

Note: The Executive Committee meeting minutes are published on WADA's website once they have been approved by the Executive Committee, generally at its subsequent meeting. The minutes are intelligent third-person verbatim transcriptions, i.e. slightly edited for readability.

Minutes of the WADA Executive Committee Meeting 20 May 2021, via videoconference

The meeting began at 7.00 a.m.

1. Welcome, Roll Call and Observers

THE CHAIRMAN warmly welcomed all of the Executive Committee members and observers to the meeting, which would be the fourth virtual Executive Committee meeting. Unfortunately, the circumstances had again not permitted an in-person meeting; however, he hoped to see the members in person in September and/or November. He welcomed the two new independent members, Ms Battaini-Dragoni and Dr Sangenis, to their first meeting.

The following Members attended the meeting: Mr Witold Bańka, President and Chairman of WADA; Ms Yang Yang, Vice-President of WADA; Professor Ugur Erdener, IOC Member, President of World Archery; Mr Jiri Kejval, President, National Olympic Committee, Czech Republic, IOC Member; Mr Ingmar De Vos, Council Member, ASOIF, IOC Member, FEI President; Mr Nenad Lalovic, Executive Member, GAISF Council, UWW President, IOC Member; Ms Terho, representing Ms Danka Barteková, IOC Member and Vice-Chairman of the IOC Athletes' Commission; Ms Amira El Fadil, Commissioner for Social Affairs, African Union, Sudan; Mr Lucena, representing Ms Andrea Sotomayor, CADE President, Ecuador; Mr Niwa Hideki, State Minister of Education, Culture, Sports, Science and Technology, Japan; Mr Husting, representing Mr Dan Kersch, Minister of Sport, Grand Duchy of Luxembourg; Mr Cosgrove, representing the Hon. Grant Robertson, Deputy Prime Minister, Minister for Sport and Recreation, New Zealand; Ms Gabriella Battaini-Dragoni, Independent Member, Italy; Dr Patricia Sangenis, Independent Member, Argentina.

The following Standing Committee Chairs attended the meeting: Mr Ben Sandford, Chairman of the WADA Athlete Committee; the Hon. Mr James Wood, Chairman of the WADA Compliance Review Committee; Ms Kady Kanouté Tounkara, Chairman of the WADA Education Committee; Mr Ser Miang Ng, Chairman of the WADA Finance and Administration Committee; Professor Lars Engebretsen, Chairman of the WADA Health, Medical and Research Committee.

The following representatives of WADA Management attended the meeting: Mr Olivier Niggli, Director General, WADA; Ms Dao Chung, Chief Financial Officer, WADA; Mr René Bouchard, Government Relations Director, WADA; Mr Sébastien Gillot, Director, WADA European Office and International Federations Relations; Mr Kazuhiro Hayashi, Director, WADA Asia/Oceania Office; Ms Amanda Hudson, Education Director, WADA; Ms Catherine MacLean, Communications Director, WADA; Mr Tim Ricketts, Standards and Harmonisation Director, WADA; Dr Olivier Rabin, Senior Executive Director, Sciences and International Partnerships, WADA; Mr Julien Sieveking, Legal Affairs Director, WADA; Mr Rodney Swigelaar, Director, WADA Africa Office; Dr Alan Vernec, Medical Director, WADA; Mr Gunter Younger, Intelligence and Investigations Director, WADA; Mr Tom May, Director of Programme Development and NADO/RADO Relations, WADA; Ms Maria José Pesce Cutri, Director, WADA Latin America Office; Mr Rafal Piechota, Office of the President, WADA; and Mr Frédéric Donzé, Chief Operating Officer, WADA.

The following observers were present: Michael Vesper, Richard Budgett, Hannah Grossenbacher, Andrew Ryan, James Carr, Nick Paterson, Machacha Shepande, Decius

Chipande, Sergey Khrychikov, Richard Baum, Hiroki Toyooka, Tomohiko Arai, François Kaiser, Ulrich Haas, Jocelyn East, Victoria Noguera, Marcos Díaz and Darren Mullaly.

– **1.1 Disclosures of conflicts of interest**

THE CHAIRMAN asked the members if they wished to disclose any conflicts of interest. In the absence of any request for the floor, he would continue with the next item.

2. Minutes of the previous virtual meeting on 11 November 2020

THE CHAIRMAN drew the members' attention to the minutes of the previous meeting. The draft minutes had been circulated in January, and no comments had been received from the members. In the absence of any comments, the minutes would be considered approved.

DECISION

Minutes of the meeting of the Executive Committee on 11 November 2020 approved and duly signed.

3. Director General's Report

THE DIRECTOR GENERAL said that it was a pleasure to be with the members that day, unfortunately virtually, but hopefully it would be the last time that there would be a full virtual meeting, and he hoped in September to see the members in Turkey at the Executive Committee meeting. Everybody had made great efforts to adapt to the peculiar situation; while WADA had kept moving forward on agenda items, the lack of in-person contact had certainly complicated the discussions on a number of topics. As good as they were, the virtual meetings sometimes limited the members' capacity to foster cooperation and achieve consensus, but he was confident that it would be possible to revert back to more consensual discussion in the coming months.

He would be brief and focus only on one item in his report, although he would be happy to take questions on any item. He wanted to refer to item two of his report, which was the question of stakeholders ceasing contributions as a means of exerting pressure, and the possible consequences, and he wanted to make a few points in order to be very clear. First, the item was not for decision; it was for discussion purposes. It was a matter of principle, and needed to be raised and discussed by the Executive Committee. The item should not be linked to any particular case, and it was not his intention to do so. In fact, WADA was trying to disconnect it from any particular case. The fact of the matter was that, as a regulatory body, WADA would increasingly be called upon to make difficult decisions in the future, and that was true in light of the efforts to strengthen the compliance programme. As a result, there could easily be situations in which a stakeholder or several stakeholders might place financial pressure on WADA to take, or not take, certain decisions or modify the decisions, and that could have an impact on the organisation, and also create the wrong impression that decisions were influenced by financial considerations. What the management wanted the members to reflect upon was that it was a situation that merited the attention of the Executive Committee and it needed to be addressed somehow. The proposal was not to find a solution, but rather to agree in principle that the issue deserved the attention of the Executive Committee and the members should work together to see how and which legal means should be used to address it.

THE CHAIRMAN asked if there were any comments or questions in relation to the Director General's report.

MS EL FADIL said that, on behalf of Africa, she wished to thank the Director General for his efforts and state that her staff had gone through the report and appreciated the fact that, in spite of the challenges of the pandemic, the report clearly reflected the efforts made.

MR NIWA informed the members that he had been in his current position since February that year. He had attended one of the WADA meetings held in Paris in November 2014, but he

was very pleased to be attending another meeting. In relation to the Working Group on the Review of Governance Reforms, a great improvement had been seen thanks to the effort of the team. In relation to the Olympic and Paralympic Games in Tokyo, the number of tests being carried out was good news. Together with the International Testing Agency (ITA), his ministry, Japanese Anti-Doping Agency and the Japan Sports Council, anti-doping activities were being promoted in the context of the Tokyo Olympic and Paralympic Games along with activities to further promote the efforts. All efforts would be undertaken to ensure the safety of all the participants at the Games.

Having heard the report from the Director General on the sensitive issue of the unilateral ceasing of payment contributions to the WADA budget, MR HUSTING recalled that Europe had not supported the proposal made by WADA in November but also recognised that the issue was legitimate and should be discussed, whilst detaching the discussion from any specific case. He also asked that WADA involve the public authorities in the discussion on the matter and on the drafting of any future proposal. Between the lines, it was what had been understood from the Director General when he had said that WADA would involve a lot of stakeholders to discuss that important issue.

MR LUCENA introduced himself: he was the Minister of Sport of Colombia, and he had been recently elected to represent the Americas Sports Council. He was a representative of the public authorities on the Executive Committee. He was fully committed to working with all of the members, and he was grateful for the support he had received from everybody. It was a very special moment. He had received a letter of condolences for the death of his friend Eduardo Gutiérrez and wished to take a moment to thank WADA for that and also say that the region was ready to work, and the fact that Colombia held the presidency of CADE was very important.

MR LALOVIC thanked the Director General for his very brief report, which really put the finger on the problem. The situation in which WADA might find itself because some governments were changing their financing policy was a very big risk for WADA and could endanger all of the efforts that were being undertaken together with the WADA administration in order to protect clean athletes. He could only encourage the One Voice group to find a solution among the public authorities so as to make progress. That question would be probably be raised during the meeting of the Foundation Board. He encouraged everybody to find a good solution, because that was not the kind of attitude that would help make progress.

THE CHAIRMAN thanked the members for their comments. From the discussion, he understood that the members agreed in principle that the issue of the possible threat to unilaterally cease payment of contributions to the WADA budget was legitimate and should be examined and addressed. He suggested that WADA liaise with the current One Voice chairman and representatives of the sport movement to further discuss the issue.

DECISION

Director General's report noted; WADA management to liaise with the public authorities and sport movement to further discuss the matter of stakeholders ceasing contributions.

– **3.1 Covid-19 Update, including WADA's operations for the Tokyo Olympic Games**

MR RICKETTS said that he would provide a more detailed summary the following day, including updated data on the number of samples collected during the pandemic and WADA's support in relation to the Tokyo Olympic Games and Paralympic Games. That included the appointment of the independent observer teams for both events, and the ongoing support of the pre-games testing work that the ITA was coordinating on behalf of the IOC.

However, he wished to share some very positive news: in March 2021, the largest number of samples globally had been collected by signatories since the impact of the pandemic had started to take hold back in March 2020. That amounted to 23,000 samples; the nearest figure

prior to that during the pandemic had been 21,000 the previous October. Comparing the 2019 figures for the month of March, 27,000 samples had been collected; however, the level of in-competition samples had been 6,000 in 2019 and, in March 2021, the figure had been 50% less, due to the limited number of events being held. In March 2021, the second largest amount of out-of-competition testing samples had been collected since January 2019. It was great news that the level of testing was returning to normal, and it was encouraging that the out-of-competition testing figure had exceeded many months in a pre-pandemic year. That was of particular importance to the testing of the athletes leading up to the Olympic Games in Tokyo, and the preliminary figures for April looked as if they would be close to those for March, so it seemed that the trend would be continuing.

THE CHAIRMAN observed that, given the very difficult situation faced the previous year and that year to date, anti-doping had done pretty well. He congratulated all the ADOs on resuming their activities back to near pre-pandemic levels. He remained optimistic about the success of the Olympic Games and Paralympic Games and wished the Japanese hosts and the IOC and IPC well.

DECISION

Covid-19 Anti-Doping Impact Update noted.

– **3.2 Intelligence and Investigations Auditor**

THE DIRECTOR GENERAL said that, as the members knew, the Intelligence and Investigations Department at WADA had a special status and operated independently of the rest of the administration, which was why, from the outset, WADA had established an independent auditing mechanism for the department so that it would be audited by somebody on a regular basis without interfering in its independence. The auditor who had performed that task for three years was Mr Jacques Antenen, whose CV was in the members' files. He was the head of police in the Canton de Vaud in Switzerland, a well-recognised professional in his field, and he had indicated that he would be willing to continue his mandate for another three years as auditor of the Intelligence and Investigations Department. He therefore suggested that the members formally reappoint Mr Jacques Antenen for his second term of office so that he could continue to carry out his work. He thanked Mr Antenen, who had managed to perform his work from the Lausanne office the previous year despite the Covid situation. He sought formal approval from the Executive Committee of his reappointment for three years, after which WADA would have to issue a request for proposals in terms of candidates to take over from him.

PROFESSOR ERDENER spoke on behalf of the sport movement to say that he fully supported the reappointment of Mr Antenen.

THE CHAIRMAN formally asked the members if they agreed to reappoint Mr Antenen for a further three-year term as independent supervisor in accordance with the WADA investigation policy.

DECISION

Proposal to reappoint Mr Antenen for three years as Intelligence and Investigations Department auditor approved.

4. Governance

– **4.1 Working Group on the Review of WADA Governance Reforms – Interim Report**

THE CHAIRMAN said that the item was not for decision that day, but it was important as the Executive Committee was the steering group of the Working Group on the Review of Governance Reforms, which was why the matter was being discussed earlier in the meeting. That discussion would be followed by a discussion on the code of ethics, given the association. Professor Ulrich

Haas was present at the meeting; he was the Chairman of the Working Group on the Review of Governance Reforms, and would guide the members through the first interim report and then seek guidance from the Executive Committee on certain areas. Therefore, he encouraged all the members to be active in the discussion that day and give Professor Haas some ideas as to the direction to be taken by the working group to continue with its work.

PROFESSOR HAAS thanked the members for having him and granting him the opportunity to present the first interim report of the working group. It was made up of seven members: a chairman, two people recommended by the public authorities, two by the sport movement, and two by the WADA Athlete Committee. The working group itself worked on the basis of the terms of reference upon which the Executive Committee members had decided. In essence, the terms of reference provided for seven tasks for the working group. The first task related to investigating the status of implementation of the 70 recommendations proposed by the previous group. The second related to conducting a consultation process with all WADA stakeholders on the implementation of governance reforms. The third was to review all the feedback from the stakeholder consultation, assess and take it into consideration. The fourth was to propose new concepts or other general areas of improvement depending on the input, the expertise of the members and, also, depending on interviews conducted with the various stakeholders. The fifth and sixth tasks were to condense all of that into a report, which would also address the impact of the recommendations, be it financial or relating to the feasibility of implementation of the recommendations. The last task was to recommend whether or not the working group should continue in its mandate.

The working group had been operational since mid-December, and had held nine meetings up until the end of April; however, the format was not optimal, as the group met only virtually, people were located in different parts of the world and the window to meet was small given the time differences, and the video platform was not the best in terms of engagement. Nevertheless, considerable ground had been covered, and the group had looked at the implementation of the 2018 recommendations and had done some work assessing WADA governance. In particular, the working group had looked at the relevant benchmarks, it had been heavily engaged in the stakeholder consultation process and then, of course, the working group had taken a look at the draft code of ethics, and he wished to present the conclusions on each of those areas.

In relation to the 2018 recommendations, there had been 70 recommendations made at the time. He would not go through them one by one. The members would find them in the interim report. A schedule had been drawn up to describe the recommendations of 2018, what had been achieved in the meantime and whether the working group considered that the recommendations had been implemented. Out of the 70, 49 recommendations had been fully implemented, and the process for 15 was still ongoing. Eight recommendations in 2018 had related to the code of ethics, so there was no opposition to a code of ethics, but it had not been implemented to date because that process was ongoing. Six recommendations had not been implemented for various reasons. The working group would have a closer look at them and the reasons for which they had not been implemented in the course of their report.

The next topic looked at had been the methodology and how to assess WADA's governance. It was no easy task, because WADA was a unique organisation; there was nothing comparable and it was difficult to find a relevant benchmark to measure WADA's governance structure. The group had taken as a starting point the IPACS (International Partnership Against Corruption in Sport), which had developed 50 criteria, had a look at them to see whether some needed to be discarded because of WADA's uniqueness, discarded some and added others by looking at different benchmarks, for example, international benchmarks developed by the Council of Europe, benchmarks developed by UK Sport and Australia Sport, and come up with 57 criteria. The purpose of the 57 criteria that the members would find in the report was to act as a source of inspiration. The working group would not follow them slavishly, but they would be a source of inspiration in order to measure whether the WADA governance structure was a best model of practice.

The group referred in the report to 58 criteria; in fact, that was a typo and there were actually 57. The 57 criteria could be separated into five topics, and some of them referred to the transparency of the organisation, some to integrity and some to the inner formation of the will of an organisation, referred to as democracy, and then there was an issue covering certain criteria that dealt with development and solidarity. At the end, there was one topic dealing with checks and balances and internal control mechanisms within WADA. That was how far the working group had got.

The major topic he would discuss was the stakeholder consultation process, on which the working group would undoubtedly need the members' input. The working group had designed a questionnaire based on the benchmarks, on the leftovers from the 2018 reform, and covered nine or ten topics. Then, in March, there had been the consultation process and the working group had been positively surprised with very good feedback: 77 organisations had participated, mostly NADOs. Breaking down the submissions, the members would see that there had been over 2,300 comments, the majority of which had been made by NADOs. Governments and sport had made similar numbers of submissions (around 350). Breaking down the submissions related to the topics, the members would see that there had been about five very hot topics in which people had been interested: all questions in relation to the Executive Committee had led to a lot of participation, as had issues related to the Athlete Committee and athlete representation, standing committees, the Foundation Board and diversity and gender equality. Those had been the five hottest topics addressed in the questionnaire.

In terms of consequences to be drawn from the feedback on the questionnaire, it was difficult to talk about majority and minority in that context, because the individual stakeholders were so different and could not be compared. For example, there had been submissions by individuals and umbrella organisations, and one just could not compare an individual with an umbrella organisation with about 200 individual members, so the working group had tried to talk about what it described as significant trends that followed from the consultation process. For the working group, a significant trend was if a number of people advocated a certain proposal; but, in addition, the proposal needed to be advocated by different stakeholder groups, for example athletes with the sport movement, the sport movement and the public authorities. The working group considered something significant if the group considered the topic valuable and important enough to be taken on board. The feedback would be a very important source of inspiration to the working group, but the working group would wait for the outcome of the full consultation process, including its own expertise and interviews that it was conducting, so would not slavishly follow all of the recommendations proposed by the various stakeholders.

He would go into the various topics on which the working group had received feedback and would ask the Executive Committee for guidance. In terms of general aspects addressed in the consultation process, one of the topics had been whether the whole picture had been captured, and a couple of submissions had said that the working group had not done that, that it should have taken other topics on board as well, including a reform of the Court of Arbitration for Sport (CAS) and the impact of anti-doping on human rights. The view of the working group was that it should discard those topics. It was not saying those topics were not important; but, looking at the CAS, it was of the view that it fell completely outside its mandate; also, in relation to the aspect of human rights, it was not sure that it fell within its mandate, and the working group had also been informed that the WADA Athlete Committee had sent a letter to the Director General to invite WADA to conduct a human rights assessment. The working group had therefore thought that, if there was something separate going on related to human rights, it would be better for timing reasons to wait for the other project to progress, so the proposal of the working group would be not to include either of those two topics in the governance reform review.

A second aspect in relation to general themes of the consultation process was that some stakeholders had said that WADA had been put in place many years previously, it was a child of its time, but things should change, and the working group should design WADA as it would design WADA in the current day. Some of the people had said that they wanted a completely

new model, a new organisation that was completely detached from its historical origins. It was the view of the working group, however, that it was not the route it wanted to engage in; it wanted to further develop the existing structure. The working group thought that the legal framework within which WADA operated (Swiss law) and the existing organisational structure was so flexible that it would be possible to make any changes necessary and meaningful to meet international benchmarks, so the proposal for the topic was not to have completely revolutionary ideas, but rather further develop the existing structure. In order to better understand what the Executive Committee wanted the group to do, was there anything in particular that the members wanted when it came to what to take on board in relation to governance review and, secondly, should the working group discard the existing structure completely and start from scratch or further develop the existing system?

MR DE VOS spoke on behalf of the sport movement to thank the group for the very competent work, the process it was following and the detailed and comprehensive report. He also wished to thank Professor Haas for the update on the consultation process. Looking at the figures, one might think that the participation rate was low, although there were more than 2,300 comments, but the fact that the participation rate might be considered low could also be a sign that there was a large number of stakeholders who were not too unhappy with the current situation. Very often, with such surveys, there was a silent majority not commenting because it was happy. He did not know if that was part of the assessment, but it was very important to mention in the report the importance of the weighting factor and identify different trends across different kinds of stakeholders.

Professor Haas had already touched on three topics. The sport movement fully supported the conclusion of the working group when it came to human rights and CAS reform. That was not the remit of the working group; it was also something that was important but it was out of WADA's hands. The CAS was an independent Swiss foundation, so WADA could talk about it but could not do anything about it, and he could understand that there was sometimes frustration with the outcome of CAS decisions. He remembered the RUSADA case and, as the president of an IF, he could confirm that he was not always happy with the outcome of decisions, but it was necessary to respect the independence of the CAS and he did not think that governments would reform their courts because they were not happy with the outcome of a decision, so the independence had to be respected.

On the issue of human rights, which were of course very important, it was much broader than WADA's governance reforms and, when it came to WADA legislation, there were always checks carried out, if his memory was correct, by Judge Costa, a former judge at the European Court of Human Rights, so there were always checks and balances.

On the development of the existing model versus starting from scratch, he fully agreed with the working group that WADA should not aim to create a totally new model or concept. The members needed to accept that they should build on the founding principle of the partnership between the public authorities and the Olympic Movement, the founders of the organisation and also the funders. It was necessary to recognise that, and it was less than three years ago that a full governance reform had been done. Already a lot had been achieved: out of the 70 recommendations mentioned, 64 had been implemented and some were being implemented, but he believed that that was already a big achievement, and a governance review after the governance reform fewer than three years previously was better than starting from scratch. It was very clear that it was necessary to further build on the foundations already existing and, further to the recommendations of the working group, improvements could be made. He particularly welcomed the review with the 50 indicators, a methodology also used by ASOIF, and he was happy to see that the five key indicators were exactly the same as those in the sport movement, so he concluded by congratulating the Director General and his team on achieving so many of the 70 recommendations within such a short timeframe.

MS BATTAINI-DRAGONI said that she was very pleased to be on the Executive Committee and really looked forward to working with everybody around the table. She was excited and she hoped that her previous work experience would be useful in one way or another.

She thanked Professor Haas for the important work and clarity of the presentation. She had gone through the full document, which comprised just over 400 pages, and she admitted that there were still some things that she needed to think about and digest, which was why she found the exercise very healthy. At the same time, it was necessary to not reach strong conclusions too quickly, so the idea of two additional meetings of the working group was very reassuring.

As far as she was concerned, the information provided in the document was extremely rich, although sometimes a little bit contradictory, but she wished to comment on the three points raised by Professor Haas. It was true that she had recognised with surprise that the impression created by the CAS was not a good one. She could understand that. She also understood that the CAS was the CAS and not WADA; however, there was a kind of interdependence between the CAS and WADA, and she understood that decisions taken which were difficult to understand (as had lately been the case) could create confusion among people, and that then reflected upon WADA. She understood that it was not appropriate to dwell too much on the CAS in the present governance reform exercise, but it would be important to find a way to open the discussion, perhaps separately, and not to go ahead as if the problem of the performance of the CAS should be left as it was; something had to be done there.

The second thing she wished to comment upon was the issue of human rights. Her opinion differed slightly to that of the working group in the sense that it was clear that what was going to be decided would inevitably have consequences and a strong impact on the question of human rights. For instance, there was a right to participate, and she gave just one example. If she could immediately understand the reason for separating WADA and the CAS in that exercise, she would have had a milder position on the question of taking the human rights dimension away completely. Maybe that was something to be considered further.

As to whether WADA should base itself on the existing model and see whether it could be improved or whether there should be something totally new, she followed the line expressed by Professor Haas. WADA had been able to evolve, perhaps not so speedily in the past, but what was currently making the difference was that WADA was an organisation prepared to change, so she fully agreed that it was not necessary to start from scratch. WADA had an incredible opportunity to go for the things that had come up as strong points in the report.

There had been recurrent words in the report such as independence, integrity and transparency, and all those words were there and could not be avoided. From that point of view, the report that the working group had been able to bring to the members so quickly notwithstanding all the difficulties was incredibly important, and perhaps what was necessary was to be able, during the second and third step, to make it more easily readable, because 400 pages was a lot, although it had also been an incredible experience to go through the whole document and read about where WADA was and where it wanted to go.

MS EL FADIL commended the work of the working group and the report from Professor Haas. The most important thing for her was that there were consultations and that every stakeholder was being consulted and involved in the process. The consultations would continue. It was not the final report; there would be a final one later in the year. The continuation of the consultation was very important and WADA was building on the biggest experience of 2018. What WADA was doing or seeking was not a complete change of the governance structure. WADA was making amendments and improving the structure, although it was not a holistic change. What WADA was doing was fine, but she did not want to rush things. There should be continued consultation and more and more stakeholders involved, to ensure increasing cooperation between the public authorities and the sport movement and that they continued to have a very close relationship, with athletes involved in taking decisions and having a role in the governance structure, as well as the NADOs. Those were the objectives and what she wanted to see at the end of the important work of the working group.

She wanted to end by agreeing with Ms Battaini-Dragoni, whom she welcomed to the meeting. She would appreciate an executive summary of the report, because she could not read

400 pages, although she could assign people to read it. She would like an executive summary of the main issues and recommendations of the report. That would give her an opportunity to read it and comment on it. Thus far, she appreciated the work done by the working group, but it should be continued. Africa had submitted its observations and would continue to elaborate further on the different aspects of the report.

PROFESSOR HAAS addressed the next two topics submitted during the consultation process. Diversity was one of the topics that had stirred up a lot of questions. There had been a couple of submissions asking why diversity was being dealt with in the context of governance reform and suggesting that it be left to some other experts. It was the opinion of the working group, and it would recommend that subject to the guidance provided by the Executive Committee members, that diversity was such an important pillar of governance that it needed to be incorporated in any governance reform. Another issue that had arisen from the stakeholder consultation was that there were some stakeholders who preferred a narrower approach when it came to defining diversity; there were others who had a rather broad approach. It was the working group's proposal to start with a broad approach of what diversity was and should be, and it did not exclude the different mechanisms to stimulate diversity across the various levels of WADA. A third interesting aspect that the working group had deduced from the consultation process was that there was a significant trend for a concept of diversity across all organs and levels of WADA, including organs with a representative structure. Looking at those three issues on diversity, the working group proposed taking them on board and studying them in more detail to come up with a couple of concrete proposals: how to implement them and how to stimulate diversity on various levels.

The next general topic addressed in the report related to independence. Independence was covered in the general part of the report and also in the consultation process when it came to the individual organs, so independence was referred to in relation to the Executive Committee and the Foundation Board. However, as the members were aware, the current WADA governance regulations were based on a nuanced approach in terms of independence. There was not a one-size-fits-all approach, but there was a clear differentiation as to whether an organ was managerial or advisory in nature or whether it was made up of representatives. Different forms of independence applied depending on the person being talked about. That had been put to the stakeholders and a very split picture had been received from them. Even though he did not like the word, a majority had said that they could live with the nuanced approach and wanted the group to develop that nuanced approach further. There had been other submissions that had said that the concept of independence was digital: one was either independent or not, there were no shades of grey in between, and there should be a one-size-fits-all approach. The working group's proposal was to continue with the nuanced approach developed in the 2018 governance reform. It might need further development, but the working group felt that there should be a nuanced approach, looking at the function of the organ, whether it was advisory, legislative or executive, and looking at whether the organ itself was representative of certain constituencies or not. The working group needed guidance as to whether it was on the right path with its proposals on diversity and independence or whether the Executive Committee wished to provide additional guidance.

MR DE VOS believed that it was the purpose of the meeting to have interaction on the different points. He apologised for taking up time; but, if the working group wanted input on the topics, he would provide it on behalf of the sport movement.

The sport movement shared the working group's direction to deal with diversity via a broad approach within the different levels of the organisation and looking at it depending on the level or decision-making power of the organs. The sport movement also wanted to see a broad definition of diversity, not only gender, which was common, but as broad an approach as possible.

Independence had always been an important topic leading to a lot of discussion, but the sport movement supported the nuanced approach as described by Professor Haas. WADA was an organisation built on representation of the founders and funders and, already in the

Executive Committee, four out of 14 members were independent. Independence needed to vary according to the body, and the sport movement also supported maintaining the definitions of independence developed by WADA. Only two new independent members were starting that day. The process should be given a chance and WADA should evaluate at a later stage.

WADA was a foundation under Swiss law and, in accordance with the legislation, the members of the Executive Committee needed to act in the interest of WADA and then in the interest of any other body they might represent, so holding other positions should not be an issue. Double-hatting should not be an issue. It was necessary to have in WADA people with current experience who were still active so as to be able to listen to people with daily experience in the relevant fields. He supported the approach outlined by Professor Haas.

PROFESSOR HAAS thanked the members for their interventions, which were extremely useful for the working group. Looking at the Executive Committee, most comments had been made on that body. The working group had been able to figure out some significant trends, the first of which was that people thought that the number of Executive Committee members should not be reduced. The second important trend was that there was a wish that the number of independent members of the Executive Committee be increased, and there had also been a significant trend to include more athlete representatives on the Executive Committee, and to have a different type of athlete in addition or in substitute, described as an athlete who was not double-hatting, meaning that they were not related to a NADO, a government or a sport institution. Looking at the individual members of the Executive Committee, the significant trends had been to increase independence, and that was true for the president, the vice-president and even for the independent members. In addition, a significant trend had been to strengthen independence criteria for the ordinary Executive Committee members. Furthermore, all Executive Committee members should undergo some kind of vetting and all Executive Committee members should always be under the duty to take decisions that were in the best interest of WADA. It was the view of the working group that those significant trends were valuable and interesting, and it would like to carry out an in-depth review of those proposals and come up with something more concrete in the context of governance reform, but those would be things that it would take on board when it came to the Executive Committee.

In relation to the Foundation Board, there had been significant trends on composition; interestingly, the significant trend was that the Foundation Board should stay representative in character. Completely different to the Executive Committee, the Foundation Board should remain fully representative in character, and there was a significant trend to include NADOs on the Foundation Board, and there was a concept, for which a name had not been found, that there should be some athletes who were not double-hatting. In relation to the individual members, there had been no real trends; but, again, when it came to composition, the trends were important and valuable and the working group wanted to take them on board when it drew up concrete proposals. There was one interesting thing he was unable to make a proposal on because significant numbers of stakeholders had said that, when looking at Executive Committee and Foundation Board agendas, there was a significant overlap of roles and agendas which was not considered to be efficient, so the question was whether the members could give the working group guidance on whether or not that was true. Those were very important issues in relation to the Executive Committee and the Foundation Board. Any guidance the members could provide would be most appreciated.

MR DE VOS spoke again on behalf of the sport movement, which had looked at the proposed way forward and fully supported it. He underlined the importance of maintaining the current composition and structure of the Executive Committee and Foundation Board. In relation to representation, there were many opportunities within the Foundation Board to include in the delegations of the sport movement and public authorities stakeholders such as athletes or NADOs. The possibilities were there and they were already used.

In relation to the specific point raised on the agendas, which sometimes seemed to be duplicated, the Foundation Board agenda should perhaps be looked at to have it more like the agenda of a general assembly. It was, however, normal that the Executive Committee, which

basically acted as a board, had a similar agenda to that of a general assembly because it needed to prepare a general assembly; that was the case in many organisations. The question was how to balance things. Perhaps all the reports could be more under the Foundation Board than the Executive Committee, but he believed it all worked well in general so he did not have much to say in that regard.

PROFESSOR HAAS thanked Mr De Vos for his comments, which would be taken on board. Addressing the general standing committees and the Compliance Review Committee, it appeared that people were very satisfied with the standing committees in general. There was a significant trend, which was that having the standing committees was adequate, helpful and they provided expertise. Only a minority had said that they were far too bureaucratic. Most of the submissions had been positive.

On independence, interestingly, people wanted the independence standard to be increased, not in relation to the chairman but in relation to other ordinary members of the standing committees, and there had been a certain trend to say that they did not want people from the Executive Committee to be members of the standing committees. That was already standard practice for the chairs, but the people had wanted the rule to apply to ordinary members as well. There had been a slight deviation in relation to the Finance and Administration Committee. Some people had asked whether it was really necessary to have full independence for the members of the Finance and Administration Committee, because it was so tied to the operations of the institution that perhaps there should be an exception to the rule, and there had been a strong wish for diversity to be reflected better in the composition of the standing committees. The working group proposed taking all of that on board and studying it in more detail.

When it came to the Compliance Review Committee, no clear trends had been detected. There had been a couple of interesting submissions, but no strong trends. Some people had proposed more athlete representation, while others had suggested having NADO representation, because that was one of the standing committees on which NADOs were not included. Others had said that it was necessary to strengthen the independence of the Compliance Review Committee members, and then there had been a question on who should have adjudicatory power when it came to decisions of the Compliance Review Committee, whether it should be the Executive Committee or whether the Compliance Review Committee should have the adjudicatory power to dispose of the case. No significant trend had been detected, and the working group was open to proposals and to any kind of input on the standing committees in general or the Compliance Review Committee.

MR DE VOS thanked Professor Haas for the recommendations. The sport movement believed that a clear distinction needed to be made between the auditors and the Finance and Administration Committee, which had an important role to play in the organisation, looking into the detail of resource allocation and the financial strategy, which of course the auditors did not. He understood that the chairs of the committees should not be members of the Executive Committee or the Foundation Board, but thought that an exception should be considered for the chairman of the Finance and Administration Committee, as it was a crucial role in the strategy of the organisation. The working group should look at the possibility of the chairman of the Finance and Administration Committee being a member of the Executive Committee, as the Finance and Administration Committee was important in terms of determining the financial strategy of the organisation.

On the Compliance Review Committee, the sport movement did not want any changes and certainly did not want to give any decision-making power to the Compliance Review Committee. The sport movement believed that the decisions should be taken by the Executive Committee, also from a legal point of view, because decisions taken by the Executive Committee would be stronger if they were subsequently challenged.

MS BATTAINI-DRAGONI said that she would be very interested to find out, in relation to the conversation on the Compliance Review Committee, what was behind the request to strengthen

independence within the Compliance Review Committee. Could Professor Haas perhaps share more information with the members?

PROFESSOR HAAS responded that, every time the working group had asked people to make a submission, it had also asked for an explanation. There had been an idea that there should perhaps be more independent people not related to a certain constituency on the Compliance Review Committee. On the other hand, that had not been a clear trend. Some people had said that the Compliance Review Committee could not operate in silos and that it was necessary to have people with inside knowledge, which was why it was necessary to have people appointed by the governments or the sport movement. On the other hand, there had been submissions suggesting including other constituencies, contradicting the idea of independence. It would be interesting to ask those people to imagine what would have happened if RUSADA had been on the Compliance Review Committee as a NADO representative, for example. Those were individual ideas, and they were contradictory.

There were two big topics left on athletes and athlete representation. The working group had promised in 2018 to look into the matter more closely. There had been submissions that the matter should be left for athletes to decide and that the working group should not get involved in athlete matters. That was an important governance matter that needed to be looked at comprehensively, so the working group would like it to form part of its mandate. The working group was, of course, working closely with the Athlete Committee. There were two representatives of the Athlete Committee in the working group, and the Athlete Committee had established a special working group on aspects in relation to athlete representation, so the working group's proposal was to work hand-in-hand with the Athlete Committee, its working group and, of course, the two athlete representatives on the working group. There had been a debate on what the best athlete representatives should look like. The submissions, which he would describe as significant trends, had been that the athletes needed to be high-level or international athletes, bound by the World Anti-Doping Code, and there had to be a certain lapse in time taken into account after the end of their sporting career. The window proposed had been relatively wide, between three and 12 years, so an athlete would not be an athlete forever; however, if one wanted to be an athlete representative, that was limited in time. The working group proposed taking that on board and further elaborating on the criteria applicable to athlete representatives.

The next topic was even more complicated: how to relate the athlete representative back to their constituency. Everybody had been adamant that, in order to be an athlete representative, there needed to be legitimacy, some link between the constituency and the athlete representative; however, there had been no clear trend as to how to implement that link. Some people had proposed that WADA should use existing structures, for example, athlete committees from the IOC, IPC, IFs and NOCs, in order to elect the athlete representatives, and others had said that they wanted alternative election systems, a network of NADOs, for example. Others had said that they would like to have an election outside any existing structure, and others had said that they would like nominations from a nominations committee that would vet and then appoint the candidates. Others had said that they would like some combination of all of the above. He sought guidance on how to link the athlete representatives to their constituency.

Finally, on independence, there had been a big discussion as to whether there should be an additional criterion for the athlete representative. The question had been whether the representative needed to be independent and, when asked what they meant by independent, some of the respondents had said that the person should not be attached to any NADO, sport organisation or government, so no double-hatting. Finally, there had been a strong trend that the Athlete Committee should be entitled to elect its own chairman and would be responsible for sending the athlete representatives to the various standing committees. He sought the members' guidance on the athletes and athlete representation.

MS TERHO thanked Professor Haas and the working group for their work and the report. She supported the working group consulting with the WADA Athlete Committee and the Working

Group on Athlete Representation and also supported the working group's consideration of significant trends and the eligibility criteria in order to be an athlete representative based on the existing recommendations drawn up by athlete commissions. WADA did benefit greatly from experience in the field of athletes bound by the Code. The fight against doping in sport was a topic that concerned all athlete commissions. All athletes were very much involved in anti-doping issues and that topic was not reserved for the WADA Athlete Committee; it had to engage with other athlete representatives to help support the fight against doping in sport. Athletes representing others within WADA should have received a mandate from their peers, as well as have a way of going back to the community to seek additional views, and a good way of doing that was using the existing networks in place, and growing them and improving on them so as to have the possibility to go back to the athletes who had mandated them to be on the Athlete Committee. Athlete representation was clearly defined across the sport movement, thanks to the work of the IOC, IPC, IF, NOC and NPC athlete committees.

In relation to the NADOs, their terms of reference varied somewhat, and she encouraged consultation with the national athlete committees to seek their views on representation. She thought that the general independence criteria should apply to the WADA Athlete Committee.

MR SANDFORD thanked Professor Haas for his very comprehensive presentation. Some of the themes being discussed in relation to athlete representation were exactly the same as those with which the Athlete Committee and its Working Group on Athlete Representation had been grappling over the past few years, and many of the questions had been specifically put into the process on behalf of the athlete working group, so it fed back into the work that was being done in terms of the proposals being developed in terms of the WADA Athlete Committee and how it thought athlete eligibility and representation should look within WADA. The outcome of that was that the engagement between the working groups and the Athlete Committee would be vital to unravel the themes and pull them out and, as long as the work was not being duplicated, the Working Group on Athlete Representation and the Athlete Committee were looking more specifically at the Athlete Committee and athlete representation, but there was also a broader picture of athlete representation throughout WADA, and that was perhaps where Professor Haas' working group came to the fore. It was just necessary to align the work and he looked forward to working with Professor Haas on that. All of the submissions received on athlete representation had been given to the Working Group on Athlete Representation, which was in the process of working through them to develop models with which to come back to the Executive Committee in the future, so the work was ongoing from his side as well.

PROFESSOR HAAS said that there was one more topic on which he sought guidance: the NADOs. That was one of the leftovers from the 2018 reform. To cut a long story short, everybody acknowledged in their submissions that NADOs were very important, a great source of expertise and knowledge, but the main question raised had been whether they should also participate on the Executive Committee and the Foundation Board. If one asked NADOs, they would say that they wanted to be at the table, for reasons of legitimacy and inclusion, they performed an important function, etc. However, they also said that they had no means of representation or legitimacy, as they could not elect a representative of their constituency because there was no structure that allowed for the election of such representatives. Of course, the working group recognised the important contributions of NADOs in the field of anti-doping. That was not a question. The question was the role to be given to the NADOs within the WADA structure, and that would depend on the proper role of NADOs. Should they be experts, or a political or decision-making body? The only thing the working group could see from the submissions was a significant trend that people wanted NADOs around the Foundation Board table, but there was no clear trend (apart from among the NADOs) to let them sit around the Executive Committee table. The working group wanted to work on that basis; however, if the Executive Committee members disagreed, he asked them for guidance on how to deal with NADOs within the WADA structure.

MR COSGROVE said that the notion that NADOs had an inability to elect a representative would surely be negated by two things: one, they had a board, elected from their peers, and

two, they had INADO. Thirdly, in the same way that the argument went that perhaps responsibility for electing representatives should be left to athletes, surely it followed that the answer was to leave NADOs themselves to determine how and who should be elected to represent them. His final point was that he was assuming that Professor Haas would be quite happy to take additional thoughts from the members once they had digested his very detailed presentation that day, and they would be able to communicate any additional thoughts to him directly.

MR DE VOS said on behalf of the sport movement that the NADOs were very important and WADA really needed their expertise and experience. He believed that, as operational entities responsible for implementing the WADA Code at the national level, funded in the main by the governments, NADOs were to be affiliated to the public authorities as an umbrella group, even if they operated independently of governments. As mentioned previously, athletes were included in the Foundation Board via the sport movement. He would have nothing against NADOs being represented on the Foundation Board through public authority representation. He would welcome further recommendations from the working group on how WADA could strengthen and improve engagement with the NADOs.

MS BATTAINI-DRAGONI observed that the question of NADOs was interesting. In the 400-page report, they were mentioned frequently. When she thought about NADOs, the key word for her was expertise, and being an expert on the Foundation Board did not mean that one was a representative in terms of having voting rights. She thanked Professor Haas for underlining the importance of the word expertise, which could be brought into the debate. She welcomed that idea, but would build the possibility of 'including' NADOs based on the principle of expertise. She needed to think more about whether or not they should participate fully with voting rights.

PROFESSOR HAAS told Mr Cosgrove that he could submit comments at any time. The more guidance the working group could get, the better.

On the draft code of ethics, the working group had looked at the draft; unfortunately, it had not had time to look at every single provision, so it had looked at the models, and had made a couple of recommendations on which it had been able to find consensus, and then had listed a couple of individual suggestions, which it had considered interesting but on which consensus had not been reached due to a lack of time to discuss everything.

Of course, the point about the models had also been controversial in the group. The majority of the working group members had favoured model B over the other models. At the end of the day, he and the working group had thought that there were a few shades of grey in the models for compromise, so there were possibilities to accommodate the wishes of both groups. The working group had not been tasked with finding a compromise; it had simply been tasked with deciding which model it preferred. He knew that the Executive Committee had changed some of the provisions of the models. He would not go into that. He thought it was important to note that the working group had not seen the last draft of the code of ethics, and it had not had enough time to discuss all of the provisions of the previous drafts. The working group had not included any questions on the code of ethics in the consultation process, and had received some criticism on that. People had said that they wanted to be part of and have a voice in that important topic on governance, which was why the working group suggested that the Executive Committee consider joining any decision on the code of ethics in the context of broader deliberations on WADA governance and shift that to a later point in time, to allow the working group to have more time to discuss and be more inclusive in terms of WADA stakeholders. Having said that, he thanked the members for staying with him for such a long time and for their attention.

MR HUSTING spoke on behalf of Europe to commend the impressive work done by the working group in such a short period of time and in the current difficult conditions. He wanted to make an overall intervention to save a bit of time.

Europe really welcomed the interim report, which provided an excellent overview of current issues relating to WADA governance and raised a number of very relevant questions. The public

authorities also invited the working group to develop some specific proposals and maybe some scenarios on WADA governance for the next Executive Committee meeting, and asked the working group to focus on four main priorities: the need to avoid any duplication of roles and competence between the WADA Executive Committee and Foundation Board, with a better clarification of responsibilities between the two bodies, avoiding double-hatting; the need to strengthen the independence of the WADA Executive Committee; the need to ensure meaningful representation of different stakeholder groups, mainly athletes and NADOs, but as an addition to the Foundation Board; and the need to ensure that decisions in sensitive areas, including the process of asserting non-compliance, were independent of political and other interests.

The working group should soon receive a formal public authority position on all views and priorities in order to improve WADA governance. The CAS had been a point for discussion, and he fully agreed that the working group was not the most appropriate place to discuss it; but, for some public authorities, it was still a discussion that they wanted to have one day in a totally separate forum, to be determined, which was why he supported the view expressed by Ms Battaini-Dragoni.

PROFESSOR HAAS thanked the members for their helpful interventions and guidance. He would go back to his group with them.

THE CHAIRMAN thanked the members for their interesting comments and thanked Professor Haas for moderating the very important discussion, and hoped that it would help him and the working group to come up with some good recommendations that would take WADA's governance to the next level. He thanked the working group for its work to date.

DECISION

Interim report by the Working Group on
the Review of WADA Governance Reforms
noted.

– **4.2 Code of Ethics**

MR SIEVEKING said that very useful comments had been received during the second consultation period, and most of them had been incorporated into the new draft. An important point to make was that option C, referring to an ethics officer only, was now not on the table as it had not got the support of any of the members, so there were two options: one according to which the decision belonged to the Executive Committee and another according to which the decision belonged to the independent ethics board. The comments received made it clear that there was no consensus among Executive Committee and Foundation Board members on the best option, so discussion would continue on that very important matter, on which the Working Group on the Review of WADA Governance Reforms was also working.

MR KAISER briefly went through the amended draft Code of Ethics following the consultation process. The introduction had been made by Mr Sieveking. It was important to note that all the stakeholders had been unanimous in setting aside option C, referring to the ethics officer only. The only two remaining versions were based on who would take the final decision. In version A, the Executive Committee would have to take the final decision on whether or not a violation had been committed and, in version B, the independent ethics board would take the final decision. They had been most impressed by the comments made by the stakeholders and had implemented most of them. Those that had not been implemented had already been in the draft but perhaps expressed insufficiently, so the wording had been amended to reflect what had been suggested, and others had not been included because they were dealt with elsewhere in WADA regulations and documents.

In terms of the main amendments and the general principles, several stakeholders had been concerned about the fact that perhaps the draft did not contain enough precision on the values defended by the Code and the fact that it should be a usable tool for tuition on ethics within WADA, so that had been taken into account and the new draft elaborated on the core values defended by WADA of integrity, openness, the general mission, the worldwide movement for

doping-free sport, the main aim of WADA, and to make some kind of reference to the behaviours to be shown by the officers of WADA: impartiality, honesty, fairness, an absence of prejudice, no favouritism, no retaliation against anybody making a violation report under the Code and no undue influence. On the duties, in relation to conflict of interest, a stakeholder had remarked that the provision on conflict of interest was too short, and that had been the purpose because, in fact, that topic was extensively covered in the WADA governance regulations, so it had been felt better to have only a reference in the code of ethics to conflict of interest as covered in the governance regulations and not duplicate the provision. Also, on integrity, it had been felt necessary to specify that only undue incentives would be a violation, because some incentives, such as payment incentives to officials to better perform their duties, were not violations of the code of ethics. On confidentiality, it had been felt necessary to specify clearly that reporting according to the Code would not be a violation of the confidentiality obligation within WADA. On the duty to cooperate of the concerned person, there was a very important issue: what to do if the person concerned by the violation did not cooperate and WADA wanted to obtain information or documents from a third party, such as a bank, if there was some kind of corruption payment. It was impossible for WADA or the independent ethics board to obtain those documents from a third party or the concerned person, but the duty to cooperate implied that the concerned person should give their consent to the third party to provide the information required by the independent ethics board or officer or the Executive Committee and refusal to do so could result in the decision-making body within the code of ethics to draw adverse inference from that refusal. That was a system used commonly in ordinary courts which worked pretty well.

Under terms, appointment and operations, in relation to the terms of office, a common remark from all stakeholders had been to have three-year terms, with a maximum of nine years, as in the WADA governance regulations for the other bodies. That was a very good proposal and it had been implemented in the draft; the same system was applied for the ethics officer and members of the independent ethics board. In relation to appointment, the only modifications had been cosmetic, because the wording had been there. It had been made clearer that the appointment of all members of the independent ethics board was by the Foundation Board upon recommendation of the Nominations Committee; however, the recruitment and of course also the assessment and vetting of the members and chairman of the ethics board was by the Nominations Committee, which would make recommendations to the Foundation Board for appointments. The sport movement and public authorities could submit candidates to the Nominations Committee; that was also something that had needed to be clarified. It was possible to submit and not impose candidates, and one stakeholder had suggested placing a limitation on the number of submissions to be made by the sport movement and the public authorities. They believed that that was not a good idea, because it was difficult to foresee in advance the best members or candidates. There might be situations in which the public authorities provided only one excellent candidate and the sport movement submitted three excellent candidates, and it might be useful for the Nominations Committee to have the four candidates at its disposal before vetting. They thought it counterproductive to have a limitation in terms of number of submissions.

On reporting, the independent ethics board would operate independently of WADA. That had been a recommendation in the draft, but it had been expressed more specifically. In particular, the board could speak directly to people in WADA without having to go through any other bodies, so there was some independence in that respect. The only reporting to be done by the independent ethics board would be a yearly report to the WADA President on activities in general but not on actual cases.

On the investigation process, it had been felt by one stakeholder that it should be specifically provided that the ethics board could submit a complaint to the ethics officer, which was a good idea because facts could come to the knowledge of the independent ethics board, which would need to submit them to the ethics officer for investigation. It had also been felt important that the ethics officer have the assistance of an attorney or consultant when carrying out the investigation, but it had also been a good idea to make that subject to prior approval of the

independent ethics board, for budget reasons, because it should be within budget, and that was an important issue as well.

The third point had to do with referring to criminal authorities, and there had been a unanimous decision by all the stakeholders to allow for referring to the criminal authorities if such violation also consisted of a criminal offence. It had not been expressly stated in the previous draft; in his view, it had been possible, but it was better if specified, and it was in the new draft. The ethics officer and the independent ethics board could both refer the violations to the law enforcement authorities. In relation to the ethics officer, it had been felt necessary that they seek prior authorisation from the independent ethics board, because it was an important action that could trigger counter complaints or libel cases, which could be very detrimental to the interests of WADA, so it was important for the independent ethics board to give its approval prior to the filing of such complaint. It had also been felt important to have the assistance of the WADA Intelligence and Investigations Department, as it had worldwide contacts and a great deal of experience in the field.

On version A, which was basically the decision taken by the Executive Committee, at the level of the independent ethics board, some stakeholders had suggested removing the reference to rapporteur in the panel. It had been maintained because it was cost-efficient and more efficient in terms of operations, since it prevented the panel from going through all the details of the case. There would be an executive summary provided by the rapporteur, who would be a member of the panel acting as rapporteur. It had been deemed cost-efficient to maintain that. The panel should decide whether or not the complainant should be party to the procedure.

At the Executive Committee level, the point had been made as to whether or not the Executive Committee should look at the case de novo; in fact, it would examine the case on the basis of the recommendations made by the independent ethics board, but it would not be bound by such recommendations. Therefore, it was not a complete de novo examination, but there would definitely be independence in terms of decision-making. In relation to cost, the Executive Committee could impose costs, but it was not obliged to do so; it would be left to the Executive Committee's discretion, depending on the nature of the case and the behaviour of the parties.

A point agreed upon fully by all stakeholders was that, in the interest of transparency and good governance, decisions should be published in general, subject only to certain limitations in relation to protection of personality rights, data protection and third-party rights. Appeals to the CAS against decisions of the Executive Committee on violations of the Code had been discussed by a couple of stakeholders, and the decision had been taken to maintain the CAS as the appeal body against those decisions to minimise the risk of having conflicting decisions by ordinary courts dealing with the code, and that was important in order to have a consistent approach to the application of a code of ethics worldwide.

On version B, no other amendments had been made, except that all the provisions referring to the Executive Committee had been deleted.

In relation to the sanctions and measures, there had been no modification except in relation to WADA staff. A stakeholder had made a very good observation, which was that it would be very difficult to apply the sanctions and measures in the current draft to WADA staff. The sanctions would not apply to WADA staff. If the investigation revealed that a member of WADA staff had violated the code, the decision would be referred to the WADA Human Resources Department, which would then issue sanctions and implement measures in accordance with labour law, and the decision on the violation of the code by a member of the WADA staff could not be appealed to the CAS because all decisions would be moved to ordinary courts or labour law courts.

MR KEJVAL thanked Mr Kaiser for a very comprehensive presentation. On behalf of the Olympic Movement, he supported delaying approval of the code of ethics to November, so as to allow for further discussion and consultation, in particular by the Working Group on the Review of WADA Governance Reforms. The sport movement had a strong preference for model A, which was similar to the current Compliance Review Committee process. The model would

provide the necessary independence whilst preventing the risk of WADA facing too many appeals of the independent ethics board.

MR HUSTING said that, as proposed by Professor Haas, the European and public authorities approved deferring the decision on the WADA code of ethics until November, but also reiterated their position regarding their strong support for option B, with the final decision from the independent ethics board. However, as Europe wanted to be constructive, it was open to engaging in dialogue with the sport movement to find a solution that would suit both parties. The European side wished to recall its consistent position that the code of ethics should also focus on prevention and awareness-raising and present the ethical values and principles that it aimed to protect.

MS EL FADIL said that Africa agreed that the matter should be deferred until the November 2021 meeting and supported model B, with the independent ethics board, but believed that it was very important to ensure that there was coherence between the governance reforms and the development of the code of ethics. It was necessary to make sure that they were aligned and that there were no contradictions. That was Africa's position.

MR LUCENA reiterated the One Voice position. The presentation was very useful for his region, the American continent, and all of the representatives believed it was an important issue. Continued study of the values of the code of ethics was very important.

MS BATTAINI-DRAGONI said that the question of prevention mentioned by the representative of the public authorities was very important in her view. In other words, whatever model was adopted, A or B, it was essential that all those who had functions in the different bodies of WADA received a very good programme of prevention, because that was the starting point. If one knew exactly what the rules were, one would be in a much better position to avoid being corrupted or drawn into difficult situations, so the discussion on prevention was essential in her view.

She had been surprised, because she understood that the staff was totally excluded from the rules currently being prepared and she understood that the staff belonged to a given system of administration and was taken care of directly by the organisation leadership. She accepted that and had no problem with that, but had thought that it was not the case. To whom would the system of implementation of the code of ethics apply? Only to those who attended meetings or cooperated? Could something be said about that?

As far as the choice of model was concerned, at that stage, she thought that it was important to be open-minded, not to stick exclusively to one model, but to be aware that, through discussion and dialogue, there would be a possibility to include one or another element in a system. For instance, she would opt personally for option B; but, if she knew that there was a possibility to identify elements of compromise between A and B which would make everybody happy, that would be the best solution, and there would be a little bit of time to give a chance to find a result that suited everybody at the end of the day, so she would not insist too much on identifying two things that could not be reconciled.

On behalf of Oceania, MR COSGROVE supported the recommendation to defer.

MR KAISER responded to what Ms Battaini-Dragoni had said. The staff was within the scope of the code and the general principles of the code applied to the staff. The staff could be placed under investigation, but the sanctions provided for in the code could not be taken against the staff because they were linked to the labour law system; so, if there were a violation, which could happen, there would have to be a decision on investigation which would then be forwarded to the Human Resources Department for decision, after which there would be proceedings in accordance with labour law if necessary. The staff was not outside the scope at all.

The difference between the two versions, A and B, was on the final decision-making body. In between, there could be other systems that would allow for a certain mix of the two, but the Executive Committee would have to decide whether it wanted a body with the Executive Committee or the independent ethics board that took the final decision on the violation, the

measures to be taken or the sanction. It was perfectly possible and A and B should not be seen as totally irreconcilable, but it would be necessary to choose the final decision-making body.

On the scope of the code, section 2 gave a broad list of the people who could fall within the scope of the code, apart from normal bodies (Foundation Board, Executive Committee, the various standing committees, staff and so on); there were also individuals acting as agents, consultants or contractors. In certain cases, in the agency agreement or consultancy agreement, it would be necessary to provide specifically that they would have to behave in accordance with the code of ethics, but it was increasingly the case that such kind of reference was made because the organisation wanted to make sure that its contractors behaved in accordance with the code of ethics. It was a very broad scope in terms of application.

THE CHAIRMAN concluded that, in accordance with the recommendations of the working group and the Executive Committee members, the Executive Committee was being asked to recommend to the Foundation Board that it defer the decision on the structure of the WADA code of ethics until November 2021. He remained cautiously optimistic that the Executive Committee would find a consensus on the structure of the code before November, as everybody knew how important that was for the organisation.

DECISION

Proposal to defer the decision on the Code of Ethics by the Foundation Board to November agreed to.

– 4.3 Statutory/regulations

4.3.1 Endorsement of Foundation Board composition for Swiss authorities

THE DIRECTOR GENERAL said that the Foundation Board would be asked to approve its composition the following day. An updated list had been sent to the members the previous day; the only change from the previous list was the appointment of Mr Lucena from Colombia for CADE and the change in government in Bulgaria, meaning that Mr Krlev was currently the former minister of youth and sports but remained a Foundation Board member. Those were the only two changes, and the Foundation Board would be asked to approve the composition.

THE CHAIRMAN believed that the Executive Committee could recommend to the Foundation Board that it formally acknowledge the composition of the WADA Foundation Board as indicated in the documents for that meeting.

DECISION

Executive Committee to recommend to the Foundation Board that it approve the composition of the Foundation Board.

– 4.4 Honorary President – Update from the public authorities and sport movement on discussions

THE DIRECTOR GENERAL said that the main question was the discussion between the public authorities and sport movement on the proposal to create an honorary position, in particular to honour Mr Pound, so he would give the floor to Mr Vesper to provide an update on the discussion.

MR VESPER observed that it was a little bit late, as the meeting had run over by one-and-a-half hours. It was clear that the members would like to honour Mr Pound as the founding president without whom WADA would currently look very different and would not have been so successful, but the sport movement was still in discussion with the public authorities to find an appropriate way to recognise the work and outstanding achievements of Mr Pound. He would suggest making a proposal at the next Foundation Board meeting in November after clarifying the matter with the management.

MR HUSTING stated that the public authorities unanimously supported recognising the recommendation to acknowledge the merits and contribution of Mr Pound to WADA and the fight against doping in sport, but had already expressed the fact that the title proposed could raise too many questions, in particular in terms of WADA's governance and the balance within WADA, and it would also undoubtedly require some changes to be made to the statutes. However, the public authority representatives had a very constructive dialogue with their colleagues from the sport movement and he was positive that they would come up with a good compromise and a good proposal for the next meeting.

DR SANGENIS asked what the concerns of the public authorities were in relation to creating the honorary president position. In the sport movement, such recognition of exceptional service was very frequent. Everybody knew how important Mr Pound's role within WADA had been. She wanted to clarify the matter because, as far as she had understood, the proposal was to appoint him honorary president without voting rights or the right to intervene during Executive Committee meetings, but simply to give opening speeches or speeches at universities, for example, and she could not really understand the problem that some members had with that title. It was her first meeting, so she could really understand only what she had read in the meeting papers.

MR HUSTING responded that the public authorities considered that the title itself was not a problem; the main concern had more to do with the fact that WADA was a special organisation, represented in equal parts by the sport movement and the public authorities. The public authorities did not have that kind of official recognition, even for former presidents, prime ministers, etc. The proposal could also call into question the balance within WADA and what to do in the future for the next honorary president, if WADA wanted to maintain a balance between the representatives of the sport movement and the public authorities. In addition, the public authorities thought that it would lead to changes to the WADA statutes. That was the main reason they found it rather difficult. The public authority representatives had discussed other ideas with the sport movement colleagues which would not require changes to the statutes, whilst recognising the merits of Mr Pound.

DECISION

Honorary President update noted.
Discussions between the sport movement
and public authorities would continue with
a further update expected in September
or November.

– 4.5 Executive Committee membership – rotation update

THE DIRECTOR GENERAL acknowledged the fact that WADA had received information from the public authorities through the One Voice platform that it would be difficult or impossible for them to implement a rotation process for the members representing them at the Executive Committee because of the fact that members of the Executive Committee were currently appointed for a three-year period. The suggestion had been that, to start, there should be rotation so that not everybody would change at the same time. The sport movement had implemented that, and the governments thought that it would be difficult for them to do so. WADA had acknowledged their position; therefore, it would happen when it happened, but members were appointed for three years, meaning that they would have to resign from their position in the event of a change in representation, then there would be formal approval of new members of the Executive Committee by the Foundation Board on each occasion. The message had been received and the management would act accordingly.

DECISION

Rotation update noted.

5. Finance

– 5.1 Government/IOC contributions update (including extra contributions for research and investigation)

MR SER MIANG NG referred to the contributions from the public authorities and the IOC contributions. As of 18 May, budgeted contributions from the public authorities had increased to 56.8% compared to the figure of 43.4% in the Executive Committee documents. The increase was due to the recent payments from Japan, France, Romania, Azerbaijan and Uruguay, and the figure compared to 69.4% for the same period the previous year. Approximately 8.7 million US dollars had yet to be received. Oceania had fully paid its dues. From Europe, 69.1% of budgeted contributions had been received, and the countries yet to pay were Germany, Italy, Turkey, Poland and Greece for a total of close to three million dollars. From the Americas, contributions were pending from the USA, Mexico, Brazil and Venezuela, for a total of 3.8 million dollars. Asia had paid its contribution up to 60.3%, with another 1.6 million dollars yet to be received. From Africa, 20% had been paid, with about 80,000 dollars pending. Additional contributions had been received to date of 90,000 dollars thanks to Australia and Japan. In addition, following the announcement made at the World Conference on Doping in Sport in Katowice, WADA had received additional contributions from the public authorities for a total of 3.5 million dollars for research and investigation from China, Canada, Cyprus, Greece, India, Poland and Saudi Arabia. France and Egypt had also committed to make a contribution of 160,000 dollars. The IOC would be matching the total, meaning that WADA would be receiving some seven million dollars. WADA was extremely grateful for that additional support and there was no doubt that the extra funding would further help research and investigation. WADA also wanted to thank Montreal International, as WADA had extended the agreement up to 2031. The annual contribution from Montreal International would increase by close to one million dollars, reaching 2.4 million dollars, which was another piece of good news.

DECISION

Contributions update noted.

– 5.2 2020 year-end accounts

MS CHUNG asked the members to take note that, in addition to the usual year-end accounts under the IFRS (International Financial Reporting Standard), a second set had been included under the Swiss GAAP (Generally Accepted Accounting Principles), to be reviewed and recommended to the Foundation Board. According to the auditor, PricewaterhouseCoopers, the main difference between the two sets was the way in which the value of investments and also the pension obligations were reported on and presented, which was why the section on finance was 12 pages longer. The information was in the members' files.

In terms of the 2020 highlights, overall, WADA had ended the year in a very strong financial position despite a challenging year, with 38.5 million dollars in operating income, an increase of 485,000 dollars from 2019. All figures to be referenced in her report would be in US dollars. On the surplus side, WADA had recorded 5.2 million dollars, up from 573,000 dollars in prior years. Contributions from the public authorities had reached 98.2% of the annual budget of 18.7 million dollars, and the IOC had reached 96.5%. Contributions from Public Authorities received towards the end of the year, were later in early 2021 completely matched by the IOC, so that was a non-issue. 2020 had been a very special year and WADA was grateful to have received that level of contribution from the public authorities. There were still some contributions outstanding and the members would see from the list of countries in their files those countries that had not paid; she invited them to do so. The level of contribution was comparable to recent years, so that was quite amazing and she thanked the members for their continuous support and commitment to WADA's mission. She also thanked the Government of Japan, the Government of Australia, the City of Lausanne and the Canton de Vaud for their additional contributions of 271,000 dollars. As mentioned, Montreal International also made yearly contributions to WADA, which would continue for the coming ten years.

On the operating expenses side, WADA had registered 33.9 million dollars, about four million less than in 2019 (37.8 million dollars). One of the big contributing factors for the surplus had been the cancellation of the events and meetings for almost the entire year. There had been some travel in the first quarter of 2020; but, as of March, most countries had been in lockdown and travel restrictions had been in place, and meetings and events had not been permitted, so WADA had been grounded. The usual meetings had not taken place, for example the annual symposiums and the meetings of the Executive Committee and Foundation Board, so WADA had registered significant savings in travel and accommodation expenses of about 3.4 million dollars compared to 2019. In-person events and activities, for example investigations, audits, etc., had been converted where possible to online events and teleconferences, even though the management had been reluctant to do practically everything online but, after one year, WADA had got really good at it and had gained in efficiencies. Other administrative operating expenses had also been affected, with reductions of close to one million dollars. Testing activities had of course not been carried out at the usual level, so expenses had been some 200,000 dollars less than in 2019. Project consulting fees, which included different consulting services for various departments, had also been lower than in 2019 by 1.2 million dollars, although the legal costs related to a number of high-profile cases, such as RUSADA and the Chinese swimmer Sun Yang, had still required significant financial resources. In relation to RUSADA, however, the CAS had awarded WADA 1.8 million dollars to alleviate some of the costs incurred, and payment would be spread over the next two years.

The WADA strategic plan for 2020-2024 had been approved by the Foundation Board in the second quarter of 2020, and activities and projects had been prioritised and continued to be carried out during the pandemic. Hiring had been paused for the first few months in 2020 for obvious reasons, and WADA had taken that time to upskill staff through training programmes. Only later in the year had there been an increase in the number of human resources, with activities picking up, and that explained a big part of the increase in salaries and other employment-related expenses. Another factor contributing to the increase in salaries was the one-time cost adjustment in the Swiss pensions for employees in Switzerland, based on independent actuarial evaluations in conformity with the IFRS.

As for the capital expenditure, three million dollars had been spent, slightly over the budget but a decrease nonetheless compared to 2019 of 300,000 dollars. A lot of work and preparation had gone into ADAMS to support the required changes of the 2021 Code and the associated international standards, and there had also been investment in ADeL.

In summary, the expenditure level had been nowhere near the normal level due to the pandemic, so WADA had ended up with a lot of savings combined with a very good level of contributions due to the endorsement of the annual 8% increase, the efforts made by the public authorities to pay and, to top it off, the US/Canadian dollar foreign exchange had been favourable to WADA, all of which had resulted in a very positive surplus for the year.

The operational reserve had increased by 2.5 million dollars to 6.4 million for 2020 as per the agreed policy. Litigation had also been increased by 500,000 dollars to two million dollars, both increases approved by the Finance and Administration Committee in August 2020. The level of the operational reserve would, of course, be a topic of discussion at the Finance and Administration Committee meeting in June. The auditor's detailed report on the internal control system had been favourable and there had been no deficiencies found in the accounting controls; so, overall, she was very pleased to report the positive financial situation of the agency for 2020. The endorsement of the 8% contribution increase had been a big help. That ended the 2020 highlights.

MR KEJVAL thanked Mr Ng and Ms Chung for the results; WADA had saved a lot of money to be put to use in future years. If he remembered correctly, the Executive Committee had agreed on two alternatives for the budget in 2021, depending on whether or not WADA received money from the USA. What was the status of the situation?

MR HUSTING had a general remark on the finance item. He had to relay a request from Europe. Any future end-of-year accounts should highlight the indemnities paid to the WADA President, Vice-President independent Executive Committee members and any other officials who did not receive remuneration from WADA but were instead entitled to indemnities. Europe also called on WADA to continue to assess the impact of Covid-19 on financial savings and, on the basis of that assessment, to review WADA's working methods.

MS CHUNG answered the question from Mr Kejval on the budget. Indeed, two versions of the 2021 budget had been prepared, one with the US contribution and one without the US contribution. The situation continued as in 2020, so WADA continued to have savings. WADA had not yet received the US contribution in 2021; it had been working on the basis of that scenario, basically following the budget version without the US contribution.

MR NG said that he would take on board the request on disclosure of indemnities and the continued assessment of the impact of the pandemic and how that also affected savings in terms of adjustments to reduced travel. Since the start of the pandemic, a lot of effort had been made to ensure that the impact of the pandemic would be reduced to the minimum whilst making cost savings. That was down to the continued effort of the administration, which he highly commended.

THE DIRECTOR GENERAL referred to Mr Kejval's question with a clarification to Ms Chung's response. WADA was operating on the basis that the USA would pay its contribution; the deadline for payment was the end of June. WADA would review the situation at that time.

THE CHAIRMAN asked the Executive Committee if it was ready to recommend to the Foundation Board that the audited financial statements for 2020 be approved. The auditor would present the accounts to the Foundation Board the following day for formal approval.

DECISION

2020 year-end accounts to be recommended to the Foundation Board for approval.

– 5.3 2021 quarterly accounts

DECISION

2021 quarterly accounts noted.

6. Departmental/area key items or decisions

– 6.1 Legal

6.1.1 Russia update

MR SIEVEKING said that he was in charge of presenting the update but obviously the work on the Russia follow-up involved colleagues from several departments, who would intervene where necessary in the event of questions related to their area. Speaking on behalf of his colleagues, he stressed that the monitoring of the Russian situation had triggered a very high workload for WADA, making it necessary to invest significant resources, both human and financial, to ensure the appropriate monitoring of the implementation of the CAS award by signatories, to monitor the fulfilment by RUSADA of the reinstatement conditions and to monitor result management and the proper adjudication of individual athlete cases.

He would provide a short update on each of the aspects. On the monitoring of the implementation of the CAS award, WADA was obviously monitoring the appropriate implementation of the consequences by stakeholders and signatories, relating to events in Russia and outside Russia. WADA had started by establishing a list of slightly more than 600 events falling under the definition of world championships to be held anywhere in the world within a two-year period from December 2020 to December 2022, and also a list of Russian officials sitting on the boards and commissions of all affected signatories. On that point, there

was already a good outcome: all known Russian officials falling under that definition as provided for in the CAS award had stood down from their positions. Obviously, there were some officials for whom some additional reviews needed to be undertaken, so WADA was assessing information received on other individuals to see whether they might also fall within the definition and would be asked to stand down from their function. An important point was the follow-up of events planned in Russia in that two-year period, relating to 14 IFs, and WADA had asked them to withdraw the events from Russia or provide detailed information as to why they were of the view that it was legally and practically impossible to move the events outside Russia as per the wording in the CAS award. To date, three IFs had withdrawn their events from Russia and others had postponed their events to dates outside that two-year period and, for all the other cases at the time of writing the report, WADA was reviewing the information provided by the applicable IFs. Also, WADA was looking, for all the events outside Russia, at the question of uniforms, the description of the team, the anthem that could be played, etc., so that was also something that WADA was monitoring proactively and, for all those points, should WADA disagree with the position taken by an IF or the explanation provided by an IF, WADA could open a compliance procedure if it considered that there was non-compliance with what was set out in the CAS award.

On the monitoring of RUSADA and the reinstatement conditions, the CAS decision had confirmed non-compliance and outlined a number of conditions to be met by RUSADA in order to regain compliance at the end of the two-year period. WADA had developed a comprehensive plan to monitor the progress made by RUSADA in view of that reinstatement; the plan had been recently endorsed by the Compliance Review Committee at its April meeting and the information would be shared with relevant stakeholders addressing various issues in relation to anti-doping in Russia to facilitate the sharing of information and coordinate where appropriate.

On the last section of WADA's work on the Russian case, the management and follow-up of individual athlete cases, there was a lot of information in the documents but he highlighted that, following the CAS award, a strategy had been developed to prioritise and monitor outstanding cases involving athletes who were deemed active to ensure that none of those athletes would participate in the upcoming Tokyo Olympic Games or Paralympic Games or any world championships. The WADA Intelligence and Investigations Department and the Legal Department, together with external counsel, had established a list of 50 priority cases of active athletes, strong cases presenting a reasonable prospect of establishing an anti-doping rule violation, so all IFs with athletes on the list had been asked in February to promptly inform WADA as to whether they had ascertained an anti-doping rule violation against the athletes identified and also to let WADA know if those athletes were likely to participate in the forthcoming Olympic Games. Since the letters had been sent out in early February, of the 50 cases to be dealt with as a priority, six athletes had been charged, 11 would shortly be charged, investigations were being conducted on 29 athletes and WADA had filed its first three appeals against the decision of an IF not to charge athletes. WADA had appealed three decisions by the International Canoe Federation before the CAS, so those cases were pending before the CAS. For athletes not considered active, but to avoid any risk in terms of upcoming events, there were approximately 100 additional cases, and WADA was already contacting IFs with athletes on the list to ensure that, should any of the athletes be likely to take part in upcoming events, a case would promptly be opened.

On the reanalysis cases, from 2015 to 2018, WADA had seized a number of samples from the Moscow laboratory as previously reported. A total of 69 adverse analytical findings involving 63 athletes had resulted from the reanalysis targeted programme conducted by the WADA Intelligence and Investigations Department, and a decision had already been taken in 33 cases. Some athletes had had more than one adverse analytical finding. 30 athletes had already been sanctioned and 33 more had been charged with an anti-doping rule violation, so that was also quite positive. The members had other details on the 50 cases and the LIMS cases, how many athletes had been charged and decisions rendered. Any case closed had been closed because the WADA Intelligence and Investigations Department, the Legal Department and legal counsel had decided that the decision not to move forward was justified and appropriate, so WADA was

not leaving any case uncovered and he would continue to report regularly to the Executive Committee on the follow-up.

THE CHAIRMAN observed that, as everybody knew, the chapter was not yet closed. There had been some positive progress and outcomes. Were there any comments or questions?

MR COSGROVE referred to the previous evening's One Voice meeting and thanked the Director General and Mr Donzé who had been there and endorsed what he was about to say. The One Voice members had thought it would be a good suggestion and requested a more formalised quarterly report with five elements, and the rationale behind that in terms of the Russian cases was to ensure that the good work WADA had done was not wasted. He knew that there was always a concern about privacy and none of the elements would include information about individuals, but the proposal was to have a quarterly formal report that would list the total cases allocated to IFs, the number of those cases being actioned by IFs, the number of cases that, for whatever reason, were not being actioned by IFs, the reason for that inaction and what WADA would propose to do or what it was doing to ensure that all the cases deemed to be viable were being actioned and pursued by those IFs. He thought it would be a good element of accountability and recognition of the work that WADA had done on securing evidence and preparing case files, to ensure that the work was not wasted and that there was some accountability in relation to those cases. That was the formal request and, again, he thanked the Director General and Mr Donzé for their attendance the previous evening. He put forward the request on behalf of One Voice for endorsement.

MR HUSTING thanked Mr Sieveking for the very comprehensive update. The public authorities asked WADA to continue to provide regular updates on the situation in relation to the implementation of the CAS decision as well as on the ongoing LIMS cases.

THE DIRECTOR GENERAL confirmed that the suggestion had been made the previous day at the One Voice meeting and he fully endorsed it. A summary document would be prepared and the reporting would be put into an appropriate format.

MR SIEVEKING said that he would work on the One Voice request. It was a lot of work, which was why he had made a presentation without going into too much detail, but he understood the request. He assured the members that no case that would be left out.

Before he concluded the agenda item, THE CHAIRMAN drew the members' attention to the letters under the government relations update in item 7.12 which WADA had sent to UNESCO and the Council of Europe. WADA encouraged both organisations to explore possibilities to declare Russia non-compliant with the convention based on the recent CAS decision. WADA would keep the members updated on that. Unfortunately, for the moment, there was not much to report. The letters also highlighted the work WADA was doing to ensure that the system was strengthened.

DECISION

Russia update noted.

6.1.2 International Weightlifting Federation update

MR SIEVEKING informed the members that, on 4 June the previous year, Professor McLaren had published his investigation report. WADA had been very active since then following up the case. Several letters had been sent over the 2020 (northern hemisphere) summer to the IWF and the ITA to follow up on 146 identified pending cases. The deadline for the ITA to give a decision and status update on all the cases had been 18 February 2021. Since the report, information provided by the ITA had already enabled WADA to close 92 cases, meaning that decisions had been received and no more follow-up was required. WADA had received information on all the cases from the IWF and the ITA. It was quite voluminous, so WADA was still analysing all the information provided, but the work would be concluded shortly, after which an internal report would be drawn up with conclusions, enabling WADA to determine the basis upon which a compliance procedure would be undertaken. The Compliance Review Committee

had been regularly updated as to the way in which the situation was being monitored; it had expressed its satisfaction with the way in which the matter was being addressed and, once the report was made available, the Compliance Review Committee would be available for further follow-up in terms of compliance.

MR HUSTING observed that Europe regretted that no consequences had been proposed by WADA to date for irregularities uncovered in relation to past anti-doping activities and also thought that the Working Group on the Review of WADA Governance Reforms could take up the issue to consider how to ensure that people involved in doping conspiracies would not become members of WADA statutory bodies and committees in the future.

THE DIRECTOR GENERAL responded that it was work in progress and, once all the factual elements were on the table, WADA would look at them.

Until one had evidence on somebody, it was hard to take action about membership. He supposed that, once the code of ethics was implemented, it might improve the situation. For some of the individuals involved, their actions had been unveiled through the investigations and the work of the Intelligence and Investigations Department, so WADA had never been shy about acting; however, one could not hand down sanctions to people before clearly identifying the evidence.

DECISION

International Weightlifting Federation
update noted.

6.1.3 Contaminants Working Group recommendations

MR SIEVEKING said that, during the Code consultation process, the question of contamination of substances with medication intended for the growth of cattle had been discussed with stakeholders and there had been a recommendation for WADA to set up a working group to discuss the matter, in particular the risk of contaminants appearing in natural and processed foodstuffs, growth-promoting substances and the risks associated with legitimate medicines. Recommendations were being tabled that day, and he took the opportunity to thank the members of the working group for the great work done to have the recommendations tabled that day; it was a great achievement, and he hoped that they would really improve the situation.

There were two recommendations, the first of which was for diuretics, which might be abused to mask the presence in urine of other prohibited substances. There had been several recent cases in which athlete samples had been contaminated due to the use of oral pharmaceutical products taken with a legitimate prescription or products available over the counter. To address the issue, the working group recommended setting a minimum reporting level of 20ng/ml for six diuretics. They were listed in the document. It meant in practice that, when the estimated concentration by a laboratory of a sample was at or below the level of 20ng/ml, the laboratory would not report the finding, except in weight category sports, for which the findings should be reported but as atypical findings, allowing for additional review and investigation where necessary.

The second recommendation related to substances used in the cattle industry as growth promoters and the subsequent ingestion by athletes of the meat produced. That was not a new issue. Clenbuterol had been addressed in the past, but there were other substances that were used for the same purpose. To address the issue, the working group had a second recommendation to adopt, for the three substances, zilpaterol, ractopamine and zeranol, the same procedure as that previously adopted for clenbuterol, meaning that, if the estimated concentration was at or below 5 ng/ml, it would be reported as an atypical finding, which would trigger an investigation by the applicable result management authority to establish whether it was a consequence of meat contamination, in which case, the atypical finding would not become an adverse analytical finding, thus preventing the disqualification of the athlete's result. The working group would continue its review. There were other substances, such as boldenone, which were being looked into in terms of their use for growth promoting purposes, which would

be reported on in the future, but those were the two recommendations for the time being that were recommended for approval by the Executive Committee.

He made a point on the subsequent technical letters that the Executive Committee was being asked to approve that day. There had been no consultation for the technical letters, which was not prohibited under the Code. The Code expressly set forth that, when the matter was time-sensitive, there could be no consultation, and it had been considered that the matter was very time-sensitive, given that the work had been finalised very recently by the working group. New cases emerged every day and the stakeholders had been waiting for the improvements for a long time, in particular the athletes, who would greatly benefit from the changes. The only objective of the recommendation was to protect athletes from unnecessary proceedings, potential sanctions and also disqualification of results when the positive result was because of duly established contamination. That concluded his intervention. He would be happy to take questions.

MR NIWA appreciated the hard work done by the Contaminants Working Group and, on behalf of the public authorities, he wished to support the working group's proposal. There had been a case in Japan caused by an intake of contaminated medicine, and Japan had raised the issue at the Executive Committee meeting in 2019. He thanked WADA and the working group for their efforts since then. It was critical to solve the contamination issue to protect clean athletes.

PROFESSOR ERDENER said that the sport movement supported approving the recommendation made by the Contaminants Working Group. It was a really important matter to protect innocent athletes from meat contamination, not just with clenbuterol, but also with zilpaterol, ractopamine and zeranol, and diuretic contamination of pharmaceuticals as well. He recommended that diuretics continue to be prohibited in all sports, not only in weight category sports, as many other sports were at risk of doping with diuretics, as everybody knew.

MR SANDFORD thanked Mr Sieveking for his work on the matter. It had been a really long time coming for athletes and it was fantastic to see progress in that area. He looked forward to further work from the working group. WADA needed to do its utmost to protect innocent athletes who were returning positive tests because of contamination, so that was a really great step forward by WADA for athletes.

MR HUSTING thanked Mr Sieveking for the presentation. The public authorities and Europe approved the recommendations of the working group and also welcomed the impressive work undertaken; however, Europe also wanted to encourage the group to continue working on the matter with a view to considering including additional substances not yet covered by the present recommendation. He had a more technical question, which had been raised by Europe, and asked WADA to explain the exclusion of the diuretics and growth promoters that had been listed in the terms of reference, in the specifications, but which had subsequently been excluded from the recommendation. Was that something that the WADA management could explain?

DR RABIN responded to the comment by Professor Erdener. The recommendation tackled only some of the very specific diuretics and anabolic steroids used as growth promoters. There was no intention at that point to remove diuretics from the List of Prohibited Substances and Methods, as the members would have seen in the recently circulated draft 2022 List of Prohibited Substances and Methods. That was disconnected.

On the comment from Mr Husting on the substances initially identified and not addressed for the time being, more specifically clostebol had been added to the list of growth promoters. There was no indication that clostebol was an issue, even if used as a growth promoter in cattle. There was no apparent issue in doping. The cases of contamination that had been seen had been of clostebol present in the composition of pharmaceutical products such as lip balm, clearly set out on the product label itself. That did not mean that clostebol would not be looked at again by the working group. That had not been considered a priority compared to other substances. WADA was still working on some of the growth promoters, including trenbolone and boldenone.

The work continued and he did not exclude the possibility of looking at other products in the future.

THE CHAIRMAN asked the members to approve the recommendations from the Contaminants Working Group for the approval of minimum reporting levels for diuretics and growth promoters.

DECISION

Contaminants Working Group
recommendations approved.

6.1.4 International Standard for Result Management

MR SIEVEKING informed the members that all of the information was in the paper. There were some slight amendments proposed to the standard, in particular in relation to two definitions that were linked to the specific standard for practical and logical reasons, and also some adaptations made to adapt some clauses to the new International Standard for Laboratories as well as two new technical documents. The members had the details in the paper. He would be happy to take questions on them.

THE CHAIRMAN asked the members to approve the proposed amendments to the International Standard for Result Management to ensure that it was in line with the technical documents and the latest version of the International Standard for Laboratories.

DECISION

Proposed amendments to the
International Standard for Result
Management approved.

– 6.2 Compliance

6.2.1 Fee-paying sport organisations – consequences in case of failure to pay the 2021 annual fee

MR GILLOT said that he would briefly provide some background to the agenda item. There were 16 sport organisations that were signatories to the World Anti-Doping Code and were outside the Olympic Movement, meaning that the contribution to the WADA budget from the Olympic Movement did not cover those organisations, and they were asked to pay an annual fee to WADA to cover the costs associated with their compliance monitoring. The fee had been 2,000 US dollars since 2007; at that time, WADA had simply been reviewing the rules of the organisations and not providing much support to them. The situation had changed over the past few years and, therefore, in the context of the work done by the working group to revise the policy for the acceptance of new signatories, it had been proposed to the Executive Committee that the fee be increased to 10,000 US dollars a year to better align with the reality of the work done for those organisations. At the time of writing the paper, three international federations, the International Federation of Match Poker, the International Gira Sport Federation and the Kudo International Federation had not paid their 2021 annual fee. The IFMP and KIF had since paid their annual fee, so only the IGSF was outstanding. WADA had sent a number of reminders and offered proposals to come up with a payment plan but, thus far, the federation had not paid its dues. In relation to the organisation, the IGSF was currently under a compliance procedure for failure to adopt 2021 anti-doping rules in line with the 2021 Code and international standards. It had not even sent a first draft, and the organisation had gone through the Code compliance questionnaire exercise in 2019 and received a corrective action report in May 2019 with 35 corrective actions. To date, none of those actions had been addressed, despite countless offers by WADA to provide support. Should WADA expel the organisation as a World Anti-Doping Code signatory or would the Executive Committee like to pursue a different route?

MR LALOVIC thanked Mr Gillot for his presentation and for giving the members the good news that two organisations had paid their dues. All sports were rules-based so, when it came

to finance, the organisations should also respect the rules. He saw no reason why WADA should not remove the IGSF from the list of signatories if it did not pay its dues before the end of the year. WADA had offered to reschedule the payment and the federation had not responded. He was not at all in favour of any debt reduction or reducing the fee because that would be sending out a very bad signal to others who did not respect the rules.

MR HUSTING said that he was pleased to learn that two federations were in order in terms of their fees. The public authorities wanted to propose an extension until the next Executive Committee meeting to take a final decision on the IGSF. He also invited WADA to continue to ask and to insist on the federation adopting anti-doping rules as soon as possible, but Europe also wanted to invite WADA to continue monitoring the issue of fees from the really small sport organisations that were not part of the Olympic Movement and, if necessary, to consider readjusting the annual fee to ensure that it would not prevent small sport organisations from becoming and/or maintaining their Code signatory status, especially taking into account the really difficult period caused by the Covid crisis.

MS EL FADIL noted that, out of the 16 signatories, 13 had paid the annual fee, and there was a delay with only three organisations. Her position was that WADA should be flexible and look at the reasons for which there was a delay in payment. WADA should also bear in mind that, in 2020 and 2021, every organisation had been affected by Covid, so her proposal was to be flexible and perhaps allow the organisations to pay in instalments. She preferred that flexibility to undertaking strict action. WADA should look into why the federations were not paying and should also consider the situation caused by the pandemic. WADA should give the organisations an opportunity to pay in instalments.

MS BATTAINI-DRAGONI supported the two statements she had just heard. In a nutshell, WADA was going through an exceptional time and had to think in a different manner to usual. She agreed with the idea of flexibility and did not want to hear about exclusion at that stage; she would prefer to use the term suspension until the payment was made. WADA should find out more about why the organisation was facing financial difficulties that meant that it could not face up to its own obligations.

Taking into account the different suggestions made by the members, THE CHAIRMAN proposed deferring the decision in relation to the remaining federation until September. Did the members agree?

DECISION

Proposal to defer decision on consequences in the event of failure to pay annual fee until September approved.

– **6.3 Science and Medicine**

6.3.1 MoU with Shionogi and Company Limited

DR RABIN said that the Japanese pharmaceutical company Shionogi and Company Limited had approached WADA to establish an agreement to facilitate the exchange of information on drugs with doping potential in development in its portfolio. Such agreements facilitated access by WADA to substances with doping potential, and that was quite important for WADA when it wanted to develop new anti-doping tests. It was certainly not the first time WADA had a memorandum of understanding with a pharmaceutical company; it had a few. It was important in terms of WADA's ability to develop analytical methods for the doping substances of the future. He recommended the memorandum of understanding with Shionogi and Company Limited for approval by the Executive Committee and, with the members' approval, WADA would inform Shionogi that it had joined the list of pharmaceutical companies supporting WADA in its role.

MR HIDEKI informed the members that the pharmaceutical company had just reported the memorandum of understanding with WADA. In Japan, JADA, WADA and the Japanese Pharmaceutical Association had announced a joint declaration to jointly promote activities to

protect and develop the value of sport in 2013. They had been working to promote collaboration with the pharmaceutical industry in anti-doping activities, so he welcomed the agreement between WADA and the pharmaceutical company in question. WADA had signed memoranda of understanding with many external organisations and he wondered whether WADA had a strategy for the signature of memoranda of understanding with external organisations.

THE CHAIRMAN responded that he believed that the number of memoranda of understanding signed by WADA should always reflect the real needs of the organisation and its partners. Each and every memorandum of understanding signed was thoroughly analysed to avoid any doubts as to whether it served the goals of WADA, so all of them were aimed at leveraging WADA's capacity in different areas such as investigation, science, education, programme development, testing and many others. WADA was progressing with a number of memoranda of understanding to support its work and enhance its networks and relations. He believed that the memorandum of understanding with Shionogi and Company Limited could be approved.

DECISION

Proposed Memorandum of Understanding
with Shionogi and Company Limited
approved.

6.3.2 Withdrawal of candidate status for ABP-approved blood laboratory in Riyadh (Saudi Arabia)

DR RABIN said that WADA had received a letter in April that year from the Saudi minister of sport requesting the postponement of the approval of the blood anti-doping laboratory in Riyadh to 2023. The request had been reviewed by the WADA Laboratory Expert Group in line with the ISL rules in force. As the candidate status of that laboratory would be expiring in May 2021 and considering the long delay requested before reinstatement of the probationary process, the experts recommended the withdrawal of the candidate status with a possibility for the Riyadh laboratory to reapply in the future when it was ready. The option had been communicated to the Saudi anti-doping authorities and they were very satisfied with that proposal. He therefore suggested that the candidate status to become a WADA-approved laboratory be withdrawn for the laboratory at the King Faisal Specialist Hospital and Research Centre in Riyadh, Saudi Arabia.

THE CHAIRMAN asked if the members agreed with the proposal.

DECISION

Proposal to withdraw candidate status of
the laboratory at the King Faisal Specialist
Hospital and Research Centre in Riyadh
approved.

6.3.3 Dried Blood Spots for Doping Control Technical Document (TD2021DBS)

DR RABIN said that the dried blood spot (DBS) technology applied to anti-doping had been developed by a consortium involving several national ADOs, the IOC, the ITA and WADA. Several key technical aspects in the application of DBS to anti-doping analysis had been addressed by technical groups and the consortium itself over the past couple of years, including guiding some research projects required to support DBS implementation in anti-doping. To develop DBS harmoniously across the anti-doping system from the athlete to the laboratory reporting, common principles and rules had to be applied across the system to ensure high-quality analysis and robust reporting of results. In order to do so, the consortium had developed a technical document, which covered the different critical phases of DBS from collection of the sample from the athlete to transport and storage of DBS samples with the objective of harmonising procedures and ensuring that they were well integrated in the existing regulations

in place, so the new technical document was being presented for approval by the Executive Committee to have it implemented on 1 September 2021.

MR NIWA acknowledged that it was important to promote anti-doping activities and he fully recognised the progress of the activities. He fully endorsed the proposal. He also noted that, for the introduction of the new DBS testing method, the Japanese Anti-Doping Agency and the WADA-accredited laboratory in Japan had been conducting research and development in collaboration with WADA. He had heard that a pilot project would be carried out during the Tokyo Olympic Games for full implementation of DBS testing and his country would like to contribute to the establishment of the future technology.

MS TERHO said that all measures that contributed to the protection of clean sport should be taken into account and she supported approval of the proposal and also recommended allowing for storage of DBS samples for ten years without additional analysis if another sample was taken at the same time. At present, that was not possible under the international standards, so the Olympic Movement requested that a draft be submitted for discussion at the next meeting.

DR RABIN confirmed that DBS was planned to be applied at the Olympic Games in Tokyo, not necessarily the collection aspects as reflected in the current technical document, but in fact the transfer of blood collected for the purpose of the ABP on to cellulose and then developing the DBS technology. That was something that WADA would like to conduct at the Olympic Games in Tokyo, and the full implementation of DBS from collection from the athletes to storage was something that he anticipated for the 2022 Olympic Winter Games.

On the question of storage raised by Ms Terho, DBS samples, like any other sample, could be stored for up to 10 years. The possibility to store without analysing as suggested was something that was currently being reviewed. It was not in the rules, but WADA was considering whether that might be implemented in the future, and that was something that was being discussed with the experts.

THE CHAIRMAN asked the members if they wished to approve the technical document to come into effect on 1 September 2021.

He thanked the members for approving the document, which represented an important step forward for WADA and the whole anti-doping community. It was great news, taking into account all the potential advantages of DBS as a testing method; he believed it would be a real game-changer for anti-doping. It was necessary to innovate and DBS was the innovation everybody had been waiting for.

DECISION

Proposed Technical Document
TD2021DBS approved.

6.3.4 Modifications to Technical Documents

DR BARROSO said that there were two requests for decision by the Executive Committee, the first of which concerned some of the technical documents approved in December 2020. The technical documents were continuously reviewed based on feedback received from the laboratories and the stakeholders. There were currently five technical documents for which proposed amendments had been made and the Executive Committee was being asked to approve them. For four of the technical documents, the amendments were minor and there was nothing critical for the performance of the tests or the validation of the methods by the laboratories. The new versions of the four technical documents would become effective on 1 June that year. The first was a technical document on steroid profiling, the EAAS; there was the IRMS technical document for the isotope ratio mass spectrometry method; the technical document NA referring to the analysis of norsteroids relating to nandrolone; and the technical document BAR on the analysis of blood samples for the ABP. The documents had been corrected

because there had been some misquotations of articles that had had to be amended, but there was nothing of critical importance. The last technical document was the technical document on EPO analysis for which there were no amendments, but he was requesting an extension of the effective date to 1 September, because the 2021 technical document had included a lot of significant modifications and the laboratories had been seriously affected by the Covid pandemic in terms of the acquisition of reference materials, not being able to perform evaluations on site and so on. An almost unanimous request had been received from the laboratories through WAADS to extend the effective date of the technical document, which did not mean that the laboratories could not start applying the technical document immediately as long as the method was validated and they were ready for it because, as the members knew, according to the ISL, once a technical document was approved by the Executive Committee and was published, it could be applied immediately.

DECISION

Proposed modifications to technical documents
approved.

6.3.5 New Technical Letters

DR BARROSO referred to the point presented previously by Mr Sieveking on the work of the Contaminants Working Group. That recommendation needed to be translated into a level-two document for the laboratories so that they knew how to report, and the recommendation was for two technical letters, one regarding the reporting of growth promoters and another one on the reporting of diuretics that could be found as contaminants. The first one contained a minimum reporting level for growth promoters of 5ng/ml and, in the second one, for the six diuretics identified, the minimum reporting level had been set at 20 µg/ml. That did not require any specific efforts from the laboratories, just updating their reporting procedures for those substances, and the changes would then be incorporated into the future technical document MRPL2022, which was currently under review and being drafted by the working group.

MR HUSTING said that the public authorities approved the amendments to the technical documents and the new technical letters, but he had to convey two requests from Europe for the future. Europe wanted to invite WADA, given the technical complexity and scientific nature of the technical documents and letters, to provide at the same time, if possible, some summary giving an assessment of the possible financial, administrative and political impact of those technical letters and documents. Europe also invited WADA to allow sufficient time for the consultation of the documents, which were sometimes really technical, so the proposal from his CAHAMA colleagues was at least several weeks. Stakeholders and the public authorities needed to seek specialised advice on most of the documents.

THE CHAIRMAN noted that Mr Sieveking had already addressed the issue of the consultation process.

DR BARROSO responded that he would not repeat what Mr Sieveking had said in relation to the technical letters.

For technical documents, WADA allowed consultation of at least three weeks. Sometimes, it was necessary to balance the time given for consultation and the need for an updated technical document as soon as possible, also considering that the documents were to be approved by the Executive Committee. He was very aware of the situation and, where there were technical documents for which modifications were critical, WADA allowed all stakeholders at least three weeks for technical consultation, which was considered to be sufficient time.

On the question in relation to the financial, administrative and political consequences, he would not go into the politics, because politics was not his field, but there had been concerns expressed by the laboratories about the financial consequences of changing technical specifications. It was a difficult task because there were laboratories all over the world, not all the laboratories were in the same situation and the economic situation was not the same in each country. When WADA received feedback from the laboratories that they needed serious

investments in infrastructure or instrumentation, WADA would take that into consideration when setting an effective date for the technical document that would allow the laboratories to meet the requirements and be compliant. That was part of the job. The requirements would be increased from time to time, because that was in line with the advancement of science and increasing the quality of the anti-doping laboratories.

THE CHAIRMAN asked that the Executive Committee approve the amendments to the five WADA technical documents listed and the two technical letters. Did the members agree?

DECISION

Proposed technical letters approved.

– 6.4 Education

6.4.1 Social Science Research Projects

MS KANOUTÉ welcomed the opportunity to present the social science research grant programme and the recommendation of the Education Committee to fund 18 projects for a total of 474,480 US dollars which the Education Committee was asking the Executive Committee to approve that day. The Education Committee was committed to ensuring that social science research and the study of human behaviour, in other words, trying to understand why people did the things they did, continued to grow and become a critical component of programmes protecting clean sport. To help raise the importance and visibility of social science research in the clean sport community, a new social science research strategy had been developed and presented to the Executive Committee on 15 September 2020 and subsequently approved. The Education Committee, together with the newly formed Social Science Research Expert Advisory Group, which included global representatives and active researchers, would continue its combined efforts to realise the benefit of social science research.

In line with the social science research strategy, the 2021 social science research grant programme had been revised and relaunched on 16 October 2020 through the new call for proposals. She would highlight some of the main changes of that call in a moment. In the meantime, the revised grant programme had seen the highest level of engagement with the greatest geographical spread of applicants and the highest number of applications received, and potentially the highest level of investment if the Executive Committee approved that day's proposal. In addition, many more applications had been received from non-European countries, which had been a core aim of the social science research strategy. In total, the amount of funding requested from all applicants had been over 3 million US dollars, clearly demonstrating the engagement and demand for more social science research, presenting an opportunity should any additional funding be made available to WADA for such research in the future.

The members would see an overview of the social science research strategy on the slide and also how everything fitted together, and the close relationship between the Social Science Research Expert Advisory Group and the WADA Education Committee. In line with the objectives of the social science research strategy, there had been feedback from applicants and stakeholders and additional observations by the Education Committee members, and the Education Department, together with the social science research review panel in existence at the time, had reviewed and revised the social science research grant programme, resulting in feedback and challenges. Some key changes had been made to the grant programme in 2021. The first major change had been the publication of the strategic research priorities, as could be seen on the right-hand side of the slide, developed in collaboration with the social science research review panel, which had been in existence at the time. The priorities provided applicants with longer-term views of the research needs and areas of interest. That, together with the recommendation to involve anti-doping organisations or other relevant stakeholders in the research proposals, increased the chance that the research would be relevant, that stakeholders were aware of the research and, importantly, that they were included from the beginning, helping to ensure that research outcomes were considered and implemented.

The members would have seen the summary of projects and the wide range of stakeholders, such as NADOs, RADOs, IFs and NOCs, involved in the research projects. The research priorities, as well as the changes to the grant programme structure, had been established at an ad hoc meeting held on 24 September and endorsed by the Education Committee.

A further improvement had been the introduction of a three-tier approach, which had been implemented as could be seen on the slide. Tier one focused on larger-scale, multi-country, multi-sport projects, helping to foster a more international approach to the research; tier two focused on national or single-sport projects; and tier three focused on smaller-scale locally relevant projects, and provided an opportunity for smaller-scale funding to be awarded for less than 20,000 US dollars per project. The introduction of the tier system had given an opportunity to fund larger-scale projects, recognising and harnessing research expertise and, at the other end, tier three had encouraged more applications for small-scale projects that could help improve programmes at the local level. For the first time in over a decade of projects submitted from Latin America, one was being recommended for funding that day. In addition, a two-phase application process had been introduced for tier-one and tier-two projects, for which only an expression of interest had been requested at the first stage of the application process. In total, WADA had received 56 expressions of interest for tiers one and two combined. Following the review process, 32 projects had been invited to submit a full application. Introducing an expression of interest process enabled applications to be filtered at an early stage and, for applicants less likely to receive funding, meant that they did not spend too much time and energy on a full application. All tier-one and tier-two full applications had received two independent peer reviews plus a review by the Social Science Review Panel. All 11 of the tier-three projects had also been reviewed independently by two members of the Social Science Review Panel.

The Education Committee had met from 14 to 16 April and had held a joint meeting with the Social Science Research Expert Advisory Group to discuss the output of the work in relation to the grant programme. At the joint meeting, the chairman of the Social Science Research Expert Advisory Group, Mr Rob Donovan, had presented the outcomes of the group's own meeting held just before the Education Committee meeting, at which 65 applications from all tiers had been considered for funding. At the conclusion of that meeting, a total of 18 projects had been recommended for funding. For tier one, two projects were being recommended for a total of 108,738 US dollars; for tier two, five projects were recommended for a total of 198,000 US dollars; and, for tier three, 11 projects were recommended for a total of 167,742 US dollars. The members would see the variety of projects included in the proposal for funding. They would see the athlete and youth programmes, values-based education programmes and the fact that the proposal also embraced the cultural concept, especially in relation to Africa. The deterrence issue was a key component along with the intention to dope, vulnerabilities and the influence of general practitioners and pharmacies on athletes, and the issue of the level of knowledge of the athlete entourage. In addition, the members would also have seen that more research would be conducted from Africa, more athletes from a wide variety of sports would be researched, and there would be more research targeting athlete support personnel, who had a significant influence of athlete behaviour. The Education Committee had discussed the recommendations with the Social Science Research Expert Advisory Group and had agreed to submit them to the Executive Committee for approval.

If the members saw any discrepancies between the funding requested and the funding awarded, it was either due to a need to check the validity of the method or because some of the funding requested was for items that should not be funded, for example, the principal investigator's salary or travel for meeting fees.

The Education Committee noted that the 18 proposed projects covered 14 countries across all five continents, with 72% of research proposals representing countries outside Western Europe and North America. Finally, in relation to the ambition of the social science research strategy to allocate a minimum of 35% of grants to non-Europeans, she was pleased that the funding recommendation was already for over 60% of funding for non-European projects.

If the Executive Committee approved the recommendation to fund the 18 projects, that would be the highest amount of funding ever allocated to social science research projects. She therefore asked the Executive Committee to formally approve the recommendation for social science research grant funding for 2021, and she thanked the members for their attention and support. She would be happy to take questions, together with the Director of the Education Department, Ms Amanda Hudson.

MS BATTAINI-DRAGONI stated that, as a matter of fact, she did not wish to ask a question. She simply wished to note that she had read with a lot of interest the documents sent and expressed her very positive assessment of the convincing presentation, and she very much liked the third tier for small contributions. She anticipated that it would be interesting at some stage to find out the assessment of the results linked to that approach, to have some kind of feedback in a year's time to see whether or not it had been a good choice and whether or not it had met the expectations.

MS EL FADIL noted that Africa really supported the approval of the proposals made by the Education Committee for social science research and strongly recommended their approval by the Executive Committee. She was really happy to see that there was a very positive attitude towards more countries outside Europe and North America receiving funding. She saw over 60% of funding going to those countries and appreciated the positive trend towards more research taking place in countries outside Europe and North America.

THE CHAIRMAN welcomed the positive comments. After the comprehensive presentation, he believed that the Executive Committee was in a position to approve the recommendation of the Education Committee for social science research grants.

DECISION

Proposed Social Science Research projects approved.

– 6.5 Open questions on departmental reports

DECISION

Departmental reports noted.

7. Discussion Areas

– 7.1 Athletes' Anti-doping Ombudsperson update

MR SANDFORD recalled that the reason everybody was there was for clean sport and clean athletes and the basis of that system and the way in which it functioned was regulating athletes or the organisations that regulated the athletes. It was vital in that system to have tools and mechanisms in place that allowed the athletes to engage with the system and navigate through it, creating a fairness and awareness as to where athletes could go to solve problems.

He sought feedback on a couple of key points. One of the first things was that, for the past year, the name of the project had been the Athletes' Anti-Doping Ombudsperson. The name had just been changed to Ombuds. It still meant exactly the same thing. In the documents for the meeting, there was an update on all the work happening and he thanked the working group for the huge amount of effort being put in. There was also the Ombuds discussion document, which had been given to the Executive Committee and the Foundation Board the previous year, describing the need for the Ombuds, what it was and what it was not. There was also the Ombuds model one, which was being called an employee model, and terms of reference, and the Ombuds model two, which was being called a contractor model, and its terms of reference. Those were drafts, and he sought input and guidance on them. There was also another piece in the update document and that was the benefits seen from having ombudspersons working in the anti-doping space, and that was under the values.

In terms of movement from the previous presentation, he was still talking about the same roles; the ombudsperson was still designed to fit into the current system, but some particular models had been defined and there were terms of reference around those models. The Athletes' Anti-doping Ombuds provided athletes with cost-free, neutral, impartial and fair advice and assistance in relation to the World Anti-Doping Programme and the entities that played a role in it.

He presented the description of the models. There were some key similarities between them: the mission, services, function and purpose were still the same, and a regional approach was still being talked about for both the models. There were some key differences however. The difference was how model A and B would fit with WADA, who the Ombuds would report to, the structure of the office and the potential benefits. Even though the functions and services were the same, it was necessary to think about what WADA wanted to achieve for athletes. Talking about the potential benefits, he was talking about independence, how the office would be able to work collaboratively within WADA, if it was able to identify problems before they came problems, and how that would fit in to the structure.

The employee model was model 1 in the documents. He was trying to compare it to a similar body within WADA, which he thought would be the Intelligence and Investigations Department. It was part of WADA but also independent within WADA, so there was an ability to work within and outside the organisation. It was obviously not fully independent, there would be a reporting structure, it would report to the Foundation Board and there would be the regional ombudspersons as employees within WADA but also separate and independent from WADA.

The second model was the contractor model, and that would see an administrator, possibly shared 50-50 with the Intelligence and Investigations Department, who would run the regional ombudspersons, and those ombudspersons would be contracted to WADA via the administrator, who would feed back into the department and then up into WADA. Both of the models developed would have a committee to answer to, but that would be quite different in the contractor model vs the employee model. For the employee model, there could probably be a chief ombudsperson, who would run the office. That would be very difficult in the contractor model, and it would be key in the contractor model that the administrator provided those services that allowed for coherence and coordination of the different ombudspersons, whereas that would be much simpler within the employee model. One of the main benefits of the contractor model was the independence of the office. The ombudspersons would be contracted to WADA to do a particular job and would be very independent, connected to WADA through the Intelligence and Investigations Department, which was already very independent, so there would be a greater degree of independence there.

The members' feedback on the best model, what would most benefit athletes, WADA and the doping system, would be really beneficial. The working group had to continue meeting and working with the WADA management to take those ideas forward. Neither of the models had yet been presented to the WADA Athlete Committee, just because things had moved so quickly in recent months, so he would need to go to the Athlete Committee and seek input on the models that would best serve athletes. Because things were moving so quickly, it was his hope to have a final model to present at the next Executive Committee and/or Foundation Board meetings. A very rough estimate of a budget had been made, but that would be very much driven by the model selected.

THE CHAIRMAN supported the important initiative. As a former athlete, he really appreciated the idea of an athlete anti-doping ombudsperson. It was much needed by the athletes and the entire anti-doping community. It was true that some elements of the proposal still needed to be discussed, such as how to best structure the ombudsperson. He believed that such an individual should not be a WADA employee for purposes of independence, and that it should not be one person but more people in different regions; however, a lot of progress had been made and it was much appreciated.

Since it was her first meeting and her first intervention, DR SANGENIS introduced herself. She was honoured and pleased to be part of the WADA Executive Committee, and would do her best. The members had to read and digest a large number of documents in order to be able to comment. She would find the time and had already found time.

She thanked Mr Sandford for his presentation. She had been a physician working with athletes in sport for more than 20 years, not only at the Olympic Games but also on a regular basis. The ombudsperson was a very sensitive issue and, although it was not a decision point at that meeting, it was a very important issue on which Mr Sandford had been working with the group, and the Executive Committee would need to make some recommendations in addition to the budget. An ombudsperson was a very difficult person to choose, as was the model. There were strategic issues that needed to be resolved before starting the selection process, and there should definitely be regional people because of the cultural and language differences. Not only that: what role would that person represent? Not a lawyer, but a person who would receive athletes' concerns and experiences. Who would that person report to? Was it complicated to think of the person as a WADA employee? That was her question. She thought that it was a very sensitive issue. She thanked Mr Sandford again for all his hard work.

MR KEJVAL thanked Mr Sandford for the amazing work. If one wanted to do something for athletes, the ombudsperson was the thing. As an NOC president, he saw lots of stories about athletes who had not cheated or done anything wrong in a number of cases, and it was often very hard to understand what was going on. It was definitely important to have somebody like that. The regional ombudspersons were important because of language differences. The most important issue was independence, because there had to be trust between the ombudsperson and athletes. The athletes needed to be sure that the independent person was not part of WADA, that the person was on their side. It was also necessary to talk about liabilities and the budget, but he was 100% certain that the idea made sense and he wanted to support it.

MS BATTAINI-DRAGONI said that it was an extremely interesting subject and she wished to pay tribute to Mr Sandford for the work he had put into the project and the way in which it was advancing. Having said that, she had to admit that she belonged to an older generation that understood the function of being an ombudsperson somewhat differently to what had been described. The previous speaker had underlined the notion of independence. The model of ombudsperson since the seventies, at least in Europe, had been there not to belong to the government but to provide information on one hand and also try independently to mediate between the person seeking support and the authority, which had a different position. She gave some advice: she recognised the need for good information for athletes. There was no doubt about that. However, if one used a word, which in some continents had a very clear history and experiences, it would create an incredible amount of confusion because it would not be possible to go for Ombuds if one wanted to place it within the WADA structure since, by doing so, one would immediately be creating a conflict of interest. For example, one could not expect WADA, with the Compliance Review Committee coming forward with a number of decisions, to be on one's side. It could give explanations, but then the person should not be called an Ombuds, they should be called an advisor or something different. The need to provide good explanations was there; WADA could contribute to providing clarity, but then it would stop there. One could not ask for more. If one wanted to build something around WADA, why not, but it really needed to be thought through constructively. The people working in the Intelligence and Investigations Department were also independent, but there was no attitude from society at large to give to that department the same kind of interpretation in relation to the Ombuds role being presented. She wanted to say that the group should go for the basic idea of asking for proper advice but warned that it should be very careful about the words used because, in the different continents, there would be different interpretations, so she suggested taking another look at the words used and the meaning of the words and how they immediately brought up expectations that might make the whole exercise even more difficult. She very much respected the work done to date, but saw the need to improve the dialogue between the athletes and WADA. That was a very important and more than legitimate wish, but it was necessary to be careful about the words used and how WADA advanced with the project.

MR LUCENA congratulated Mr Sandford on his good presentation. He also thanked Mr Sandford for the virtual meetings, in particular the one held some months previously in his continent. The support was clearly needed. He reiterated the voice of the athletes and wanted to commit to a perfect model to approve it and to ensure that the region understood it better, always supporting the decision and encouraging transparency, democracy, gender representation and geographical distribution. He thanked Mr Sandford again and told him to count on CADE to help find the best model that could be used in the future to help WADA representation.

MR SANDFORD responded in general to the comments. Definitely, the regional approach was the one being taken with both models. It was recognised that that was the best way forward. There were already athlete ombudspersons out there. This was not the first one. The USA had one, the Czech Republic had one and Slovenia had one. They already existed in certain jurisdictions. WADA was filling the gaps, because there were some enormous ones out there. Athletes were really used to the idea of an athlete ombudsperson. When talking and engaging with athletes, they understood instantly the need for it and they really wanted it. He could be talking to athletes about changes to the Code or athlete representation; but, as soon as he started talking about the athlete ombudsperson, that was when he started getting engagement and athletes saying that they could see how it would work and that it was a good idea, so he was absolutely in favour of the regional approach. However, he really believed that selecting the right people for that was going to be vitally important, so WADA had to make sure that it got that right, especially when starting something new like that.

In terms of the name, as he had said, there were already athlete and sport ombudspersons out there; there had been several reports in other countries recently about establishing them in their own jurisdictions. He came from a country in which one was not allowed to be called an ombudsperson without government approval, and there was a specific act in the country that mandated that, but there were two quite separate ombudsperson models, the government model and the organisational model. If anybody wanted to have a look, there was an International Ombudsman Association that mainly dealt with organisational ombudspersons, so the terms of reference were modelled partly on those of the international association. He would be happy to point the members in the right direction.

He thanked Mr Kejval for all his work in that process. There were three other fantastic people who had put a huge amount of work into that and their expertise had been infinitely valuable and the main reason the group had been able to make good progress.

He thanked the members for the feedback. He would need to look at it and go back to the Athlete Committee and spend some time talking to the WADA management to see how that could be fitted in in the best way possible. He asked the members to contact him if they had any further questions or comments.

MS EL FADIL said that she was not clear about the cost of the initiative.

MR SANDFORD replied that the matter was not clear to him either. A total of 300,000 dollars had been put in the papers, but that would very much depend on the model selected. It was probably easier to budget with the contractor model, because there would be fewer costs up-front and one could also contract people for 50% of their time instead of 100%. In the papers, it said that the contractor model was probably the easier model to get up and running, because one could contract somebody for 50% and then contract them for more in subsequent years. Once the group had decided on the model, he would go back to the Executive Committee with a full costing.

MS BATTAINI-DRAGONI thanked Mr Sandford for his reply. She would very much like to be in contact with him, perhaps over the coming weeks, to discuss the matter. She had intended to draw attention to the fact that WADA needed to be very careful about sending a message to everybody that there was no interference or conflict of interest whatsoever. It was an important discussion. She very much appreciated Mr Sandford's stamina and work; she needed to be a

little bit more convinced about some aspects related to it, but she was not as stubborn as she might have sounded a few minutes previously.

DECISION

Athletes' Anti-Doping Ombudsperson
update noted.

8. Other business/future meetings

MR SIEVEKING noted that his colleague Mr May had asked him to inform the Executive Committee members that WADA would be signing a memorandum of understanding with CEADO, the Central European Anti-Doping Organisation, to collaborate on specific anti-doping programmes, development and activities. The first activity would be providing training and development support to members of the Eastern European Regional Anti-Doping Organisation.

THE CHAIRMAN thanked the members for their participation that day; he looked forward to seeing most of them at the Foundation Board meeting the following day.

DECISION

Executive Committee – 15 September 2021,
Istanbul, Turkey;
Executive Committee – 20 November 2021,
Brisbane, Australia (TBC in May 2021);
Foundation Board – 21 November 2021, Brisbane,
Australia (TBC in May 2021);
Executive Committee – May 2022, location TBC;
Foundation Board – May 2022, location TBC.

The meeting adjourned at 11:45 a.m.

FOR APPROVAL

MR WITOLD BAŃKA
PRESIDENT AND CHAIRMAN OF WADA