energy), so a recommendation to the management would be to keep an eye on that. ADAMS could not be left alone, as it was a key tool in particular for the athletes and everybody connected to the system, but it would obviously cost a lot of money. In terms of the depletion of the reserve, there was a depletion of 481,000 dollars which was inside the cap of 500,000. Those people familiar with the issue would know that the 500,000-dollar depletion was the maximum allowed. He asked the Chairman to seek the members' approval.

THE CHAIRMAN asked if there were any questions.

MR SHEPANDE said that the public authorities strongly supported the submission from the Finance and Administration Committee on the budget and funding and also reported that, as mentioned earlier, the public authorities had established a working group to look at the modalities of the share split formula on the contributions, coordinated by the One Voice platform.

THE CHAIRMAN explained that the original division among continents had been done in Cape Town in 2001, so perhaps it was about time that the members look at it again. It was a recommendation from the Executive Committee that the Foundation Board approve the budget presented by Mr Ricci Bitti on behalf of the Finance and Administration Committee for 2019. Did the members agree?

#### DECISION

2019 budget approved.

#### – **8.5 Five-year plan: 2018-2022**

MR RICCI BITTI invited the members to look at the plan. It had become a five-year plan because the four-year plan presented the previous year had not been approved in its entirety by the Foundation Board, but the 2018 budget with an 8% increase had been approved, and then the Foundation Board had requested postponing the four-year plan with the 8% increase, so that had become a five-year plan. It was a management exercise to show the evolution of cost and income over the coming four years. That obviously included all the core activities plus the additional activities that WADA wanted to include, and the members would see a very extensive and clear document, and he congratulated the management on the comprehensive nature of the document, but the members could ask the Director General questions if they wished. That was obviously a projection. From a finance point of view, he noted that WADA would continue in 2020 to deplete 479,000 dollars, but that was the last year because, from 2020, it would be necessary to include another significant income, the Montreal contribution; so, from a financial point of view, there would be no depletion of the reserve from 2021 and that was a great opportunity to do a little bit better than projected and perhaps refurbish the very low reserve. The finance, also from the point of view of the cash flow, in the last document the members had received, was critical for the low reserve. The agency was clearly in good shape; there was a huge commitment to spend money well and have a new WADA, with more activities and more effectiveness.

THE CHAIRMAN asked if there were any further comments.

MS BATTAINI DRAGONI said that the five-year issue had been clearly explained the previous year, and the Council of Europe could go along with that. Mr Ricci Bitti might be surprised by her question as to whether there was an issue of difficulty of absorption of money. It was a very serious point and she was not kidding. Sometimes, when one got important financial resources, in addition to what one already had, it took time to recruit the right people and put a structure into place. It was a serious matter. Was that a problem or not? If there was unspent money at the end of the year because of the absorption

capacity, which also happened, even in a well-managed organisation, what were the rules about unspent resources? Could they be transferred to the subsequent year? Did they remain in the 8%?

MR RICCI BITTI responded that perhaps he had been exaggerating, but he was very confident. He was familiar with the management. The long document was a very important document produced by the management about the improvement to justify the increase. Much more than 8% had been requested (15%), so it was not what the management had requested, but the request had been based on additional activities and improving the present activities. He repeated the message. Having been a businessman, he remembered that the period of growth involved some risks. The Director General was very aware of that and, in his capacity as Chairman of the Finance and Administration Committee, he was very confident that WADA was absorbing very well. The members should not forget that 2017 and 2018 had been positive years: there had been a profit, and it had been put in the reserve.

THE CHAIRMAN felt obliged to say that absorption of excess money was not a question that had ever presented itself to the previous chairman of the Finance and Administration Committee. He congratulated Mr Ricci Bitti. Looking at all the papers, the way in which everything was explained was about as transparent as it could possibly be.

## DECISION

Five-year plan update noted.

## **9. Education**

### **– 9.1 Education report**

MR MOSES provided a brief update on the activities of the Education Committee. The big event that year had been the second WADA global education conference in Beijing, China on 24 and 25 October. About 200 people had participated in the conference, and he extended his gratitude to the hosts, CHINADA, who had been very gracious and professional and had done a fantastic job of organising the conference. Hospitality had been very good and participation high. Not only had the Chinese vice-sport minister attended, together with the chairman of CHINADA and the education manager, but the WADA Chairman had been present too, which had been fantastic. Everybody had been really impressed with the learning experience, and everything had gone very smoothly. He thanked USADA, a co-sponsor of the conference with the Chinese. The post-conference evaluations had revealed that the participants had been very satisfied with what had been delivered and the outcomes. Together, anti-doping practitioners, researchers and other stakeholders involved in clean sport had examined emerging trends, contributed to the development of the new international standard for education and examined how ADOs could enhance their education programmes and ultimately strengthen the global anti-doping movement whilst keeping athletes at the centre of their strategies. The best way to describe all of that was simply to read the Beijing declaration, which captured the most pertinent points; but, before doing so, he showed the members a video of the event.

The declaration, one of the outcomes of the event, captured most of the important points, which came under three key headings: athletes, clean sport and education practice, and cooperation. The participants of the second WADA global education conference had declared that athletes would remain at the centre of the education programmes with educators seeking ways to engage them in the planning and implementation of such programmes. The stakeholders would continue to elevate and promote athletes' voices and help them engage in the clean sport conversation. The Anti-Doping Charter of Athlete Rights had been acknowledged and supported. In particular, it was the athletes' right to be educated. Under clean sport education practice, the International Standard for Education was an important step forward for clean sport and the development and implementation of that would be supported by ADOs. The vital role that education played in anti-doping and clean sport would be promoted and advocated, and a more positive approach to anti-doping would be taken with a focus on using more positive language and acknowledging that the vast majority of athletes wanted to compete clean. ADOs would work together to provide easy access to education tools and ensure that education initiatives were evidence-based and included monitoring and evaluation. Under cooperation, ADOs would continue to collaborate on best practices to further resources and goals and advance education. Partnerships with other organisations within and outside the clean sport movement would be sought in order to advance common goals. In relation to the international standard, the working group responsible for drafting that had planned to meet following the global education conference in order to prepare the second draft for public

consultation. The drafting process was still in progress ahead of publication, with the most recent draft as well as the outline of major changes since the first draft available to the members in their Foundation Board papers.

The education partnership with the IOC, IPC, the International Fair Play Committee, the International Council of Sport Science and Physical Education and UNESCO continued to develop. A values-based resource for teachers was being piloted in 10 countries through the UNESCO Associated Schools Network and, once that was complete, WADA would be able to offer a full complement of education resources for all stages of an athlete's career, meaning that they would be age-appropriate, including all the support personnel, and those were freely available on the WADA website.

The e-learning platform, ADeL, had been launched that year and continued to develop through the addition of languages and administrators from a wide variety of ADOs, and there were currently over 12,000 registered users on the platform. That number was steadily rising. There had been a successful webinar on ADeL in support of the colleagues in the Latin American regional office, and seven courses were currently available for different stakeholders from athletes all the way to Athlete Biological Passport scientists. The most recent resource to be made available was the university e-textbook, aimed at students and student athletes, and ADeL could be seen as a one-stop-shop for all matters related to anti-doping in sport.

In relation to the social science research projects, there had been 47 applications received from 21 countries for funding for 2019, and a meeting of the social science review panel had taken place on 25 September in Montreal followed by a conference call with all of the members of the Education Committee to review the projects and select those that would be brought forward for the Executive Committee's consideration. The Executive Committee had approved the funding of the six recommended projects, which covered a wide variety of topics and regions, and would provide some very thoughtful insight into the development of education programmes and the promotion of clean sport. He would not go into the details, but project one was for 20,000 dollars, number two was for 22,606 dollars, number three was for 20,000 dollars, number four was for 75,000 dollars, number five was for 46,433 dollars and number six was for 25,000 dollars. The Social Science Review Committee had carried out an extensive review, and it had been very interesting to find out all the details. He formally asked the Foundation Board to approve the total amount of 209,039 dollars for the social science research projects.

THE CHAIRMAN said that Mr Moses could relax as the proposal had been approved the previous day. The money was allocated.

MS UKISHIMA said that she wished to express her sincere appreciation to WADA for its efforts to promote values-based anti-doping education and, in order to support the implementation of values-based anti-doping education in the various countries, the Ministry of Education, Culture, Sports Science and Technology in Japan had cooperated with JADA and had shared education packages consisting of various materials and a teaching guide in English. The education package had been provided to 23 countries so far. In the countries in which English was not the official language, the materials had been translated into the local languages for the use of athletes and support personnel. As there were many requests from Spanish-speaking countries, JADA was currently working on translating the athlete guidebook into Spanish. Japan would like to continue to contribute to the development of global anti-doping activities, working closely with WADA and other stakeholders.

MR MOSES apologised; he had not understood everything that had been said and asked if the question or comment could be repeated.

THE CHAIRMAN explained that Ms Ukishima had been talking about the contribution made by Japan to anti-doping activities, education in particular, and particularly an effort to translate material into Spanish. In general terms, WADA should be very grateful for that.

MR MOSES agreed and that he was very grateful. The recent event had really been a world class event, with people talking about education from many different perspectives, and also one of the initiatives that the committee would follow up on would be making applications for grants accessible to all; although there might be a bit of a deficit, the committee would do its best to help. It had been a fantastic event and he thanked the staff at WADA for making it a great event, as well as the members of the Education Committee and the Athlete Committee who had been very active and made

presentations. The event had been full of team work from everybody involved. Everybody had chipped in and made it a fantastic event.

THE CHAIRMAN said that there had been a slightly unusual presentation during the Conference including an explanation that China hoped to change its domestic legislation, which might affect the manufacturers in China of unregulated performance-enhancing substances. That was really exciting and Minister Li was present and perhaps he should tell the members briefly what the plans were and encourage WADA by telling the members that it would definitely happen.

MR LI informed the members that the Chinese Government had made progress by incorporating anti-doping in criminal law in China. Doping was not only a problem in sport; it was also becoming a social problem, with some severe, illegal forms of doping. Disciplinary and administrative punishment were far from enough. WADA was currently initiating legislation on doping worldwide in order to punish illegal doping behaviour effectively and severely in accordance with criminal law. The general administration of sport in China and the supreme court in China were making joint efforts to put the illegal production, sale, smuggling and organised use of prohibited substances into criminal law in the country. That was a very strong signal to protect fair competition and clean sport. The judicial explanation of criminal law was entering the stage of stakeholder consultation and would be published and implemented shortly.

THE CHAIRMAN thanked Mr Li. WADA had been working with China on that kind of project, not specifically criminal legislation, but some way of reducing the production of performance-enhancing substances on an unregulated basis. It was a hugely complex thing for any government to do, particularly one in a country the size of China, but that move could be extremely useful because, if one began to reduce the supply, nothing but good could come of it and an education conference was exactly the time to tell people. He wished the minister every success and thanked him.

#### DECISION

Education report noted.

### **10. Health, Medical and Research**

#### **– 10.1 Science and medicine report**

PROFESSOR ERDENER informed the members briefly about the Health, Medical and Research Committee report, first in relation to the Prohibited List. The List had been reviewed and published in accordance with the usual timelines and processes, and the first draft had been produced by the Prohibited List Expert Group on 16 and 17 April that year and then circulated from May to July that year among the stakeholders. All comments had then been reviewed by the Prohibited List Expert Group in August. Following that process, the 2019 List had been drafted and submitted to the Health, Medical and Research Committee and then finally approved by the Executive Committee in September. There had been no significant changes to the Prohibited List for 2019. A number of examples of prohibited substances had been added. Some substances had been transferred to a different class to better reflect their biological activity. A few clarifications had been made, such as changing the title of S4.4 to reflect the multiple ways in which the particular receptor could be affected and 'gene doping' had been changed to 'gene and cell doping', as that better described the present situation. For more details, the members might wish to see the report.

WADA had received ten research projects in the field of artificial intelligence applied to anti-doping under the joint call with the Fonds de recherche du Québec. WADA was currently in the assessment phase of those projects and one or two more promising submissions would be selected over the coming weeks. The 2019 call for projects would be released in November and actively promoted among research teams and universities, and some reactive and targeted projects had been approved recently in the fields of forensic science, dry blood spot development and specific analytical development.

In relation to the Athlete Biological Passport, the 2018 WADA science symposium had been organised with the FMSI in Rome from 5 to 7 November. It had been a very successful symposium with more than 250 IF and NADO participants attending from various regions of the world. It had been an important moment to share experience and expertise in relation to the Athlete Biological Passport, in particular preparing ADOs for the implementation of the Athlete Biological Passport under the new TDSSA. WADA warmly thanked the FMSI for its dedication and support to make the symposium a true success.

On laboratories, significant resources were dedicated to the revision of the ISL, which required lots of time and discussion from the working group as well as the laboratory experts and WADA management. WADA was progressively integrating the decisions adopted in Seoul the previous year by the Foundation Board by strengthening the EQAS programme and resources, by increasing site visits to WADA-accredited laboratories and by engaging more laboratory experts in reviewing corrective actions from laboratories. WADA was pleased to see some revoked laboratories applying again for reinstatement in the network of anti-doping laboratories.

In relation to TUEs, WADA continued to screen and monitor TUEs approved by ADOs. Although the number of TUEs had been increasing by around 50% per year, over the past year, as a result of compliance efforts insisting that TUEs be entered in ADAMS, the number of approved TUEs in 2018 had stabilised and would be similar or less than the previous year. The WADA TUE Committee had reviewed and reversed two TUEs between May and October, one for testosterone and one for DHEA, a testosterone precursor. WADA continued to look at ways to improve the TUE process, be engaged with stakeholders on a regular basis and receive and assess comments for the ongoing ISTUE process. WADA had also participated in a TUE ethics symposium at the Royal Medical Society in London on 17 July 2018.

THE CHAIRMAN noted that there was a pretty comprehensive report in the members' files. Did Dr Rabin want to highlight anything?

DR RABIN responded that he did not need to highlight anything. Everything was in the report, but he would be pleased to answer any questions.

THE CHAIRMAN observed that the department was a very busy one, as the members could see from the amount of work that was done.

## DECISION

Health, Medical and Research update noted.

### **11. Legal**

MR SIEVEKING said that he would be very brief. The litigation update was in the members' files. Mr Niggli had already mentioned the important decision in relation to the Bruyneel case, which had been before the CAS for almost five years. He was particularly happy with that outcome. For the other cases, he would be happy to take questions. A guideline for data protection would shortly be posted on the WADA website. The ISPPPI had been updated in May to align with the main principles of the new European regulation on data protection, but there had been a call from stakeholders for assistance because it was quite a complex area, so the management had drafted a data protection guideline, which was a very practical document with a lot of templates, and he was confident that it would be of great assistance to stakeholders to manage the very complex issue in a constantly evolving field.

Clenbuterol and meat contamination were another problem and WADA had tried to find a solution because, if an athlete tested positive for clenbuterol, even if the athlete was able to establish that the cause was consumption of contaminated meat, in accordance with the current Code, the results still had to be disqualified, which was considered to be particularly unfair because, even if the athlete's only fault had been eating contaminated meat, WADA did not consider that the disqualification of results (which could be results for a very important competition) was a fair outcome. There was no solution under the current Code to that problem, so the management had asked the Executive Committee to approve the inclusion in the next round of Code consultation of a question for stakeholders on the possibility of having a slight amendment to article 7 for approval in May the following year by the Foundation Board. The addition of a couple of words in an article would make it possible for the laboratories to report clenbuterol positives as atypical findings and, if the athlete could establish that the consumption of contaminated meat was the cause, it would not become an adverse analytical finding and the case would be closed without having to disqualify the result. The Executive Committee had been very open to the proposal. He would hopefully be reporting back at some stage to the Foundation Board.

THE CHAIRMAN noted another increasingly busy department. A solution to the clenbuterol problem would be great.

## DECISION

Legal update noted.

### **12. Intelligence and investigations**

MR YOUNGER started his report with an organisational update. The department was currently divided into two units: the confidential information unit, with the confidential information manager, which dealt exclusively with informants and whistleblowers, and the intelligence and investigations unit, which dealt with all WADA investigations.

In relation to SpeakUp! there had been 182 new reports since January, meaning that, since 2016, when he had started, 434 cases had been generated, so the success of the whistleblower programme continued.

There had been two successful testing missions carried out, during which one adverse analytical finding and two atypical findings had been established.

The department was still very busy with the LIMS operation and, in December and March that year, the department had provided the LIMS data to almost 70 IFs. In May, the department had realised that the majority of the IFs had been struggling with the complexity of the data and so had decided to adjust the strategy and take all the cases back. It had reviewed all the data and identified a list of the strongest cases, which WADA would investigate individually, and then WADA would approach the IF concerned and hand over all the evidence, including a narrative summary to be used for the result management process. WADA had already approached the IAAF and would continue regardless of the situation with the Moscow laboratory.

The department still supported the investigation of the Austrian and Norwegian police in relation to the IBU. With the establishment of the IBU External Review Commission, led by his distinguished colleague Mr Taylor, the department would cooperate on that as well, although he could not tell the members how long it would take because a lot of data still needed to be analysed.

On Operación Puerto, the department had been able to analyse 99 serum samples and establish, in addition to the 27 DNAs, another eight new DNAs, so there were 35 DNAs altogether to compare. WADA still tried to collect as many samples as possible from long-term storage to compare with DNA and identify as many athletes as possible.

One investigation had been completed recently on the Guatemala NADO. The allegation had been that a member of staff had interfered with or manipulated the sample of an athlete and false evidence had been provided to a hearing panel. The investigation had not identified any evidence of sample interference or manipulation; however, numerous contraventions of the international standard had been identified and addressed.

The department had finished a long-term project on Kenya. It had started in 2016, the idea being to monitor Kenyan athletes to see whether there had been institutionalised doping or corruption in Kenya since 2016. The conclusion was that doping practice in Kenya was still unsophisticated, opportunistic and uncoordinated; the athletes in distance running were mostly using nandrolone and EPO, and they were insufficiently educated or wilfully blind. Also, the role of medical practitioners or quasi-medical personnel was highly relevant to the accessibility of performance-enhancing drugs, and the means of substantial assistance was vastly underutilised. A meeting had been organised, bringing together a multi-stakeholder network for the first time, including police, law enforcement bodies and other stakeholders in Kenya. On the second day, there had been an operational meeting for the discussion of cases, and WADA followed those cases up together with ADAK to strengthen it.

The international cooperation with Interpol, Operation Barium, had concluded. Law enforcement worldwide was still investigating some cases, but unfortunately Interpol could not share any operational data with WADA. However, Interpol had said that WADA's support had been very helpful to it.

There was a new operation ongoing worldwide, coordinated by Europol, and WADA was a part of it, although he could not currently provide more details as it was still ongoing.

#### DECISION

Intelligence and investigations update noted.

### **13. Anti-Doping Administration and Management System (ADAMS)**

THE CHAIRMAN noted the investment that WADA continued to make in ADAMS, which was central to much of what WADA did. Mr Kemp, who ran the ADAMS project, was with the members that day.

MR KEMP stated that he was happy to be at the meeting to provide an update in relation to the ADAMS Next Generation project. He would inform the members about recent achievements and let them know what was next. For those less familiar with ADAMS, he reminded them that it had been in place for more than 13 years so, inevitably, it was time to update the technology behind it. It was an essential service for WADA, all ADOs and athletes, as it was the primary means to share and collaborate around the world, in particular by sharing whereabouts information, plan and coordinate testing activity worldwide, report laboratory results, enter TUEs and share Athlete Biological Passport data and all other types of anti-doping information. To give the members a sense of the importance of the tool to the anti-doping community, at any given time, there were some 20,000 to 30,000 athletes providing whereabouts information securely in the system, more than 2,000 staff members in ADOs, including IFs, NADOs and RADOs, relied on ADAMS for their day-to-day work, more than 220 laboratory personnel had accounts to commit to their priorities and report information in the system, as well as well over 100 athlete passport management users and experts, and more than 20 members of staff who relied on WADA to do their day-to-day work and in particular to monitor stakeholders' activity. He made that point in particular to reinforce the fact that the needs of the users were very different, so one of the challenges of the project was to try and understand the different needs and address them in a unique way.

WADA had been working on the Next Generation project for just over one-and-a-half years and had made tremendous progress, and he was really pleased to say that he was able to start showing some of the progress actually on the system because, to date, much of the work had been done on the technology, what was referred to as under-the-hood improvements, to build the new modules that athletes and anti-doping organisations alike would be able to see. The department had spent that valuable time working on improving the technology and security of the system so that the modules would be fit for purpose as they were introduced over the coming weeks and months. A new testing module had been completed which entailed the test planning process for anti-doping organisations (how they planned testing missions) and an all-new whereabouts application had been created for athletes. The department was in the beginning stages of developing a new paperless doping control application, which was long overdue, and which would be introduced the following year, and connectivity was being developed between ADAMS and the laboratory information management systems used by the accredited laboratories worldwide.

On some of the infrastructure upgrades that had taken place over the past year, most importantly, security had been increased for ADOs to secure the data privy to their organisations and, more importantly, to secure athlete information in a way that was state-of-the-art. New authentication protocols had been introduced, so that no longer was WADA relying merely on usernames and passwords, but it was able to authenticate the devices that users were using to ensure that the authorised users were the only ones accessing the data. Some of the systems used behind the scenes had been improved to track the efficiency and use of ADAMS to make decisions in a data-driven manner to understand how the system was being used and what elements were unused or under-utilised, so as to improve the system based on real data and user feedback.

He demonstrated one of the new tools that WADA would be introducing. It was complete and was being rolled out. It was the new test planning module that ADOs would begin to see at the end of that month and later the following month. There was a new design, look and feel; it was more accessible, cleaner and friendlier for athletes and ADOs. A dashboard had been introduced which immediately gave organisations access to the data that was most salient in terms of their day-to-day use so that, rather than having to run complicated reports in the system that were draining on the database, they could see the data that was important to them in real time in terms of testing activity, whereabouts and other such metrics. The members would see before them a new test distribution planning and monitoring tool so

that, if organisations planned their tests in the system, they would be able to see in real time how their progress was tracking, where they might be behind, where they were ahead, and the actions they should take to get the system back on track. It was of particular importance for the efficiency of anti-doping programmes not to be wasting time running reports but rather having an immediate readout of their day-to-day activities, and it was particularly important for WADA because it would need to spend less time and human resources running such reports and would have immediate access with that kind of dashboard view to the testing activities of ADOs and all signatories worldwide, and an attempt had been made to incorporate some of the latest technology in terms of being able to filter information dynamically within the page.

Another important tool was the TDSSA monitoring tool. Mr Ricketts had discussed the TDSSA earlier, and it was difficult to monitor compliance with it in ADAMS as many elements fed into it, which was why the new tool had been introduced to provide ADOs with an immediate snapshot of where they were with respect to the minimum levels of analysis required under the TDSSA to help them plan their testing programmes in a reactive way to ensure that they were compliant with the standard. Another dynamic feature would be being able to filter by nationality and sport so as to go from the 30,000-foot level of looking at the programme to looking in a more focused way. That was a quick overview of the new test planning tools being introduced, and the members would see that it was a sea change in terms of the way in which they could interact with the system, as well as the design and the look and feel.

Athlete Central was the new athlete whereabouts application that was in the final testing phase. WADA had been working closely with a Montreal-based company in terms of development, design and strategy. WADA currently had an application for athlete whereabouts but it was underutilised. Only about 35% of all athletes worldwide using ADAMS used the application. Athletes were young and on the move and it made sense that they should be using a mobile application to update their whereabouts. WADA had known that there was a gap that needed to be addressed and had worked with the Montreal-based company to design and create the strategy. The company had been kind enough to develop a short video about the collaboration which he wanted to share with the members. As the members could see, it had been a collaborative team effort to build the application and core to the work had been trying to engage athletes in the process. WADA had been lucky enough to have feedback with over 2,500 athlete responses in ADAMS, making it possible to understand some of the challenges with the current application and what they would like to see in the new application. WADA had been overwhelmed by that response. Many of those athletes had indicated that they wanted to work further with WADA to develop the application and athletes worldwide had been interviewed via Skype to find out about different technology needs and challenges, and he hoped that WADA had been able to address those. Two points made in the video had to do with the global nature of the application and, for the first time, the application would be available in all of the languages in which ADAMS was available. The ADAMS whereabouts application was currently available only in French and English. The new application, anticipated to be launched early in the new year, would be available in all 20 languages, and it had been designed with that in mind, so even right-to-left text would be available. As mentioned in the video, he hoped that that was just a starting point to engage athletes. Athlete Central was an initial platform for whereabouts that could be built on over time to engage athletes, to collect information from them, for example about feedback on the doping control session, but also to push important information to them, such as new Prohibited List information, giving them access to their testing information, perhaps applying for a TUE and other such functionalities, and WADA would continue to engage with athletes to understand what they would like to see in the application over time. He gave a quick demonstration of the application. It was currently undergoing testing, by WADA and a number of ADOs, with a goal of about 300 to 500 athletes using it between November and December, so as to be able to launch it in January and February to all athletes worldwide. The members would notice first that they could log in to the system using biometrics. There were multiple login options in addition to regular credentials and pin codes. WADA would be using temporary one-time passwords or biological metrics. Upon logging in, athletes would immediately see a dashboard to see the information that was most important to them, including when their upcoming 60-minute timeslot was and what their whereabouts entries were for the next day. It was a smart application, in that information could be entered and it would understand where the athletes were. By way of a demonstration, the hotel in which the meeting was taking place had been entered. He doubted very much that anybody knew the street address, and nor would an athlete; but, if they entered Baku Marriott, it would provide that information for them. That was an example of a smart application. Simply saving that information would populate the calendar, and he hoped that the design was sufficiently intuitive to enable athletes to understand easily how to use the information. The dashboard



view showed all of the most important information. To make a new entry, colour coding and iconography had been provided to make everything easy to understand and so that athletes could better understand the whereabouts requirements and how to go about complying with them. Every address ever entered into the system was saved uniquely in the athletes' address book so that they need not repopulate it again in the future but could reuse common entries. That was another example of how WADA was trying to make the application as smart as possible. Another feature of the application, in addition to the dashboard, was the ability to have push notifications. The athletes had said that it was very important to them that they knew where their next 60-minute time slot was and they wanted to be sure that they were in the right place. Research suggested that not only did WADA want to ensure that they were in the right place but, if the right place needed to be updated, WADA needed to make it easy for them to update, which was why WADA had enabled push notifications in the system so that they would receive a reminder on their phone (even if they were not on the application) about an upcoming time slot so that they could make the change. The motivation was not to have athletes running to a location but to enable them to update their information so as to avoid an inadvertent missed test. The aim was to make sure that the application was user-friendly to help athletes comply with the requirements and not be beholden by them. That was a very quick overview of the application, which would continue to develop over time. Testing with ADOs and athletes was currently ongoing and he was hopeful that it would be rolled out to all athletes worldwide and available for download on iOS and Android early in 2019.

The third of the four priorities he had mentioned earlier was the development of a paperless doping control system. There were several paperless doping control systems currently in use. The major limitation of those systems, however, was that they were not connected to ADAMS, so a lot of manual data entry was required and they did not take advantage of the data already available in ADAMS. For example, if an organisation planned a test in ADAMS, the paperless system could pre-populate the name and sport of the athlete and so on, so that, when the athlete was tested, much of the information collected on the doping control form would be pre-populated. That would make the doping control process faster, reducing errors with pre-populated entry, and he hoped that it would instil confidence in the doping control among athletes. He showed the members some very early designs of the paperless doping control system. The key functionality planned for release at the end of 2019 was that the first version would be for the use of one doping control officer only, meaning that there would be no synchronisation between multiple doping control personnel, for example, at major multisport events at which dozens of athletes might be tested in a single situation. The focus was very much on getting the basics done very well and then the functionality would be increased over time. The tablet would be available on iOS and Android, and the aim would be to make sure that the hardware requirements would not be burdensome so that the cost of the tablet would be accessible for all organisations. The device would be able to work online and offline, so that testing would still go ahead if there was no Wi-Fi or 3G connectivity. There was a means to capture legally viable electronic signatures for the process and, like the whereabouts application, it would be available in multiple languages. He drew the members' attention to the screen in the middle, which was what an athlete would typically see when notified about a doping control. They were advised of their rights and responsibilities. It had been deemed important to ensure that the paperless solution would be able to provide the information to athletes in the language of their choosing so, within the constraints of the 20 languages currently in ADAMS, WADA would be able to inform athletes of their rights and responsibilities in the testing process in the language of their choice, which would ensure greater fairness for athletes and help with acceptance of the procedures thereafter. The other screenshots had to do with a summary of the testing session that might take place and linkages between the Athlete Central application, in which the doping control officer would have immediate access to the whereabouts application so important to out-of-competition testing. The utility of having that information available to the doping control officer was that they would not be conducting a testing session on outdated information and thereby wasting resources on an unsuccessful test but rather using the most current information so the test could be as efficient and effective as possible.

He walked the members through the approach being taken with all the new modules in ADAMS. A very iterative approach was being taken. The expectation was that none of the modules would be perfect when rolled out. Some contingency was being built into the process to enhance further each module that was brought out. A good example was the not-so-attractive form that the members could see before them. It was the current doping control form in ADAMS. It was cumbersome, there was a lot of information and detail, and it was not particularly intuitive for ADOs to use. WADA had collected feedback from organisations and created a new version of the form, which NADOs and RADOs and IFs had tested, then the version had been further iterated in order to have a final version that addressed all of their needs.

That was an approach that he planned to take with all of the modules. The expectation was not to get it right the first time but to do the research well enough so that the first versions were 75% to 90% there and further refined thereafter based on real practical feedback.

He was sure that the new tools he had shown the members, such as the TDSSA monitoring tool, would be extremely helpful for ADOs and was very much looking forward to getting their feedback when they were rolled out over the coming months. It would be incredibly important for WADA to be able to do its job better and more quickly through the use of more efficient tools. He showed some examples of other dashboards that would be over time built to give ADOs the key metrics that were important to them and which would include visualising data that ADAMS currently provided only in spreadsheets and long reports.

The final project for 2018 had to do with the connectivity between ADAMS and the LIMS, and surveys and interviews had been conducted with a number of laboratories around the world to understand what their needs were. Therefore, WADA would be building connectivity (an application programming interface or API) between the laboratories that wished to use that and ADAMS to improve the speed of data transfer between ADAMS and the LIMS and back to the ADOs, ensure that the data were transferred more securely, reducing error, which would have benefits for athletes and ADOs alike.

In terms of the next steps, he had outlined only a few of the modules that needed to be redeveloped in ADAMS. There were many more to come, including the Athlete Biological Passport module, the TUE module, the result management module and many more. WADA was trying to prioritise the modules such as athlete whereabouts that had the highest number of users to get more bang for its buck early on in the project, and was learning from the development process so that the later modules would benefit from the lessons learnt. WADA would continue to engage with users through surveys, interviews and other ways of collecting such metrics. What was referred to as a developer platform would also be opened up, so ADOs that might use another system could start to benefit from Next Generation ADAMS by connecting their data to ADAMS. Ultimately, WADA's objective should be to have all anti-doping information in the system so that it could be shared. He acknowledged that there might be other systems in use where there was a benefit for WADA to have that information in ADAMS. That was a short summary of much of the work that had been going on over the past year-and-a-half. He would be very excited about getting feedback from ADOs and athletes when they saw the modules over the coming weeks, and he would be happy to take any questions.

THE CHAIRMAN observed that, as far as he had been able to see, Mr Kemp had not even had a note in front of him.

MS HOFSTAD HELLELAND thanked Mr Kemp for his excellent presentation. She was truly encouraged by the progress being made on ADAMS and the new look and functionality. WADA had spent a tremendous amount of money on ADAMS over the years, but the value of such a centralised system could not be underestimated. The recent developments would make the lives of athletes much easier. She had also talked to some ADOs over recent months and the comments she had received appeared to be very encouraging. The call for a paperless system was something that continued to form part of conversations and she knew that ADAMS users were looking forward to starting to use the application, which was impressive, and it was impressive that it was already available in 20 languages, so hopefully the new system would be embraced by athletes all over the world. She thanked Mr Kemp.

MS TERHO thanked Mr Kemp for his presentation and the video. She had not tested the application, but it appeared that it would be a very good one. It was important in relation to a topic that was very much part of an athlete's everyday life. It would make it easier and that was a very practical and important thing for athletes. It was great that it would be tested with a lot of athletes. It was also important that it be promoted through the NADOs and NOCs to make sure that the majority of athletes were aware of that very good tool that had been developed.

THE DIRECTOR GENERAL thanked Mr Kemp and the entire ADAMS team. He wanted to reassure Ms Battaini-Dragoni that money could be absorbed no problem, because IT was expensive but absolutely worthwhile. That year, WADA had increased capital expenditure because some of the projects had been advanced, and that had been a priority and would remain so. The other thing that was important was that, under the hood, there was a lot of security and reinforcement of the system to ensure that the data would be protected. It was all very encouraging and would continue. As the guardians of the money, the Foundation Board members would have to be aware that there would always be new projects, because

people came to his office every week with a lot of good ideas, and there were many promising things in the pipeline.

THE CHAIRMAN thanked Mr Kemp. The project was splendid in every possible way.

DECISION

ADAMS update noted.

**14. Communications**

MR POUND observed that WADA had enjoyed some of the worst press he could imagine over the past few weeks and months and it seemed to him that WADA should have had a plan for the Seychelles announcement. It was a long way from anywhere and it had ended up looking like WADA had been trying to hide the fact that it was making a decision, hundreds of thousands of miles from anywhere. It seemed to him that WADA needed some kind of a pre-emptive communications plan either to anticipate events of significance or to get out of a negative cycle. He hoped that there might be some kind of a tactical communications effort to recover a lot of ground that had been lost.

MS MACLEAN agreed with Mr Pound. One thing that WADA had not been able to pre-empt had been a series of leaks in the lead-up to the Seychelles meetings. The plan in place had certainly changed. She took his advice on board. In terms of tactical communications to recover, WADA had been trying to recover. It had been subjected to a series of rather negative media coverage over the past few weeks. WADA was having a difficult time trying to get positive messages out there, as they did not sell quite as well. Nevertheless, she took Mr Pound's advice on board and would keep on trying.

DECISION

Communications update noted.

**15. NADO/RADO relations**

DECISION

NADO/RADO relations update noted.

**16. Government relations**

DECISION

Government relations update noted.

**17. International Federation relations**

THE CHAIRMAN asked Mr Gillot to stand up. Mr Gillot was one of the new directors who had joined WADA in August to run the Lausanne office. He welcomed Mr Gillot to the team. He had already had a major impact, with the meeting of the EOC only the previous week.

DECISION

International Federation relations update noted.

**18. Standards and harmonisation**

DECISION

Standards and harmonisation update noted.

**19. Regional Offices**

– **19.1 Europe/International Federation Relations – Lausanne**

DECISION

Lausanne regional office update noted.

– **19.2 Africa – Cape Town**

THE CHAIRMAN asked if anybody had any questions to ask the director of the Cape Town office.

DECISION

Cape Town regional office update noted.

– **19.3 Latin America – Montevideo**

THE CHAIRMAN asked if anybody had any questions to ask the director of the Montevideo office.

DECISION

Montevideo regional office update noted.

– **19.4 Asia/Oceania – Tokyo**

THE CHAIRMAN asked if anybody had any questions to ask the director of the Tokyo office.

He thanked the regional directors for their reports. He assured them that their work was appreciated.

DECISION

Tokyo regional office update noted.

**20. Any other business/future meetings**

THE CHAIRMAN thanked the members very much for a long day of work. It had been successful. On behalf of the members, he thanked the interpreters and the audiovisual providers, and also the staff who had taken WADA from Baku to Glasgow and to Colorado Springs, ensuring that the right people had been in those locations at the right time to help. He also wanted to thank in particular the people of Baku, Azerbaijan, for their generous assistance to WADA. He thanked them for the warmth of their welcome, their efficiency and hospitality. It had been absolutely terrific in every way and he would, of course, be writing to the minister and everybody responsible. He thanked the Director General and the staff for their work. It was a highly efficient organisation. The members had reports on everything that had been achieved. He picked up on the point by Mr Pound. It got a bit weary every morning when one picked up the papers and got criticism from people who should know better. If they met any of them, he asked the members to tell them how good WADA and its staff members were.

DECISION

Executive Committee – 15 May 2019, Montreal, Canada;  
Foundation Board – 16 May 2019, Montreal, Canada;  
Executive Committee – 23 September 2019, Tokyo, Japan;  
Executive Committee – 4 November 2019, Katowice, Poland;  
World Conference on Doping in Sport – 5-7 November 2019, Katowice, Poland;  
Foundation Board – 7 November 2019, Katowice, Poland.

The meeting adjourned at 3.30 p.m.

FOR APPROVAL

**SIR CRAIG REEDIE**  
PRESIDENT AND CHAIRMAN OF WADA