

**Minutes of the Meeting of the Executive Committee of the  
World Anti-Doping Agency, 20 June 2000, Olympic House, Lausanne**

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The meeting commenced at 9.00 a.m.

**1. Welcome**

THE CHAIRMAN welcomed the participants of the inaugural meeting of the World Anti-Doping Agency (WADA) Executive Committee (EC), both the EC members themselves, and in other cases their deputies who were representing them. He had also invited the chairs of the working committees which had been established, to report on the preliminary work of those groups.

He drew the members' attention to the draft agenda, which included certain points on which the input of WADAs local counsel in Lausanne would be useful. He had thus invited Messrs Kaiser and Niggli to attend the relevant part of the meeting.

**2. Roll Call**

See Annex 1.

**3. New Nominees to the Executive Committee**

THE CHAIRMAN congratulated Ms Linden on her appointment by the European governments to the EC. He asked the Secretary if the names of the new Executive Committee new nominees had been submitted to the Board for ratification.

MR SYVÄSALMI said that this was the subject of a circulating vote, and this featured as attachment number 3 in the files. If the Board members present could give their approval, it could then be sent to those not present for them to vote.

THE CHAIRMAN expressed his disappointment at the result of the previous vote by mail on certain amendments to the WADA statutes, given that of the 36 Board members, only 19 had responded. As the results of such votes would be made public, it was not helpful for any constituency not to respond.

SENATOR VANSTONE could not recall ever being informed of such a vote.

THE CHAIRMAN assured her that the documents had been faxed to the numbers provided by each Board member.

SENATOR VANSTONE suggested keeping the confirmation sheets to make sure that such faxes were actually received.

THE CHAIRMAN confirmed that these were available for all the Board members, showing that all faxes had been duly received.

MR SYVÄSALMI thought that this was a good opportunity to check the fax numbers for each Board member.

THE CHAIRMAN observed that, in the meantime, the document included as attachment 3 needed to be signed to record the addition of Ms Linden and Mr Okonogi as EC members.

MR KITAMI said that Japan had not heard anything about such a vote.

MR SYVÄSALMI explained that they had been waiting for the name of Japan's EC nominee, and Mr Okonogi's name had only been received only ten days before, so they had not had any address or fax number to which to send information.

THE CHAIRMAN recalled that the previous ballot circulated was to authorize four people to sign on behalf of WADA so that the registration under Swiss law could be completed. It also dealt with the expanded EC and the recommendation on blood testing.

During the course of the present meeting, he would inform the EC of the result of this vote so that they could proceed from there.

#### DECISION

Appointment of new nominees to the Executive Committee approved by the Foundation Board members present for circulating to the remaining Board members.

### **4. Role and Responsibilities of the Executive Committee**

#### **- Liabilities**

THE CHAIRMAN referred the EC members to the two comprehensive memoranda produced by WADA's Swiss lawyers concerning the liabilities of WADA Foundation Board, Executive Committee and committee members under Swiss law. In short, there was a risk of such exposure, but it was extremely slight.

MR KAISER wished to stress that the Board or EC members would never be personally liable for the debts of WADA.

He then circulated the document for signature required for opening the WADA bank account.

THE CHAIRMAN recalled the agreement to have the WADA banking arrangements with the UBS, and that the signing authorities would Mr Syväsalmi, as Secretary, for cheques up to SFr. 5,000, with amounts over this requiring the signature of Mr Syväsalmi and one or two EC members. It was thus necessary for the bank to have on record the signatures of those members authorized to sign.

#### **- Short- and medium-term priorities**

THE CHAIRMAN referred to the paper he had received from Senator Vanstone containing proposals for a strategic approach to WADA operations (Annex ).

SENATOR VANSTONE went through the various points of her paper.

THE CHAIRMAN thanked her for this initiative and suggested that she bring each point up when the relevant agenda item was discussed.

### **5. Registration of WADA**

MR KAISER reported that there was now a binding document from the Swiss government confirming that WADA was properly registered in the Trade Register, so that the Agency could enter into contracts.

THE CHAIRMAN added that, since 30th May, WADA was in a position to enter into binding contracts with the out-of-competition testing consortium and the IFs in relation to that.

### **6. Amendments to the Statutes**

THE CHAIRMAN noted that the Statutes would have to be amended to provide for an expanded Foundation Board and an increase in EC members from 9 to 11.

MR KAISER explained that these modifications would have to be submitted to the relevant authority in Bern, which would approve them, so that they would be registered in this respect. This would be taking place very shortly.

## 7. Contacts with the International Federations

THE CHAIRMAN recalled that there had been extensive discussion between the WADA Legal Committee, its Swiss lawyers, the consortium and its lawyers.

MR HOWMAN noted that considerable time had been spent on ensuring that the agreement WADA had with the IFs was as generic as it could be, bearing in mind that the IFs had their own rules which had to be part of the agreement. They had produced a document they were comfortable with from WADA's perspective and which was now being discussed with all the IFs that were joining the programme. Some of the appendices would obviously be different, but he was confident that the process being put in place by the consortium was legally sound. One issue still pending concerned indemnity, to ensure that the insurance policies which WADA was being recommended to take out covered it properly.

MR KAISER explained that if there was an indemnification clause in a contract, the third party liability insurance which WADA would be contracting with an insurance company would be covered by this insurance. This had already been discussed with the broker, and he was satisfied that the company would accept such an indemnification clause in the contract and still cover WADA's liability in this respect.

THE CHAIRMAN drew the members' attention to the proposed indemnification clause which appeared under item 4, and asked Mr Howman if the contract which he had signed off on was the one which WADA should use in its relationships with the IFs for the out-of-competition testing programme.

MR HOWMAN confirmed that this drug services testing contract, with the new form of indemnity, was the one the legal recommended the EC sign off on.

MR KAISER explained that there were two contracts, the first being the drug testing services agreement between the IFs and WADA. This had been finalized, and he recommended that it be approved. The second document was the consulting services agreement between WADA and the consortium, in place until the end of the year, to allow them to perform sample collection and analysis.

THE CHAIRMAN stressed the need to move forward with this, as until there was agreement on the form of contract, nobody could sign contracts with the IFs.

MR HOWMAN noted that WADA needed to sign off first on the consulting services agreement. It was a simple agency agreement authorizing the consortium, with its subcontracting body IDTM, whereby WADA authorized them to carry out the WADA drug testing functions. The consortium would thus have the power to conduct the necessary negotiations and discussions with the IFs and complete the drug testing process for 2,500 unannounced out-of-competition tests before 31 December 2000. He recommended that this agreement be approved, subject to the inclusion of the new indemnification clause referred to by Mr Kaiser.

THE PRINCE DE MERODE foresaw a potential source of conflict in article 5.2 with the reference to the "IOC or WADA's accredited laboratories" in the event of these being different. All that needed to be done was to say "WADA's accredited laboratories" and for WADA to use the IOC accredited laboratories for the time being, and then do whatever it wanted subsequently.

Secondly, if there was a case of alleged negligence, and an athlete had recourse to the CAS or a civil court and won the case, who would be responsible? More to the point, if the athlete then sought and obtained substantial damages, would the proposed insurance cover such large sums?

MR VERBRUGGEN asked whether the consortium would comply with the IFs when it came to sample taking, as the IFs had different rules and procedures, and if these were not followed, the federations could not subsequently impose sanctions.

SENATOR VANSTONE asked whether the EC would get to discuss the terms of payment to the consortium.

THE CHAIRMAN believed that the amount would be approximately 1,000 dollars per test.

MR HOWMAN replied that the WADA agreement with the IFs necessarily took into account the IFs' rules. Regarding the accreditation process, at present WADA did not have such a process, and it would not be legally prudent to remove the words "IOC or", as the IOC's was the only one which currently existed.

MR KAISER explained that an insurance policy for WADA which would cover precisely these kinds of damages was currently being put in place.

THE PRINCE DE MERODE thought that 1,000 dollars per test seemed prohibitively expensive. Perhaps a discount could be obtained?

MR SYVÄSALMI observed that the 2.5 million dollars earmarked for the programme did not mean that each test would actually cost 1,000 dollars. Rather this was the cost of the whole programme, which included the negotiations with the IFs and results management. Therefore, the actual tests might cost 600 or 400 dollars each, or even less. Indeed, the price seemed to be a good one because some IFs had asked the consortium to perform additional tests for them, at their own expense, which were not included in the WADA programme.

THE CHAIRMAN added that the figure also included litigation support in the event of there being a challenge to a test.

MR LARFAOU referred again to article 5.2, noting that WADA was not in a position to accredit laboratories. Nor was it a solution to say that the IOC laboratories would become WADA ones. Only when WADA was able to perform its own accreditations should they make any change.

On the subject of doping testing, the IFs indeed had their own rules, and in the IFs' contacts with WADA, the latter had agreed to accept the IFs' rules on sampling and testing.

THE CHAIRMAN wished to clarify that, under the terms of article 5.2, WADA was agreeing that the consortium might subcontract the scientific analysis to laboratories, accredited either by the IOC, which was all they had at present, or by WADA, if it developed its own process.

MR SYVÄSALMI confirmed that this was so. When he had met the IFs in this framework, they had talked about the IOC-accredited laboratories, but had agreed that in the future it would be the WADA-accredited laboratories.

With regard to the indemnity insurance issue, THE CHAIRMAN observed that the sums involved if a football or tennis player were disqualified might be tens of millions of dollars. Another area in which legal advice was being sought was in getting quotations in respect of the legal fees involved in defending a claim or charge, which could be ruinous. If the whole Olympic Movement could be got together, it might be possible to get a better premium and coverage, to help set the minds of the IFs at rest, as it was they who would be applying any sanctions. He hoped to have this in place before the testing started, even though this might not be feasible, in which case they would have to proceed with the contracts and related indemnity insurance as they stood.

On the subject of compensation, THE CHAIRMAN recalled that what WADA had approved was to have a programme running until the end of the year which would produce 2,500 unannounced out-of-competition tests. The total programme, including litigation support, if required, would not exceed 2.5 million dollars.

Recalling a comment from Mr Syväsalmi the previous evening about the total number of tests possibly being lower than 2,500, MR MOYER asked for confirmation that the contract was on a sliding and not a fixed-cost basis.

MR SYVÄSALMI explained that the programme was scheduled to run until the end of the year, and so what he had meant was that not all the tests would have been performed by the time of the Sydney Games. It was indeed a sliding basis.

MR HOWMAN moved on to the draft drug testing service agreement between WADA and the IFs (Annex ). This was a generic document which would be slightly modified in each case to ensure that the rules of the IF in question were properly catered for. Two important appendices to this document were the assurance to be given by the IF that it was actually able to conduct out-of-competition testing and a letter of authority for the IFs to sign off on, to assure the athletes that those doing the testing actually had the authority to do so.

There was one amendment to be made to article 13: removing the words "in and", as the agreement covered only out-of-competition testing.

SENATOR VANSTONE wondered why "any positive or elevated test results" referred to in article 3 did not follow the exact wording of the definitions in article 1.

THE PRINCE DE MERODE was surprised to find the word "client" used which, while common in commercial transactions, seemed dangerous when talking about the IFs. He was also unhappy

about the reference to “positive” results, as these were positive only once they had been confirmed as such by the IFs. Finally, with regard to article 20, the drug tests conducted during the Olympic Games would be the IOC’s responsibility, not that of SOCOG.

MR VERBRUGGEN’s question was one of planning, in particular choosing the athletes to be tested. Given that the NOCs were the ones which decided who would go to the Games rather than the IFs, as the names of the Olympic athletes would often be known only in July, could the consortium organize all these tests at the last minute?

MR SYVÄSALMI observed that this varied from sport to sport. Generally speaking, the names of 80% of the athletes going to Sydney were already known, and in one sport all of them were known. As a result, he was confident that the consortium would be able to manage.

MR VERBRUGGEN stressed that testing begin immediately in the sports where the names were known, so that room was left at the end for the others.

THE CHAIRMAN promised that as soon as the contracts were approved by the IFs, testing would get under way.

MR MOYER wondered what exactly WADA was trying to do regarding confidentiality (article 18). While they were keen to hold back from identifying individuals, publishing statistics on the tests conducted and their results in small countries was tantamount to identifying the people concerned. Also, what was meant by commenting publicly on particular cases?

MR KOSS agreed that WADA should have the authority to destroy samples within a set number of days (article 9), but believed that a clause on research was also needed, stating that if samples were to be used for research purposes the formal consent of the athlete concerned was required.

With regard to appendix 1, the IFs had to have a standardized procedure for blood sampling, as the athletes would be opposed to it if this were not so. For example, an athlete had to be allowed to refuse a test if a needle was not sterile.

MR MAYORAL wished to know what was meant by “period of the Olympic Games”. Did this include the time once the NOCs had arrived but before the Games had started? If so, would the 400 doping tests to be conducted in Australia before the start of the Games be under the umbrella of the OCOG? Also, concerning collaboration between the NOCs and WADA, the NOCs were in favour, but the IFs’ support was also needed. The NOCs had direct responsibility before and during the Games, but during the competition period, the IFs and NFs had responsibility.

MR HOWMAN replied that “period of the Olympic Games” was the wording used in the contract which the athletes signed in order to participate. This covered the period from 2 September to 1 October 2000, during which time WADA would not be doing any testing in Australia.

With regard to blood sampling, WADA would be testing only under the rules of the IFs concerned. Of these, some had the possibility to conduct blood tests, while others did not.

Concerning the retention of samples and research, article 9 was to alert the athletes to the fact that samples would not be retained forever. WADA would hold them on behalf of the IFs, not for WADA purposes, and after the stipulated period of time would destroy them, not use them for research purposes. However, the athletes would have a contract with their IF defining whether or not samples could be used for research.

MR MOYER believed that the way the contract was worded implied that WADA could keep samples forever.

THE CHAIRMAN thought that WADA should destroy samples unless there was a request to the contrary.

For MR HOWMAN, the wording of the contract legally gave WADA the right to do this. It was rather a policy issue to decide exactly when samples would be destroyed.

On the issue of confidentiality, the Legal Committee had sought to follow the policy decided by the Foundation Board. WADA would be seen by the international community as doing a job, so WADA should be in a position to publish information and statistics relating to the tests it undertook. The wording used sought to give WADA the option of giving information but no specifics on a case until it was resolved.

Paragraph 4 of article 18 was to ensure that an IF did not forewarn an athlete of an impending test. As for the issue of responsibility for doping controls during the Games, he had understood that the IOC subcontracted SOCOG to do this during the Games, but if he was wrong this part of the text could easily be changed. Similarly, there was no special reason why the term client had been used, and another could be found if desired. Nobody had complained thus far.

He agreed to change paragraph c) of article 3 to "WADA shall communicate any positive test results or elevated test results to the Client" if Ms Vanstone so wished.

SENATOR VANSTONE had no personal preference; she merely wished to avoid creating a weak link in the chain which might let an athlete get away with cheating.

THE CHAIRMAN thought that, having defined the terms, they should use them.

PROF. LJUNGQVIST wondered who, under this contract, was the owner of the samples taken.

MR HOWMAN replied that this depended on the rules of the IF concerned.

MR KOSS wished to prevent the possibility of research being done on samples. Regarding the period of the Games, the contract signed by athletes stated 25 August to 1 October; the 2 September was when the Olympic Village opened.

As for the issue of confidentiality, WADA might be publicizing statistics about positive results, but this did not prevent the possibility of some "positive" cases ultimately being resolved as negative ones, which would lead to conflicting messages being given.

In THE CHAIRMAN's view, it was precisely this kind of case that WADA would wish to comment on. If an IF did not accept a positive case, WADA had to be able to comment on it.

MR KOSS objected that an athlete subsequently confirmed as negative would be regarded as guilty but having got away with it. If he or she had been through the appropriate process with hearings and it was then established that this was not really a positive case, it was not right that an athlete would still be condemned as a doping offender.

MR LARFAOUI stressed that the IFs were usually informed by the laboratories of the results of doping tests, and the IF then declared a case negative or positive and took the necessary measures. It was not possible to talk of positive cases, as this varied from IF to another; they could say only that the laboratories communicated the results of the samples they analysed.

MR MOYER observed that WADA was limiting itself to commenting in a general way on test results, but could find itself in a situation where there were positive results with which an IF did not agree. However, WADA could not then go any further and identify a particular competitor. They were giving up the right to say that athlete X had a positive result in out-of-competition testing.

THE PRINCE DE MERODE urged caution in unjustly labelling an athlete as positive just because a laboratory said so. This was especially true of minor substances, such as a particular form of Alka Seltzer or ginseng products, where a case was positive as far as a laboratory was concerned, yet when the circumstances were investigated it could not really be classed as such. Hence a result should not be classed as positive until the IF decided it was, as this could cause serious damage to an athlete's career. WADA had a duty of confidentiality in this regard.

For SENATOR VANSTONE it seemed incongruous for WADA to put itself in the position where it viewed a result as positive but could not say so, precisely because WADA was trying to overcome the problem of laboratory positive results which were not actual positive results. It seemed as if the problem might lie with the list of banned substances, whereby a list was needed which would make it possible to say that if an athlete tested positive for any substance on this list, it was a positive case, irrespective of extenuating circumstances. This whole area needed more work.

PROF. LJUNGQVIST feared that life was not that simple; there were no black or white situations. The problem lay with the word positive, which conveyed a negative image. He therefore preferred talking about an "adverse result from the laboratory". It was not possible to say that if an athlete's sample contained substance X, he would be banned, in case there was a genuine reason for the presence of the substance which emerged later. It was, however, possible to say that if a certain substance was found at a major competition, the athlete would be disqualified, but this still raised the question of eligibility for the future. Also, it was not WADA's job to take over the investigation of a case if it was not satisfied with the final outcome; this was the IFs' job.

MR VERBRUGGEN agreed. If an athlete naturally had a high testosterone level, for example, this would be positive for the laboratory, but not for the IF. However, he could live with the proposed text of article 18 "authorized to publicize statistics on the number of tests conducted and their results" if wording such as "if indeed established by the IF concerned to be positive cases afterwards" were added.

THE CHAIRMAN pointed out that WADA wanted to be free to be able to comment on the laboratory results, i.e. before all other circumstances had been taken into consideration.

To illustrate how situations were rarely black or white, THE PRINCE DE MERODE recalled the case of an athlete involving testosterone. With a permitted level of 6, one of the test results had given a reading of 6.1, and the other 5.9, so the IOC Medical Commission had dropped the case owing to the lack of certainty; but the laboratory concerned had been furious.

As for the issue of jurisdiction, the IOC had this once an athlete entered the Olympic Village, i.e. as of 2 September. But there were teams whose athletes were not selected until one or two weeks before competing, and arrived at the village only two days beforehand, whereupon they could be tested. Outside that, however, they could be tested by WADA outside the area of the Olympic Games, but here, as part of their team, they would be under the jurisdiction of their NOC, not the IF.

On the subject of samples, he was in favour of destroying these after one year, as this was a rule which had always had been applied. While research was useful, and samples had previously been used to help develop better detection methods, new parameters were emerging, and since the urine was the property of the athlete concerned, they had to exercise caution.

Regarding confidentiality, MR KOSS referred to the perception for athletes that things had been hidden, after positive laboratory results had not led to positive cases. WADA should have the right to report positive laboratory results and it was then up to the IFs to explain the hearing process. In such cases, the athletes would have a good hearing which must then be explained to the world at large.

As for testosterone, some athletes had a natural level higher than six. There had been one such case in Norway, and after this had been proved, there had been no problems in terms of public perception. Longitudinal testing would always differentiate between someone with a naturally high level and someone taking testosterone.

MS SCHNEIDER drew attention to the issue of consistency of treatment of athletes, regardless of their IF. In the case of ownership of samples, there was no ambiguity: unless people gave informed consent to give these away, their samples belonged to them. If the jurisdictions on this were different, there was a harmonization problem, as they did not want to face a situation where athletes were claiming that they were being treated differently without relevant grounds for doing so.

Having a process to distinguish between a positive result and a doping infraction was very important. One suggestion was to have a positive list of substances which athletes could take, with anything else being a doping infraction, but this was very difficult to implement. As such, the primary goal was consistency of treatment and a workable contract to start with.

SENATOR VANSTONE was happy to have WADA being able to say that there had been X positive results, leaving the IFs to explain the actual number. But if they wanted to remove any perception of difficulty, it was fair enough for WADA not to want to mention people, but keep it at a general level and say that it had sent X number of positive results to federations Y and Z, and let those IFs answer.

THE CHAIRMAN noted that WADA had the right to do something if it judged this appropriate.

MR MOYER asked what right WADA had reserved.

THE CHAIRMAN quoted paragraphs two and three of article 18. Also, if WADA thought that an IF was hiding cases, it could say that an IF had not acted on specific laboratory results.

MR MOYER was not sure that this was true. The reason WADA had been created was precisely because the system in place had not delivered the level of credibility required. WADA should have the right to point to problems in an IF or a system, so was in danger of intensifying the problem, not solving it. For that reason, why could WADA not have the right to identify a situation if it thought it important to do so?

MR LARFAOU observed that when laboratories performed tests on samples, they stated simply which banned substances were detected. They were not authorized to say whether a result

was in fact positive. He did not agree that WADA had been created because the system in place was not credible; rather it was to strengthen the testing already performed and extend this to all sports.

PROF. LJUNGQVIST regarded the document before them as one which would be applicable until 31 December 2000. What came after that was a different story. WADA could be in the same position as the IFs were, in that their member federations took decisions on each adverse laboratory report and decided whether this was a doping infraction. If the IF, as the supervisory body, was not satisfied, it could refer the case to arbitration for a final decision. WADA could, in future, do the same thing with the IFs which it was serving, and follow up cases which it did not think had been handled properly. This was something which the standards and harmonization committee could work on. WADA should be able to interfere in positive cases, but how and why remained to be clarified.

THE CHAIRMAN agreed that, for now, they were trying to get a quick, unannounced out-of-competition test in place. WADA was a new organization dealing with IFs, which had their own autonomy; and as of January 2001 they could look at what had happened, and what could be done to improve things.

MR MOYER warned that the problem might arise before then. If, between then and Sydney, WADA and an IF did not agree on a case, did WADA reserve the right to push for a conclusion?

THE CHAIRMAN replied that, under the present arrangement, it did not. He would, however, ask the IF to explain what had happened to the result concerned.

PROF. LJUNGQVIST agreed that there was little that could be done before Sydney. He recalled a case between the IAAF and two member federations just before the Games in Atlanta. The athletes had been able to compete in the Games, and only afterwards had they been found guilty of doping and the Games results had had to be amended accordingly.

SENATOR VANSTONE favoured leaving the text as it was. She could see what Mr Moyer was after, but it was still early days for WADA and, although Mr Moyer wished to sit in judgement on what an IF decided, WADA did not have the slightest opportunity to set up a process, nor did WADA wish to be in a position, to second guess the investigation conducted by an IF. At that point, WADA was not looking to set up a dual inquiry to see whether an IF had done the right thing. It was enough to say that X number of test had been done, with X positive laboratory results which had been sent to the IFs concerned, so that the IFs could respond. Perhaps in future, WADA might know a lot more and be more comfortable about doing more.

THE PRINCE DE MERODE observed that, in the Olympic Games, the problems were even more complex, as there were the additional elements of medal and nationality issues and overreaction from an aggressive media. Despite the huge pressures, the Medical Commission had to accept its responsibilities and do what was necessary.

MR WALKER agreed that this was a crucial debate, but there was no time for impromptu brainstorming about conflict resolution, and the present agreement did not lend itself to any easy resolution of such problems. However, when the next generation of agreements were addressed they should include in the definitions Prof. Ljungqvist's "adverse laboratory report" wording, as this covered many things not covered by "positive test result or elevated test result".

But under article 15 on sanctions, there could already be a change, since, as the wording stood, an IF was required to report to WADA only when a sanction was imposed. The question was what happened to the cases which fell into the cracks? It was also vital that WADA receive a report on what was done when there had been an adverse laboratory report.

Thirdly, in article 21, did "contractual matter or in tort" cover this kind of question? There was already the beginning of a potential conflict resolution mechanism built into this contractual agreement and this article could in future be developed to provide for arbitration, conciliation or discussion. The question now was what WADA wanted to do when it discovered something over which there was a big question mark.

MR HOWMAN replied that this was a contract for a limited period which they had to get into place with the IFs, and they would learn from experience and develop it. It was very important not to expand powers they did not have at present beyond what was expressed within the document. He warned about the potential risk of litigation, namely if WADA started mentioning the names of athletes when it did not have the authority to do so, WADA would be the first body to be sued. The reason for article 18's being explicit and narrow was to assure the IFs and their athletes that WADA would not start talking and perhaps involve the IFs in litigation, too. The contract was, after all, with the IFs.



He went through the points raised requiring a change to the draft document.

The wording of article 3 c) would become "any positive test result or any elevated test result".

In article 13 "in and" would be deleted.

In article 15, the second paragraphs would read "The Client shall report to WADA the details of the disciplinary process and/or the sanction imposed on the Competitor."

The new indemnity clause would go after article 19.

Article 20 would be changed to "...during which drug tests will be conducted under the responsibility of the IOC".

These amendments were agreed.

THE CHAIRMAN wished to confirm that all the EC members were happy with the proposed Consulting Services Agreement. This being the case, he suggested that the EC authorize Messrs Hein Verbruggen and himself to give a power of attorney to allow Mr Syväsalmi to sign these agreements with the IFs, and the drug testing services agreement.

This was agreed.

#### **- Summary of action**

MR SYVÄSALMI reported that meetings had been held with all except one of the IFs. These had been very constructive and much had been achieved. Previously, 80% of the out-of-competition tests conducted had been in athletics and swimming, but now the other IFs had done work to ensure that they had rules for unannounced out-of-competition testing to take place, which was a big step forward. More than 1,000 hours had so far been spent on contacts with the IFs, and he believed that they were on target to have 2,100 tests performed before the Games in Sydney.

MR KOSS asked what was going to be done about FIFA.

THE CHAIRMAN had met the FIFA president in Zurich the previous day and received an assurance that FIFA would cooperate with WADA, but wished to conduct out-of-competition tests on its own. He thought that WADA could make some arrangement to do some testing under WADA, but also rely on a testing programme being in place and implemented.

MR MAYORAL asked what was happening with the FIVB.

MR SYVÄSALMI recalled the FIVB's claim that out-of-competition testing was an NF not an IF issue, so the situation was different for this IF than for all the others.

THE CHAIRMAN stressed that WADA had to convince the FIVB that out-of-competition testing really was their problem. He anticipated that this IF was likely to cause the most trouble of all of them.

MR KOSS observed that, under the terms of the Olympic Charter, IFs had to perform out-of-competition testing or face exclusion from the Olympic Games.

THE CHAIRMAN believed that WADA should be prepared to publish its list immediately, stating with which IFs it had met, with which it had an agreement, from which it had had no response and which wanted to go it alone. Such proactive use of the media would certainly be helpful. Frankly, he was surprised that the WKF had not replied, since taekwondo was only provisionally included on the Olympic programme for Sydney.

#### DECISIONS

1. Consulting Services Agreement between WADA and the Drug-Free Sport Consortium approved.

2. Model drug testing service agreement between WADA and the International Federations approved, subject to the inclusion of an indemnification clause and the amendments discussed and agreed.

3. The Chairman and Mr Verbruggen authorized to give a power of attorney to the WADA Secretary to sign the drug testing service agreement with each International Federation.

4. WADA to publish a list showing the status of out-of-competition testing negotiations and agreements with the International Federations.

## 8. Sydney Test Results Management/Independent Observer

MR SYVÄSALMI reported that the non-working committee had sent its report on the Test Result Management (TRM) Guidelines and Protocols to the standards and harmonization committee, which would develop it.

THE CHAIRMAN added that the intention was to use this document as a basis for starting work on a generic document for the TRM process applicable to the whole of sport, including the public as well as the private sector. This was a useful area to work on, as it was a source of great confusion in the minds of the general public.

MR WALKER explained that his committee would review the document at its meeting on 27 July, but he personally had some comments in the meantime. Most related to the part concerning the Independent Observer (IO). Firstly, it was not clear exactly what the IO's status was, i.e. whether he would observe, or actually participate. His role was variously described as observing, monitoring, ensuring compliance and even voting at IOC Medical Commission meetings, and the latter, in particular, did not seem appropriate. Secondly, the IO was variously referred to as having the option ("may be present") or being required ("must be present") to attend the B sample analysis and also the WADA Executive Committee meetings.

In article 23.3 j), the IOC Medical Commission's report was supposed to include the IO's report, but in MR WALKER's view, this should be independent, not appear in anyone else's report. Regarding possible conflicts of interests (18.22 d), it would be a good idea, when the IO team was designated, if these people not be involved in cases featuring an athlete of the same nationality.

MR LARFAOUI had no fundamental objections to this IO process, he merely feared that the arrival of someone else in the result management process would complicate matters. The IO's being in many different places and appointing other observers, even within the accredited laboratories, would create the suspicion that the laboratory was not to be trusted. Caution was thus needed in establishing the activities of the IO, especially vis-à-vis the laboratories and IFs.

MR MAYORAL wished to know the exact status of the IO. For the NOCs, it was important to have a representative in the process during the Games. There had been a proposal at the recent ANOC general assembly to have a NOC representative during the Games period to work with the observer and athlete representative to discuss who the people in the IO's team would be.

THE CHAIRMAN recalled the agreement that having an IO in place was essential to the credibility of the whole process. But an IO was just that: he would observe the process at every level and deliver an independent report on what was done. He would not take part in particular decisions, merely make sure that the rules were applied and say if they were not. For this, he would need access to all stages of the process. It was not mandatory for him to be there when a B sample was analysed; the mere possibility that he could be was a salutary power to have. Equally, the IO had no duty to attend Executive Board meetings, but was in a position to attend if he wanted. However, given the paucity of positive cases, almost every case was likely to involve his presence. The IO's report should indeed be independent, not part of anyone else's. In the same way, regarding potential conflicts of interest, the IO or a member of his team ought not to be involved in any case involving a participant of the same nationality.

MR LARFAOUI commented that many positive doping cases ended up before the Court of Arbitration for Sport, and lawyers were keen on little details. But if the IO's report were in contradiction with the decisions taken on the basis of a procedure that had been followed, this would become a source of conflict and lead to further time spent before the CAS.

THE CHAIRMAN thought that this was a very real possibility. If the IO observed what happened and reported that, in his opinion, everything had been done properly, this might inhibit useless appeals. But if the IO said that he was not happy with a particular process, there was a problem, and quite rightly so.

THE PRINCE DE MERODE thought that, if the IO was present for all parts of the process, he should be at any CAS hearings and Executive Board meetings as well.

THE CHAIRMAN agreed. In any CAS proceedings, the IO was likely to be a witness, but his role ceased, in terms of someone who could report, at the level of the CAS.

THE PRINCE DE MERODE wondered why the IO had to be present for the B sample analysis, as this had been eliminated most of the time, and was performed only at the express request of an

athlete. The laboratories - including the one in Sydney - were worried about the presence of a stranger in their midst, especially a non-expert, who would not know how to interpret, or might misinterpret, the scientific data in front of him. For this reason, any observer would obviously have to have the required scientific knowledge.

SENATOR VANSTONE pointed out that Australia had argued strongly in favour of out-of-competition testing and an IO, and was happy for its own testing arrangements to be monitored. What the Prince de Merode had said was untrue: the Sydney laboratory had had concerns about security of people going in and out, but these were being resolved. It was a government laboratory, and the government's position was to favour them being observed.

However, it did follow that if someone was to be useful as an IO, the chairman of the observer team had to allocate a person who had experience in a particular matter to look at this matter. This was the responsibility of the person in charge of the IO team.

THE PRINCE DE MERODE stressed that an observer had to be someone qualified, and it had to be specified somewhere in the document that this be the case.

For THE CHAIRMAN, it was logical to assign someone with laboratory experience, but he was reluctant to tie WADA's hands by saying that it had to be someone with a PhD in biochemistry. The IO had to have the good sense to make the right appointments and take the advice he needed to make these appointments.

SENATOR VANSTONE thought that it was not a problem to resolve these issues.

THE CHAIRMAN asked Mr Walker and his committee to visualize a time frame by when they could get a buy-in from all the constituencies, for example having by 1 January 2002 a generally-agreed set of standards which the IFs, NOCs, Athletes' Commission, IOC and the public authorities could all have studied, and producing a document accordingly.

With regard to the proposed key steps, MS SCHNEIDER wished to raise the point about asking a competitor to cease participating after a positive test. If there was subsequently found not to have been a doping infraction and the athlete had missed his next event, the results would be very serious.

THE CHAIRMAN explained that if there was a positive test during a competition, and this was acted upon immediately by disqualification of the competitor, the hearing thereafter would determine if a sanction should be imposed as well as the disqualification. The only hearing held was a quick one at the time by the ad hoc division of the CAS with a decision within 24 hours. If no doping infraction was found to have occurred, the results would stand and the competitor would continue to participate.

MS SCHNEIDER asked whether this made it very unlikely that someone who tested positive, but was not found to have committed a doping infraction, would have missed his event.

THE CHAIRMAN replied that this depended on the nature of the substance. If it was an anabolic steroid, the athlete would be disqualified and not participate in any other event in the Games. If it was something like caffeine or testosterone, the case would be discussed before any positive result was announced. If it proved to be a positive result, disqualification would result; if not, the case would simply not be acted upon.

PROF. LJUNGQVIST felt that if a banned substance was found in an athlete's body during a competition, he would be disqualified from that competition. The only problem that might arise was if the adverse finding related to the presence of a disease, and there had been a few cases of this kind.

MS SCHNEIDER wanted to know what would happen if an athlete tested positive as a result of cancer therapy she had been following.

For PROF. LJUNGQVIST, there was no problem, as the athlete could apply beforehand for an exemption to use a banned substance. He was thinking rather of cases where an athlete was discovered to have a cancer which he had not previously known of and which produced the adverse result. The question was then to know whether the athlete had been rightfully disqualified or not.

MR HOWMAN said that his committee would work in liaison with Mr Walker's committee to look at the legal issues involved concerning the TRM process.

#### **- Office of the Independent Observer for Sydney**

MR SYVÄSALMI noted that this document (Annex) did not cover observation of the ASDA operations, and a meeting was planned on how to do this. The ideas expressed took into account the

whole procedure to be observed. Expertise was the primary criterion for selecting the team of observers, but they also had to involve the WADA stakeholders, namely the IFs, NOCs, athletes and public authorities.

THE CHAIRMAN asked when Mr Syväsalmi planned to do all this.

MR SYVÄSALMI replied that he had already made reservations for accommodation, accreditations and transport. His proposal was that the IO team have B accreditation with full access which would allow them to do their job.

THE PRINCE DE MERODE pointed out that, while these people should be able to go anywhere at any time except onto the field of play and parts of the Olympic Village, they would need access to doping control stations and laboratories and a B accreditation was suitable for this.

MR KOSS observed that having a P accreditation would have the advantage of distinguishing them from the IOC Medical Commission members, who had B accreditations. The EC should appoint a chairperson of the IO team, and he recommended Mr Syväsalmi. With regard to the key responsibilities part of the document, Mr Syväsalmi should work with Messrs Walker and Howman to finalize the document, as well as being given the authority to choose the 12 members of the IO team.

MR MOYER wondered how to organize the training needed for the people chosen between then and the Sydney Games.

MR MAYORAL asked who would be in charge of nominating the IO team.

THE CHAIRMAN replied that the EC would appoint the chairman, and he would appoint the rest of the team.

Noting how great the responsibility of the NOCs was in the doping control process during the Olympic Games, MR MAYORAL asked to ensure that one NOC representative was included in the IO process.

Under the section "key responsibilities", SENATOR VANSTONE wished to remove the reference to the Sydney Olympic Guide to Doping Control, as the guide did not list these responsibilities. On page two, it might be better not to mention numbers, but if they were there, five for sample collection seemed high, whereas two with result management expertise and two with legal expertise seemed rather low. On page four, some of the issues mentioned had not yet been resolved, for example the code of conduct was not yet in place.

MR SYVÄSALMI replied that the code of conduct and conflict of interest document could be prepared within three days. Regarding the NOCs, there were many NOCs with qualified people who were not involved with their teams, and so NOC representation during the Games could be guaranteed. As for the top criterion of expertise, he already had a list of names since there were not many experts with the required profile in the world. These people would be contacted, with a view also to obtaining the right representation of the different stakeholders, plus continental and gender representation.

THE PRINCE DE MERODE explained how the existing process during the Games functioned, and stressed the usefulness of having a daily report from the IO, given at the same time as that of the IOC Medical Commission's own observers, to identify any dysfunction. Twelve independent observers was not very many (the IOC Medical Commission already had around 30) to ensure any kind of effective monitoring.

THE CHAIRMAN believed that, if a WADA IO was somewhere and saw any deficiency or shortcoming in the process, he should bring it to the attention of the responsible medical authorities as a matter of course. If a report were made, it should be in writing so that there was a record of it.

He asked if the EC members agreed that Mr Syväsalmi should chair the IO team.

MR VERBRUGGEN's only concern was, given that the chairman of this team might have to appear before the CAS as a witness, whether Mr Syväsalmi wished to do this as a WADA employee.

THE CHAIRMAN thought that Mr Syväsalmi would be a kind of chef de mission or coordinator of all the IO activities and the office of the independent observer.

MR MOYER wondered whether this new extra responsibility would allow Mr Syväsalmi the time to pursue the broader interests and tasks of WADA.

MR SYVÄSALMI observed that, during 2000, there were two key issues: the out-of-competition testing programme and the IO job at the Sydney Games. He would be pleased to take on this IO coordination role.

To help Mr Syväsalmi in this, THE CHAIRMAN asked the EC members to send him the names of people they thought might be helpful, and he could put together a list. Then, either as the EC or a smaller group could decide and ensure that there was the appropriate representation, while recognizing that expertise was the primary consideration, and geographical and other issues were desirable, but should not interfere in the ability to do a good job, as WADA's credibility was at stake.

MR VERBRUGGEN suggested involving the members of the Legal Committee in the IO body, as they had useful experience.

MR SYVÄSALMI replied that Mr Howman had already confirmed that he would be coordinating the legal expertise side, but another logical place to look was the harmonization and standards committee.

THE CHAIRMAN asked for all suggested nominations to reach Mr Syväsalmi by the end of the following week.

MR KOSS wondered who among the athletes would have the expertise necessary for inclusion in the IO, but who was not already involved in the IOC or any other involved party.

In the interests of completing this terms of reference document more quickly, SENATOR VANSTONE suggested that the people who drafted it could prepare a separate one to deal with ASDA.

THE CHAIRMAN was happy with this if it provided a better working method. They should bear in mind, also, that for the in-Games portion there was already a responsible medical authority which had to be involved in the process.

## DECISIONS

1. The WADA Secretary to chair the Independent Observer team for the Olympic Games in Sydney.
2. Executive Committee members to send suggestions for members of the Independent Observer team to the WADA Secretary.
3. The Secretary to work with Messrs George Walker and David Howman to finalize the Office of the Independent Observer document for the Sydney Olympic Games.

## **9. Other issues arising from the Board meetings on 13 January and 22 March**

### **- a) Working Committees**

#### **Finance and Administration**

THE CHAIRMAN stressed that some of the committees needed a broader geographic representation that they currently had. In spite of this, it was nevertheless important that some of the work needed be done straightaway. It was important that WADA be seen to be inclusive, involving all the continents in its operations and aiming towards striking a gender balance. As they were nowhere near achieving this, they had to be attentive to it, or WADA would not be regarded as a world agency, merely a regional one, and would lose credibility.

THE CHAIRMAN proceeded to go through and comment on the first report by the Finance and Administration Committee (Annex ). The appointment of a press expert could wait until the final seat of WADA was known. The committee also needed to focus on the 2001 budget earlier than it had thought.

MR LARFAOUI wondered if there was any provision for the public authorities to contribute to the WADA budget, since the IOC currently paid everything.

THE CHAIRMAN replied that such participation was foreseen, but not until 2002. Until then, the Olympic Movement would be paying all the costs.

Under the section on research projects, MR KOSS queried the reference to four projects "or 210,000 for a Japanese project". Specifically for hGH, WADA should also have a tender out very soon to begin research.

MR MOYER queried the used of "finalized" in point two, as the composition of the committee had clearly not been finalized in terms of continental representation. He also wondered if there were enough funds budgeted to allow the WADA staff to deal adequately with the necessary meetings and to ensure that the Foundation Board and EC were more effective.

Given that some points in agenda items 9 a), b) and c) were linked, MS LINDEN wished to have some general discussion first before addressing specific issues. Firstly, she recalled the strong desire of the European governments to work with WADA, but there were still some questions in the air concerning the dissemination of information on WADA's work. It was thus important to get these things settled, set up a WADA web site and get the agendas and minutes early enough to consult and work on. Also, they had to look at how the countries not represented on the Board or the EC could access the committee work.

Consequently, they should think about how much money they were prepared to put into the committees, how big these would be, how often they would meet, and how representation would be ensured before the committee members were nominated. She agreed that there had to be experts on the committees, but many countries had anti-doping expertise and were not represented on the Board or EC.

SENATOR VANSTONE drew attention to the points in her paper which related to this general issue. It was vital to identify the rules of each committee and their relationship to the EC and the Board; establish a framework of accountability; and settle the final budget. The EC needed to determine the terms of reference of the committees and set their priorities and tasks, yet she had the feeling that these were off and working without the EC's having set priorities. It should be the EC telling them what it wanted them to do, not the reverse. When, for example, had the Finance and Administration Committee obtained the authority to lease an office and retain legal services?

THE CHAIRMAN stressed that this was the first EC meeting, so nothing had got out of control. Indeed, the EC was being asked to endorse the points in the committee's report. As far as office premises were concerned, the Foundation Board had insisted that WADA be separate from the IOC, so the decision had been taken to find an office.

The meeting files contained the preliminary reports of all the committees which had been set up. The Foundation Board had asked the chairs of these committees to draft terms of reference and submit these to the EC, which they had done. All the committees were advisory, not executory bodies, and all the chairs were Foundation Board members, so nothing had got out of hand. What they had done was, in the interest of getting WADA's most important programme going, viz. the out-of-competition testing process, the Legal Committee had been told to set up the necessary documentation so that WADA could legally carry out these activities. If they had waited for the EC to meet and then sought further nominations, they would have lost another three months.

As far as the nominations were concerned, not many of these had been received, and of those a large number had arrived during the previous week, which was not helpful. They should therefore look at what had been done and see if whether they were on the right track.

As chairman of the health, medical and research committee, PROF. LJUNGQVIST had done what he had been asked, namely choose the members of his committee. In doing so, he had come across a question of principle, based on his understanding from the Foundation Board that the committee chairmen would be the link to the Board, but that the other members should be recruited from outside the Board or EC to make the representation broader. All his proposed committee members were thus from outside, and he thought this to be an important principle. The committees should be used to broaden representation, but where exactly should they be looking for their members?

MS LINDEN stressed that she was not criticizing, as the committees had done some good work. But now the EC was meeting for the first time, and to start its work it needed to outline certain things including how much money could be used on different things. She agreed that the committee members should come from outside the Board, but some issues had to be considered regarding representation, such as the lack of members from Latin America. If they wanted to involve all the continents, they had to develop a mechanism to bring in other countries. The most important thing

was transparency, which governments were expecting, in order to secure good support from all the world's governments for WADA's work.

THE CHAIRMAN pointed out that WADA was relying on governments to tell them whom to appoint, and WADA would respond.

MR MOYER felt part of the problem was their lack of preparation to have all the conversations they needed to have. Each of the committees needed secretarial support to make it function in the way it should, and the EC also relied on that sort of material to avoid impromptu discussions on the agenda items. If this did not happen quickly, they would fall increasingly further behind.

MR LARFAOUI agreed with Ms Linden. Asia and Africa were totally absent from the membership of the WADA committees thus far. He would also like to see the principle followed whereby they avoided having two people from the same country on a committee.

MR MAYORAL insisted on the need to have all continents represented, to ensure that WADA was truly a world agency, and to have people from outside the EC or Foundation Board on the committees. On the Finance and Administration Committee, for example, there were three Board members. All the WADA stakeholders should thus be informed about the need for broader representation.

MR KOSS recalled that the committee chairmen appointed by the Foundation Board had been asked to recommend members, but nobody from Africa or Asia had been recommended, so the Board members should face up to this challenge. It was also important to have an athlete on each committee.

MR VERBRUGGEN was more interested in ensuring expertise than continental representation.

The IOC President entered the room at 2.30 p.m.

THE CHAIRMAN thanked the committee for the work they had accomplished that morning. They were already preparing for out-of-competition tests and soon hoped to have 13 IFs signed up. At the forthcoming press conference, FINA would be the first IF to sign an agreement with WADA.

THE IOC PRESIDENT welcomed the Executive Committee to the IOC headquarters in Lausanne and stressed the importance of their work about which he felt very optimistic. This was the first time that sports and governmental organizations had worked together. This could only be beneficial to athletes. In a few weeks it would be the Sydney Olympic Games and many of those present would be there. He thanked everyone for their cooperation on the important issue of doping in sport.

The IOC President left the room at 2.35 p.m.

THE CHAIRMAN reminded everyone that the consensus was that the representation of the committees should be broader. He wanted to challenge the chair of each committee to make it more inclusive. It was not necessary to have full time members on the committees. One plan was to have meetings in different continents with experts attending them on an ad hoc basis. However, in each report there had been suggestions regarding selection processes. It would therefore be helpful to study each one individually.

Referring to paragraph 1 of the report by the Finance and Administration Committee, THE CHAIRMAN asked whether the mandate was satisfactorily described.

MR MOYER asked if the Finance Committee was responsible for long term financial planning. He also enquired as to who should prepare a multi-year plan and budget framework for WADA.

THE CHAIRMAN replied that the Finance Committee could undertake such a task, with strategic direction, as a useful addition to their workload. He thought that in the long term, it was an appropriate mandate for that Committee.

#### **Health, Medical and Research**

According to THE CHAIRMAN, this report was very much related to the Standards and Harmonization Committee which was an essential element of WADA. He thought that point 5 was a good objective. There were perhaps other ethical issues to consider.

PROF. LJUNGQVIST added that some IFs had a procedure in place for applications for exemption to use prohibited substances on medical grounds but a number of them did not. Many of them had sought advice and this was a good opportunity to provide it.

THE CHAIRMAN said he was satisfied with the terms of reference as described.

### **Ethics and Education**

MS SCHNEIDER explained that the report was still in draft form because the members had not yet had the opportunity to approve it. The subject of research ethics on humans needed additional appropriate review and more details could be provided after further discussions. It was more important to compile a code of ethics for WADA. The education mandate was broader and would be completed after further discussions and reviews.

THE CHAIRMAN commented that it was difficult to discuss anything without the draft terms of reference.

MS SCHNEIDER suggested following the "Next Steps" section of the meeting notes. With regard to the committee's representatives, ideally, five regions should be represented, but the expertise should remain of high quality. Another issue was the web site. It had been suggested that the minutes of their meetings could be posted on the site.

Mr Koss had given a presentation of the athletes' passport. This idea had been welcomed. The Ethics and Education Committee was keen to help formulate material to implement the scheme. Also, the issue of communications between chairs was paramount as there were often points of overlap. One of these was the list of banned substances and how the committee could contribute to the discussion.

THE CHAIRMAN asked whether they had studied ethics as well, or had simply focused on education.

MS SCHNEIDER replied that that they had discussed both issues equally in the meeting. For education they needed an environmental scan to gain a clear view. It was understood that several IFs wished to consult with the Education Committee. The education side still needed mapping, whereas the ethics aspect could be implemented before long.

MS LINDEN pointed out that it was important to link experts to this Committee. She also stressed the need to understand and encompass different views and cultures.

MR KOSS said that it had been a good meeting. He believed the code of ethics was very important in the fight against doping. It would be used as a reference point in the future as athletes would still be undergoing tests in ten years' time. Education was the best approach to the battle against doping. His third point concerned information and how significant it was to convey it. The web site would be a valuable tool for this. An information officer or director of information would be essential for WADA's secretariat to develop information both internally and externally. He himself was in charge of 10,000 athletes and therefore needed an appropriate means to reach people.

MR MOYER believed that promotion was central to education. However, no budget for WADA would ever be large enough and sponsorship should be seriously considered. The US\$ 0.75m cited in the report would not be enough to cover the expected costs.

MS VANSTONE said that they would need guidelines for the sponsorship of committees because a range of issues would be created. Sponsors would have a special interest, and therefore clear regulations were essential.

THE CHAIRMAN did not want the subcommittees to raise their own money; rather there should be centralized control. The focus should be on gathering information. Three points should be highlighted that they could do well. The question was what to do with the resources they actually had.

THE SECRETARY recalled that in meetings with IFs, the subject of working together on education had been raised. NOCs already had educational programmes in place, but they could do much more.

MR KOSS noted that a letter had been sent to all NOCs and IFs to ask for agreement in this respect.

THE SECRETARY had never received such a letter.



THE CHAIRMAN remarked that it was at times difficult to gather information from NOCs. Sending a letter was one thing, but receiving a reply was another.

MR MAYORAL mentioned Olympic academies and the useful link they had with NOCs. This could be another means of getting across the message of education.

THE CHAIRMAN added that Olympic academies had a multiplier effect on a national level because they were attended by many teachers.

MR VERBRUGGEN referred to point 4 of the "Next Steps" section on page 7 regarding having an ethics review conducted by the Committee of all scientific projects. In his opinion this was unnecessary as most projects would have previously been submitted for review at a university level. It would be preferable if they could help on cases when they chose to. Such reviews should be optional rather than mandatory.

THE PRINCE DE MERODE talked of a scientist who had carried out research on humans during the Second World War. It was necessary to remember that athletes were not simply a material to be tested on. It was good that WADA was examining the issue of ethics which was often forgotten.

THE CHAIRMAN thought it was important to bear in mind legal issues and not to undertake anything with too much exposure when it was not necessary. For this they should coordinate with the Legal Committee. The proposed terms of reference should be completed for the next meeting.

MS SCHNEIDER hoped to do so as soon as possible. It had been agreed that the Ethics Committee should co-ordinate with the Legal Committee.

THE CHAIRMAN asked Mr Koss to explain point 6 of the "Next Steps" section.

MR KOSS described a doping survey in collaboration with the IOC Athletes' Commission to be distributed to athletes at the Olympic Games in Sydney. The reason for this timing was that all relevant parties would be in the same place and it would be an economical method of conducting the survey. It had to be decided there and then if the survey should be carried out, as it would be too late at the next meeting.

THE CHAIRMAN said that first of all they should actually have a survey, and secondly he wanted to know how much it would cost. What would they hope to gain from it?

MR VERBRUGGEN wanted to know quite simply why athletes used doping and more specifically, the background. It would be very useful, especially when investing millions of dollars, to know the motives for using banned substances. The Sydney Olympic Games was an ideal opportunity to implement this survey and it was not too late.

THE CHAIRMAN wondered whether a questionnaire would be as effective a method of collating information as, for example, 250 in-depth interviews. Besides which, athletes at the Olympic Games would not want to admit to having knowledge of doping.

MR KOSS agreed, but the idea was to send a message to the Ethics and Education Committee that they could have something concrete before the Sydney Olympic Games. Knowing the motivation, background and number of athletes involved in doping would be extremely beneficial.

MR MOYER thought this was too much to take on for the time being. No one had yet been assigned to the task on a full time basis and it was a little unrealistic.

THE CHAIRMAN questioned the timing of the Olympic Games. He believed this was a time to focus on athletes' performances. The survey could be carried out at training sessions, NOC meetings or sports congresses. The idea of a survey was first class, however, it would be more appropriate to wait until after the Sydney Olympic Games so that the survey could be better prepared.

MS SCHNEIDER said that a member of the Ethics and Education Committee from Australia, who had worked with ASDA, had already prepared a first draft of the survey. He was keen to implement it, but needed further resources and support.

THE CHAIRMAN would want a peer review of the questionnaire to be carried out first, (and warned of falling into the mindset of an examiner). The application could be spread over a six month period. What they needed was to know what would be the best occasion and how much it would cost, and have a set of measurable objectives.

## **Legal**

MR HOWMAN remarked that the terms of reference were self-explanatory. As issues arose they would most probably be refined or expanded.

THE CHAIRMAN reminded everyone that when something was approved by the Executive Committee it could be modified in the future. The object of examining each committee's terms of reference was to give an understanding of what each one did.

There being no comments on the terms of reference, THE CHAIRMAN proceeded to the next report.

### **Standards and Harmonization**

MR WALKER noted that, although it was not included in the Committee's draft terms of reference, the committee had expressed the wish to be associated with the elaboration of the list of banned substances. This was not so much with the contents but the criteria underlying the inclusion or exclusion of a certain substance or method. To rectify this, there should be a cross reference with point 3 of the Health Medical and Research Committee's terms of reference.

THE CHAIRMAN agreed with this comment.

MR WALKER referred to a recent doping case involving a Danish cyclist and the lack of harmony between national and international sanctions which had caused some concern.

THE CHAIRMAN said this was perhaps a matter to refer to the Legal Committee. National Federations were required to follow the rules of IFs, and in case of conflict, the IF's rules took precedence.

MR KOSS said there should be a proposed model from WADA which should then reflect the IFs and the NOCs. He highlighted the fact that different sports had different sanctions for the same doping offence, which was unfair to the athletes.

As far as THE CHAIRMAN was concerned, in the long run, standards and harmonization could provide the solution to this problem, but in the meantime there were other issues to work out.

THE PRINCE DE MERODE thought it commendable that they were discussing IFs, NOCs and governments that each had their own laws and sanctions.

THE CHAIRMAN agreed that as long as there were different rules there would be confusion.

MR VERBRUGGEN was hopeful that the Legal Committee could formulate sensible recommendations for sanctions in the future. The main problem was that National Federations had to follow rules made by IFs whilst NOCs had rules which often conflicted with both.

MS LINDEN had to leave the meeting but wished to offer proposals for members of the five committees. The list mainly included names from Eastern Europe (Annex ).

Ms Linden left the room at 3.30 p.m..

THE CHAIRMAN replied that this would all be noted and could be dealt with at a later date.

PROF. LJUNGQVIST said that requests had been received for participation in working on the banned substances list. There was a lot of work which could be done by more than one committee. For example, the Standards and Harmonization Committee was responsible for the accreditation of laboratories, but the Health, Medical and Research Committee should also be involved. One committee was responsible for one issue when the issues were clearly overlapping.

THE CHAIRMAN said that it was the Executive Committee's job to co-ordinate the work. The committees were advisory to help WADA make decisions.

MR KITAMI pointed out that so far the Japanese government had proposed Dr Kono as a member of the Standards and Harmonization Committee. They had not previously been aware of the correct procedures for nominations, and hoped to have more Japanese candidates for the working committees to represent the Asian region.

THE CHAIRMAN said the Finance and Administration Committee had asked the Executive Committee to approve the concept of reimbursement of business class travel.

This was agreed.

### **Legal**

THE CHAIRMAN then progressed to the approval of the employment of the law firm Carrard, Paschoud, Heim & Associés. This was a prestigious firm in Lausanne of which the IOC had had many years of experience and from which it had received good advice. However, it ought to be pointed out that one of the partners of this firm was the IOC Director General.

MR HOWMAN added that the Legal Committee had recommended the firm after having initial contact with two of the partners in April.

THE CHAIRMAN enquired if the Executive Committee was satisfied with the decision.

MR KOSS urged that they not appear to show favouritism. Had any other firms been considered?

In MR HOWMAN's view, they needed the best firm which gave the best advice. The contract had not been put out to tender but this firm had the expertise required, for example drafting specific documents like those reviewed that morning. He believed it was the best legal advice available in the region.

MR KOSS did not doubt the quality of the firm, but wanted a list of other firms evaluated.

THE CHAIRMAN thought that perhaps it would be a good idea to explain how the Legal Committee had arrived at their decision.

MR MOYER believed that the Executive Committee needed to be clear about its expectations of the firm. He suggested that the firm should be made aware that this was only a short-term relationship, unless decided otherwise in the future.

MR HOWMAN replied that, in the legal world, most relationships were usually short term.

THE CHAIRMAN added that most major law firms were used to "beauty contests" whereby they had to bid for the business of a particular client. This could be done afterwards if it was deemed appropriate.

#### **Health, Medical and Research**

THE CHAIRMAN noted there was nothing to approve at that time for this committee.

PROF. LJUNGQVIST said that it was only the question of the members of the committee that remained. He wished to keep two seats open to be decided later upon the recommendation of the Committee. All but one of the names on the list came from Australia, North America or Europe. However, scientists tended to move to those areas irrespective of where they came from originally.

MR KOSS wanted to know why there were no athletes on the list when a decision had been taken in the first Foundation Board meeting to include athletes.

THE CHAIRMAN asked Mr Koss who was nominated by the athletes.

MR KOSS replied that he was, but preferred not to participate.

PROF. LJUNGQVIST said that he was unsure that an athlete would feel comfortable in the presence of top scientists unless he or she was suitably qualified. He would return at a later date with further proposals.

THE CHAIRMAN thought that it was important to include an athlete who was willing to serve and was sure that there would be someone qualified to participate.

MR LARFAOUI agreed that an athlete was needed. However, for each name on the list there should be some background information to enable the EC to decide.

MR MAYORAL pointed out that there were no Latin American, French, Italian or Spanish people on the lists. He agreed to compiling a list of 20 people, with backgrounds, for the EC to select the best.

THE CHAIRMAN liked the theory but did not have any basis on how to rank them.

MR KATAMI wanted to know when they would decide on the nominations for the committees.

THE CHAIRMAN explained that they were in the process of finding a broad range of people in order to make choices. At that time, they did not have the continental balance hoped for. On the other hand, a lot of the expertise was concentrated in certain areas because expertise attracted

expertise. He wanted to stress the word "World" in WADA, not just Australia, North America, and Europe.

MR VERBRUGGEN thought the continental balance was more significant in some committees than others. The Health, Medical and Research Committee should address the experts, and not focus on where they originated. It was more important that the Committee should start working. They had to try to be practical.

PROF. LJUNGQVIST said the list was based on expertise wherever it existed. They had received no nominations from the other continents but could add other names later. They should be proud of the expertise they already had. He proposed a meeting in October to begin the selection process if accepted by the EC.

MR KATAMI wanted to clarify this information because he believed it was the EC that eventually decided on the nominations.

THE CHAIRMAN answered that it was the EC which would take the ultimate decision when they finally had a basis upon which to decide.

According to MR MOYER, it was quite difficult to balance membership on committees. The committee chairs needed help to canvas as widely as possible. The EC should decide when the working committees could begin their work, but with the clear indication that the membership was not yet finalized. He believed that the Secretary should undertake this task immediately, but the infrastructure was not yet in place.

THE CHAIRMAN replied that if someone were offered an incentive to find the best scientist in Africa, they would certainly find him.

MR HAUKILAHTI said that there was not only a question of expertise to consider, but also politics. It was necessary to take some steps in this direction. In his opinion, one representative from each continent would suffice.

MR MAYORAL suggested that the WADA secretariat send a letter to all governments, NOCs and IFs providing information on vacancies in the working committees. The best candidates could then be submitted to the Executive Committee for consideration.

THE CHAIRMAN thought they would not receive any nominations.

MR MOYER felt that this was not acceptable and the conversation was unhealthy. There should be a secretary for each sub committee, preferably within six weeks, to begin the selection process.

MR SYVÄSALMI said that, even if this was the case, the result would still be the same. It was the Executive Committee's responsibility to compile the list of nominees. However, in his opinion, the number of people on the Legal and Finance and Administration Committees should be limited, whilst the remaining three committees could allow more people. He suggested a system of rotating meetings which would counteract the lack of Asian, Latin American and African nominees.

THE CHAIRMAN said they should not give the impression that they were not delighted with the people already on the committees - they had world class expertise for free, which was a sign of how important WADA's work was. It was important to bear in mind that they had not failed simply because the committees did not have the correct continental representation. The setting-up of WADA had moved very quickly, and they could only improve on what was already a good foundation.

MS VANSTONE agreed that there were some notable people already on the lists. But, sub committees that did not properly reflect the world basis would lose the confidence of the broader international community. She understood the need for high quality expertise, but it was not impossible to find world-class scientists in Asian countries. It was easy to nominate people they knew, but they had to have the right representation. In a recent meeting in Sydney, many countries felt unhappy that the IOC had begun the WADA process with Europe and excluded the rest of the world. The secretariat and the Executive Board should try harder to find nominees. They should not exclude Asia, Africa, Latin America, or the athletes.

THE CHAIRMAN believed they could not paralyse the organization simply because WADA did not have a correct-looking set of committees.

MS VANSTONE conceded that a balance did not mean a token effort. If there were too many Europeans, sooner or later a decision would have to be made to include people from the Asia Pacific

and American Pacific regions. Would it be possible for the secretariat to have a proposal, with specific details, prepared for the next meeting? This would enable them to work on the basis of a recommendation instead of having a general discussion.

THE CHAIRMAN agreed and added that they would discuss the issue chair by chair.

PROF. LJUNGQVIST asked whether he could start work on the Health, Medical and Research Committee. He would seek advice on how to expand it. He felt he could not return to the nominees and inform them they had been rejected by WADA.

MR MOYER said he should explain that WADA was delighted that they had agreed to be involved, but there would be others to join the committee who were as yet unidentified. If it transpired that this was a final list it could be very destructive.

THE CHAIRMAN explained that Prof. Ljungqvist did not want to reject people because they were not from the right country. Next time they would have more proposals, but was everyone satisfied with the list they had so far?

Given that there were no negative comments, MR WALKER hoped the Chairman would authorize the Secretary to help countries that had not already done so purchase copies of the ISO PAS standards.

For the next time they met, they needed to make choices about the accreditation of laboratories for which they would negotiate with the IOC Medical Commission, perhaps before the end of the year.

THE CHAIRMAN agreed that Mr Walker could steer them in an appropriate direction regarding this issue.

MR WALKER conceded that more discussion was needed in the Standards and Harmonization Committee first.

MS SCHNEIDER added that she had already requested the chair to speak to the Secretary about receiving the support needed to perform their tasks properly.

THE CHAIRMAN asked that the Secretary evaluate his workload and provide an assessment of what resources were required. There had been intimations that people were willing to work "on loan" on a short term basis which could be exactly what was needed

MR MOYER believed they might need something faster than having the Secretary prepare something for their next meeting.

## DECISIONS

1. Terms of reference of the following WADA Working Committees approved: Finance and Administration; Health, Medical and Research; Legal; and Standards and Harmonization.
2. Terms of reference of the Ethics and Education Committee to be completed.
3. Ethics and Education Committee to submit plans for a doping survey.
4. Reimbursement of business class travel for members of all WADA working committees approved.
5. Legal Committee to account for the proposed choice of legal firm to work with WADA.
6. Working committees to prepare proposals for nominees for the next Executive Committee meeting.

### **- b) Governance issues (items 4,5 and 6 of Appendix A to the Montreal Declaration)**

After receiving a letter from Ms Schneider, MR SYVÄSALMI proposed that a corporate plan should be prepared. In his opinion, the Chairman would be the best person to chair a small group to undertake this task.

THE CHAIRMAN was prepared to do this; it was just a matter of putting it in a form they could consider and approve. He would put together a small working group, perhaps even consisting of himself and the Secretary.

MR HAUKILAHTI thought it would be appropriate also to include Mr Walker.

THE CHAIRMAN agreed.

## DECISION

A small working group composed of the Chairman, the Secretary and Mr George Walker to prepare a corporate plan to address governance issues.

### **- c) WADA office and personnel**

MR SYVÄSALMI presented a plan of the new WADA premises in Lausanne. The new offices would have a meeting room that could hold between 16 and 18 people, three hot tables, and would have space for between six and eight members of staff. They would not provide interpreting facilities. Working committee meetings could feasibly be held there however, while EC and Foundation Board meetings would continue to be held at the IOC's headquarters.

MS SCHNEIDER asked whether WADA could keep providing interpreting facilities for the Japanese delegate at all meetings.

THE CHAIRMAN said that for the working committee meetings they could get by with consecutive interpreting (as the Japanese delegate was in fact doing at the current meeting), which was also more cost-effective.

He proposed that they should go and see the new premises at the time of their next meeting. WADA would be moving in on 1 July, and by having the working committee meetings there they would start feeling that they had a home.

MR MOYER did not believe that there was enough room at the new premises to meet WADA's operational needs. If the space available was discussed in relation to the functions that needed to be fulfilled, he was inclined to think that the Secretary would have divided up the space rather differently.

MR SYVÄSALMI said that space for eight people was enough for the interim period. It would be unwise to hire any more staff before the Agency selected its permanent site. He had presented a draft organization plan at the previous Board meeting which had outlined an organization composed of between 15 and 22 or 23 members of staff. However these numbers would apply only when the Agency had selected a permanent home. The fact that they had a budget to cover use of external services (which they were already doing for legal matters) meant that the premises chosen would be large enough. Clearly, WADA's secretariat would need much larger premises when it became permanent.

He had so far recruited in principle two assistants from the IOC to work for WADA: Christine Gueissaz and Chloé Christopoulos, who had both agreed to work under the same terms and conditions as those offered by the IOC. He asked the EC for its permission for these two members of staff to start on 1 July. He would bring details of their terms of reference and salaries etc. to the next EC meeting for formal approval.

MR MOYER advocated hiring five additional members of staff as soon as possible, each one having a direct relationship to the chair of one of the working committees and a direct relationship to one of the continental representatives, so that WADA had someone to coordinate questions of a continental and sub-committee nature. He would ask the members of the EC to identify suitable candidates who would be prepared to move to Lausanne or to travel there from time to time. He would personally commit to finding one person, assuming the salaries and travel expenses etc. of such staff came out of WADA's budget.

MR KOSS seconded this proposal, adding that an information director should be appointed as soon as possible.

MS VANSTONE would like the Secretary to provide suggestions to the Committee regarding what the Secretariat's requirements were and how these could be met. She agreed that one of a range of options might be, as Mr Moyer had suggested, to have staff liaise with the working committees. However, this sounded somewhat too easy, and the bottom line was to establish what needed to be done. Until this had been done the governments could also undertake a portion of the administrative work, and the workload could be divided between them until they decided on their exact

needs. A decision could be taken on this basis by the end of the summer following exchanges of faxes or e-mails between the members.

THE CHAIRMAN agreed with the suggestion that work could be divided between the members and their staff for the time being. There was certainly no need for a single member of staff to deal only with the Legal and Finance and Administration working committees. There would be enough work on the other hand to employ one person for the Education and Ethics Working Committee, as there probably would be for Standards and Harmonization Working Committee.

MR HAUKILAHTI noted the need to employ someone to work in communications and prepare a website.

THE CHAIRMAN could not agree more.

MR MOYER acknowledged that his suggestion of a member of staff for each working committee was perhaps over-ambitious. He agreed with Ms Vanstone's suggestion that the Secretary and Chairman should tell the members of their needs. However, he was frustrated with their not having the resources they needed to work effectively, and foresaw another ineffectual meeting if they waited until their next meeting for the Chairman and Secretary to make their suggestions. Ideally they should try to agree on something that day.

MR SYVÄSALMI said that they had opened negotiations with the European Commission, which had announced that it had earmarked EURO 1.5 million for WADA activities. It had recently been decided that these funds could be spent by WADA on new media, which would include developing a website. They did therefore have external funds to hire someone to work in this specific area.

MR KOSS proposed that an information director and two project managers, to deal with all the Agency's business with regard to its sub-committees and continental representation, should be hired by 1 July.

THE CHAIRMAN asked whether all the members agreed to allow him and the Secretary to hire three members of staff, including a communications manager. In addition, they would provide the members with a profile of their needs, as suggested by Ms Vanstone, within the next week to 10 days.

## DECISIONS

1. WADA's move to its temporary premises in Lausanne on 1 July approved.
2. Recruitment of two administrative assistants by the Secretary approved.
3. The WADA President and Secretary authorized to hire immediately three further members of staff for WADA's Secretariat, including a communications manager.
4. The WADA President and Secretary to provide Executive Committee members with written details of the Agency's operational needs within 10 days.

### **- d) WADA headquarters: siting and bid procedure**

THE CHAIRMAN emphasized the importance of getting this decision right, and having a process that would produce the best offers for the benefit of WADA. It was crucial that all the relevant criteria be considered, that all offers be evaluated, and that a sound process be established by which they could arrive at a decision. As part of the process, the Secretary had obtained from UNESCO an evaluation report for a similar siting procedure conducted for its Institute for Statistics, along with the criteria used for making this assessment. He suggested that a small group should discuss and agree on a tailor-made process for WADA. They could then approve it and get the process in motion at their November meeting.

MR HAUKILAHTI recommended that they should not leave it any later than their next meeting given the number of candidates, especially in Europe.

THE CHAIRMAN said that some candidates would inevitably drop out.

MR MOYER thought that November 2000 was too late to agree on a process given that the permanent headquarters had to be decided on by the end of March 2001. There were private bodies

available with expertise in this kind of process. They should immediately authorize the Secretary to hire one such private organization to make recommendations to them about the process to be used.

THE CHAIRMAN said that if they were to hire external aid they would have to open a call for tenders, and assess the bids they received, which would take at least one EC meeting.

MR MOYER believed that a request for proposals could be sent out and completed relatively quickly. Interested firms would respond within four weeks. Deciding on which firm they were going to use was not immensely difficult, and could be agreed by a conference call before the Olympic period began in Sydney. If they did not do so, they would simply not meet the deadline they had set themselves. The emphasis should be placed on giving as much time as possible to the cities who were interested in hosting WADA to put together their bids.

THE CHAIRMAN considered that it was more important that the process be properly done and that the permanent headquarters be operational on 1 January 2002, than that they meet the decision deadline of 31 March 2001, which could always be postponed until June 2001 for example.

MS VANSTONE asked the Chairman to recap what he expected to be done between then and November.

THE CHAIRMAN said that they certainly needed to identify, on the basis of the UNESCO report and other such reports, what the siting criteria ought to be, with regard to location, proximity of an airport, security, etc. and establish a tentative timetable for the permanent headquarters to open on 1 January 2002.

MS VANSTONE asked whether the Secretariat would be doing this. Once the criteria had been decided on, members could surely reach agreement on them via fax or e-mail. They should then be sent out so that by November they were well on track with the process.

THE CHAIRMAN noted that they might want something that important approved by the Board, which would meet in November.

MS VANSTONE proposed that the EC should therefore make a specific recommendation on the process to the Board.

THE CHAIRMAN agreed.

MR MOYER said that there were lessons to be learnt from UNESCO's experience, whose siting process had been based on obtaining informal advice from external sources. However, this process had not stood up to close scrutiny and, despite the fact that UNESCO had a well-established secretariat and no shortage of staff, it had had to enlist the aid of external specialists. Its experience simply emphasized how specialized a skill location decision-making was. He did not believe WADA's Secretariat with its current resources could achieve what was required. UNESCO's process had been criticized for being done too quickly. However, even the latest deadline of June 2001 mentioned by the Chairman was shorter than the time span used by UNESCO. They should agree there and then to hire an external firm, so that in November they were in a position to approve a specific, not a general, process.

THE CHAIRMAN said that they would get to that stage by November.

MS VANSTONE suggested that they should empower the Secretariat and the Chairman to do everything that was required, including obtaining external assistance if deemed necessary, for the Board to be in a position at its November meeting to approve and issue the siting criteria.

THE CHAIRMAN would not wish to hire external consultants without specific EC approval. He suggested that what he and the Secretary should first do was to identify, for the Executive Committee's benefit, the criteria they thought were important, and perhaps even a suggested relative weighting. The criteria could then be finalized at the November meeting.

MS VANSTONE suggested that approval for external assistance could be given via a tele-conference.

MR VERBRUGGEN seconded the Chairman's view, and noted that UNICEF had completed a similar process internally, without having recourse to specialist assistance, when they had had to decide between a Copenhagen and Geneva site.

MR SYVÄSALMI had recently met the project manager responsible for the UNESCO process. According to the latter, if they had finalized the criteria by November, there would still be time to reach



a decision by the end of June 2001. It was up to WADA to decide on policy and criteria and relative weighting. External consultants could then be used to evaluate their decisions. The external consultant used by UNESCO had not decided on the weighting and criteria either.

MR MAYER's understanding of UNESCO's process was that the consultants had given advice on weighting and on the selection criteria, but that the siting commission had subsequently taken the decision. There were no site location experts around the table. However, he was sure that they could easily agree for a Finnish firm to work for them.

MR VERBRUGGEN said that the issue of finance should be included in the time plan.

THE CHAIRMAN pointed out that governments would need to be given time to consider diplomatic, quasi-diplomatic, visa and tax issues, etc.

They (i.e. the Secretariat and he) would find a way to proceed and would distribute details to the members by 14 July 2000.

#### DECISION

The WADA President and Secretariat authorized to determine how to proceed regarding site location and inform the Executive Committee members by 14 July 2000.

#### **- e) WADA CEO**

THE CHAIRMAN pointed out that the CEO could not be appointed until they knew where the Agency was going to be based. He would however appoint two or three members of the EC to form a working group to discuss the draft job description of the CEO over the course of the summer. The job description had to be ready when a decision was taken on the site, i.e. by 30 June 2001.

MR WALKER asked whether the CEO was going to be the Secretary General or whether WADA would have two chiefs.

THE CHAIRMAN said that this would be part of the mandate of the working group. Part of the job would be to cover the role he was currently fulfilling as President of WADA. If the CEO they chose was an administrator or communicator there would have to be a second-in-command with a scientific background, or vice versa. He asked Mr Walker to be part of the working group.

#### DECISION

A working group composed of the President, the Secretary and Mr Walker to work on a draft job description for the WADA CEO.

#### **- f) Athlete's passport (report by Johann Olav Koss)**

MR KOSS gave a brief update on the athlete's passport project (Annex), noting that the idea had been well received by athletes and NOC athletes' commissions across the world. A pilot study had been carried out in Canada, with focus groups asking specific questions to athletes regarding the passport. Australia had committed to implementing a more practical pilot scheme for six weeks from mid-July until the Games in cooperation with ASDA's central computer database. The sheer quantity of responses received from athletes' commissions meant that there was a great deal of work to be done, and a working group could usefully be created specifically to deal with the passport. There were legal issues that needed to be discussed with the Legal Committee, while matters of technology also had to be discussed.

He asked for the Executive Committee's permission to issue a call for tenders for a smart card which would ensure security of access to the information contained in the passport. This information would need to be contained in a central computer database. Such a database was currently being developed by several countries with the aim of putting together a computerized doping-control system. ASDA was taking the lead in Australia and several other countries were anxious to become involved in the same database project. WADA should be looking at the possibility of using the same system. He detailed the draft call for tenders which he would like to send out.

THE CHAIRMAN asked whether the ethical issues involved had been explored at all.

MR KOSS replied that a 60-page explanatory document had been written by Ms Schneider on the background to drug testing in sport. This document had already been reviewed by the IOC Athletes' Commission, could usefully be read by the Chairman and other members of the EC, and would certainly be of interest to the Ethics and Education Working Committee. The document and the idea of the passport had also already received a positive response from ethicists worldwide.

THE CHAIRMAN did not wish to enter an area fraught with ethical, medical and legal difficulties before they knew exactly what the implications were. He was not opposed to a pilot research project being conducted, but it was essential that the athletes involved in it agreed to participate in it in a very well informed way, given that it would no doubt involve revealing a great deal of personal and other information. He did not want to have to face the consequences of doing something without having fully thought it through. The EC should give earnest thought that day to whether or not they wished the Australian pilot project to go ahead.

MR KOSS said that they had agreed at the last meeting that the two pilot projects (one from the Canadian Government and one from the Australian Government) would be allowed to go ahead, subject to legal and ethical review, which had been done in the Canadian case by the CCES (the Canadian Centre of Ethical Sport).

THE CHAIRMAN stressed that the CCES was not WADA, and that this was a matter for WADA to decide. Clearly, they were going to have to rely to some extent on the advice of third parties, but they should be sure before they took any decisions that they knew what the issues involved were. It might be enough to have the consent of the 200 athletes involved in the Australian pilot project, but they needed legal and other advice in this respect before they did anything in the name of WADA.

MR KOSS pointed out that the two schemes were in fact already going ahead, having been approved in their respective countries (by the CCES and by ASDA), with the support of WADA's Legal, Ethics and Education and Standards and Harmonization working committees.

MR VERBRUGGEN said that at the last meeting they had all agreed that this was a very useful project and should be supported. He had in fact sent Mr Koss details of what the UCI were doing along the same lines, and indeed going further than what was being proposed. It would be advisable however for WADA to officially endorse the project only once they had received the results of the pilot schemes. It would also be a good idea for the Legal and Ethics and Education working committees to consider the issues involved. One of the problems doping controllers were faced with in the field was the fact that the list of banned substances included products that were allowed under certain circumstances (such as cortisone). Athletes were very good at producing prescriptions for medication to justify the presence of a substance after a failed test, claiming that they had forgotten to produce them at the time of the test. The UCI's passport required cyclists to enter all medicine they had been prescribed and were taking. Clearly this raised the issue of confidentiality, but it was extremely effective because it was foolproof. The possibility of using this kind of approach could also usefully be studied and discussed.

MS VANSTONE believed WADA should support a pilot project going ahead. The Legal Working Committee could give them sign-off on the participants' awareness of what the project would involve with respect to the issue of privacy.

The question of smart cards was a separate matter involving how the information that was collected should be stored. Using smart cards was one way of doing this. Whatever the method eventually chosen, she would change the wording of the letter inviting proposals so as to avoid stating that WADA was "interested in pursuing a potential partnership with [the] company". She would say instead that "WADA was interested in developing athletes' passports; that one method of storing and accessing information was by using smart cards; what could the company offer WADA?"

MR MOYER said that Canada certainly supported pursuing the pilot activities in Canada. They believed that as well as the technological implications there was a major ethical and educational aspect to the project, which they believed should be considered by the Ethics and Education Working Committee. His understanding of the needs of athletes in Canada was that they required time to have the project explained to them and to ask questions about it. If this was true about Canadian athletes who were already exposed to these kinds of ideas, it would certainly be true about athletes in other countries where athletes had never been approached with this notion before.

THE CHAIRMAN would not wish to enter into a contract on behalf of WADA without the Executive Committee's approval. However, there was no problem with issuing the tender documents.

MS SCHNEIDER agreed that they should not give signed agreement yet, and noted that during the preliminary focus group meetings, which had included showing the agreement contract format, a number of questions had been raised. The aim for the time being was simply to make the project more user-friendly.

#### DECISION

Athlete passport pilot projects to go ahead but no commitment made by WADA without Executive Committee approval.

#### **- g) Observers (letters from the Ibero-American Sports Council and the World Olympians Association)**

MR MAYORAL gave some background information on the Ibero-American Sports Council, saying that it had been established 15 years previously, and was composed of the sports ministers of 24 Spanish-speaking Latin American countries, to develop sport in these countries. One of the aims of the Council was to fight against doping.

THE CHAIRMAN said that, while it did not encourage such requests, WADA had no objection in principle to requests such as the one made by the Council to have its President and Vice-President accorded observer status at WADA Foundation Board meetings.

MR MAYORAL pointed out that WADA already had many observers from various bodies.

THE CHAIRMAN said that they could write back saying that they had no objection to their being observers.

The same applied to the World Olympians Association, though their request for membership of WADA clearly could not be met.

MS VANSTONE asked who would pay for these new observers' travelling expenses.

THE CHAIRMAN replied it would certainly not be WADA.

#### DECISION

Letters to be sent to the Ibero-American Sports Council and to the World Olympians Association stating that WADA has no objection to their becoming observers at Foundation Board meetings, but at their own expense.

### **10. Meeting Reports**

#### **- ANOC, 23 - 27 May 2000, Rio de Janeiro**

MR MAYORAL had given a short report on WADA and its objectives to the NOCs at their general assembly in Rio de Janeiro, including details of the participation of the governments and the Olympic Movement in WADA. The WADA President and Prof. de Rose had also given excellent reports. The General Assembly had been attended by 196 NOCs, and there had been more than 2,000 accredited people. The NOCs were particularly interested in being involved in the anti-doping testing process at the Sydney Games.

THE CHAIRMAN added that the reception they had got from the NOCs had certainly been very positive with a wide range of questions being asked. Not all of them knew about WADA and what it meant, so it was worth taking any opportunity to meet with them at regional or ANOC gatherings to strengthen the presence and mandate of WADA, especially since NOC presidents and secretaries general changed from time to time.

**- Council of Europe, Conference of European Ministers responsible for Sport, 29 - 31 May 2000, Bratislava**

THE CHAIRMAN recalled that WADA had been invited to make a presentation and had been pleasantly surprised by the positive response it had gained, even from some ministers whom they might have thought would not have been overly enthusiastic in their support for WADA. It had been interesting to see the turnaround in European sports ministers between the time of the IOC's Lausanne-organized World Conference on Doping in Sport of February 1999 and this meeting in Bratislava. There was now a cooperative attitude among all European ministers, not only European Union ministers.

MR SYVÄSALMI confirmed the Chairman's impression and also drew attention to the recent Council of Europe Seminar for Anti-Doping Policy for 10 former USSR countries, which had also been very supportive of WADA and had recommended to WADA the inclusion in its out-of-competition doping control plans of those countries participating in the seminar who were not able to implement their own controls within their national structures.

## **11. Any other business**

MR MOYER noted that the International Intergovernmental Consultative Group on Anti-Doping in Sport (IICGADS) process was moving forward. A group representing Norway, Canada and Australia would meet the following day to plan for an important session of the advisory group in November. The exact date of this meeting would be set after the date of the next WADA Executive Committee meeting was fixed.

MS VANSTONE suggested that they should adopt the approach, commonly taken by the private sector, that both proposals and minutes of the meeting etc. should not exceed one page. If the minutes had to be long, then they should be accompanied by a one-page list of decisions and follow-up actions required.

THE CHAIRMAN said that they had decided to adopt a rather prolix form of minutes in the interest of providing a public record of what was said at meetings. He had no objection however to the idea of a short-form decision list being prepared after meetings.

MR KITAMI asked for all material and documents to be sent out much earlier for future meetings.

THE CHAIRMAN agreed, noting that the same should apply to responses and proposals.

### DECISIONS

1. Minutes of WADA meetings to be accompanied by a summary of decisions and follow-up actions required.
2. Documents, proposals and responses to be sent out earlier ahead of meetings.

## **12. Next meetings**

THE CHAIRMAN wanted the Executive Committee to meet once more before the Games in Sydney. Following a discussion, he suggested holding a meeting at the end of August (on 27 or 30 to be finally decided by the end of the week).

The tele-conference meeting proposed by Ms Vanstone to discuss the siting criteria for WADA's permanent headquarters, if necessary, could be held on 31 July. There would also be an informal Board meeting in Sydney.

The November meeting of the Board could be held on 14 November in Lausanne.

### DECISIONS

1. Next Executive Committee meeting to be held on 27 or 30 August 2000, to be confirmed.

2. Executive Committee conference call to be held on 31 July 2000.
3. Next Foundation Board meeting to be held on 14 November 2000 in Lausanne.
4. Informal Foundation Board meeting to take place during the Olympic Games in Sydney.

### **13. Closing of the meeting**

THE CHAIRMAN thanked the members for attending the meeting and for their effort and cooperation. He thought that they had done some good work towards decisions that would be taken at future meetings. The meeting would be followed by a press conference during which WADA would sign its first official agreement, with FINA, and he would be delighted if the participants of the meeting were able to attend.

The meeting adjourned at 5.30 p.m.

**FOR APPROVAL**

**MR RICHARD W. POUND, QC**  
PRESIDENT AND CHAIRMAN OF THE BOARD