

**Minutes of the WADA Foundation Board Meeting
16 May 2019, Montreal**

The meeting began at 8.30 a.m.

1. Welcome, roll call and observers

THE CHAIRMAN welcomed the members to the WADA Foundation Board meeting and advised them that the Hon. Marc Garneau, Federal Minister from the Canadian Government was with them and wished to address them. He welcomed Mr Garneau.

MR GARNEAU said that stakeholders from around the world placed a lot of confidence in WADA's ability to establish proper rules and to make sure that they were being followed. In turn, WADA placed a lot of confidence in the decisions that its stakeholders took as representatives of government, the IOC, the IPC and IFs. The decisions that WADA had to make were not always easy, but they were essential. Canadians had high expectations in relation to the fair and healthy practice of sport and for future generations. Athletes wanted to have the ability to win without having to resort to prohibited substances and methods. The global society expected fair play and the ethical pursuit of high performance standards. The society trusted that WADA would pursue that goal whilst improving its governance and the ability to listen to the various concerns of stakeholders in a safe and respectful environment. Canada was privileged to be a WADA partner. He again recognised and thanked Sir Craig Reedie for his leadership and accomplishments as President of the World Anti-Doping Agency and he also congratulated Mr Witold Bańka, who would be the next president of the agency, starting in 2020. He wished Mr Bańka every success in his new and exciting mandate. WADA had an impressive team with a vital mission in pursuit of clean sport. Canada was and would remain one of the agency's strong supporters in pursuit of that goal.

THE CHAIRMAN thanked Mr Garneau for his intervention.

He formally welcomed the new members of the Foundation Board and noted the deputies present at the meeting. There was a new director, Mr Tom May, who was in charge of NADO and RADO relations.

He had been informed on Tuesday evening that the public authorities had determined one candidate who would stand for the presidency of the agency at the annual meeting in Katowice in November that year and that Mr Bańka from Poland had been elected. He congratulated Mr Bańka and complimented Mr Bańka and also Mr Díaz, the other candidate, on the quality of their prospectuses and the way in which they had conducted themselves in that exercise. They had both brought credit to WADA.

MR BAŃKA thanked the public authorities for their decision. It was a big honour for him and the greatest responsibility of his professional life. He would try never to lose the members' trust. They had the same goal: to create a better environment for clean athletes, enhance the system and eradicate cheats from sport. He thanked again his dear colleague Mr Díaz for the fair and interesting campaign. He respected Mr Díaz very much. As former athletes, they understood that clean and fair competition was absolutely crucial, and he thanked him for his amazing attitude. Mr Díaz was a fantastic person with a great personality. He hoped to cooperate with Mr Díaz, whose knowledge meant that WADA needed him, and he hoped that, together, they would make WADA stronger. He also thanked the Chairman, Director General and WADA management for their openness to cooperate over the coming months. There was a lot of work before them.

MR DÍAZ thanked Mr Bańka. It had definitely been a great and exciting experience, and he reiterated his commitment to cooperate fully with Mr Bańka to make his mandate a very successful one. He would be part of the team and he thanked Mr Bańka for his invitation.

The following members attended the meeting: Sir Craig Reedie, President and Chairman of WADA; Ms Linda Hofstad Helleland, Vice-Chair of WADA, Member of Parliament, Norway; Mr Andrew Parsons, IPC President; Mr Nenad Lalovic, Member of the IOC, President, United World Wrestling; Dr Budgett, representing Mr Richard Pound, IOC Member; Mr Jiri Kejval, President, NOC, Czech Republic; Ms Rania Elwani, representing ANOC; Mr Fabio Pigozzi, President, International Federation of Sports Medicine; Mr Andrey Kryukov, Vice-President, Kazakhstan National Olympic Committee; Mr Zlatko Matesa, President, Croatian Olympic Committee; Professor Ugur Erdener, Vice-President of the IOC, President, World Archery; Mr David Lappartient, President, UCI; Mr Jean-Christophe Rolland, President, FISA; Mr Francesco Ricci Bitti, President of ASOIF; Mr Ingmar De Vos, President, FEI; Mr Jan Dijkema, President, International Skating Union; Ms Beckie Scott, WADA Athlete Committee Chair; Ms Kanouté, representing Ms Danka Barteková, IOC Member and IOC Athletes' Commission Member; Mr Bindra, representing Ms Kirsty Coventry, IOC Member and IOC Athletes' Commission Member; Mr Seung-Min Ryu, IOC Member and IOC Athletes' Commission Member; Ms Emma Terho, IOC Member and IOC Athletes' Commission Member; Mr Constantin-Bogdan Matei, Minister of Youth and Sports, Romania; Mr Tiago Brandão Rodrigues, Minister of Education, Portugal; Mr Philippe Muyters, Flemish Minister for Work, Economy, Innovation and Sport, Belgium; Mr Khrychikov, representing Ms Gabriella Battaini-Dragoni, Deputy Secretary General, Council of Europe; Mr Akif Çağatay Kiliç, Member of Parliament, Turkey; Ms Amina Mohamed, Cabinet Secretary, Ministry of Sports, Culture and Heritage, Kenya; Mr Larue, representing Ms Macsuzy Mondon, Ministry of Home Affairs, Local Government, Youth, Sports, Culture, Risk and Disaster Management, Seychelles; Ms Tokozile Xasa, Minister of Sport and Recreation, South Africa; Mr Díaz, representing Ms Andrea Sotomayor, CADE President, Dominican Republic; Mr Gerardo Fajardo, President of CONCECADE, Honduras; Mr Michael K. Gottlieb, Associate Director, White House Drug Policy Office, Executive Office of the President, USA; Mr Cáceres, representing Ms Fatima Morales, President of the South-American Sport Council (CONSUDE); Mr Mohammed Saleh Al Konbaz, President, Saudi Arabian Anti-Doping Committee, Saudi Arabia; Ms Tomoko Ukishima, State Minister of Education, Culture, Sports, Science and Technology, Japan; Mr Taekang Roh, Vice-Minister, Ministry of Culture, Sports and Tourism, Republic of Korea; Mr Yingchuan Li, Vice-Minister, General Administration of Sport, China; Mr Andrew Godkin, representing Ms Bridget McKenzie, Minister for Sport, Australia; Mr Clayton Cosgrove, representing Mr Grant Robertson, Minister for Sport and Recreation, New Zealand; Mr Jonathan Taylor, Compliance Review Committee Chair, Bird & Bird LLP; Mr Olivier Niggli, Director General, WADA; Mr Tim Ricketts, Standards and Harmonisation Director, WADA; Ms Catherine MacLean, Communications Director, WADA; Mr Tom May, Programme Development and NADO/RADO Relations Director, WADA; Dr Olivier Rabin, Science and International Partnerships Director, WADA; Dr Alan Verneq, Medical Director, WADA; Mr Julien Sieveking, Legal Affairs Director, WADA; Mr Gunter Younger, Intelligence and Investigations Director, WADA; Mr René Bouchard, Government Relations Director, WADA; Mr Frédéric Donzé, Chief Operating Officer, WADA; Mr Sébastien Gillot, European Office and IF Relations Director, WADA; Ms Dao Chung, CFO, WADA; Ms Maria José Pesce Cutri, Latin American Regional Office Director, WADA; Mr Rodney Swigelaar, African Regional Office Director, WADA; and Mr Kazuhiro Hayashi, Asian/Oceanian Regional Office Director, WADA.

The following observers signed the roll call: Hannah Grossenbacher, Michael Vesper, Anne Van Ysendick, Andrew Ryan, Philippe Gueisbuhler, Rune Andersen, Eva Bruusgaard, Jan Age Fjortoft, Japhter Rugut, Rose Macharia, Edward Kiunjuri Irungu, Bakari Athman Mwafujo, Marie K. Odero Senior, Khalid Galant, Mpumi Dube, Erika Alvarez, Camila Moya, Shafag Huseynli, Fukuei Saito, Shin Asakawa, Hirokazu Kumekawa, Nobuhiro Takegawa, Akira Kataoka, Shoichi Sugiyama, Kiyotaka Inada, Taichi Kaneshiro, Chihiro Maekawa, Ichiro Kono, Tatsuki Sonomaya, Toshiyuki Okeya, Taera Choi, Jeongah Kwon, Heymin Yun, Jaisoo Jin, Chan Park, Yan Qingping, Zhiyu Chen, Yewu Li, Shengjun Long, Darren Mullaly, Joe Van Ryn, Doug MacQuarrie, Olivier Fontaine, Cristian Balaj, Andrei Nourescu, Andrés Tobías Rubio, Laura Pavel, Rafal Piechota, Joanna Zukowska-Easton, Hubert Dziudzik, Anna Ulman, Przemyslaw Zawistowski, Anna Wybraniec, Michal Rynkowski, An Vermeersch, Lino Miguel Teixeira, Paulo Fontes, Mehmet Yogurtcuoglu, Iskender Okyay, Rustu Guner, Rob Koehler, Ben Sandford, Marcellin Dally, Trent Dimas, Benjamin Cohen, Joseph de Pencier, Rich Young, François Kaiser, François Coderre, Sébastien Lebel, David Pavot, Geneviève Dufour, Charles Lamoureux, Jonathan Sperling, Mona Patel, Linda Beauparlant, Simon Cléroux-Campeau and Henry Gourdji.

If they had a conflict of interest in relation to any of the items on the agenda, THE CHAIRMAN asked the members to declare it. In the absence of any such declaration, he would continue.

2. Minutes of the previous meeting on 15 November 2018

THE CHAIRMAN drew the members' attention to the minutes of the previous Foundation Board meeting, which had been sent to them in March 2019. There had been comments from Japan and New

Zealand on minor points and which had been included in the version distributed in the meeting materials. He suggested that the minutes were a true record of the meeting in Baku. If the members agreed, he would sign them at the end of the meeting.

DECISION

Minutes of the meeting of the Foundation Board on
15 November 2018 approved and duly signed.

3. Director General's report

THE DIRECTOR GENERAL said that he would update the members on the previous day's discussion at the Executive Committee meeting.

He highlighted the annual WADA symposium, which had taken place in Lausanne in March. Just to highlight how successful it had been, more than 900 people had attended the symposium, which represented a formidable effort every year by the WADA staff in terms of organisation. The main theme that year had been the Code and the international standards, and the feedback and discussion that had taken place had been very helpful in the process being followed to draw up the documents. There had been a day-and-a-half session for the athletes, involving good discussion and the establishment of a good platform for discussion of the Anti-Doping Charter of Athlete Rights. The next edition of the symposium would be on 17 to 18 March 2020.

Shortly after, the IOC athletes' forum had taken place in Lausanne, and there had been about 350 athletes present at that. WADA had been invited and had taken part in discussions and had had an outreach booth at the event, providing a good opportunity to interact with many athletes in Lausanne. The feedback had been very positive with a lot of support from the athletes for the work that WADA was doing. WADA was very grateful to the IOC for giving it space during that event.

There was a very short update on Russia. The retrieval of the samples had been completed. The samples had been taken out of Russia and were being stored at an accredited laboratory outside Russia. There had been good cooperation from the Russian authorities and he was pleased that the second condition of the road map had been fulfilled which would allow WADA to start result management and prosecuting cases, which was the goal of the entire operation.

He had listed the strategic priorities followed in terms of work. They had been for information and discussion at the Executive Committee but it was important for all of the members to be aware of them. He would come back to the strategic plan shortly.

Updating the members on the discussion that had taken place the previous day, a number of decisions had been taken by the Executive Committee, the first in relation to the strategic plan, which was that WADA would retain the services of a sports consulting branch of PricewaterhouseCoopers to help work on the development of the strategic plan, as well as a gap analysis, which would involve reaching out to the stakeholders to see how they perceived the work of WADA and how things might be done differently. That would be done hand-in-hand with the newly elected president of WADA because, obviously, the strategic plan would apply to his tenure.

The Executive Committee had accepted the provisional programme for the World Conference on Doping in Sport, similar to the format of previous world conferences.

A number of elements on the reform of governance had been presented, and the members would hear about the plan in terms of timing for the implementation of the reform; that plan had been accepted.

There had been a discussion on the Nominations Committee, which was a central part of what WADA would be doing, and two things had been agreed upon by the Executive Committee: the regulations to be applied to the Nominations Committee, governing how it would work; and, to nominate the first committee, one had to start somewhere, and an external agency had been appointed to help find the first independent members to sit on the committee.

A number of technical and scientific documents had been approved by the Executive Committee.

The King Faisal Specialist Hospital and Research Centre in Saudi Arabia had been approved to enter into the candidate phase to become an Athlete Biological Passport-approved laboratory, which was important for the region, and the laboratory from Chile would be withdrawn from the list of candidate laboratories for full accreditation.

Several technical documents had been approved, with technical adjustments made to a number of points.

The International Standard for Laboratories (ISL) had had to be amended despite the fact that the rest of the standards were in the revision process, because some important elements had to be in place before 2021. It had been approved, but would be reviewed again later in the year and once the Code was approved, steps would be taken to ensure the ISL aligned with the revised Code and other standards.

In terms of compliance, there had been a suggestion that there might be a decision to take in relation to the International Cricket Council (ICC). The recommendation had been withdrawn, and there had been an explanation from the Vice-Chair of the Compliance Review Committee on that. The reason for the withdrawal was that the Compliance Review Committee had received a clear road map from the ICC on how it would operate in India and that road map was satisfactory, but its implementation would, of course, be monitored over the coming six months.

A number of issues had been discussed by the Executive Committee for consideration by the Foundation Board members at that day's meeting. The Executive Committee had recommended that WADA partner with the University of Sherbrooke to create an academic chair in anti-doping, and the members would hear shortly from the dean of the university's law faculty.

There had been a recommendation to endorse the year-end accounts. The members would have a presentation from the auditors on those.

There had also been a recommendation to accept the proposed change in the Code in relation to meat contamination and clenbuterol.

The previous day, there had been an in-camera session of the Executive Committee to deal with the Covington report on allegations of bullying and harassment. The Executive Committee had had a three-hour session in the morning, and had discussed the report and situation and had unanimously taken the decision that the process leading up to the report, the content of the Covington report and the outcome should be accepted and that the full report with the appendices would be published on the WADA website (that had been done); that the full audio recording of the September 2018 Executive Committee meeting would be put on the WADA website (that had been done); that a number of recommendations at the end of the report would be put back on the agenda for the Executive Committee meeting in September to discuss how they should be studied and implemented; and that the matter, as far as the Executive Committee was concerned, was closed. The Executive Committee had suggested that the Foundation Board be made aware of that and have an opportunity to hear from Covington about the report, which was why Ms Patel and Mr Sperling, the two law partners dealing with it, were present at the meeting. He would ask them to make a presentation on their report.

MS PATEL introduced herself. Her name was Mona Patel, and she was a partner at the law firm of Covington and Burling, based in Washington D.C. She was there with her colleague and partner, Jonathan Sperling, who was based at the New York office of Covington.

Covington, for those who did not know, was a very large firm of over 1,000 lawyers, with offices in the USA, Europe, Africa, the Middle East and Asia. She was a member of the investigations practice at Covington, which was led by numerous former US Government officials, including the former attorney general of the USA, Eric Holder. The investigations practice at Covington had deep expertise in conducting investigations, including into sensitive issues such as those raised at WADA. She herself had been conducting investigations for many years on behalf of boards and companies in response to whistleblower complaints and government inquiries.

MR SPERLING said that he also had a fair amount of experience conducting investigations of the type described by Ms Patel and, between the two of them, they had nearly 50 years of experience in doing that. The members would see later in the presentation why they thought that that was of some relevance.

He described the nature of the engagement and what his firm had been tasked to do. As described in the report, which was now available on the WADA website, the allegations by Ms Scott had been set forth first in a letter on 8 October 2018 addressed to the President and the Director General, and subsequently in a BBC interview. Both the letter and interview had made a specific allegation of a single incident involving comments by two Olympic representatives on the Executive Committee, Mr Ricci Bitti and the late Mr Baumann, and the complaint had been about comments, remarks and gestures made at the 20 September 2018 Executive Committee meeting held in the Seychelles. His firm had been tasked with investigating that allegation and any other specific allegations of bullying and harassment brought forward. One of the reasons for his selection was the fact that he and his colleague had no relationship

of any kind with Mr Baumann or Mr Ricci Bitti or the organisations that they represented on the WADA Executive Committee and no relationship with Ms Scott, or Mr Edwin Moses, who had also made allegations of objectionable conduct at another Executive Committee meeting. The mandate had been to conduct the work independently, meaning no relationship with the accused or the accusers, and they had been left to perform their work as they saw fit with no guidance or interference by the WADA management or the Executive Committee or the Foundation Board. That meant that no direction had been taken from WADA in relation to who to interview, and certainly no direction had been taken in relation to what the findings should or should not be or the lines of inquiry to pursue.

He knew that there had been some discussion in the media recently over the presence or absence of terms of reference. One learned something new in every engagement, and he and his colleague had learned over the past few weeks that WADA, certainly with respect to a number of assignments it had given to outsiders other than law firms, had used terms of reference. In his and his colleague's almost 50 years of combined experience conducting investigations, neither had ever heard of terms of reference until 14 March that year, when the issue had been raised in the e-mail received from the counsel to Ms Scott and Mr Moses. There had not been terms of reference for a very simple reason: their job had been to investigate the facts wherever they took them, and to have terms of reference that would define what they could and could not do, what facts could and could not be pursued, and who they could and could not talk to would have been inconsistent with the ability to operate completely independently. In performing their work, therefore, they had been focused in the first instance on the specific allegations made, and in particular the idea that the conduct about which Ms Scott had complained had to do with her position presented at the meeting in relation to the reinstatement of RUSADA. Mr Moses had alleged that he had been told to shut up at the May 2018 meeting of the Executive Committee and, in light of the fact that he was represented by the same counsel as Ms Scott, his allegation had been investigated as well. In the course of the investigation, which had included interviews of 32 witnesses, he and his colleague had encouraged others to make known any other incidents of what they believed to be bullying and harassment, and nobody had. Finally, they would like to have had the opportunity to interview the complainants and hear from them. As was widely known in the room, in light of the media statements made, they had declined to participate, and he would circle back to that at the end of the discussion. He would ask Ms Patel to describe the nature of the work carried out and what the findings and conclusions had been.

Taking the members through the work that had been carried out, MS PATEL informed them that she and her colleague had interviewed 32 individuals over the course of the investigation, 29 of whom had attended the meeting on 20 September. The interviews had involved broad subject matter: each interviewee had been asked what had happened in the room, about the background to the issues discussed that day and about which Ms Scott had complained, what had happened at other meetings to try to get a sense of the context in which the comments had been made, and whether or not they were aware of other instances of bullying or harassment. The team had also undertaken to review the audio recording, which was available to all, and had taken the extra step of analysing the audio recording through a forensic consultant in order to determine whether there had been any commentary or laughter that could be picked up through that exercise. Finally, the team had reviewed documents, looking at policies, governance documents, meeting minutes and a small set of e-mails to try and understand what had happened at the meeting and in the events leading up to the meeting.

The conclusions were that there was no policy in existence that applied to the Executive Committee's conduct in that area, so the team had reviewed available authorities and determined the core elements of a bullying and harassment claim, and then it had applied those elements to the facts, first taking into account the viewpoint of Ms Scott as understood from her public statements and her statements to WADA, the content and tone of the remarks complained about, the reactions of the people in the room and whether the comments had been directed at Ms Scott, and how those comments compared to comments made at other meetings. It had been concluded that no bullying or harassment had taken place at the meeting and, in particular, no conduct had been directed at Ms Scott during the discussion of the conditional reinstatement of RUSADA. There had been no harsh exchange, no disrespectful behaviour, no aggressive behaviour, just no conduct: no response at all. The only difficult exchange identified had taken place during the discussion of the WADA Athlete Committee report, in which Ms Scott had offered a critique of the IOC athletes' commission. Looking at the discussion in relation to the athletes' commission report, it had been concluded that the remarks by Mr Baumann had been neutral. The team had not found anything potentially objectionable about his remarks and, as to the comments of Mr Ricci Bitti, it had been concluded that, while they might be viewed as harsh or aggressive or disrespectful, they had not risen to the level of bullying, which would be defined as reflected by threatening, intimidating or bullying conduct.

She would very much have liked to have spoken to Ms Scott and Mr Moses in that process but, speaking with their lawyer, she and her colleague had been informed that they had conditions on their participation that they considered to be unreasonable and, frankly, out of market. In particular, the lawyer had asked to be permitted to attend all of the interviews and to cross-examine all of the witnesses. Again, she and her colleague had never seen that or ever been asked for that in their nearly 50 years of conducting such investigations but, more to the point, felt that the demands ran counter to the notion of confidentiality. In investigations like that one, they did not have subpoena power: they could not make anybody talk to them. People spoke voluntarily and, in order to get that kind of voluntary participation, it was necessary to be able to gain their trust. She had felt that inviting Ms Scott and Mr Moses' lawyer into the room to interrogate witnesses would make it very likely that people would not want to speak to them and, therefore, they would be unlikely to get at the truth of what had happened at the meeting. In addition to that, they had felt that acceding to that demand would really run counter to the notion of having an independent investigation. That would have been compromised if Ms Scott and Mr Moses' lawyer had been present.

MR SPERLING said that Ms Patel had covered the scope of what had been done and why it had not been possible to accede to the conditions placed on the participation of Ms Scott and Mr Moses, and he could not express enough that he very much regretted that. He had included as an appendix, which was appendix 4 to the report, available on the WADA website, the complete exchange of correspondence, every letter and e-mail with Ms Scott's counsel and, for those members who were fascinated by the correspondence or otherwise interested in assessing the veracity of what the lawyer was saying, he encouraged them to read that, because he did think that it made clear the dogged attempts to hear from them and the very unreasonable conditions that, for whatever reason, their counsel had placed on their participation, things that, as Ms Patel had said, they had felt strongly would have impeded their ability to get to the truth. A number of people in that room had been interviewed, and those who had been knew that the process had depended very much on confidentiality and that their candour with the interviewers had been very much dependent on the understanding that what they said would not be made public to the world. The issue had not solely been the request that the counsel for the complainants be able to participate and cross-examine witnesses but, in addition, the demand that all of those witness interviews be transcribed by a court reporter and that the complete record be made public. Those were the kinds of thing to which Ms Patel had been referring and which would very much have impeded the confidentiality and candour and would obviously have compromised the independence of the work. On that score, some talk or question in the media elsewhere had been seen as to why the complainants and WADA had been unable to agree on a third party to go and do that. Why had it had to be lawyers retained by WADA? The answer was that the die had been cast with respect to that decision when a US lawyer had been retained to threaten a lawsuit against WADA. He did not know why that had been done; the allegations that had been brought forward in the letter and the BBC interview had concerned conduct by an Italian and a Swiss man at a meeting of an organisation organised under Swiss law and headquartered in Quebec, the meeting had taken place in Africa and the complainant lived, to his understanding, in Alberta, Canada. There was no obvious US nexus to the allegations. For whatever reason, a US lawyer had been retained and that US lawyer had threatened a lawsuit. That had certain consequences, in particular under the US legal system, and it had given rise to the need for WADA to be able to investigate the facts in a way that was protected by the attorney-client privilege, a way that allowed the facts to be uncovered so that WADA could determine what to do with them but in a manner that did not automatically expose them all to the public. Notwithstanding that, the Executive Committee had, as the members had heard from the Director General, ultimately decided to make all those findings open, and they were available on the website. In light of that, the nature of the work had been to investigate independently, but to do that for WADA. The mandate had been not to be WADA's advocate: the mandate had been to find out the truth, but for purposes of WADA being able to determine what to do with it. The ability to go out and find out the truth independently had been dependent on the fact that his firm had no relationship with the accused or the accusers and therefore no incentive to pull punches with respect to the allegations one way or another. If the members looked at the report, he thought that they would be satisfied to see that the team had not done that. Another consequence of having a US lawyer threaten a claim, and therefore having to have a US law firm conduct a privileged investigation independently, was that it was also unfortunately an expensive process. Having a prominent US law firm do something like that was substantially more costly than having a non-law firm, an organisation such as the one that had conducted the initial investigation of the audio recording back in October or some other type of outfit, to do that work, but the organisation had been forced to take the step that it had done in response to the claims. He thought that things might have proceeded very differently had that step not been taken and had a US lawyer not been engaged to threaten claims; but, given that it had been, the team had proceeded in the way described.

The members had heard the overview of the work that had been done and how the team had gone about it, and he encouraged all the members who were interested to look at the report to understand the scope and the entirety of what had been done and the findings made.

THE DIRECTOR GENERAL said that he had nothing to add to the report.

THE CHAIRMAN thanked the Ms Patel and Mr Sperling. When the members read that report, they would see that he had been recused and the Vice-President had been recused. He had signed one letter to the opposing law firm denying the allegations, and that had meant he had been unable to take part in the examination of the report the previous day by the Executive Committee. He was grateful to the colleagues from Covington for coming to give the short report on what was effectively many weeks and months of work, and he was equally happy that, for a short period, they would be prepared to take any questions that the members of the Foundation Board might have.

MR DÍAZ spoke on behalf of the public authorities to say that they regretted that two prominent long-serving members of WADA had somehow felt mistreated during one of the meetings. As the members were all aware, it had been the consistent position on the part of the public authorities to treat it as a very important matter and support the fact that a proper investigation of the allegations be carried out. The public authorities welcomed the report presented by Covington and in particular the fact that it had been disclosed in a transparent and open manner. It therefore met the requirement of full transparency. The public authorities were pleased to see that concrete recommendations had been put forward by Covington, and wanted the management to implement the recommendations to avoid any similar occurrences in the future.

PROFESSOR ERDENER spoke on behalf of the Olympic Movement. When thinking objectively about the process and what had happened, it could easily be said that it had been a waste of really important time, as Covington had also mentioned. There had been 32 interviews, each of which had taken at least two hours and, even more importantly, there had been a waste of significant resources, around 1.3 million dollars, on both sides, WADA and the IOC, and that money could have been spent on supporting some of the research projects, for example. Another important point was that, in the past, WADA's insurance had covered such legal costs. From his point of view, there had been broken dialogue, at least between some of the colleagues, friends and members, and he wished that it had been possible to carry out the process within the family; but, unfortunately, that had not been possible. As the Director General had mentioned, the file had been closed and WADA had to now focus on its real agenda.

MR MUYTERS said that he and Europe fully supported everything that Mr Díaz had said, but it was important to underline that the matter had been a serious one. It had been necessary to investigate it and money had had to be spent on it, but he was happy that it was transparent and that the recommendations would be taken on board.

MS HOFSTAD HELLELAND stated that the case highlighted a number of issues. First, there was no doubt that it was a very serious issue for WADA; it was very delicate, in particular for those involved. The process itself and the way in which it had been dealt with was critical. There was a situation in which many, if not all, of the Executive Committee and Foundation Board public authority members had very little information and knowledge as to what had been going on. As the Vice-President of WADA, she had been told not to attend the in-camera session the previous day when the report had been discussed. Apparently, she had a conflict of interest because she had been very clear against bullying, stating publicly that harassment of any member of the organisation was unacceptable. The members of the Foundation Board had no knowledge about the scope of the investigation, and that had been very unclear right up to the present day. She was very glad that the report had been published, although she had learned that the people it had been about had not been interviewed, so the members did not really know the full facts of the case. Secondly, from all the discussions, it was clear that it was necessary to find ways to deal with certain behaviours. That was why she was very happy that the newly nominated president, Mr Baňka, had been clear that he wanted to change the culture of the organisation and meetings and that behaviour such as that, which had been seen, was unacceptable. From the public authorities' point of view, she was sure that everybody would contribute to that.

Her question, however, was not to the law firm: it was to the President and the Director General. How did WADA want, in the future, to deal with that culture that was in the organisation? What would and should be the follow-up on that? What would be done specifically to heal the rift between WADA and the members of the Executive Committee and the Athlete Committee and Education Chairs, Ms Scott, and Mr Moses?

MR COSGROVE said that he also wanted to make a number of comments. He had no questions for the lawyers. He noted that WADA had been through an extremely sorry saga whereby eminent and honourable people in the organisation, such as Mr Moses and Ms Scott, who had given many years of voluntary support and work for the organisation and were respected globally for their principles and their work, were forced to hire lawyers, and the comment had been made by those from Covington that that triggered processes. He thought that the point was that, generally, when people felt that they had to reach for the 'legal gun' (the lawyer), they had reached a point of immense frustration. They did not hire lawyers on a whim; they hired lawyers because they felt that all other avenues were closed to them. Hindsight was a great thing; however, had the process been recast when the issues had first been raised the previous year, remembering of course that, had a proper dispute resolution process been set up whereby parties to a dispute mutually agreed on terms of reference, and his jurisdiction was a Westminster jurisdiction in which there were royal commissions and they all had terms of reference, and parties mutually agreed on the process and mutually agreed on reporting standards and interviewing and mutually agreed on an independent person to investigate then that strengthened the outcome and the result and parties would abide by that generally because they had mutually chosen, by agreement, the person to conduct the investigation. Mr Moses and Ms Scott had said in the public comments that he had read that, because those requirements or requests had been rebuffed, they had withdrawn. That, he presumed from their media comments, was one of the reasons. There was a report that said, in essence, as he read it, that the standard, whatever that standard was, whatever jurisdiction or legal standard that might be, for bullying or harassment had not been met, but there was also a finding that there had been aggression and harshness and disrespect. He hoped it was not the case that the new standard of behaviour for this venerable organisation was that one could be disrespectful, aggressive and harsh as long as one did not breach the standard of harassment or bullying. He was sure that that was not the case. It was not a signal obviously that WADA would want to send to its stakeholders, but that was a finding and that was a fact and he had not seen any official apology on behalf of the organisation for that.

Looking back in history and at the Relais report, a lot of money had spent (half a million dollars and counting) on the whole process. For the Relais report, only minutes and a tape had been examined, but no account had been taken of what had been said off-mike, when the microphone had been turned off, and therefore it had not been possible to transcribe and minute it. He therefore joined with his Norwegian colleague in requesting that the recommendations be examined but, equally that WADA look very carefully at the culture of the organisation and that it never again put venerable individuals such as Ms Scott and Mr Moses, who were globally respected individuals, through this sort of saga. WADA needed to look at itself as an organisation and ensure that it did not go back to the place from which it had come. He knew that some would remonstrate and call his comments negative and some would say that anybody who felt that WADA had a case to answer was somehow biased and conflicted; so be it. He respected their right to have that view and he would defend their right to have it and articulate it, but those things he said were said in the hope that lessons might well be learned and corrective actions taken. There was an old saying in politics where he came from that perception is the truth and, rightly or wrongly and sadly, that was the case: perception was the truth. There was a perception out there by many stakeholders that WADA was becoming inward-looking and people with alternative views might be cast aside. He hoped that the new incoming president and vice-president would lead the organisation and, in doing so, as a top priority would promote the reinvention of WADA so that its stakeholders once again would have confidence in what it did and what it represented. One of the things that should be considered, in his personal view, was an apology to those individuals; he did not think that the findings of the report should in any way cast or have a negative impact on their reputations. He thought that an observer would say that people who hired lawyers did so out of frustration that all other avenues were not available to them. He hoped that WADA would learn from that and he hoped that it would reform its culture and the way in which it acted, and he thanked the Chairman and the members for their indulgence.

MR DE VOS added to what his colleague Professor Erdener had said. On behalf of the Olympic Movement, he said that the report was detailed and very clear; that, as far as the Olympic Movement was concerned, the process had been concluded in a satisfactory way; and that he was very happy that. At the Executive Committee meeting, the sport movement had taken a unanimous decision together with the public authorities, and he thanked and congratulated the members on that. A very important decision had been taken to make public everything in a very open and transparent way, also unanimously. At the next Executive Committee meeting, the members would have to look at the recommendations expressed in the report. He believed that the members could talk about the matter

forever, but they needed to turn the page and move on with the normal business of WADA, with WADA's core business.

THE CHAIRMAN asked if the team wished to respond to any of the comments made in terms of questions as opposed to statements of future conduct.

He thanked the team very much indeed. It was a healthy exercise; the exercise had been completed, it was finished, the report was there, the members should all read it, and he strongly agreed with Mr De Vos that the members should move on to further business.

THE DIRECTOR GENERAL said in response to Ms Hofstad Helleland that the report obviously did contain recommendations and they would be put up for discussion in September, including how to address some of the issues and learn from the experience precisely to avoid the matter happening again. There were many ongoing governance reforms, including the creation of an ethics committee, to address such potential issues, so hopefully WADA would not have to face the matter again.

THE CHAIRMAN thanked the lawyers from Covington for their report and presentation.

DECISION

Director General's report noted.

– **3.1 Sherbrooke University academic chair/anti-doping curriculum programme**

THE DIRECTOR GENERAL referred to the proposal for the creation of an anti-doping chair with Sherbrooke University, a very interesting and positive project proposed some months previously by the University of Sherbrooke, and the Dean of the Law Faculty, Mr Sébastien Lebel, was present to explain the idea behind the project.

MR LEBEL thanked the Foundation Board members for giving him an opportunity to provide a quick overview of the project for the creation of a university chair on anti-doping in sport.

The project was for the creation of a university chair on anti-doping in sport and he had been asked to present the highlights. The key characteristics of the chair being proposed were firstly its interdisciplinary nature, so it was a chair focused on the field of anti-doping that was really under-researched, i.e. anti-doping and humanities, all the sectors including the management, legal issues, educational and social aspects of anti-doping. There was very little research being conducted into those issues, and he felt that a real wealth of knowledge could be brought in that respect. Of course, the chair was also built on strong partnerships, and communication with the University of Lausanne and other potential partners had already been initiated. The chair would of course be a research chair, but it would also be the impetus for the creation of a graduate programme in anti-doping in sport aimed at training highly skilled professionals from all over the world. It was really a two-fold project. The chair would be practice-orientated. The university had strong expertise in practice-orientated research, research in partnership with organisations, and that would of course be based on strong collaborations with key stakeholders including WADA, the sport federations and governments. The chair would be located in the greater Montreal area, on a campus, located a mere ten minutes away from the WADA headquarters.

He was very happy to know that WADA would be in Montreal until at least 2031. Montreal was an exceptional city for the development of the chair, because it had ten universities and an incredible wealth of researchers with which the university collaborated. The objective was to create an applied research chair, and applied research was very important. The university wanted to work on issues relevant to the community of anti-doping and a graduate programme. In terms of the leverage effect, further knowledge needed to be developed in that area; the university was well positioned to do that, and the aim was to create a research hub in the area of Montreal together with partners worldwide to develop leading-edge research through a collaborative effort, so the international scope was part and parcel of the project.

The University of Sherbrooke was a fairly young university, founded in 1954, but it was a big university, with a faculty of medicine, faculty of law, management and business school, school of education, and so on and so forth. The university was renowned in Canada and internationally for its capacity to create applied research programmes and applied research chairs with industrial and organisational partners. The university was also renowned for innovative pedagogy, which would be part and parcel of the training programme. The Master's programme he would elaborate further upon in a few minutes. The university was well recognised in different rankings. It was constantly ranked first among big universities in Canada for student satisfaction because of the way in which it taught and conducted research. It was the greenest university in Canada, one of the world leaders, and a top Francophone university for the relevance of its research, due in part to its partnerships with

organisations, so the applied research aspect. The university offered unique expertise in practical and interdisciplinary research; it was very well versed in the creation of interdisciplinary collaboration among its faculties, and certainly the research chair and associated programme would be based on those collaborations, its ability to generate leverage effects and the university's involvement in investment in supporting the chair.

Why create an interdisciplinary graduate programme? As key players in the fight against doping in sport, the Foundation Board members knew there was a need to train highly-skilled professionals. That was still an emerging field, still something that was quite new, and he had looked at what was available worldwide, and there were not that many training opportunities to create the highly-skilled staff that the Foundation Board members needed in their organisations, and that was what the university wanted to create together with them. The university had unique expertise in the creation of applied interdisciplinary programmes, so it had all the necessary skills to make it a really positive addition to the resources available out there. The programme was slated to be mostly a distance learning programme with a six-week in-house integration aspect. The reason for that was that the aim was to make the programme easily accessible to students from all over the world, and he hoped that members of the organisations to which the Foundation Board members belonged would be able to come and up their skills and expertise in that important field. Therefore, it would be mostly a distance programme with a blended aspect, and that was the in-person integration six-week component. The university would, of course, focus on making it affordable, developing scholarships and funding opportunities for students from developing countries. That was central to the project and, of course, since the project was based on strong collaboration, the university would want to attract not only students but also professors and colleagues who would collaborate from all over the world, including institutions that already had strong working relationships with WADA, so that was truly seen as a collaborative effort, which would allow the university to create a hub on research and high-level training in the field of anti-doping in Montreal. He was accompanied by the dean of the school of business and the future chair-holder, who would be able to answer questions if necessary.

THE DIRECTOR GENERAL noted that the project was very interesting. Were there any questions?

MR DÍAZ spoke on behalf of the public authorities to say that they welcomed and supported the proposal and were excited that WADA was opening up to academics, and encouraged the WADA management to keep developing relationships with universities from around the world.

DR BUDGETT thought that it was excellent that the university was putting together an interdisciplinary chair involving education, legal, social and management studies. A very important element was the science and medicine side, and how would that be progressed? What about the background of the future chair?

MR LEBEL responded that the university was a full one, so had resources that were trained and skilled in those areas and would contribute to the project, but the university was also looking to have strong partnerships with existing institutions that carried out cutting-edge research in those fields, including the Lausanne University, which was an obvious partner. He felt that the university had the internal support required to do that, as well as the external support. It was an interdisciplinary project, so the objective would not be to advance specific scientific methods for testing, but to advance the integration of all those aspects in training highly skilled professionals who could deal with all of the aspects. That was sorely lacking in research and training. The background of the chair was in law, international law, sport law and also interdisciplinary studies, such as politics with management. The chair already had strong collaborations with WADA and there were many programmes at the university, through which clinics got mandates from different organisations, and the university had collaborated with WADA in the past, so David Pavot, who was present, had strong experience in scientific recognition in the field of anti-doping and issues relating specifically to WADA.

PROFESSOR ERDENER strongly believed that it would be an excellent scientific activity for WADA and the Olympic Movement fully supported the project.

MS MOHAMED supported the project and welcomed what had just been said about opening it up to students from all over the world. On scholarships and funding opportunities for students from developing countries, she asked for further information, and asked if the university was looking to partner with institutions from her part of the world.

MR LEBEL said that the main focus was on funding and scholarships. The university was still in the process of trying to raise money from private and public donors to support the chair, and he felt strongly that a good part of that should be targeted towards helping students from developing countries. The

university already had a scholarship structure in place, and it had been planned to support the chair, for example, to bring doctoral students with significant funding so that they did not have to cover tuition and they got funding for the duration of their studies. There was already a funding structure at the university which would help students from developing countries, but the university would be working hard to make sure that there would be more funding opportunities, and it was already in discussion with the Government of Quebec on obtaining specific grants for students from developing countries. The aim was to make sure that this would be available to students from all over the world, so the distance portion formed a large part of that and the aim was to make sure that students could take part in the entire programme and do the six-week in-person portion, which was integral to the pedagogical plan.

In relation to partnerships with Africa, the university was certainly looking to partner with interested parties from all over the world. Perhaps the prospective chairholder would have more to say on that specific topic.

MR PAVOT said that discussions had been started with a number of universities: Lausanne, Ankara and Tunis, and the university was also open to discussion with all universities wishing to collaborate on the project. It was important to create a hub with all interested universities from all over the world, in particular in Africa.

MR LOBEL concluded that suggestions would certainly be welcomed.

THE DIRECTOR GENERAL said that the Executive Committee had recommended that the project be approved, so the proposal was being put to the Foundation Board for formal approval.

THE CHAIRMAN summarised that the proposal was to enter into the agreement; the Executive Committee had recommended that the Foundation Board approve it. Did the members approve it?

DECISION

Sherbrooke University academic chair/anti-doping curriculum programme proposal approved.

– **3.2 Strategic plan development approach**

THE DIRECTOR GENERAL said that it had been agreed that WADA would use PricewaterhouseCoopers. When the management had a draft, it would be put to the Foundation Board who would be responsible for approving it.

DECISION

Strategic plan development approach noted.

– **3.3 WADA events**

3.3.1 World Conference on Doping in Sport 2019

THE CHAIRMAN noted that the World Conference on Doping in Sport was to be held in Katowice, Poland.

Following an audiovisual presentation, MR BAŃKA said that it was a great personal honour for him and his country to host the fifth World Conference on Doping in Sport from 5 to 7 November 2019 in Katowice. He came from Silesia; it was his home region. The idea to bid to host the World Conference on Doping in Sport had come from his love of sport. He had run for many years for his country as a member of the Polish relay team. During their careers, athletes had to push the limits, compete and fulfil the Olympic motto – faster, stronger, higher. Fair play was the most important value. Sport was the best teacher: it made athletes stronger. Success and also failure helped athletes, also as human beings. Everybody wanted to win medals and prizes, to be ranked in the top positions, and to be the pride of their country or region. It was important to achieve this in a fair and honourable way, with hard work, talent or even a bit of luck, but never as a result of fraud or cheating. Therefore, everything possible had to be done to eliminate doping from sport and enhance the system. He believed that that year's World Conference on Doping in Sport would be held in that spirit.

Katowice was the capital of the region of Silesia, and it was well known for its culture, great hospitality, fantastic cuisine and passion for sport. With a population of over two million, it was a city that was crazy about sport. The Spodek arena, where one of the side social events of the conference would be taking place, had been the venue of the Volleyball World Championship in 2014. The city had

also hosted the European Handball Championship in 2016, and the United Nations Climate Change Conference, COP24, had taken place the previous year, with nearly 20,000 participants. Katowice had experience and great potential for organising prestigious international events. The World Conference on Doping in Sport would be in the heart of the city, in the culture zone, which attracted hundreds of thousands of guests every year. He highlighted the outstanding architecture of the Spodek International Congress Centre, sport and entertainment arena, the Silesian Museum and the famous orchestra building, which was one of the best concert halls in the world. The guests would see a lot of interesting places. He guaranteed full hospitality, amazing culture, heritage, cuisine, whatever the members liked. For a moment, Katowice would become a capital of the fight against doping in sport. The conference participants would decide on the new policy directions, amendments to the World Anti-Doping Code would be approved, and new members of WADA governance bodies would be elected; but, most importantly, people would come together and create the future of sport. He assured the members that his ministry, together with the local and regional administrations, would work hard to make the meetings fruitful and the stay in Poland as pleasant as possible. He was sure that the members would leave Katowice with some great memories. He wanted the members to make important decisions at the World Conference on Doping in Sport but also to see a bit of what Poland had to offer. He invited the members from the bottom of his heart to come to Katowice for the fifth World Conference on Doping in Sport.

THE CHAIRMAN thanked Mr Bańka.

DECISION

2019 World Conference on Doping in Sport update noted.

3.3.2 Annual symposium 2019

THE CHAIRMAN noted that the annual symposium had been mentioned earlier by the Director General.

THE DIRECTOR GENERAL showed the members a short video about the event.

THE CHAIRMAN thanked the Director General for that. He thought that that was about the biggest conference that the SwissTech centre had all year, with almost 1,000 people, so it was a massive effort. The gentleman the members had seen introducing it was Mr Gillot, who headed the Lausanne office. It represented a huge effort, and it had been a big success and a major undertaking.

DECISION

Annual symposium 2019 update noted.

– 3.4 UNESCO convention activity report/update

MR DALY informed the members that he was happy to be present at the Foundation Board meeting again. The members had a heavy agenda, so he would not take up too much time. He wished to highlight three key achievements that had been implemented since the last conference of parties in 2017, in relation to the follow-up on the resolution adopted at that the previous session, the establishment of a working group to deal with the draft operational guidelines, and a framework of consequences in order to address non-compliance issues, as the previous conference of parties had placed a strong emphasis on the need to improve policy in terms of implementation of the convention. The members might have noted that the huge number of states parties deemed non-compliant had created significant concern. In comparison to the 2018-2019 edition, there had been significant improvements in relation to the 198 concerned member states, including the territories. Only 31 of them had not yet completed their reports in the system, meaning that there had been a number of endorsements by the states parties, which had engaged to ensure that their obligations to the convention fulfilled the expectations set by the conference of parties. The following week, a legal panel tasked by the bureau would discuss model legislation to address a number of inconsistencies in terms of the vacuum observed on the domestic level in relation to law enforcement as well as the measures needed to ensure that the convention was in the right place for consideration by states parties in terms of consistency of the policy with the convention.

On another level, with the bureau, there had been follow-up of the evaluation carried out in 2017 and that year on the improved governance process of the conference of parties, to ensure that the bureau would be able to address a number of inconsistencies, since the bureau itself had been unable to perform some of the functions expected of it. He was happy that there was a consensus by the

member states to ensure that the bureau could optimise its capacity and prerogative; that was a very good signal in terms of leadership and providing visibility to the convention.

For the fund, in terms of the outcomes of the evaluation, there had been significant challenges in relation to focus on the areas in which the funds had been allocated. One of the key priority areas for the fund had been based on the education component and, thanks to the evaluation, it seemed that there was a gap between the purpose of the fund allocated and the implementation of the education component by the stakeholders. There had been a shift for the public authorities tasked with implementing the convention at the government level. The issue of contributions needed to be emphasised. WADA was improving contributions to its own budget; but, when one recalled that almost 90% of the UNESCO fund was allocated to NADOs and, if the fund's sustainability was not properly addressed, significant issues could be faced which would not serve the cause of the convention. He drew the members' attention to the fact that it was necessary to ensure that no states parties were left behind. The fund was a solidarity fund. It was a voluntary contribution; but, if there was no vision set for the fund, he was concerned that it would not fulfil the expected objective.

The final point he wished to share with the members concerned the next steps. At an event in June, the bureau would be addressing most of the documents tabled for the next conference of parties. It was to be the final session prior to the conference of parties, so the bureau would be reviewing all the documents addressing the challenges that the states parties would be called to examine at the end of October. The conference of parties would be taking place from 29 to 31 October, prior to the World Conference on Doping in Sport, and he congratulated Mr Baňka and looked forward to working with him on the vision for the future of the global anti-doping system.

For the conference of parties, most of the members who had participated had recommended not focusing on business as usual; therefore, the first day would be dedicated to a forum dealing with specific issues, including artificial intelligence and gene doping. There would be a session dealing with concerns in relation to communications and porosity between the stakeholders and the permanent delegations. When the time came to address the completion of the ideological system, a number of countries were not receiving the information from the permanent delegations; therefore, it was important that the permanent delegations and NADOs and participants sit down and have a conversation so as to address some of the inconsistencies and improve communication. The secretariat was also intending to hold a meeting with the NADOs during which items on funding could be addressed to look at empowerment and ownership of the outcomes of the fund evaluation, insofar as the fund would dedicate new components and new mechanisms for the modus operandi.

The anti-doping fund remained at stake and it was necessary to ensure that, if it was necessary to leverage the implementation of the Code and the convention, no room should be left for any vacuum that might affect the efficiency expected in relation to the global cause of anti-doping.

THE CHAIRMAN thanked Mr Daly for his presentation and his comments.

DECISION

UNESCO convention activity report noted.

4. Operations/management

– 4.1 Endorsement of Foundation Board composition for Swiss authorities

THE DIRECTOR GENERAL asked the members to approve the composition of the Foundation Board.

DECISION

Foundation Board composition for Swiss authorities approved.

– 4.2 Operational performance indicators

THE DIRECTOR GENERAL informed the members that looking forward, the key was to use the strategic plan exercise and then to review from top to bottom how WADA did its KPI and how it could improve and have different levels of KPI. That had been discussed with the Finance and Administration Committee the previous year.

There had not been as much progress as he would have liked, but that was part of the strategic plan. It was bound to be in a more useful format in the future.

DECISION

Operational performance indicators noted.

5. Governance reforms

– 5.1 Implementation plan

THE CHAIRMAN asked the Director General to deal with the item, which was really important.

THE DIRECTOR GENERAL said that there were two points under the governance item to update the Foundation Board on how the management was implementing the decision taken in November on governance reform. The first thing he would discuss was the timelines and how WADA was trying to implement things, which was a little complicated, and the second part would be a presentation from the Swiss lawyer on the draft legal documents being worked on, including the statutes.

He took the members through the timelines of the reforms, which had been approved the previous day by the Executive Committee. There were two main things: the legal documents, the statutes and all the associated documents, by-laws and so on which would hopefully be approved by the Foundation Board in November, and there was a Nominations Committee, which was the centrepiece of everything that WADA was going to do. Looking at the statutes, from that point on, there would be a consultation period for comments on the documents that were in the members' folders until the end of June, and then all the comments would be collected and the documents revised for new draft to be discussed by the Executive Committee in September. It would still be possible to make some adjustments for final approval in November by the Foundation Board, and then they would have to be provided to the Swiss authorities for final endorsement.

He referred members to a slide showing how the Nominations Committee was most important because it would have an impact in particular on the vetting and selection of the standing committee chairs and finding the independent members for the Compliance Review Committee, the Executive Committee and so on. There was a dotted line by the president and the vice-president (to the Nominations Committee) because that election would not apply. In the future, however, it would be a feature of the process.

Concerning the Nominations Committee, which was an integral piece, the previous day the Executive Committee had agreed to select an external agency to help WADA identify independent individuals to be members of the inaugural Nominations Committee. The first task for the agency would be to develop a clear profile for the members, to be circulated among the Executive Committee members, to make sure that everybody agreed beforehand. The external agency would then carry out its search, and there would be nominations from the public authorities and the sport movement on the two members, one coming from each side. He hoped that, by the time of the Executive Committee meeting in September, there would be a proposed composition for the Nominations Committee and the Executive Committee would be able to formally approve it. The Nominations Committee members would then be able to start their work. The first thing the members would have to do would be develop criteria for vetting and assessing the chairs of the various committees, and terms of reference would have to be approved in September for each of the committees. There would then be a call for proposals for the various chairs. In November, the Nominations Committee would be able to start reviewing the various applications and make recommendations in advance of the extraordinary Executive Committee meeting in January 2020. It would also start the search for the Compliance Review Committee chair and vetting of the current independent members. There would be a new Executive Committee appointed in November, and therefore the Nominations Committee would be able to start looking at the skills mapping analysis and present all that at the extraordinary Executive Committee meeting in January. It had been necessary to organise that meeting because it would be the only way to implement the rules, get the Nominations Committee to start its work and still have committees in place relatively early in the year in order to be able to do their work. At the same time, in January, it would be possible to talk about the skills mapping and possibly propose the two profiles for the independent members for the Executive Committee. There would then be time for the public authorities and sport movement to come forward with proposals, vetting and finally, approval of the independent members of the Executive Committee in May 2020.

On the standing committees, the management would work on revised terms of reference, because the Executive Committee had to approve the terms of reference, and they would be proposed to the

Executive Committee in September so that the Nominations Committee could use them to develop the criteria for assessing members. There would be a call for nominations for the chairs of the committees, except for the Compliance Review Committee, after the September Executive Committee meeting until early November. Then, the applications received would go to the Nominations Committee for it to do its work. The Nominations Committee would also start looking at Compliance Review Committee members and, in January, would recommend the chairs of the committees, which the Executive Committee would approve. For the Athlete Committee, the proposal would be received and whether it went to the Nominations Committee and then the Athlete Committee or the reverse, either way, the Athlete Committee would have a say in the proposal of its chair, but the Executive Committee would vote. As soon as the chair of the committee was appointed, the other members would be appointed as early as possible so as to start having agendas and meeting dates and so on and start working.

For the Executive Committee, as usual, in September there would be time for the public authorities and sport movement members to look at who they wanted to nominate for the following year, and that would be formally done at the Foundation Board meeting in November; from then on, the Nominations Committee could start its work on skills mapping and proposing the profiles of the members, which would then lead to the nominations, vetting and approval of the new members by May 2020.

In a nutshell, that was what was being done. The members would see a paper before them summarising it. The members would see all the steps to be taken for the various committees and the various discussions and that was what the management would do, as approved the previous day by the Executive Committee.

DECISION

Implementation plan noted.

– **5.2 Statute amendments and by-laws/regulations update**

MR KAISER said that he had been assigned the task of implementing the working group recommendations received the previous November on governance. The first draft was basically the implementation of those recommendations. The scope of the work included dealing with the various bodies of the foundation: the Foundation Board, the Executive Committee and the general management and directorate general. He had addressed the issue of the standing committees with the expert groups, with the specific provisions in relation to the Compliance Review Committee and Athlete Committee. He had also issued draft regulations for the Nominations Committee and currently only the principle of the independent ethics board, as there were no rules per se but there was a mention in the statutes. That had been the scope of his work.

In terms of the different categories of documents prepared, first there was a revised version of the statutes, which were the constitution of WADA; therefore, the aim was to include only the main rules and not the detailed rules, and basically to organise the general governance of the institution, which should be implemented in the regulations and by-laws. The second category comprised the regulations, to organise the management and control of each body of the institution, and then to set up the delegation of competence from the Foundation Board to the Executive Committee and from the Executive Committee to the director general and his team. The third category of documents was the by-laws, which were to organise the governance in each institutional body and to regulate the affairs of such bodies.

Starting with the statutes, he highlighted the major changes or most important part of the statutes. First, in relation to the Foundation Board, the term for the president and vice-president of WADA had been set at two times three-year periods consecutive; for the members, the term would be three times three-year periods consecutive, but with a maximum of 12 years in any capacity as Foundation Board or Executive Committee members. For the deputies, the provisions had been expanded and made more specific. Their status was linked to the member's status; therefore, if the member was no longer a member, the deputies would no longer act. They would also have a maximum of 12 years in any capacity in WADA, not only as Executive Committee or Foundation Board members, but also in the management of WADA.

In relation to the Executive Committee, the system of having the Executive Committee chair and vice-chair being the president and vice-president of WADA had been maintained. For the Executive Committee members, the term had been fixed at two times three-year periods consecutive, with a maximum period of nine years, and the same system had been established for the deputies, with one specific feature, which was that the same deputy should act for one year, so as to be present at the different types of meeting each year, but that was of course subject to exceptions.

The statutes also introduced the principle of independence of the Foundation Board and Executive Committee members. There was the principle of the creation of an independent ethics board. In relation to the president and vice-president, the rotation between the public authorities and Olympic Movement in terms of appointing the president and vice-president had been deleted. The president and vice-president would automatically become chair and vice-chair of the Executive Committee. Independent members would be appointed to the Executive Committee, and he would come back to that. The majority for taking decisions in the various bodies had been maintained, but it was more specific, in that the vote cast would be by those members present at the time of the vote. That would ensure that the number of votes corresponded to the number of people in the room at the time. The statutes also introduced and confirmed delegation of management for the affairs of the institution to the Executive Committee.

Starting with the Foundation Board regulations, he addressed two main issues: the level of independence and the delegation of management. On the level of independence, the working group had recommended that the president and vice-president of WADA adhere to stricter independence criteria, meaning holding no senior position within a governmental body or a sport institution, not receiving benefits from stakeholders and not having any dependence or seeking guidance and so on from stakeholders to fulfil their duties. In relation to the members of the Foundation Board, the general standard of independence would apply: basically, the fact that they should be free from undue influence, and they should have freedom of judgement when taking decisions within their duties.

On the delegation of management to the Executive Committee, he explained the way in which the Executive Committee would be appointed, with 10 members and two independent members. On the independence criteria, the general standard of independence would apply to the members except for the two independent members, for whom much stricter independence criteria would be required.

In relation to the process for appointing the independent members, they would be vetted by the Nominations Committee. The term of office of the Executive Committee members would be three times three consecutive years; but, as he had said, no more than nine years. A recommendation had also been made to provide an indemnity to the chair of the Executive Committee due to the fact that a very important amount of work and skill would be required to perform their duties and they should be indemnified for that work. A maximum of 100,000 Swiss francs or the equivalent in dollars should be considered.

To follow up, by-laws for the election of the president and vice-president had been prepared. There had not been much change from what the members had seen the previous November; however, they would become effective only for elections after 1 January 2020 and would not apply to the re-election of the president and vice-president in November 2019.

In relation to the appointment and eligibility criteria, there was no major change from what had already been seen, except that the stricter independence criteria to apply to both positions would have to be met six months prior to taking office in the future.

The Nominations Committee would recruit, review and vet all the candidates, but that would not apply when the president and vice-president were running for re-election. The Nominations Committee would submit the dossiers to the Executive Committee and the Executive Committee would then submit the dossiers to the Foundation Board with a recommendation with respect to the fulfilment by the candidates of all the eligibility criteria.

There was also, in the by-laws, a process for the election of one or more than one candidate. The by-laws also contained rules of conduct for the candidates during the period of their candidacy.

On independence, he summarised the by-laws on independence, approved the previous November. The general standard of independence was basically to require that people kept their freedom of judgement and were not under influence when taking decisions or participating in meetings. The stricter independence criteria meant not holding any positions within the stakeholders' organisations, not receiving any kinds of benefit in kind or in cash from stakeholders and not being dependent on stakeholders, such as looking for instructions from stakeholders when having to take decisions to perform their duties.

On the Executive Committee regulations, there were no major changes. Following the recommendation of the working group, no quorum would be required for the Executive Committee to hold a meeting. There were two important principles, one of which was the fact that it would be possible to establish standing committees, and there was also a delegation of management for operations to the director general, and the details on those were basically dealt with in specific by-laws.

On the Nominations Committee, regulations had also been provided and, as the Director General had said, first of all, the members would be appointed by the Executive Committee. There would be two periods. First, there would be an inaugural Nominations Committee voted and approved in September that year, and then a permanent Nominations Committee as of May 2020. The inaugural committee would be set up in the following way: an external agency would be appointed to recommend the chairman and two independent members and to vet all the other members of the Nominations Committee. Two members would be nominated by the public authorities and the Olympic Movement (one by each) and the terms of office would be limited until the establishment of the next permanent Nominations Committee in May 2020. Members could be chosen to remain in place; but, formally, there would be a different structure. In May 2020, the Nominations Committee would be charged with recruiting and vetting the chairman and the Nominations Committee would be in charge of vetting the two independent members.

From that time onwards, the term of office would be two times three years consecutive. There were two important points on the level of independence and decision-making. In relation to the level of independence, the chairman and the two independent members would have to comply with the stricter independence criteria he had just explained, whilst the other members would have to adhere to the general standard of independence. On decision-making, following a recommendation made by the Working Group on WADA Governance Matters, the decisions of the Nominations Committee would have to be adopted by unanimous consent.

Another important issue was the by-laws on standing committees. In relation to the appointment of the standing committees, the chairman would be vetted by the Nominations Committee and appointed by the Executive Committee, but that would not apply to the Compliance Review Committee because, in fact, for the chairman of the Compliance Review Committee, candidates would be recruited and vetted by the Nominations Committee and then appointed by the Executive Committee.

In relation to the election of the chairman of the Athlete Committee, the candidates would be proposed by the Athlete Committee and then vetted and recommended by the Nominations Committee and appointed by the Executive Committee.

For the members of the standing committees, with the exception of the Compliance Review Committee, a dossier would be prepared and discussed by the director general with the chairman of the relevant committee to try and establish a list of candidates, but there would be no involvement on the part of the Nominations Committee and the members would be appointed later by the Executive Committee.

For the Compliance Review Committee members, all the candidates would be recruited and vetted by the Nominations Committee and appointed by the Executive Committee, given the importance for WADA of the Compliance Review Committee.

In terms of the level of independence required of the members and chairmen of the standing committees, the chairmen would have to adhere to the general standard of independence, which would be sufficient. The chairman of the Compliance Review Committee and the independent members would have to adhere to stricter independence criteria, which he had explained earlier.

The system of the terms of reference had been kept for each standing committee; however, the by-laws provided for a minimum content, which would be required in the terms of reference to ensure the harmonisation and good functioning of the committees.

The team had also inserted a draft by-law on the director general and the management, but it was a work in progress, because the working group recommendation had suggested it but no specific recommendation had been made. The purpose of the draft was to resume in writing the current day-to-day management system of the institution by the director general and his team. Reporting, which was important, would be done by the director general directly to the chairman of the Executive Committee.

The final document in the members' files was the conflict of interest policy; there again, there were no major changes, except the wording had been amended here and there and provided for examples, which would give guidance to officials within the institution.

He would be happy to take any questions the members might have.

THE CHAIRMAN summarised that the working group had been completely representative over two years, producing recommendations, and that was the first stage of how WADA would implement them. Timelines had been agreed upon and a whole process was under way. That was one of the effects of the

Russian saga, and WADA was committed to doing it, although it was a complicated exercise. It was particularly complicated for governments, which normally took longer to work through such issues, and the suggested timeline recognised that.

On behalf of the Foundation Board, MR DÍAZ supported the governance reforms as well as the plan proposed by the Director General.

MR DE VOS said that, on behalf of the Olympic Movement, he was keen to see the governance reforms implemented in a timely manner and appreciated the clear plan put forward by the WADA management. There were still some concerns about the long-term recurrent costs of the reforms, especially with the creation of new bodies such as the Nominations Committee and the independent ethics board, so he sought clarity to make sure that they were as cost-effective as possible whilst still adhering to good governance principles. He would like to keep the reference to the partnership between the Olympic Movement and the public authorities in the statutes, and there needed to be flexibility in the statutes with the details more in the by-laws. One example of that was that the reference in article 6.9 in relation to the independent ethics board was too detailed in the statutes and should be in the by-laws. The Olympic Movement nevertheless appreciated the process and would make further input.

MS XASA said that she appreciated the work that had been done and the progress made. She was concerned about nominations and the matter of vetting, and wondered whether those nominated by governments would also be subjected to the same process. Her other concern was about whether, in terms of the statutes themselves, there would be any emphasis on gender representation and a provision to enforce it in the future. She sought clarity with regard to the independent members and government representation and change in status. Her other concern was on the issue of having a quorum at meetings and whether it would not create a problematic situation with were individuals taking decisions and no baseline.

MR KILIC appreciated the effort put into the work. He sought to clarify the terms of reference for the Nominations Committee which had been approved the previous day the public by and the sport movement.

THE DIRECTOR GENERAL responded to the South African delegate. There would be no vetting of Executive Committee or Foundation Board members. That had been the recommendation of the group. The vetting would be for the independent members of the Executive Committee or independent members of the CRC and the chairs of the standing committees, since the criteria for independence were different. He highlighted that the quorum had been discussed on a number of occasions during the discussions of the governance group and the view of the group had been not to change the current situation. The delegate's point was perfectly valid from a legal point of view.

MR KAISER spoke about the principle of the partnership between the Olympic Movement and the public authorities. It had been deleted, probably by mistake. The first sentence would definitely be kept and, of course, it was important to make it clear that there was and had always been and would always be a partnership between the public authorities and the Olympic Movement. The second comment had to do with the fact that the statutes contained too many detailed provisions on the independent ethics board. He would tend to agree with that, and thought that the principle of having an independent ethics board could be put in the statutes and the organisation of the ethics board could be left in the regulations. That would be done in the second version of the draft, which would address other issues, questions, remarks or comments by the stakeholders.

THE CHAIRMAN observed that there was much to do. It had taken the working group two years to get to that stage. He thanked Mr Kaiser for his advice and help and the Director General and his team members, who were moving that forward.

MR MUYTERS said that there had been amendments from the IOC and the governments. Had they been adopted by the Executive Committee? It was not clear.

THE DIRECTOR GENERAL responded that they had been adopted by the Executive Committee; the management had said that it would make sure that there was no legal inconsistency with the other documents.

DECISION

Statute amendments and by laws/regulations update noted.

6. Athletes

– 6.1 Athlete Committee Chair report

MS SCOTT said that her report would be followed by a report from Mr Sandford on two of the major projects that the WADA Athlete Committee was advancing that year. The WADA Athlete Committee had had its first meeting of 2019 in Lausanne following the WADA annual symposium and a special one-and-a-half day session hosted for athletes and athlete representatives at that symposium. All feedback and outcomes from that had been very positive, and the WADA Athlete Committee really viewed those opportunities for direct engagement with athletes and a chance to not only inform and educate but also interact with and hear from them directly as very valuable. The WADA Athlete Committee was certainly committed to ensuring that forums like the athlete session and the global athlete forum that had taken place the previous year continued to take place so that athletes continued to be heard and represented within WADA.

One of the only things that she wished to highlight from the meeting, other than the three important projects being advanced that year, was that the WADA Athlete Committee had closely followed the events of the 2019 World Ski Championships and had in particular strongly condemned the doping practices of the involved athletes, coaches and medical personnel there. The Athlete Committee had noted that the drug raid undertaken there had been a result of Austria having legislation that had enabled that investigation and subsequent raid to take place and wanted to make a point of supporting the efforts of countries that had, through legislation, strengthened the fight against doping in sport and equipped authorities to investigate and gather intelligence on networks involved in doping. That seemed to be a very successful method to date.

One of the other projects being advanced that year was a proposal on athlete representation within WADA. Following a series of recommendations made by the Working Group on WADA Governance Matters, one of which had not involved a full voting membership for an athlete at the Foundation Board and Executive Committee, the WADA Athlete Committee had been tasked with solving the issue of athlete representation to remedy that and possibly ensure a seat at the table. The WADA Athlete Committee had historically been appointed based on criteria to ensure a strong spread of diversity, including geography, sport and discipline and gender, but also an athlete's interest and experience and proven commitment to clean sport. A working group had been formed within the committee, and it was important to emphasise that it was a working group, not a stakeholder representative group; so, while the Athlete Committee planned to consult with all stakeholder groups, it had wanted to keep the initial core group small so as to be efficient and streamlined in its activities and to ensure that the process got done as quickly as possible. The members had the paper in their files, and she highlighted the preliminary conclusions at that point. The working group had had several meetings and had come up with a number of conclusions, the first being that it was actually a lot more complicated than initially considered, and there was no perfect conclusion when one thought about the spread of athletes who were subject to the Code, and that included Olympic, Paralympic, non-Olympic and professional athletes. The working group had concluded that the most important outcome was that the WADA Athlete Committee composition ultimately reflected a high level of diversity, skill, independence, engagement and knowledge so as to be effective in representing athletes, and that had really been deemed the highest priority. The group had taken a long look at elections and how to get athletes onto the committee and had realised that, while in theory elections were a very democratic means of selecting athlete representatives, it was not even practical or even feasible and would result in all kinds of challenges, such as regions or sports being over- or under-represented, and elections also carried a high risk of being popularity contests. Much of the discussion had been centred on elections; but, considering that, the group had taken a step back and tried to determine what representation looked like and meant. It had come up with some ways of defining that. One was of course being transparent with objectives and activities and communicating them proactively; another was having a communication system in place whereby a continuous and open dialogue was held between those who represented and those who were represented. Being accountable for what one did and having criteria was necessary to ensure that all of those things were in place. As set out in the paper, the next steps were to continue to receive feedback, to continue to consult and work with the broader stakeholder groups to really get more feedback, guidance and input from all of the representative groups, and have a paper ready for the Executive Committee at its September 2019 meeting in Japan.

THE CHAIRMAN asked if there were any questions.

MR DÍAZ said that the public authorities had been discussing a particular case, which might be related to the WADA Athlete Committee, and wished to draw attention to the situation of the South African athlete Caster Semenya, who, in accordance with the new IAAF rules and a recent decision of the CAS, was being required to take medication to lower her testosterone levels in order to be able to compete. Of course, that particular case had led to concerns on an international level outside WADA's scope in the areas of human rights, etc. He wondered if that particular case had been discussed by the WADA Athlete Committee and if it thought that there should be any follow-up.

MS TERHO thanked Ms Scott and the working group for the work done on athlete representation. Anti-doping was affecting every single athlete around the world and it was important that the WADA Athlete Committee be diverse from a geographical, sport, gender and skills point of view, especially since the Working Group on WADA Governance Matters had recommended an athlete representative on every WADA standing committee in the future, and that had been mentioned in the paper, which she very much supported. From the IOC athletes' commission's view, it was important to work together. Members of athletes' commissions on different continental levels and in federations and other sport organisations could benefit from a large network of athletes and communication tools and, in order to promote the fight against doping in sport and raise the concerns of the athletes, it was important to ensure the best possible reach in the Athlete Committee and to have the right connections when governing bodies of different sporting organisations through athletes commissions, allowing for great influence on the decision-making process across the board. The IOC athletes' commission highlighted the importance of taking those factors into account in the composition and eligibility criteria parts of the paper. She nevertheless thanked Ms Scott for the good work done.

MR RYU thanked Ms Scott for her efforts to protect clean athletes and represent their voice. On the composition of the athlete representation working group, the IOC athletes' commission and WADA Athlete Committee had been working together with the same goals, and had discussed the matter several times; but, unfortunately, the IOC athletes' commission had been unable to join the working group. The IOC athletes' commission would appreciate it and be happy to contribute to the working group. Ms Scott had mentioned that it was a working group, but it was necessary to have more diverse experience for clear representation, so it would be a great opportunity to promote the athlete voice.

MS KANOUTÉ thanked Ms Scott for the report and the working group for the great work achieved. She had a question on the election of the future chair and the recommendations of the working group regarding that. Also, what did Ms Scott think about members of the working group actually being able to go forward as potential candidates for the position of chairman, since they were discussing rules and regulations on electing the future chairman?

MS XASA reiterated her appreciation for the work that had been done to ensure that athletes' perspectives were reflected in sport and anti-doping policies. Following on from Mr Díaz's comment, the draft Anti-Doping Charter of Athlete Rights spoke about medical rights and the protection of health rights in article 3, stating that athletes had the right to be free from any pressure that jeopardised their health, but there were also implications for other athletes who might be affected. What might the committee do to make sure that the matter got attention?

MR RODRÍGUEZ said that, during the break, the public authorities had asked to go back to the ISL. Would that be possible? He apologised: he had missed that point and wished to raise two extremely important questions, as Europe had a set of concerns.

THE CHAIRMAN answered that it would be done under any other business.

He asked Ms Scott to answer the questions relevant to the representation and organisation of the Athlete Committee, and then it would be up to her to decide whether or not she wanted to answer the second question, which involved a particular case in the public domain.

MS SCOTT answered Mr Díaz by saying that the matter had not been discussed at an Athlete Committee level. It was outside the scope of the mandate and not necessarily directly related to anti-doping.

She thanked Ms Terho for her comment.

She understood Mr Ryu's concerns about the composition, but stressed once again that it was a working group, and the consultation process would involve members of the IOC athletes' commission along with the members of the IPC athletes' commission and members of non-Olympic sport and professional sport commissions. It was very important not to give priority or preference to any one group, and the Athlete Committee wanted to make sure that the consultation process was as thorough

as possible given that the Athlete Committee's task was to come up with a model of representation for all athletes across all sports. Nevertheless, she would look forward to consulting with the IOC athletes' commission as always.

She was not sure that she fully understood Ms Kanouté's question, given that she appeared to have asked it about one month previously and she had answered it in its entirety by pointing out that the working group on representation was not actually dealing with the issue of the chairman of the WADA Athlete Committee. That was being taken on by those developing the rules needed to roll out the changes recommended the Working Group on WADA Governance Matters. The discussion had taken place in Lausanne at the WADA Athlete Committee, so any proposals or criteria or ideas and thoughts about the election of the future chairman had been discussed by the committee. There was nobody on the working group for representation actually looking at or discussing or deciding anything about the Athlete Committee chairman. Ms Kanouté had been there during the conversation in Lausanne and would be aware of any conversations that had taken place in relation to the election of the next Athlete Committee chairman.

She was not sure she had understood the minister's question fully. Perhaps they could speak during the coffee break.

MS KANOUTÉ apologised to Ms Scott: she might have misunderstood, but what she had heard in relation to the governance review was that the chair of each standing committee would be submitting some proposals as to the election of the future chair for each standing committee. She understood that Ms Scott was a member of the governance review committee and would be submitting proposals for the following year.

MS SCOTT stated that she was not a member of the governance review committee.

MS KANOUTÉ asked whether Ms Scott was not a member of the working group on athlete representation.

MS SCOTT responded that there were two separate groups and she thought that Ms Kanouté might be confusing them. There was the group looking at all the governance recommendations, which had made a presentation earlier that day, but she was speaking about the Athlete Representation Working Group.

MS KANOUTÉ understood that Ms Scott was a member of that working group and would be submitting proposals for the review.

MS SCOTT responded that the Athlete Committee as a whole would be submitting proposals for that review.

DECISION

Athlete Committee Chair report noted.

– **6.2 Athlete Representation Working Group update**

Item discussed under item 6.1.

DECISION

Athlete Representation Working Group update noted.

– **6.3 Athlete Charter (including ombudsman proposal)**

MR SANDFORD said that he had a slide show and would take the members through it. The Anti-Doping Charter of Athlete Rights had been worked on for the past two years, and there had been rounds and rounds of consultation; thousands of athletes and stakeholders had been spoken to through the process and a lot of submissions and comments had been received. He thanked the members for their comments and submissions, which had been hugely helpful. He had presented the concept of the Anti-Doping Charter of Athlete Rights at a number of forums and spoken to a huge number of athletes, and that had shaped the document that the members would find in their files.

The document was the third draft and the members would note that, in Baku, there had been an earlier draft. There had been significant changes to the document since then. The current version had been presented in April in Lausanne at the IOC international athlete forum, and the feedback from the participants had been extremely positive. An earlier version had been presented at the WADA athlete

forum in Lausanne in March, and there had been some breakout sessions during which athletes had given feedback on what they would like to see in the document, and the members would see in that draft the changes that the group had been instructed to make by athletes on their own charter.

The last time he had been at the Foundation Board meeting, he had presented the previous version of the Anti-Doping Charter of Athlete Rights and he wanted to take the members through the steps that had been taken since then. The charter had been opened up in tandem with the Code review for public submissions and over 30 pages of submissions had been received. The charter had been presented at the WADA symposium, the WADA global athlete forum and the IOC international athlete forum. All the submissions had been reviewed, expert advice had been received and changes had been made to specific areas of the document. A mission statement had been added and the preamble had been changed and streamlined. How the charter would be approved and the process for changing it had been articulated. The structure remained the same, so there was a first and a second part to the Anti-Doping Charter of Athlete Rights, but he had been told that it was not clear enough who the second part applied to, so had tried to make it as clear as possible that, in all cases, it only ever applied to ADOs, and the second part applied only if they chose to take those on themselves. The wording and definitions had been made consistent with the Code and the international standards, and that would be an ongoing process over the next few months, so any changes to the Code that needed to be reflected in the Anti-Doping Charter of Athlete Rights would be made. A number of articles had been added or changed. Athletes had said that they wanted articles on doping control rights, protected persons (a new category under the Code), B-sample analysis and, also, for clarity, a clause on other rights not being affected. A clause on the application and standing had been added just to make it clear that the Anti-Doping Charter of Athlete Rights did not change any application or standing: the Code was the primary document, and the rights in the Anti-Doping Charter of Athlete Rights merely reflected the Code. All the clauses in the Anti-Doping Charter of Athlete Rights would be found in the Code. Taking the members back a step, athletes' rights were scattered throughout a number of documents and it was really hard for athletes to find out what their rights were. That document condensed all the information into one. The ombudsperson reference had been removed, and the ombudsperson was being developed as a separate item.

As he had said, the Code and the Anti-Doping Charter of Athlete Rights were interlinked. The charter referenced the Code. When he had spotted rights that he believed were important or rights that athletes had said were important in the Code, he had tried to expand those if possible within the Code, but the Anti-Doping Charter of Athlete Rights did not introduce or give athletes any new rights; it just articulated the rights that were there and put them in one place. He had also worked out how the Anti-Doping Charter of Athlete Rights should be referenced in the Code, and it would be in the introduction and under WADA's rights and responsibilities.

In terms of next steps, it would be necessary to track any changes to the Code and reflect those in the Anti-Doping Charter of Athlete Rights. The final draft would go to the next meeting of the WADA Athlete Committee in August for approval and, once approved by the WADA Athlete Committee, he would seek the approval of the Executive Committee at the September or November meeting.

PROFESSOR ERDENER said that, as mentioned the previous day during the Executive Committee meeting, as everybody knew, the Olympic charter was the main constitution of the IOC and the IOC was highly sensitive about the use of the term *charter*.

MR SANDFORD agreed that the Olympic charter was the Olympic charter. He was rather flattered that the Anti-Doping Charter of Athlete Rights was being talked about in the same breath as the Olympic charter and he would take the comment on board. A document of that nature that was referred to as a charter was very common outside the sport world and a charter was a document that outlined the rights given by the body, and that was what the document did. When he had first started to develop the document, having a vision of it being mentioned in the same breath as the Olympic charter had not been considered. He would definitely take it on board.

Continuing with the ombudsperson proposal, the idea had been worked on for the past few years as part of the charter. What he had not done was articulate it in a paper, so the paper that the members had before them was the first one in which the role had been outlined. He would be happy to receive comments on it. There had been two years of consultation and talking to athletes not only about the Anti-Doping Charter of Athlete Rights but also the ombudsperson; and, whenever athletes or stakeholders were spoken to about it, they immediately grasped the importance of it and how practical it was and how much it would help them in their work. Thousands of athletes had been talked to about what they would want to see, and everybody believed that it would be of great benefit to all and make

work in ensuring clean sport and protecting the rights of clean athletes and athletes in general a much easier and more streamlined process.

There were some systemic issues with the system as it was and there was no independent body to which athletes could go. Athletes might be under the jurisdiction of a number of ADOs, a NADO, an IF, and maybe the IOC if they got to the Olympic Games, so that created issues for an athlete in identifying who they should be reporting to at different times. For an athlete, the ADO was the body that provided all information at all times on anti-doping, so an ADO would provide education and information on supplements or medication; for example, if an athlete needed a TUE, they would have to go to their ADO. However, if something went wrong and the ADO alleged that the athlete had committed an anti-doping rule violation, the ADO would also be the prosecuting body, and athletes felt that tension and a lot of athletes were very suspicious about going to an ADO to ask about medication or for help because they often felt as if the ADO was the police. There was therefore a real need for an independent body to help athletes navigate their way through the system. There were several things and ways in which having an ombudsperson would help. It would help athletes provide feedback. The ombudsperson tied in well with the current system. No new legislation was being created; the aim was merely to fit the ombudsperson into the existing system and make it work better. WADA currently did a fantastic job with compliance and a lot had been heard about that at the meeting that day, but the athlete voice was currently missing and there was no way for the athletes to provide feedback in the compliance model. If an athlete had an issue with the ADO (perhaps they might not have been allowed to attend the B-sample analysis, or they might have filled in the doping control form and been unhappy with the way in which the chaperone or doping control officer had acted), feedback was currently given on paper in front of the person being critiqued. There were other ways of doing that. For a long time, the Athlete Committee had been saying that it should be done by e-mail at a later stage. That would be possible when the new ADAMS came online. One of the problems was that there was nowhere to send the feedback, so that was a good example of how the ombudsperson and the office might help improve the system, providing real feedback from the athletes instead of once a year via the compliance questionnaire or the WADA compliance spot checks.

As he had already said, athletes really did need a neutral source of advice. One of the things that was constantly seen was that athletes really had nowhere to turn when there was an allegation of an anti-doping rule violation. They could not turn to the ADO prosecuting them to ask about what a reasonable sanction was, so they often engaged lawyers, who sometimes told them the complete opposite of what an ADO was telling them, and that obviously added a burden to the system. Therefore, allowing an ombudsperson to give frank and neutral advice to an athlete, and he definitely saw the benefit in providing that service to athletes.

One of the difficulties in coming up with the position of the ombudsperson was that there were many questions. To provide the members with an idea about the thinking on how the ombudsperson would be and the role, he had put together an initial proposal, which was very much up for debate. The ombudsperson should be part of WADA but independent enough to ensure that there was athlete faith. He would almost model that on the WADA Intelligence and Investigations Department. It was important that the ombudsperson come from WADA because, when they asked questions of an ADO, the ADO would be compelled to respond. The ombudsperson also had to be independent enough that athletes could see independence and impartiality when dealing with them. Ringfenced funding had been included, because one of the first questions he had been asked had concerned how the office would be funded and where the money would come from. Therefore, so as not to take it out of any other budget within WADA, it had been thought that the funding ought to be ringfenced to make sure that, if the work did become a lot, which was one of the good problems that would come out of it, it would not be sucking resources from anywhere else. As to accountability and the person being reported to within the WADA structure, at that moment, it would be the Director General and the Athlete Committee, because there was a real synergy there on a number of issues. Athlete committees were very good at dealing with and working over a long period of time on certain issues and policy, but often very bad at dealing with complaints or immediate problems coming from athletes.

In terms of function, the ombudsperson had a wide jurisdiction but limited powers. When he said limited powers, he did not envisage the ombudsperson having any powers. The power of the ombudsperson was that they were able to receive an issue from an athlete, contact the ADO, follow a process of looking at it through natural justice and giving the parties time to answer the relevant questions. They were then able to apply the appropriate international standard or Code rules to it and come to a conclusion based on the responses received and submit that to the relevant bodies. That way, there would be a resolution for the athletes, the ADOs would get feedback on what they were doing and

the parties would walk away knowing that they had both contributed to the process and both would have faith in what had happened. There were four main roles: to investigate; to inform; to guide athletes through the anti-doping world (it was complicated and getting more complicated, and often athletes were put in situations and really did not know where to look to find the rules); and also to report (the ombudsperson was making a report and outlining what had gone wrong in that situation, how it could be fixed, and how to move forward together to make sure that clean sport was progressing).

In terms of next steps, as he had already said, it was an initial draft. Following the members' responses in the coming months, the group would receive feedback. It would be necessary to have long discussions in the Athlete Committee about it, and also consult experts in the field to see what best practice was out there to make sure that the model being proposed was best suited to what WADA was trying to achieve within anti-doping.

The final concept would be presented to the WADA Athlete Committee at its next meeting in August and, hopefully, after that, he would be able to present the final proposal at the September or November meetings of the Executive Committee and Foundation Board.

MR RYAN said that he could see exactly why Mr Sandford would want to do that and he appreciated that it was early days. He would not go through a big list of things he had noted, having looked at the paper and having listened twice to the excellent presentation. He was not expecting Mr Sandford to answer immediately, but he wondered how accountability to two masters would work with the WADA Director General on the one hand and the Athlete Committee on the other, and who would take precedence. It was something to think about. Did Mr Sandford have any idea at that time (and if he did not, that would not be a problem) on what sort of size ringfenced budget the ombudsman would require?

MR KEJVAL said that he understood the need for the independent ombudsperson. There were NOCs that had had good experience with local ombudsmen, who were not only there for doping issues, and there had been a very positive outcome, so it would be worth taking that into consideration. In relation to the WADA ombudsperson, it would be necessary to look out for possible problems, which included the language, and then the amount of work, as the ombudsperson would be responsible for all the athletes around the world. He had already discussed that with Mr Sandford and agreed to share the information with the NOCs.

MS XASA sought further understanding on the difference between the ombudsman's duties to investigate other ADOs versus the organisation and whether they would also be looking into having some skills to also be able to investigate. There was the issue of the athletes' faith in the body and the extent to which the ombudsperson would work to make sure that matters could be referred to relevant bodies. She referred to the world outcry in relation to the matter that had been raised earlier.

DR BUDGETT echoed slightly what others had said in that it was necessary to be careful not to duplicate resources in investigating all of the grievances that athletes might have, and he was quite concerned that a WADA ombudsperson might still be deemed to be distant and in an ivory tower from the point of view of an athlete on the ground. Obviously, the natural place for an athlete to turn in the vast majority of cases would be their immediate entourage, the national federation, which in most cases would not be involved in prosecuting the cases and would be there to support the athlete.

MS MOHAMED commented on the issue raised by the minister from South Africa. She did not know whether there would be any objection to noting the issue raised, because it was true that it was an issue of national concern and related to some of the work being done there. If nobody objected to noting the issue mentioned by the chairman of the public authorities, by the honourable minister from South Africa, which she also supported, perhaps it was something that the Foundation Board members might agree to do, to note that the issue had been raised during the meeting.

THE CHAIRMAN said that he would deal with the last comment made and the comments by the South African minister.

MR SANDFORD responded to the question about accountability and responding to two masters. That was something that would have to be worked through with the WADA management to find the best way for that to be housed within WADA and come up with some kind of process, but it was definitely something he was aware of.

He had no idea about the budget and that needed to be worked through with the WADA management as well.

Another point had been raised about the language, and he completely acknowledged that. As athletes, when they competed internationally, they were quite used to dealing with language barriers. He might have a somewhat cavalier approach to that; but, with modern resources, that could definitely be made to work.

In terms of workload, when out there talking to stakeholders, they immediately grasped the benefit of that and they believed it would be widely used. It would be necessary to start small; but, if the ombudsperson did take off and everybody saw a real benefit, he would hope that the resources would be put into making sure that it would be possible to manage the workload.

On the possible crossover with investigations in terms of what WADA was already doing, that was again one of the benefits of having an ombudsperson, who would be able to direct athletes and refer them to the relevant bodies, so the ombudsperson would not be investigating doping; doping issues would come to WADA through its own investigations or through SpeakUp!, so the ombudsperson was very much for non-specific-doping-related concerns within the community.

There had been a question about the entourage and an athlete turning to their entourage. He totally agreed: that was where the athletes first turned. The problem was that the entourage often lacked the competence to give athletes the correct guidance to navigate through the system. The entourage needed to be upskilled to give them that knowledge. One could say that athletes would respond much better if there were an ombudsperson in every country, but there was not. There was a successful system of national ombudsmen in certain countries (including the USA, Slovenia and the Czech Republic), and he saw the WADA ombudsperson as collaborating with those ones where appropriate, but he did not want everybody else in the world to be left behind and to be struggling with what their anti-doping rights were and a complex system, so having one central ombudsperson would be a huge help.

THE CHAIRMAN observed that things had clearly been moved forward, although the analogy with the Intelligence and Investigations Department worried him a bit.

In relation to the comments made by the South African and Kenyan ministers and Mr Díaz, he was very happy to accept the situation that WADA note that the issue had been raised. As a serious and concerned international organisation, WADA was aware of what happened in the rest of the world and, looking at the twice-daily communications reports, the members would see that WADA was aware of the debate currently in process on the case mentioned (which was completely out of WADA's hands) and would await developments, for example the full report from the CAS. He was very happy to note that it had been raised and that WADA was aware of the issue.

DECISION

Anti-Doping Charter of Athlete Rights update noted.

7. Finance

MR RICCI BITTI informed the members that he would repeat what he had said the previous day. The Finance and Administration Committee would hold its traditional meeting on 24 July in London, and he took the opportunity to thank the UK Government for its invitation.

DECISION

Finance and Administration Committee update noted.

– 7.1 Government/IOC contributions update

MR RICCI BITTI informed the members that an updated paper had been tabled that morning and, on a positive note, 82% of the budget had been obtained from the public authorities' contributions. The IOC matched the public authorities' contributions, as the members knew, and the amount was higher than the previous year at the same time (around 72%).

On the regional situation, Oceania's contribution had been received in full, the Americas and Africa were in a relatively good situation, and Asia and Europe were slightly on the lower side compared with the same time the previous year. More specifically, WADA still expected contributions from Kuwait and Bahrain for a total of 230,000 dollars and, in Europe, Russia, Spain and Sweden's contribution amounted to about 1.6 million dollars. The American region was in a good condition, except for Venezuela, which had not paid for four years. He thought that everybody was well aware of the political situation there.

He mentioned as usual the additional contributions received that year: to date, the total was 238,000 dollars, contributed by Australia and Japan.

DECISION

Government/IOC contributions update noted.

– **7.2 2018 year-end accounts**

MR RICCI BITTI informed the members that WADA had recorded in 2018 a surplus of 3.1 million dollars against a budget of 1.3 million dollars. The increase was due to two factors: an increased income of 251,000 dollars and a reduced expenditure of 1.5 million dollars, both of which had contributed to the positive result of 3.1 million dollars. Obviously, talking about income, what had helped WADA a great deal the previous year had been strong contributions from China and Japan amounting to 1.2 million dollars in additional contributions, and also important was the contribution of Montreal International for an amount of 1.5 million dollars. That had helped the income side a lot.

More interesting was looking at the important variances on the expenses side, which was 95% of the budget. He wished to make a statement on behalf of the staff that the expenses had been under budget (95%, as he had said), but the majority of the activity priorities stated in the 10 recommendations approved by the Foundation Board in November 2016 and presented many times by the Director General had all been started and, if not completed, were in progress. That was very important, because it had been done without spending the entire budget. Obviously, all of the additional resources had not yet been hired and some activities had been postponed; but, in general, WADA was on time.

On the key variances, in attachment 3, the members would see the key variances compared to 2017. Of importance was the cost of human resources: 14% higher, very justified, as 20 more researchers had been hired, and also WADA had spent money, as the members could imagine, on recruiting the people. Consequently, travel and accommodation had increased by 24%; obviously, the higher volume of activity was the reason, with the Olympic year. There had been a big increase but small figures in information and communications. Again, a lot of activities had been carried out in relation to the Youth Olympic Games, there had been communications on Russian compliance and the RUSADA saga, governance and so on. On the lower side, meaning on the savings side, there had been fewer research grants and testing fees, because WADA did not do much testing any more, and there had been a reduction in terms of research grants. That would undoubtedly be an item on the agenda of the next Finance and Administration Committee meeting in July, and he could anticipate a recommendation coming out of that. Research grants had been sacrificed somewhat. Capital expenditure had been slightly under budget, and ADAMS remained a very high priority, and the depreciation was higher because some parts of ADAMS quickly became obsolete. WADA had also invested in office space in Lausanne; on the other hand, the interest income was very positive, and also the exchange rate helped a lot because, in that part of the year, the US dollar had been very strong and, as the members knew, WADA's income was in US dollars and WADA spent in Canadian dollars.

To conclude, the surplus had allowed WADA to implement a reserve policy, i.e. to increase the restricted operational reserve through the surplus. The decision had been that the WADA operational reserve be increased from 2.9 million to 3.4 million dollars (an increase of 500,000 dollars), so 500,000 dollars of the profit had been put in the reserve. That was another item that would be given attention by the Finance and Administration Committee. It was an item that was always on the table. WADA needed a little more savings reserve. Currently, the reserve amounted to two months' operation. The Finance and Administration Committee had already made a recommendation that a good and comfortable situation would be around six months, so that year's profit should be used to reconstruct and rebuild an acceptable reserve; that was a message to the staff.

His final comment had to do with the cash equivalent, which was in a good position with 13.2 million dollars.

Overall, he was pleased to report that the financial position was very positive, and the endorsement of the 8% annual increase by the Foundation Board had been of tremendous help to WADA in planning and pursuing the core activities, as well as the new and improved activities described by the Director General. WADA was in a good position, but had to take advantage of the years in which there had been an increase, because the reserve was very low and the research grants were not sufficient, in his opinion, for that kind of body. Research was very important and should be a priority.

The auditor's report was very favourable: there had been no deficiencies. In addition, following consultation, WADA did not need to evaluate the pension plan in accordance with Swiss law: it had been said that it would not be necessary.

He invited Ms Beauparlant to make her presentation.

MS BEAUPARLANT introduced herself: she was a partner at PricewaterhouseCoopers in Montreal. She was in charge of the audit of the financial statements of the World Anti-Doping Agency and worked with her colleague, Mr Philippe Tzaud, a partner at the office in Lausanne responsible for signing the audit report on the financial statements. She was present that morning to provide a report on the audit work and cover the significant accounting and financial reporting matters dealt with during the audit.

PricewaterhouseCoopers had substantially completed the audit of the World Anti-Doping Agency's financial statements for the year ending 31 December 2018 and was consequently ready, subject to the approval of those financial statements by the Foundation Board, to release a report without qualifications or references to violations of the law. As the auditor of the agency, PricewaterhouseCoopers's responsibilities were to issue an audit opinion on the financial statements and to confirm the existence of an internal control system designed for the preparation of financial reporting. PricewaterhouseCoopers was currently in a position to conclude that the 2018 financial statements gave a true and fair view of the financial position, the results of operations and the cash flow of the agency in accordance with international financial reporting standards (IFRS) and complied with Swiss law and the foundation's deeds.

PricewaterhouseCoopers also confirmed that an internal control system was in place for the preparation and fair presentation of the financial statements in accordance with the requirements of the Foundation Board.

The audit work had been conducted in line with the audit plan. During the course of its audit, PricewaterhouseCoopers had reviewed management accounting policies and positions, management judgements and estimates in establishing the financial statements and the financial statement presentation and disclosures. Over the year ending on 31 December 2018, there had been no unusual transactions to be accounted for, no new IFRS standards or disclosures significantly affecting the financial statements, no new accounting positions adopted or changes in accounting policies, and no internal control deficiencies or recommendations for improvement that PricewaterhouseCoopers believed merited the attention of the Foundation Board. The uncorrected misstatements identified during the course of the audit did not affect the opinion due to their immateriality to the financial statements taken as a whole.

Those were the highlights of the audit and conclusion of the report. In closing, she wished to thank the agency's management and staff who had assisted PricewaterhouseCoopers in carrying out its work, in particular, Mr Niggli, Ms Chong and Ms Vizioli.

MR RICCI BITTI thanked Ms Beauparlant. The Executive Committee had recommended approval of the accounts the previous day.

THE CHAIRMAN asked the members if they would accept the accounts for the 12 months. He congratulated Mr Ricci Bitti and his team, Ms Chong and her team, and Ms Beauparlant for being able to confirm that WADA's finances were run in an exemplary manner. Were the members happy to approve the accounts?

DECISION

2018 year-end accounts approved.

– **7.3 2019 quarterly accounts (quarter 1)**

MR RICCI BITTI noted that the item was for information. The accounts of WADA were by definition seasonal. WADA received contributions early on in the year and spent throughout the year. Expenses should in theory be at 25% because it was a quarterly account, and were at 22%, so WADA had spent less than the quarterly allocation. He had said that the expenses were under budget by three percentage points, at 22%; but, in the attachments, the members would see the two expenses that were over budget. In relation to the Lausanne regional office, everybody knew about the ADO symposium, a very successful activity run by the office which took place in Lausanne in the first quarter of the year, hence the 31% figure. The second expense was the Legal Department, at 30%, due to an increase in litigation fees, investigation and legal fees, and increasingly demanding data protection. He believed that that item would be the subject of the next revised budget. He mentioned an important point in terms of new

rules and regulations: for data security, a series of activities had to be implemented that year due to the new rules of the Canadian Office of the Privacy Commissioner, so an internal committee had been set up within WADA and the requirement of data security was being dealt with. That included many other considerations, such as better risk assessment, procedures and plans and so on. WADA had to follow the rules and regulations and the team set up by the Director General was working on that.

He informed the members that the reporting had changed slightly. In his opinion, it was an improvement. Education, programme and NADO relations had their own departmental line, and the operational costs, which had been aligned, had been split into three groups, obviously increasing transparency. They were human resources, office facilities and general operational costs. The total had been under operational costs in the past. He thanked WADA's Finance Department and the Director General for their cooperation, which made his life very easy.

THE CHAIRMAN thanked Mr Ricci Bitti for the extremely good financial statements.

DECISION

2019 quarterly accounts noted.

8. Education

– 8.1 Education Committee Chair report

MS MACLEAN passed on Mr Moses' apologies for not being able to attend the meeting that day. She would read his report verbatim. He thanked and commended the Education Committee members for their contributions most recently and, in particular, at a meeting on 23 and 24 April in Montreal. It was worth noting that a number of invited observers had added to the richness of the debate, including representatives of the WADA Athlete Committee, UNESCO and the Council of Europe. The Education Committee had warmly welcomed the news of the appointment as Director of Education at WADA of Ms Hudson, who was currently head of education at UKAD. She would be taking up her new role on 5 August. The Education Committee had also welcomed the announcement that, on that date, education would become a standalone department within WADA with a seat at the management table, reflecting the importance with which WADA and its stakeholders increasingly viewed education. Given that education was a key pillar of anti-doping, the Education Committee had emphasised the importance of going beyond detection and deterrence strategies to focus on prevention, an emphasis in the revised 2021 Code.

The Education Committee had also confirmed its willingness to play a key role in the development of anti-doping education, which, to date, had been considered an under-resourced area of anti-doping.

The Education Committee had had robust discussions, including on the social science research programme, the International Standard for Education and the new guidelines for education, and had even carved out a few hours to hold the strategic planning session to be able to provide strategic advice. The strategy session had wrapped up with an agreement that, in addition to the existing working groups on social science research and the standard, two additional working groups would be formed on the guidelines and strategic planning in relation to which the committee members had raised their hands to contribute. Mr Moses thanked the committee members for that additional commitment.

Mr Moses had wished to highlight some other key outcomes of the Education Committee meeting that he thought would be of particular interest to the Foundation Board. The Education Committee had provided guidance to the working group on the standard and was happy with the standard's development, which was reflective of stakeholder demand to ensure that WADA focused on the development of education rather than compliance. Since the previous meeting, certainly the key priority of the Education Department had been to support development of the first International Standard for Education, and that process had been supported by the Executive Committee since it had first tasked WADA with examining the feasibility of introducing a standard in May 2017. The research strongly supported the introduction of a standard, as the focus of anti-doping until then had been on detection and deterrence of doping, overlooking the fact that the majority of athletes wanted to compete clean. It was believed that anti-doping activities should reflect and support that desire by supporting people to do what was inherently natural to them rather than focusing on what they should not do. It was believed that the standard was an important part of the shift towards a more positive approach and narrative.

The Education Committee had discussed the need to highlight anti-doping as a wider societal issue, in order to encourage other sector stakeholders such as public health, private foundations and education to engage more meaningfully. Related to that, the Education Committee had stressed the need for more

partnerships, particularly within the global anti-doping system, and highlighted several opportunities to support those.

The Education Committee had acknowledged that there were multiple funding opportunities for stakeholders and recommended that they be mapped and promoted to encourage applications.

The Education Committee had reinforced the need to rebrand the anti-doping programme with positive narratives emphasising that approaches should be multi-dimensional and evidence-based. The Education Committee had also been updated on the activities of the Education Department, which continued to deliver a high level of output and quality for stakeholders, and thanked the department for its efforts.

DECISION

Education Committee Chair report noted.

– **8.2 Education Department update**

Continuing with her department report, MS MACLEAN provided a very brief update from the operational side. The report was in the members' files. Essentially, since the previous meeting, the key priority for the Education Department had been supporting the development of the standard. The process had been supported from the beginning by the Executive Committee, which had first assigned the task in May 2017. The research strongly supported the introduction of the standard, as the focus of anti-doping had been more on detection than deterrence.

The department had been working closely with the standard working group to guide the current iteration, which had included input from the second phase of the consultation process, the education conference held in Beijing and the Education Committee. The WADA education staff had also been very actively involved with a range of stakeholders to solicit additional input from the IOC education commission and staff, the Council of Europe Monitoring Group on Education, the UNESCO staff from the anti-doping convention sector and the JADA symposium, held late the previous year.

As for other highlights, the department continued to develop ADeL, the anti-doping e-learning platform and, since its launch in January 2018, it had gained over 33,000 users, which was quite an impressive figure. That was largely because some ADOs had made it a mandatory requirement. The platform had eight courses for different types of stakeholders, was available in 13 languages, and the most popular course was ALPHA, which was for athletes.

Another project that had progressed significantly since the previous meeting was the Sport Values in Every Classroom project, an excellent example of partnership between the sport movement and public education authorities. The partnership comprised five other members, together with WADA: the IOC, the IPC, UNESCO, the International Committee for Fair Play and the International Council for Sport Science and Physical Education. The goal of the project was to integrate movement-based learning to support the teaching of sport values, inclusion, respect and equality in any classroom anywhere in the world and to support teachers in delivering already existing curricula through those activities. The feedback received related to the pilot project, carried out in 13 countries around the globe with 215 teachers through the UNESCO Associated Schools Network, had been overwhelmingly positive, and the final version would be launched at the UNESCO conference of parties at the end of October.

MR RODRIGUES said that he was the minister for education in Portugal, and his portfolio also comprised youth and sport. He truly believed that there was a failure in the educational system when talking about the fight against doping in sport. Most education systems had some discipline on school sport and physical education and WADA should work closely with colleagues who were involved in basic and secondary education to try to introduce the issue of doping and the fight against doping in sport at all levels of education. It was important to introduce that, and it was being done in Portugal, to try to introduce, for example in philosophy, ethical questions related to the fight against doping in sport. It was necessary to be preventative and educate new generations of athletes, not just the high-level athletes, but all those who would have physical activity and sport in their lives.

Going back a bit, there had been talk of research and the importance of research not just in relation to the sciences, but also the interaction with the humanities and social sciences. He supported what had been done with the University in Quebec but he thought that it was necessary to go further, interact and have open calls with universities from all around the world. Universities wanted partnerships, and WADA needed to use them and have them on its side, because they would also be flying the flag of the war against doping. Furthermore, most of the members present were in other international and multilateral

fora, and some had the capacity to further science and fund research. For example, those who were members representing the European Union met the ministers for sport every six months in Brussels and had contact with the commissioner responsible for the framework programmes, which involved millions of euros for research. That was a fight and it was necessary to demonstrate with researchers, the academic world, companies, public health ministers, and so on, that it was a fundamental area to preserve the next generations of athletes and to have the capacity to get ahead of those who were responsible for doping. Education and research were important, and education in the basic and secondary and higher education system should reflect the work of WADA. Most of the countries in the world and most young people identified WADA and the fight against doping in sport with very strange things, not necessarily the positive things that were being done. He was aware of that, but it was necessary to be coherent and, internally or multilaterally, the governments should encourage a positive movement to promote the agency and the work done by WADA.

THE CHAIRMAN responded that WADA did in fact respond to some extent with social science research grants, but everything that had been said and the member's expertise and enthusiasm were welcomed.

DR BUDGETT referred to the prioritisation of research to look at the evidence base for the effectiveness of education: when it was most effective, what sort was most effective and how it should be done to actually reduce the prevalence of doping. He knew that there was some ringfenced research on that and wondered if the members should be briefly told or informed about that.

MR DÍAZ supported the proposal by the minister from Portugal. The public authorities in general welcomed the initiative of creating the International Standard for Education. Education was the pillar for preservation, so he congratulated Mr Moses and the other members of the Education Committee as well as Ms MacLean, the head of the department, and Mr Cunningham, who was working very hard and supporting the Education Committee.

MS MOHAMED thanked the speaker and supported what had been said by the members, in particular the Portuguese minister. In her country, a competence-based curriculum had been introduced which placed some emphasis on talent development, and the country was integrating the standards slowly within the education system. Values-based education had been initiated in the primary school curriculum, through partnerships with the institute for curriculum development to instil the positive values of the spirit of sport early in the education process, and the earlier the better because, in order to ensure the sustainability of the anti-doping standards, it was necessary to make sure that that was fully integrated within the education curriculum.

MS XASA reiterated her appreciation for the environment that was being created to make sure that there was greater collaboration between the sport movement and governments. A memorandum of understanding had been signed in South Africa so as to integrate efforts to make sure that it was recognised as a societal issue, so that it could also play a meaningful role in terms of inclusion and also creating awareness from a very early age. That would really put an emphasis on the values of early intervention and fair play that WADA sought to stand for as an organisation. She wished to check with the team as to the extent to which the programmes were finding their way into all corners of the regions and efforts were being coordinated. There was a case that South Africa was following up on, and it was working with some of the international bodies, looking into the extent to which awareness could be created. To what extent could WADA explain the role of the programme and also interact with world organisations?

MS MACLEAN thanked the members for their comments. She invited her colleague Mr Cunningham to respond, as he was the senior manager, and had been the chief drafter of the standard and headed up the social science research programme, so he had a far greater depth of experience than she had.

MR CUNNINGHAM said that, in terms of the evidence based and research programme, as well as the social science research grant programme, WADA had also been given funding from the IOC for special research projects. One of the highest priorities identified initially, one-and-a-half years previously, had been for whistleblowing and to support whistleblowing projects and policy, and three projects had been allocated funds and were coming to fruition. The rest of the fund looked at the spending priorities, to be examined through the Education Committee and the Social Science Research Committee. The evidence base for education was quite strong. In terms of what happened when people were educated, when morals were reinforced, the higher somebody's morals, the higher the moral identity, the less likely they were to dope. When knowledge of doping issues was increased, people were less likely to dope, in particular people who might not know the rules. The gap that currently existed was about when to intervene and the key messages to deliver at those points. Those were the kinds of project that would be highlighted. In fact, that week, there was an open call for proposals, a global call for proposals from

any university anywhere in the world to make an application to the WADA programme. It was currently on the WADA website, and he would very much welcome applications. The highest priority for social science was looking at interventions that addressed the issue that had just been highlighted: the most effective way to educate somebody. Athletes were at their most vulnerable when they were injured and when they failed to qualify for the Olympic Games, for example, so WADA needed to work out the correct message to send out at those times.

MS MACLEAN said that the second question was about WADA looking into developing its programmes in such a way that they could reach more corners of the world. Was she interpreting the question properly?

MR CUNNINGHAM observed that one of the challenges was accessing all the athletes, and the second challenge was how to get them to pay attention and actually listen, and that fed into what was being done in research. He did know that there was a model of how to test anybody anywhere in the world. Testing had been given priority over the past 20 years within the anti-doping system and education was playing catch-up. There were over 10,000 active doping control officers who could test any athlete anywhere in the world, but the same capacity did not exist in education. The first part to address that was to look at what needed to be done to qualify people to give those messages to make sure athletes were being educated properly. That involved setting up a framework and WADA deciding what quality educators were and what people should be required to do before they educated athletes and athlete support personnel. That would require working within the framework of the anti-doping system, and there were NADOs, RADOs and public authorities, and WADA was looking at a train-the-trainer approach to build an army of educators that would look to do that same as what was on the testing side: educate any athlete anywhere in the world at any time, and that was something on which he would welcome input and feedback. That was something that would be looked at as education played catch-up in the coming years.

THE CHAIRMAN said that, as a small gesture of how enthusiastic WADA was and how necessary that work was, a new director of education, Amanda Hudson, would be adding enormously to the quality of the WADA team. She would be joining the team in a couple of months' time.

DECISION

Education Department update noted.

9. Health, Medical and Research

– 9.1 Health, Medical and Research Committee Chair report

PROFESSOR ERDENER informed the members that he wished to highlight some points in addition to the complete science and medicine report in the members' files.

The previous day, a presentation to the WADA Executive Committee members had been given on new research projects in the field of Artificial Intelligence, or AI, under consideration for future approval. He believed it was important for WADA to explore the potential of AI in anti-doping from a technical point of view, but also in relation to its ethical and social ramifications in the anti-doping field. The programme was a good example of cooperation, as it had been developed in partnership with the Fonds de Recherche du Québec.

Talking about investment in research, he drew the members' attention to the real risk WADA was facing with record low investment in research projects the following year which was affecting WADA's ability to develop innovative tests for the future. He called on the members to find solutions to provide more money for research as early as 2020.

The draft of the 2020 Prohibited List had been released for consultation on 1 May and comments would be collected until 12 July before being reviewed by the List Expert Group and the Health, Medical and Research Committee experts at their August meetings before approval by the Executive Committee on 23 September. As usual, the objective would be to release the new version of the Prohibited List before 1 October.

His colleagues would be pleased to answer any questions on the science and medicine departmental reports.

MS UKISHIMA stated that she wished to make a comment. In Japan, an athlete had been given a provisional suspension and then it had been determined that an anti-doping rule violation had occurred. The athlete's record at the competition had been disqualified. It had subsequently turned out that

prescribed medicine had been contaminated with a prohibited substance. The two ministries concerned had asked the relevant pharmaceutical companies to investigate the root cause of the contamination. They had discovered that contamination had occurred during the manufacturing process of the source material at a company in India. At the same time, the level of contamination had been extremely low, had presented no health risks and had been allowed by the international standards in force in relation to medicine production and quality control. She thanked WADA for the swift response, as the working group had already started to examine possible solutions, and she looked forward to continued efforts towards finding a permanent solution to the problem.

DECISION

Health, Medical and Research Committee Chair
report noted.

– **9.2 Science and Medicine Department update**

DECISION

Science and Medicine Department update noted.

10. World Anti-Doping Code

– **10.1 World Anti-Doping Code review update**

THE CHAIRMAN informed the members that WADA was at the end of a period at which it had to revise the World Anti-Doping Code and all the associated international standards, which was an enormous commitment and an enormous piece of work.

MR SIEVEKING said that the third consultation phase had just ended. It highlighted the same thing as the previous two phases had: strong participation from all the stakeholders, with more than 60 submissions and 200 pages of comments, so the Code Drafting Team wished to thank the stakeholders for their participation and the quality of the comments received. The comments had been very detailed, complex and helpful in terms of reviewing the Code and ensuring it was further enhanced. As had been said at the start of the review process, the current Code was a good, strong document and it was working well. It had led to strong CAS case law, so the objective had never been to reinvent the wheel but rather to adapt the document to the environment in which WADA worked. He personally thought that it was possible to say that, once again, WADA had a document that was a state-of-the-art set of rules that would benefit all of the stakeholders.

There would be no more consultation phases for the Code, but that did not mean that the document would remain as it was, because there would obviously be additional comments and possibly some directions from the members that day. There would be no more formal consultation, but still some fine-tuning and adaptation and a new version proposed at the Executive Committee meeting in September that would probably be the final version put forward at the World Conference on Doping in Sport. Some questions on some proposed changes made were being submitted to Judge Costa, the former chair at the European Court of Human Rights, who would ensure that the changes proposed were compatible with the main legal principles, in particular the human rights principle and the principle of proportionality.

MR YOUNG made two quick introductory comments on the Code. The Code was both long and complex, and he was sorry about that; but, if one wanted to achieve harmonisation and results, it had to be that way. The Code was being tested in legal proceedings every day and the most common feedback received from the stakeholders in the drafting process went something along the lines of: there was a case in which the lawyer claimed that there was either a gap or an inconsistency in the Code, which resulted in no anti-doping rule violation or a reduction in the sanction, and he knew that that had not been the intent and eventually, after spending a lot of money in a proceeding, that order had been achieved, but could WADA please do something to add language to the Code to fill that loophole and clear up that ambiguity? WADA looked at it and said that it would not have thought that that would be a problem, but it certainly had been in that lawyer's case and it could be in another case, and so it made sense to add that language. So, to the extent that language was added, he guessed it could be said that the team was making the Code more complex, but it was achieving the goal of harmonisation through clearing up ambiguities and closing loopholes. The second general observation had to do with how it would be best to understand the changes to the Code. Looking at the red-line version, there were a couple of hundred changes, most of them technical. The team had given the members a document entitled *Summary of major changes*, with an explanation for all the major changes; then, in the

presentation he would touch lightly on 13 different topics, which, if he were in the members' shoes, he would want to know just in case one of his constituents asked him about them.

The first was changes related to tampering. All the descriptions of what tampering was had been put into a single definition. The team had addressed the issue of fraudulent conduct during the result management process. It was tampering and it was a separate violation. The normal period of ineligibility for tampering was four years; but, from looking at the cases and experience, the team had found that there could be exceptional factual circumstances that would justify a reduction of that down to two years. He could assure the members that the team was not being soft on tampering; it was a situation in which, based on the facts, one could lose the case if the panel was not comfortable about giving the person a four-year violation. The violation of attempted complicity had been added. It had been pointed out that there was attempted use, attempted tampering and attempted trafficking, and there should be attempted complicity. The team had agreed.

It had always been the case under the Code that, if a laboratory or an ADO followed the international standards, their conduct would be considered valid and not subject to challenge. If they did not, the burden would shift back to them to establish that whatever that violation had been had not caused the anti-doping rule violation. There were two points: that made sense when talking about parts of result management and how the laboratories did their work. It had never been intended that things such as failure to follow the new education standard would be a defence in an anti-doping rule violation case, and that had been clarified. The second point was important for people to understand. One of the things that an anti-doping organisation was supposed to do was give the athlete notice that they could go to the B-sample opening to make sure that nobody had tampered with that B-sample bottle. Sometimes, there was a mistake and the athlete did not get that notice or the athlete was unavailable and did not get that notice. The point there was that that was a mistake that could be cured by having an independent observer there to confirm that the sample had not been tampered with.

In article 8, which talked about hearings, the team had made it clear that that hearing panel had to have operational independence. It was a first-instance hearing. It had also been made clear in article 13 that the appellate panel, be it the CAS or a national appellate panel, had to have institutional independence, and he had gone into some description of that in the summary of changes.

In the earlier drafts of the year, a category called *protected persons* had been created to include youth, recreational athletes and athletes with mental disabilities. The team had made two changes in relation to that article. Protected persons enjoyed some flexibility in sanctioning and, when they were found to have committed an anti-doping rule violation, that decision was not required to be published. In the definition of protected persons, the team had excluded elite 16- and 17-year-old athletes. They were treated like all elite athletes. Stakeholder feedback had been that 16- and 17-year-olds, whether they were elite or not, should enjoy the protection of non-mandatory disclosure, and the team had agreed with that. The second point was that, in the second draft, the IF and the NADO had been defining who was a recreational athlete. They were not international-level athletes or national-level athletes. In some countries, they were people who trained in fitness clubs. To avoid the confusion of the multiple definitions, the team had left that decision of who was a recreational athlete to the NADO, but there was a ceiling for people who had been in registered testing pools and competed in international competitions and the like within the past five years.

On substances of abuse, the principles of the article had been very well received by the stakeholders. There had been lots of discussion over the devil in the details. The team had decided to leave the article unchanged from the second draft with one exception. If one had a non-specified substance and used it intentionally, it was automatically a four-year sanction. If one could establish that one had not used it intentionally, it was a two-year sanction. That did not quite fit the use of cocaine or the other types of substance of abuse. One used it intentionally, but it might not have anything to do with sport performance. Therefore, the team had added that even in-competition use of a substance of abuse whereby the athlete could prove that it was unrelated to sport performance would be two and not four years.

It was not so much a change, but it was important to understand the clarification. WADA's job was to ensure harmonisation in the application of the Code; so, if it was the case that the ADO and an athlete could agree on the resolution of the case that they thought was consistent with the Code and WADA agreed that it was consistent with the Code, then the case was over. There were some countries in which the anti-doping scheme did not allow the ADO to even recommend a sanction to a hearing panel. That was fine; in those countries, the article simply would not apply.

There was a rule in article 10.9 in the Code that set forth the consequences for multiple violations. The team had dealt with most of the most apparent problems raised in the first and second drafts. There was one more change that had been made, which was in the formula for how to calculate the sanction for a second violation. Which of the two violations occurred first had been really disproportionate, and the team had tried to come up with a new formula that was more proportionate. Again, that was explained in the third draft summary.

If the members looked at the slides just as a teaching note, the team had put the Code articles affected and then the paragraph in the third draft summary to which the members should go for more detail, and that would save a lot of time.

It had always been the case that a sport organisation had the right to discipline its members, and that was not precluded by the Code in discussing that right and the sport organisation's obligation to make sure its members adopted rules consistent with the Code and take action when it found out they were not following the Code. The team had not meant that sport organisations had an ongoing obligation to monitor all of their members, and the team had made that clear in the last draft.

That was not a controversial subject: it was basically that NADOs should not have individuals on their boards who were directors or officers who were also in the management of sport organisations or sport departments of governments. Everybody agreed with that. Questions had been along the lines of whether that meant that a NADO could not be a service provider to an IF or a major event organisation, and the answer was no, that was not at all what the article was about. There would be a comment added to make that clear.

Under the current Code, the only people who had to agree to be bound by the Code were athletes and athlete support personnel. How about an officer or a director or a senior person in a sport organisation who did not meet the athlete personnel definition? Should they not also be subject to the rules of the Code? And how about the people in that sport organisation responsible for doping control? Should they not be subject to the rules of the Code? That was what the article was about.

There had been a number of cases that said that signatories could not come up with their own new anti-doping rule violations or their own new consequences for anti-doping rule violations, and those were good cases and it was a good idea, but that comment made clear that signatories were not precluded from having a code of conduct with consequences that were not anti-doping rule violations and anti-doping consequences; so, for example, an organisation interested in protecting its brand could have a no-needles in-competition policy, because that looked really bad to its constituents.

Last, one of the questions received from a number of stakeholders had been why WADA was described as a Code signatory and should the Code not apply to WADA as well, and the answer was that absolutely the Code should apply to WADA as well. As a matter of fact, there was a section in the Code that talked about WADA's roles and responsibilities, but WADA's job was to enforce compliance of signatories. It could not enforce its own compliance. Therefore, WADA was not a signatory, but the Code had been amended to provide that, by declaration of the Foundation Board, WADA would agree to be bound by the roles and responsibilities assigned to it in the Code. That concluded his presentation. He would be happy to answer questions.

THE CHAIRMAN noted the changes. He was impressed at the range of the contributions, and he suspected that many came from the members' own technical experts, IFs or NADOs. It was really encouraging. Judge Costa had said that one of the reasons the Code was accepted so universally was because of the quality of the consultation process that WADA went through once every six years.

MR DÍAZ said that the public authorities wished to draw article 22 to the attention of the WADA team running the Code review process. It was obvious that the draft expressed expectations for governments that were beyond the provisions of the UNESCO convention. He knew that it had been drafted and written as expectations, but thought it could create confusion, so asked the team to reconsider that part of article 22. As had been done at the Executive Committee meeting the previous day, he requested that the team and management organise a multidisciplinary meeting before the end of the process, hopefully before September, to analyse and share the different stakeholder proposals and amendments and observations in relation to the Code. It would be very helpful for the public authorities to understand the various opinions and to share their own.

On behalf of Europe, MR MUYTERS expressed his understanding in relation to the reasoning behind the proposal. The current text set out in article 22 was inconsistent with the states' parties obligation under the UNESCO international convention and therefore reflected unrealistic expectations towards the

governments. He therefore requested that the article be rewritten, especially paragraphs three and four. The Code was subject to a strict compliance monitoring process and the governments were not Code signatories. Europe had also mandated him to invite WADA to engage again with the Council of Europe to ensure compatibility between the Code and the European Convention on Human Rights. He also supported the proposal for WADA to organise, prior to the adoption of the new Code, multi-stakeholder consultations in which the public authorities and the sport movement could participate together.

MR DE VOS thanked Mr Young for the presentation and expressed the Olympic Movement's appreciation for the important work done in that field. The Olympic Movement also supported the idea of the creation of a multidisciplinary group to review the Code before the September meeting. Furthermore, he had some general comments on the Code review. There were still concerns about the ever-increasing number of regulations and complexity, especially between the Code and the international standards. Mandatory principles and non-technical processes should be in the Code and not the standards, and the Code should remain universal and universally applicable, and it was necessary to prevent complexity to facilitate the correct implementation of the rules. In that regard, he suggested not forgetting that the Code also applied to people and organisations whose mother tongue was not English, so an attempt should be made to simplify the language as much as possible.

He did not have a solution for the extraterritoriality of certain national legislations, but it needed to be addressed.

In relation to the enlargement of the scope of people bound by the Code, he understood that, but it was necessary to be careful about the risk that it could not be applied equally in all countries due to national legislations, which would weaken instead of strengthen the system.

It was the obligation of the signatories to take action under their own rules against any sporting body under their authority, but he was happy to learn that it remained WADA's role and responsibility to monitor compliance with the Code.

He looked forward to the multidisciplinary consultation group and would further contribute to the process.

MR SIEVEKING referred to article 22, and took due note of the concerns. WADA considered that it was important to mention that article 22 had always been intended as a list of potential areas in which governments with no obligation under the Code could assist signatories. It was a wish list: those were expectations from Code signatories as to what they would like to see governments doing. There was no obligation and, if the members looked at the changes proposed, they all specifically addressed particular issues identified during the Russian crisis, but he would be happy to discuss that further.

In relation to the compatibility with the UNESCO convention, it had been discussed at length with Professor Haas, who had not seen any of the new provisions going against any of the provisions in the UNESCO convention.

In relation to human rights, WADA was in contact with Judge Costa, and a list of questions based on the changes proposed had been drawn up to be reviewed by Judge Costa to make sure that WADA was heading in the right direction in terms of human rights.

In relation to the request for a multidisciplinary meeting to discuss the Code, he would be open to that. For two years, WADA had held tens of dozens of meetings and calls with stakeholders, and had reviewed all the comments and did not see any particular area of conflict on which there was absolutely no consensus. He would be happy to discuss any points further, but thought that it would be useful if the members could clarify in advance the particular questions they wished to address.

MR YOUNG responded to a compliment, which had to do with the quality of the Code. It was fair to say that a whole lot or most of the smart stuff in the Code had come from the stakeholders. When one asked the whole world to comment on a document, one got a lot of really good ideas. To the extent that the Code had improved year after year, it was thanks to the members and their constituents.

On article 22, as it applied to governments, he echoed what Mr Sieveking had said: it was not the expectation of the stakeholders, it was the screaming expectation of the stakeholders that WADA at least state a hope that the governments would do something about those in sport ministries who doped or covered up the doping of athletes. One of the questions he was asked most frequently was about what in the Code addressed the Russian scandal. That was a government problem and not a sport movement problem. WADA could not give governments orders, but could state expectations, and there was no doubt that that was an expectation of the signatories. After a two-day meeting with the Council of

Europe, the team had changed the Code to take out the requirement that individuals and sport ministries agree to be bound by the Code and replaced it with the requirement that, if it turned out that somebody in a sport ministry had been doping athletes or covering up doping, they should not continue to be employed in the sport ministry. He would look at more suggestions on that; but, if one considered the expectations of the stakeholders, that could not be more clear. It did not bind governments and, if one looked at the UNESCO convention, it was not inconsistent with the convention. The convention talked about states parties adopting appropriate measures that were consistent with the principles of the Code, including measures to restrict the use of prohibited substances in sport; it did not say that one had to adopt a particular rule or not.

On the comment from the Olympic Movement, it was absolutely critical that there be consistency between the Code and the standards, and the team had tried to make sure that the most important principles were in the Code and the non-detail that would not be needed in a litigated proceeding was in the standards, and so he invited the members, if they looked at the standards and the Code, if they thought that there were things that were in the standards that were so important they should be in the Code, to let the team know. He did not want to make the Code any longer; but, if they were important principles that stakeholders thought should be moved up, the team could do so.

As to the impact of who had to agree to be bound by the Code from the sport movement, there was a risk of some inconsistency with national law, but there had been, in relation to athletes, the rule that, if an athlete was serving a period of ineligibility, that athlete could not be employed by a sport organisation, and that rule had been in effect since the first Code, and there had never been a national law problem with it, and there was an opinion that, under Swiss law, it did not create a national employment law issue. It might be that there was a problem in some countries, but the team should not let perfect be an excuse for not doing good.

THE CHAIRMAN said that he was sure that the people who had asked the questions would accept the comment by Mr Sieveking that he would be happy to discuss and, if there were items, knowing exactly what they were would help. He thanked Mr Young for his clear explanation on article 22. He knew that it was complicated and he rather admired Mr De Vos' honesty about knowing what the problem was but not actually having the solution, so he was sure that everything possible would be done to try and provide the solution. He wished Mr Young luck as he pulled the final parts of the Code together, and it would be before the Foundation Board in Katowice in November for final approval.

DECISION

World Anti-Doping Code review update noted.

– **10.2 International standards review update**

THE CHAIRMAN noted that there were separate drafting teams for each of the standards; it was not one group of people doing them all.

MR SIEVEKING said that the standards were more or less at the same stage, but there had been one phase of consultation less than the Code (there were only two phases for the standards). The members had in their files a section for each standard highlighting the major changes made in each document. He did not think he needed to go through them. If the members had specific questions, there was a person responsible for each drafting team in the room who would be happy to take questions. There had been a lot of comments received from stakeholders, so the participation and support of all had been important and very useful for the international standards. It was always key to get the opinions of all on those documents.

On the two new standards that had been recently created was the International Standard for Education. It was a very good document that clarified what education was, because everybody had been talking about it. It was one of the key topics for the stakeholders, but there had been no real definition of education and what a good education programme was. The Code drafting team and the education team had been working together to ensure that article 18 of the Code was duly reflected and adapted.

The second new Standard was the International Standard for Result Management. Given that the decision had only been taken to draft it during the first consultation period, there had been only one consultation phase for that standard. The Executive Committee had therefore decided to add a consultation phase for that standard, and the proposed dates had been agreed upon the previous day, so the second consultation phase would be from 27 May to 8 July and the final version would be tabled at the Executive Committee meeting in Tokyo in September.

The International Standard for Laboratories had been approved by the Executive Committee the previous day and would be in force on 1 September that year.

THE CHAIRMAN asked Dr Rabin for a brief explanation for the change of timing on the ISL.

DR RABIN explained that there had recently been some major changes made to ISO 17025, a general standard under the International Organisation for Standardisation, applicable to analytical laboratories which WADA had had to take into account sooner than later. WADA had also wanted to make sure that the experience gained from the suspension and revocation of laboratories could be included in that new version of the ISL. Those were the two main reasons for adjusting the ISL which would come into effect on 1 November 2019. After the approval of the Code and other Standards in Katowice, the ISL would be looked at again to ensure that it was synchronized with the other documents. If further changes needed to be made then, there would be another consultation period and that version would take effect on 1 January 2021, at the same time as the revised Code.

MR AL KONBAZ said that a letter had been sent to WADA to emphasise some points, and more discussion was needed in relation to those. There was to be a conference of parties meeting in Romania and he would like to invite Mr Sieveking and those involved with the Code for further discussion on certain points, as it would be difficult to discuss them at that time, but it might be possible to discuss them in the future, because he believed that the gap was growing ever wider between the Code and the UNESCO convention.

MR SIEVEKING took due note of the comment and said that he would make sure that he would be there or clarify all the points that were of concern.

DECISION

International standards review update noted.

– **10.3 Code Compliance**

10.3.1 Compliance Review Committee Chair report

MR TAYLOR informed the members that there was a short report in their files. He did not have much to add other than to advise the Foundation Board that the Compliance Review Committee had continued in its main task, which was to support and oversee the work of the WADA Compliance Task Force in its job of monitoring compliance by signatories, be that through continuous monitoring, audits, the CCQ or otherwise. Mr Donze and Mr Ricketts would provide more detail on that in the next agenda item. The Compliance Review Committee was the drafting team of the International Standard for Code Compliance by Signatories, and the other extraordinary item was the Russian situation, and he had a separate agenda item to deal with that.

DECISION

Compliance Review Committee Chair report noted.

10.3.2 Compliance monitoring update

MR RICKETTS referred the members to the paper in their files which covered the Code compliance monitoring update and had been written by his colleague Mr Donzé, but he would give a short PowerPoint presentation on the progress made since the presentation he had given in November in Baku.

WADA used a number of tools to monitor compliance, including the Code compliance questionnaire (CCQ), a self-assessment online questionnaire deployed in February 2017 to all 307 signatories (IFs and NADOs) which covered the assessment of the mandatory requirements of the Code and the international standards. The second monitoring tool was the audit programme, which included a team of WADA-trained auditors, going out in small teams to IF and NADO headquarters, reviewing and discussing the implementation of anti-doping programmes, in particular looking at the quality of those programmes. The self-assessment questionnaires gave a limited amount of data, so they were complemented by the in-person audit programme.

Looking at the status of the CCQ, the signatories had been categorised into three tiers to enable WADA to prioritise its monitoring. The CCQ process had generated 10,500 corrective actions; those corrective actions were categorised into three categories and time-frames, those being critical (with three months to amend), high priority (six months) and other (nine months).

Looking at the chart on the screen, tier one was in purple and 100% of the tier-one signatories had completed the critical and high-priority corrective actions implemented from the CCQ process. In terms of the other corrective actions, they were at 96% complete, up from 80% in November 2018.

For the tier two signatories, implementation of the critical corrective actions was 99% complete, up 2% from November, and the implementation of high-priority and other corrective actions was 59% complete, up from 32% in November.

For the tier three signatories operating under the prioritisation policy accepted by the Executive Committee until April 2020, the focus was on building capacity and development, and they were making good progress at nearly 20% of completing all the corrective actions, so some good progress was being made across all tiers.

In terms of the WADA audit programme, a total of 32 signatories had been audited since December 2016 and the breakdown was on the screen. The plan was to conduct 19 audits in 2019; five had been completed and WADA had another 14 to go. That was working very well.

In terms of the outcomes of those audits, 760 corrective actions had been identified and, to date, 590 of those had been successfully addressed. There were 31 trained WADA auditors and, of those, 17 were international experts from IFs, major event organisers and NADOs. The audit reports that came out of the visits were being put into an online Code compliance centre, which also housed the questionnaire, and it enabled that information to be stored in one location. All communication was stored there, and the signatories could upload documents to meet the requirements of the monitoring process. That was a good streamlined process that WADA had put in place.

In terms of total corrective actions across the CCQ and the audit programme, there had been over 11,000, and the members would see the breakdown by tiers. The majority fell within the tier-three group, which complemented the prioritisation policy put together to develop capacity building, and the regional offices were certainly working very hard to assist those tier-three organisations in developing over the coming months. A total of 4,600 of those corrective actions had been implemented, so there had been a very good positive impact, showing good buy-in on the part of the signatories.

In terms of new compliance developments, a continuous monitoring programme had been launched in April 2019, focusing on critical programme areas, looking in particular at doping control form entry in ADAMS and TUE decisions put into ADAMS, ensuring that signatories were conducting out-of-competition testing, complying with the Technical Document for Sport-Specific Analysis, and looking at the outcomes of result management processes and ensuring that decisions were compliant. In addition, WADA was looking at those signatories that had been audited; so, rather than completing their corrective actions and telling them that they were fine, WADA had been looking to make sure that they had been able to maintain compliance post completion of the corrective action reports. That programme was quite intensive and was in place to bridge the gap between the compliance questionnaire, the next of which would not be until early 2022, and also the ongoing audit programme. That enabled WADA to keep track of key critical programme areas.

WADA had almost finalised the major event organisation monitoring programme. Major event organisations were also signatories to the Code, and the programme would include a modified version of the compliance questionnaire, to be sent out to the organisations in advance of their major event, giving them sufficient time to complete that, and any corrective actions coming out of the questionnaire would be looked at, monitored and observed through the actual delivery of the event by the major event organiser. That would be done through the independent observer programme already in place.

WADA was aiming for compliance to be a business-as-usual process and activity for signatories, and was looking to do that through ADAMS to automate things and also to have a dashboard for signatories to see at a glance where they were, particularly with those critical areas of doping control form entry, testing, their TDSSA and their test distribution plan information. That was something that had been put into the system to be built, and he hoped it would assist everybody.

In summary, the compliance monitoring had certainly had a positive impact on anti-doping programmes; with over 4,600 corrective actions being implemented, WADA was providing ongoing support and guidance to signatories from Montreal and the regional offices. That obviously flowed down to raising the bar, increasing harmonisation and also greater protection for the athletes. A total of 100 signatories had entered the compliance procedure since 2016, but only 11 had resulted in non-compliance, showing the level of support and guidance that WADA was providing to the signatories and that non-compliance was really a last resort.

As a result of the implementation and experience of the compliance monitoring programme, it had been possible to incorporate changes into the Code and the international standards, so hopefully things would continue to improve, the team would close any gaps it had come across, and he looked forward to continued support to the important programme.

THE CHAIRMAN praised the very impressive set of statistics from an exercise that had turned out to be extremely important and had really raised the bar. He congratulated Mr Ricketts and Mr Donzé and the team.

DECISION

Compliance monitoring update noted.

10.3.3 Russia update (including LIMS)

MR TAYLOR informed the members that they had a short paper in their files setting out the position. The paper had been written a few weeks previously and the Foundation Board would remember for context that the two conditions applied when RUSADA had been reinstated last September had been to provide the LIMS and underlying data by 31 December 2018 and the related samples that were still in the Moscow laboratory by 30 June 2019. The data had been received in January 2020 and WADA Investigations & Intelligence Department had immediately started the process of authenticating it. He had received an update on that process the previous day from Mr Younger, who would update the Foundation Board.

MR YOUNGER updated the members on the ongoing progress of the work in relation to the use of the data and samples that the WADA Intelligence and Investigations Department had retrieved from the Moscow laboratory. As he had reported in January at the Executive Committee meeting held by conference call on 22 January 2019, the Intelligence and Investigations Department had secured a forensic copy of the Moscow laboratory information system, including the underlying analytical data, or raw data. Since then, with the support of external IT experts, around 24 terabytes (more than 24 million documents) of data had been analysed and compared with multiple sources to investigate the authenticity of the data. The team had finished the initial analysis and he had provided a preliminary report to the Chair of the Compliance Review Committee the previous morning. He had informed the Chair of the Compliance Review Committee of a high degree of matching between the data collected in January (the forensic copy) and the LIMS copy that WADA had acquired through a confidential source in November 2017. He wished to emphasise once again the importance of having retrieved the raw data from the Moscow laboratory. Raw data was the most important and best evidence, and had lifted the burden from the LIMS copy as being the primary source of evidence. A copy was never considered as strong as original evidence from a legal point of view. WADA had not finished yet. It was entering phase two, during which it would harvest all available evidence for strong cases against athletes. WADA had already started to prepare a number of strong cases in close cooperation with the relevant IFs, which would allow them to pursue doping violations. WADA would investigate all athletes who had been identified as suspicious by the Intelligence and Investigations Department, and would continue to work until all identified and prioritised athletes' cases had been investigated fully. It was estimated that the entire exercise would be finished in the last quarter of 2019, following which a final report would, of course, be provided to the Compliance Review Committee.

MR TAYLOR said that the Foundation Board could rest assured that the Compliance Review Committee had received updates from Mr Younger and his team and would carefully monitor the process at its meetings between then and the next Foundation Board meeting, and would be able to report back to the Foundation Board at the next meeting.

MR DÍAZ welcomed the fact that the data and samples from the Moscow laboratory had been successfully retrieved and that WADA was in the verification process. He acknowledged the time and effort made by the Intelligence and Investigations Department on that particular part of the process. He wanted to remind everybody that that had to be a priority for WADA. The public authorities awaited the results of the analyses, which were vital in order to bring the Russian saga to an end.

MR RYAN congratulated Mr Younger and his team on the work done and emphasised that the IFs were ready to cooperate fully on pursuing the cases. The IFs wholly supported the idea that the strongest cases should be built first. He wished Mr Younger good luck with the rest of the work, but any help that they might need from the IFs was always there.

THE CHAIRMAN informed the members that, on their behalf, he had actually taken the trouble to go to the Intelligence and Investigations Department and speak to Mr Younger and his team and thank

them for the huge amount of work that was being done in a very complex area, and he was particularly grateful to Mr Ryan for his comments, because the IFs were crucial to that exercise: it was their sport and it was very much in their interest to pursue the cases. All the work that WADA could do to help them it would do. He thanked Mr Taylor and was pleased to hear that the Compliance Review Committee had received regular reports that allowed it to oversee the process, as had been agreed in January, and hoped that a line could be drawn under the whole issue at the next meeting or even before that.

DECISION

Russia update noted.

10.3.4 New recommendations of non-compliance

DECISION

New recommendations of non-compliance update noted.

11. Legal

– 11.1 Meat contamination from clenbuterol – proposed change to Code

MR SIEVEKING said that a decision was requested from the members of the Foundation Board on the question of meat contamination. Everybody knew the background, because it had been in the papers at the previous meetings. No other solution had been identified other than proposing a slight amendment to the Code to solve the situation, given that, even in cases in which athletes could establish that their positive result was due to the consumption of contaminated meat, if the Code was strictly applied, the results had to be disqualified. It was particularly unfair if an athlete had to lose a key result for an important competition. The Executive Committee proposal recommended for adoption was a slight amendment to article 7.4 of the Code, allowing WADA to establish a list of substances that could be reported as atypical findings, which would allow the result management authority to investigate a few aspects of the case and, if the conclusion was that the positive test was due to meat contamination, the case would not be turned into an adverse analytical finding but would simply be closed. In the past, WADA had carried out some specific amendments to the Code, notably in relation to compliance the previous year. It was a temporary solution because the question would be addressed in the new documents that would enter into force in 2021, in particular in the International Standard for Result Management. If the members accepted the recommendation that day, he would ensure that it would be enforced as of 1 June 2019 until early 2021, thus addressing the matter.

THE CHAIRMAN noted that it had been a long-running saga and thought that the solution would be effective and the issue would then be covered by the Code at the beginning of 2021. The Foundation Board was asked to formally approve the proposal on meat contamination.

MR RODRIGUES apologised for taking the floor. Regarding the ISL, Europe wanted to declare that it hoped that the geographical criteria would not be the main criteria for the acceptance of laboratories as applicants and also that the new administrative independence criteria, in particular the concept of political organisation, would not disrupt the ongoing role of governments and public authorities in supporting the development of laboratories. The public authorities were available to improve the concept of operational and administrative independence, taking into consideration the work of the Council of Europe on the operational independence of NADOs. That was the question that had been raised before, because Europe had sent some comments about it and, as far as he could understand, they had not been taken into account. The question was extremely important to Europe.

MR DÍAZ added on behalf of the Americas that he also supported the concerns raised by the Council of Europe.

THE DIRECTOR GENERAL noted that the standards had been approved the previous day. Of course, standards were meant to evolve and could be amended from time to time, and he was open to discussion. However, WADA was learning its lessons, in particular from the Russian situation, and there were very good reasons for which that had been included.

All the comments had been looked at and discussed; they had not been ignored. The dialogue was ongoing, nonetheless, and standards were standards precisely because they had to be flexible documents.

DECISION

Proposed change to the Code on meat contamination from clenbuterol approved.

– **11.2 US bill on anti-doping**

MR SIEVEKING said that WADA had been following up on the proposed bill that had been before the US House of Representatives and Senate earlier that year. It was obviously a work in progress. It should also be noted that a very small percentage of bills were actually turned into law. That bill obviously focused on anti-doping issues, so he had had a look at it, and the members had a legal opinion from Professor Haas on it. In general, the bill was fine in terms of compatibility with the World Anti-Doping Code, because it would enhance the transmission of information from US law enforcement bodies to USADA, so there would be cooperation and sharing of anti-doping information between anti-doping bodies and law enforcement bodies. That was also promoted and encouraged under the Code. It was also important to note that there was nothing that could be seen in the bill that would prevent it from applying to US private leagues, which would be beneficial. However, Professor Haas had highlighted one issue in relation to the extra-territorial application of the bill, which might create problems in terms of who had jurisdiction over a case, because the law would apply at any competitions at which US athletes were competing or US sponsors had invested money, so the scope of application of the law was quite broad. The Executive Committee had discussed it the previous day. The members had asked WADA to continue to monitor the situation and keep them informed about the developments. A WADA delegation had gone to Washington some months previously to talk to the person who had drafted the bill. He would be happy to take questions, and would try to answer them as best he could.

THE CHAIRMAN noted that Mr Sieveking had given a very brief but accurate explanation of what was potentially a difficult situation.

MR RYAN said that, as Ms Scott had well articulated previously, there were significant benefits to national legislation in the fight against doping in sport and the members were all aware of the examples of Austria, Italy and so on. However, in that particular case, he urged WADA to monitor very closely. Although it was a long way from becoming law, he was particularly concerned about Mr Sieveking's latter point, because all the other legislation of which he was aware was restricted to the national boundaries in which that legislation had been created. In that case, the bit that concerned him was the extra-territoriality. For him, it meant that it crossed a national boundary and was applicable outside US territory. The concerns were twofold: just to have a situation with a country applying its law outside its own boundaries could cause problems with the Code. It was much more serious, however, if it started a trend, because there were not that many countries or territories with national legislation on anti-doping. If it became a trend, therefore, and there was a tit-for-tat situation, WADA could find itself trying to prosecute cases that were applicable under jurisdictions all in the same territory. That was the big issue and he wanted WADA to monitor it very closely and perhaps try to influence it and perhaps provide guidance and help so that it did not cause problems further down the line.

MR LAPPARTIENT said that the Olympic Movement was interested in receiving a detailed explanation of the bill and its intended consequences from the US representative and the sport movement also had some questions and wanted further clarity on the implications for WADA. Some senators had publicly declared that WADA was not capable. He wanted to know what the consequences on the Code and the UNESCO convention would be. He had the analysis of Professor Haas, but such legislation would allow the NADO to circumvent the regulations agreed in a spirit of partnership between the sport movement and the public authorities across the world. The bill also proposed criminalising doping with a focus on extra-territoriality. What were the implications of such act on the national level? It was clear that it was an issue for everybody and the Olympic Movement wished to underline the importance of the partnership between the sport movement and the public authorities through WADA but also the harmonisation of the legislation approach by the public authorities at the core of the creation of WADA. One should not forget that. The organisation was essential when it came to providing a unified approach in the global fight against doping in sport and one set of rules for all. The spirit of WADA was not to have a single country regulating anti-doping in the world.

THE CHAIRMAN said that, in a short attempt to answer, after the Executive Committee discussion the previous day, WADA would certainly monitor. It was not beyond the bounds of possibility that WADA

would be in Washington again. He had spoken to a number of people and used the opportunity of the recent SportAccord meeting in the Gold Coast to try to find out two things, one being the chances of the bill actually becoming law in the USA, because not all bills proposed ended up on the statute book, and he was getting confusing views. Those who were sympathetic thought that it would go through and those who were not did not. He had asked for some local comment on its application, and that had been difficult, because one particular sports individual he knew had said that it was not necessary to worry because it was very unlikely that it would happen. He actually thought that it was very unlikely to happen too, but that did not remove the liability that existed in the rest of the world if that bill became law. So, WADA would monitor and do whatever it could to get constant up-to-date information on its progress, and it would seek opinion on how it was intended to apply and would inform the members, because it was concerning, and certainly he absolutely shared the members' view that it went against everything that WADA had been set up to do 20 years previously and which had been supported in that sense for 20 years by officials and organisations in the USA. That was the first time that there had been that movement away from the principles of cooperation and assistance and partnership. He could assure the members that WADA was well aware of the situation and would inform the IOC, and he was sure that Mr Ryan would look after the summer IFs.

DECISION

US bill on anti-doping update noted.

12. Departmental/area updates

THE CHAIRMAN stated that questions were normally sought on all of the departmental reports in the members' files, and he asked the members to think about them over the next few moments, but the members did need to speak about one, which was the ongoing development of ADAMS, on which the whole anti-doping system worked. If WADA could not get that right, then it would really be in difficulty.

– 12.1 Anti-Doping Administration and Management System (ADAMS)

MR KEMP said that his intention was to afford the members an opportunity to ask any questions they might have about the system. There were a few items that had changed and been developed since the paper had been written, so he would inform them about those. The members would recall that the redevelopment of ADAMS was taking place one piece at a time, in a modular fashion, and the first module being built was the all-new whereabouts application mentioned earlier that day. It was finished and it had been released to a limited number of ADOs, some select IFs and national agencies to help test it and make sure that it was fit for purpose before it was released to a broader group of ADOs and made available to athletes to make the submission of their whereabouts information more efficient and effective. He hoped that the testing process would take no longer than six weeks so that, by the middle of June, WADA would be in a position whereby it had athletes using the application. It was the intention to have at least 300 athletes testing the application under the supervision of their IFs and NADOs and receive good feedback from the approximately 300 athletes before making it available publicly to all athletes currently in whereabouts pools within their NADO and IF programmes. The limited feedback received to date had been very positive, and he hoped that that would continue.

The members would recall that another priority for ADAMS had been the development of a new paperless doping control application to increase the speed and integrity of the sample collection process. He was pleased to report that that development was on track. All of the business requirements and workflows and design elements had been finalised. That was being coded and developed. He was very hopeful that the system would be available to all users, all ADOs, free of charge no later than October that year. It should certainly be well under way by the end of the year. The first module that would be available on the actual desktop application of ADAMS (used by anti-doping administrators) was also to be released shortly. A new testing centre or dashboard would equip WADA with the means to monitor anti-doping activities in real time and also equip ADOs with a more efficient means to monitor their testing activities as well as their adherence to the Technical Document for Sport-Specific Analysis. WADA planned to release that module to a select number of ADOs to make sure that they were satisfied with the system before releasing it to others. The aim was to release that to a limited group on 4 June and, subject to any significant issues that they might have, WADA would release it to the broader community shortly thereafter.

Beyond that, planning for the other modules was under way. The next module to be developed was the new Athlete Biological Passport module. There had been assistance and feedback from a number of stakeholders, including haematological experts and APMUs as well as ADOs and laboratories, to develop

the specifications, and that would undergo coding and development shortly. His department was in the midst of specifying all of the requirements for a new TUE module as well as a new module for laboratories to be able to report more securely and effectively.

THE CHAIRMAN thanked Mr Kemp for the information, which had been brilliantly presented as always.

DECISION

ADAMS update noted.

– **12.2 Communications**

DECISION

Communications update noted.

– **12.3 Government Relations**

DECISION

Government relations update noted.

– **12.4 Intelligence and Investigations**

DECISION

Intelligence and Investigations update noted.

– **12.5 Programme Development and NADO/RADO Relations**

DECISION

Programme development and NADO/RADO relations update noted.

– **12.6 Regional Offices**

12.6.1 Africa – Cape Town

DECISION

Cape Town regional office update noted.

12.6.2 Asia/Oceania – Tokyo

DECISION

Tokyo regional office update noted.

12.6.3 Europe/International Federations Relations – Lausanne

DECISION

Lausanne regional office update noted.

12.6.4 Latin America – Montevideo

DECISION

Montevideo regional office update noted.

– **12.7 Standards and Harmonisation**

DECISION

Standards and Harmonisation update noted.

13. Any other business

THE CHAIRMAN noted that the members had managed to finish rather earlier than he had thought they would. He reminded them that the Executive Committee would be meeting on 23 September in Tokyo. That meeting would definitely finish early because of the match between Scotland and Ireland at the Rugby World Cup. If it did not finish early, the members could argue amongst themselves about who would chair the end of the meeting!

WADA was actually currently looking for any kind person prepared to invite WADA to hold its September 2020 Executive Committee meeting somewhere in the world. There might also be an extraordinary Executive Committee meeting in January and, if anybody wanted to be really generous, he would be interested in hearing from them.

He thanked the interpreters, the audiovisual providers, the hotel staff and principally the WADA staff. The meetings were very efficiently set up. The paperwork was extensive but of very high quality. He invited the members to thank the staff on the way out.

He wished everybody a safe trip home.

14. Future meetings

Executive Committee – 23 September 2019, Tokyo, Japan;
Executive Committee – 4 November 2019, Katowice, Poland;
World Conference on Doping in Sport – 5-7 November 2019, Katowice, Poland;
Foundation Board – 7 November 2019, Katowice, Poland.
Executive Committee – 16 May 2020, Montreal, Canada;
Foundation Board – 17 May 2020, Montreal, Canada;

The meeting adjourned at 3.25 p.m.

FOR APPROVAL

SIR CRAIG REEDIE
PRESIDENT AND CHAIRMAN OF WADA