



Minutes of the WADA Executive Committee Meeting 22 January 2019, by teleconference

The meeting began at 8.00 a.m. (EST)

1. Welcome, roll call and observers

THE CHAIRMAN welcomed the members to the WADA Executive Committee meeting, mentioning in particular Ms McKenzie from Australia and Mr De Vos, who represented GAISF, to their first Executive Committee meeting, reassuring them that WADA did not always work by teleconference and that the members tended to be around a table together in a room. It was important, however, to have a teleconference that day. There was a very short agenda. Everybody was on the line with the exception of Ms El Fadil. There was only one item on the agenda: Code compliance of the Russian Anti-Doping Organization.

The following members attended the meeting: Sir Craig Reedie, President and Chairman of WADA; Ms Linda Hofstad Helleland, Vice-President of WADA, Minister of Children and Equality, Norway; Professor Ugur Erdener, Chair of the WADA Health, Medical and Research Committee, IOC Vice President, President of World Archery; Mr Jiri Kejval, President, National Olympic Committee, Czech Republic; Mr Ingmar de Vos, IOC Member, President, FEI; Ms Coventry, representing Ms Danka Barteková, IOC Member and Member of the IOC Athletes' Commission; Mr Witold Bańka, Minister of Sport and Tourism, Poland; Mr Marcos Díaz, CADE President, Dominican Republic; Ms Tomoko Ukishima, State Minister of Education, Culture, Sports, Science and Technology, Japan; Ms Bridget McKenzie, Minister for Sport, Australia; Mr Andrew Ryan, representing Mr Francesco Ricci Bitti, Chairman of the WADA Finance and Administration Committee, President of ASOIF; Mr Edwin Moses, Chairman of the WADA Education Committee, Chairman, Board of Directors, USADA; Ms Beckie Scott, Chair of the WADA Athlete Committee; Mr Jonathan Taylor QC, Chair of the WADA Compliance Review Committee, Partner, Bird & Bird LLP; Mr Olivier Niggli, Director General, WADA; and Mr Gunter Younger, Intelligence and Investigations Director, WADA.

2. Code compliance and RUSADA

THE CHAIRMAN informed the members that they would have received the official report from the Compliance Review Committee dated 17 January 2019, noting that also on the line were Mr Taylor, the Chairman of the Compliance Review Committee, Mr Niggli, the Director General of WADA, and Mr Younger, the Director of WADA's Intelligence and Investigations Department. He asked Mr Taylor to start the meeting by presenting his report and speaking to it and raising any issues he would like to raise. Mr Younger might want to help him. Thereafter, he had a speaking list in alphabetical order. The members would make their comments and finally decide what they wished to do.

MR TAYLOR said that he hoped that the members had had a chance to review his letter of 17 January. The Compliance Review Committee had deliberately tried to make it complete, with all of the facts and its analysis and reasoning in there. He hoped it was clear. He would, of course, be happy to address any points or questions. He did not propose to go through it line by line. He wanted to make a couple of points. The first six paragraphs of the letter (paragraphs one to six) summarised where WADA had got to and paragraphs seven, eight and nine comprised the next steps. He would talk about where WADA had got to, referring to paragraphs one to five in particular, after which Mr Younger might help the members by explaining the situation in relation to the data. He would then continue with next steps (paragraphs six, seven, eight and nine).

The first point he wanted to make (because not everything could go in the letter) was that the Compliance Review Committee had received oral reports from several people that showed there had been a considerable amount of intensive work done behind the scenes by the WADA management and

by Mr Younger and his team, including, unfortunately over the holiday period. No matter how things might seem, actually negotiating access to the data had proven to be a complicated exercise, and he wished to pay tribute to the people at WADA who had managed, with great patience and courtesy, but also with great fortitude, to push things through and get to the current situation.

He hoped that paragraph one was clear. The audit had been done and there had been a strong report that the impression was that, building on the first audit of RUSADA, the latest one in December had again shown that RUSADA was operating at a high level, probably consistent with other NADOs of its size.

Moving to paragraph two, there was no doubt that the data requirement had not been met by 31 December.

Looking at paragraph three, when a non-conformity arose (and that was what had happened: on 1 January, there had been a non-conformity with a 'critical' requirement, which was the provision of the data), usually what happened was that the signatory was given three months to fix it and, if they did not do so within that time, they were effectively automatically given another three months. If they still did not fix it, only then did the case go to the Compliance Review Committee. However, there was a special fast-track procedure set out in the ISCCS for urgent cases, and the WADA compliance team had taken the view that it was an urgent case and therefore had not given RUSADA any additional time to correct the non-conformity, but instead had referred the case straight to the Compliance Review Committee.

Moving to paragraph four, with the fast-track procedure, RUSADA and the Russian authorities had been given an opportunity to provide comments, and the comment received from the Russian Sports minister (in several letters) had been that everything necessary was being done to provide the required access to the data.

Paragraph five referred to the report received from Mr Younger at the CRC's meeting the previous week, which was that his team was in Russia and was in the process of extracting the data. The Compliance Review Committee had therefore reserved the position until Thursday. On Thursday, Mr Younger had been able to confirm that his team had extracted all of the data and had left Russia with such data. That was when the Compliance Review Committee had issued its report. Paragraph five was an extremely important paragraph. He had tried to set out accurately (he hoped) what he had been told in terms of the data. The important point was that WADA had the data from several different sources. Mr Younger had forensic images of it, meaning that he did not only have a copy, but he also had the opportunity to get deleted data and, by copying the entire server, he also had the metadata, which would again make it possible, if there were any discrepancies between the three sources from which the data had been extracted or indeed from the fourth source, which was WADA's own copy of the LIMS database which it had received in 2017, to go the metadata to see why. That was why the conclusion in paragraph five was that WADA had the information it needed to confirm the authenticity of the data and then to go on and determine the case(s) to answer. He asked Mr Younger to come in at that stage if there was anything else he wished to say to reinforce what had been said about paragraph five.

MR YOUNGER gave the members an update on the obstacles that the team had had to overcome during the different visits to Russia. It had started on 28 November, when a preparatory visit had been carried out and the team had been told that a technical document on the procedure was necessary because, according to Russian law, no data could be taken out of Russia. To give the members an idea of the law, in Russian criminal law, a procedure applied for any ongoing investigation. The investigative committee was investigating whether Dr Rodchenkov had abused his position as a public official through the destruction of doping samples. Therefore, the criminal code was applicable and, in different sections of the law, there was reference to proof in criminal procedures and recognised evidence as demonstrative proof. The Russians had therefore said that WADA could not just go into the laboratory and seize all of the documents and that there had to be a procedure and they could not allow WADA direct access to the equipment. That was a summary of the first visit.

On 17 December, when the team had gone back, there had still been the issue of WADA not being allowed to take the data out of Russia. The Russians had said that all of the data needed to remain in Russia and be analysed in Russia with their investigative team, and then there would be a joint report,

which could be used by both parties for their own purposes. If the WADA team members were unable to complete their mission during their time in Russia, the authorities had proposed keeping the data in a safe until the team returned to Russia. He had naturally not accepted that. On 18 December, Mr Kolobkov had met the WADA team and said that there had been a misunderstanding, and the WADA team was allowed to take the data out of Russia, and he had recommended meeting on 19 December with the investigative committee again. Nevertheless, there had to be a retrieval process in place in accordance with Russian law, so the team had met with the Russians again on 20 December. The Russians had then said that they agreed that WADA could take the data out of Russia but, in order to preserve the integrity of their data, Russian equipment had to be used. However, according to the WADA IT experts, the standard of the equipment had not been that which WADA had had in mind. The Russians had said that they would do the copying and that the WADA team were not allowed direct access. He had not accepted that either, and had said that direct access was necessary because anything else would be contrary to the reinstatement conditions set by the Executive Committee. Therefore, after those issues had not been solved, the team had decided to leave the following day, on 23 December, and had offered to leave their equipment with the Russians to get it certified, which had been another possibility, but Mr Kolobkov had not been available consider this, and his assistant had declined to take the equipment. Then there had been discussion about the different options. WADA had been offering to purchase equipment. On 9 January, the team had then been able to go to Russia, and had bought some of the equipment in Russia, so everything had been okay, in order to start extracting the data on 10 January. It had taken so long because the team had had to deal with more than 20 terabytes of data. That was a huge amount of data, extracted from more than 20 instruments, and there had been some technical issues, which was a normal occurrence on such missions; but, in the end, it had been possible to extract all the data from all the instruments. The team had also got three hard drives, which had been in the possession of the investigative committee (they had taken them from the server) mainly with raw data. Those hard drives had been provided by the investigative committee and, on 17 January, the team had downloaded the last part, the server, with very old hard drives. There had been a danger that the hard drives might be damaged; therefore, the data had been copied to another server in the laboratory so as to be able to extract the data from the server. That, in a nutshell, was more or less what had happened during the three missions.

MR TAYLOR said that the members would see the summary of the situation in relation to the data in paragraph five, and what Mr Younger and his team currently had.

Moving onto a discussion on the next steps, paragraphs six, seven, eight and nine, he hoped that paragraph six was clear. He anticipated that there might be some questions about it. The Compliance Review Committee had considered very specifically and very carefully fact that the data had not been provided by the deadline, and the members had heard some of the reasons back and forth for that delay effectively of 15, 16 or 17 days. The Compliance Review Committee had considered whether there should be some sanction for that delay. For the reasons set out, the Compliance Review Committee recommended that the same treatment be given to RUSADA as was given to every other signatory. As the members would be familiar from the Executive Committee meetings the previous year, each time a signatory missed deadlines, (it was normally a three-month deadline followed by another three-month deadline), they went to the Compliance Review Committee and it made a recommendation of non-compliance. If they then corrected before the Executive Committee meeting, that correction would be accepted and they would no longer be recommended for non-compliance. He had checked the data for the previous year and, before each Executive Committee meeting, that had happened with at least one or two signatories, and that was consistent with the principle he had referred to in his report, which was the principle set out in the ISCCS that non-compliance should be a last resort taken after a signatory had had and declined as many opportunities as possible to comply with the requirements of the Code. It had been a very strong stakeholder sentiment that that principle should go into the International Standard. The Compliance Review Committee saw no reason why there should or even could be, based on the legal principle of equal treatment, any different treatment of RUSADA in this case.

Moving to paragraph seven and the next steps, the next step was authentication, which was always going to have to happen. The members would see the explanation of the basic steps to be taken (and he did not pretend to be an expert in those areas, so he was relying again on Mr Younger). His report also explained that Mr Younger's team felt they had the information necessary to authenticate the data, and that process was ongoing as he spoke.

On paragraph eight, Mr Younger's team would report to the Compliance Review Committee every two weeks on the authentication process. If it was reported that the evidence had been tampered with, the Compliance Review Committee would meet immediately, and he had explained what the Compliance Review Committee had said that it was likely to do in those circumstances. The Compliance Review Committee felt it important to explain very clearly what would happen in those circumstances. It was not a recommendation that the Compliance Review Committee was bringing before the Executive Committee now. Due process would have to be followed there, as in every other case. The Compliance Review Committee would meet, consider the facts and then make a recommendation. It was not making a recommendation at that point, but the Compliance Review Committee had unanimously felt that it was important to send a strong signal of the expectation of everybody, WADA and all its stakeholders, that the data that the Russians insisted was authentic be proven to be authentic as part of the process and the seriousness with which the Compliance Review Committee would regard evidence that, in fact, the data had been tampered with.

Moving on to paragraph nine, assuming that the data was authenticated (the first step was obtaining the data, the second was authenticating it), the third step was the analysis of the data to determine who had a case to answer from the athletes listed in the LIMS database. He knew that Mr Younger and his team had already identified the priority cases and who they should focus on first and, as part of that process, that was when the second condition that the Executive Committee had set in September would come into play. There was several thousand samples still in Moscow and if, as part of the analysis of the data, it was determined that any of those samples needed to be reanalysed, the Russian authorities would be required to ensure that that analysis happened at a WADA-accredited laboratory before 30 June as part of the process of determining who had a case to answer. Of course, it could happen before that, but it all depended on how long the next stages took, although his understanding was that there was time for the authentication process and the analysis process, including determining whether samples needed to be reanalysed by that deadline of 30 June, and of course the aim was, where there was a case to answer, to get that evidence to the relevant ADO and get them to pursue the case as quickly as possible. That, after all, was what this exercise was all about.

That took him to the summary. He reminded the Executive Committee of the decision that it had taken in September 2018 in the Seychelles, which had been designed to use the new Standard to enforce the requirement of provision of the data. It sounded like an easy requirement, but it was not an easy requirement, including from the Russian point of view, because of the impact of the criminal proceedings, and therefore he did think that it was a significant achievement for WADA to have extracted all of the data that it had extracted from the Moscow laboratory.

The members would see the summary of the next steps. He gave the recommendation, which was that the Executive Committee simply note the contents of the report and the next steps in the process. No other action was recommended at that time.

THE CHAIRMAN thanked Mr Taylor. He was grateful for that. He would open the meeting up, but it was a difficult one to handle with everybody speaking at the same time. He proposed to ask the members to speak when he asked them to. If they needed any further information or explanation from Messrs Taylor or Younger, they would stay on the line and would be able to help the members.

MS HOFSTAD HELLELAND noted that she was pleased that WADA had finally got access to the laboratory in Moscow. Personally, she had the same position as the one she had had in the Seychelles at the Executive Committee meeting. Her opinion was that Russia and RUSADA should be non-compliant until WADA was sure that it had received all of the data and until all of the data were verified. In order to restore the credibility of WADA, she recommended that the WADA Executive Committee urgently decide the following: one, to execute an independent, immediate and thorough review of the authenticity of the data received from the Russian laboratory. The highest possible expertise should be utilised. Two, as soon as it had been established that the data from the laboratory were authentic, WADA should immediately commence analysing the data. The world's most competent experts in the field should be on standby to study, analyse and determine potential anti-doping rule violations. Three, a team of legal experts should then without delay scrutinise the findings and suggest to the result management authority that it prosecute any potential anti-doping rule violations. Four, WADA should monitor the process closely and quickly take on board and prosecute cases that the applicable result management authorities failed to prosecute. Finally, five, WADA should require from Russia that the costs incurred throughout this entire process, starting with the Pound inquiry be paid in full by 30 June 2019. It was only reasonable

that Russia pay for all the costs and it was extremely unreasonable that the sport movement and the governments of the world had to cover the costs.

MR BAŇKA said that, generally speaking, Europe was satisfied that the transfer of data from the Moscow laboratory to WADA had finally taken place; however, Europe was disappointed that the deadline set by the WADA Executive Committee had not been met. Europe therefore strongly encouraged WADA and the Russian authorities to do their best to respect agreed deadlines in the future. As to the Compliance Review Committee recommendation, Europe took note of the report as recommended by the Compliance Review Committee.

MS COVENTRY thanked Messrs Taylor and Younger for their explanations. From the athletes' point of view, they had been talking and reaching out to different athlete groups around the world and she thought that the consensus was that they were happy that the data had been retrieved. There was definite disappointment that the deadline had not been met, and she did not believe that the athletes felt that there had been very good communication to the athlete community as to why the deadline had been missed. There was a strong message from the athletes that there needed to be a very clear, transparent communication in the future on the next steps. It was a sentiment shared among all the athletes spoken to and who had sent letters and the athletes would like to see things moving very quickly in terms of verification of the data. She believed that the athletes would also like to reemphasise the fact that WADA needed to be a lot clearer on the communication and asked if some clarity could be given to the athletes as to why there had been no direct consequences for the Russian authorities right after the missed deadline; that had been a big question and the athletes would like to be able to answer that very clearly in their communication.

MR DE VOS stated that it was his first meeting, and it was a teleconference, so he did not have all the historical background and apologised in advance if he made any comments that were not really to the point. He thanked the Compliance Review Committee for a detailed report drawn up within a short period of time. It was a good report and the recommendation made sense, also given the explanations as to why the initial deadline had not been met. In relation to the second part, as explained by Mr Taylor when he had commented on paragraphs eight and nine, he had understood that that was not part of that day's recommendation; it was more for information, so he believed that paragraph six gave the clear recommendation of the Compliance Review Committee. The paragraphs from one to five gave the reasoning behind the recommendation, but then paragraphs eight and nine were more for information but were not to be considered as being the motivation for that day's recommendation. That was his question.

MR DÍAZ said that the Americas regretted that the deadline given to Russia by the Executive Committee members the previous September had not been met. However, they acknowledged that the current status was a good one. They respected and accepted the Compliance Review Committee's considerations in that WADA had what it wanted, and acknowledged the hard work done by the WADA team members who had gone to Russia to get the data, as well as the work of the Compliance Review Committee and the management. Further work had to be done with the data to clarify whether there was a case, or possible cases, so that justice could be done in the event of possible cheats. That was what the international sport community was asking for and that was part of the Executive Committee's responsibility. The Americas accepted the proposal made by the Compliance Review Committee.

PROFESSOR ERDENER stated that he would like to mention that the agenda that day was very clear: Code compliance status of RUSADA, and he fully agreed with his colleague Mr de Vos's comments on paragraphs eight and nine. The main aim had been achieved. There had been a small delay. It appeared that it had been related to some technical reasons, as explained by Mr Younger. In his opinion, RUSADA remained reinstated.

MR KEJVAL noted that he was very disappointed that RUSADA had been unable to meet the deadline; however, he fully supported the Compliance Review Committee's proposals up to point six.

MS MCKENZIE said that obviously there had been public disappointment about the failure of Russia to meet its responsibility for years. WADA needed confidence that Russia (and she congratulated Mr Younger on getting the evidence out despite the fact that it had not been in a timely manner) would be taking its role in the process much more seriously. There was probably something in Ms Hofstad

Helleland's calls for independent assessment and analysis and handling of the data for the Executive Committee as well as for the reputation of WADA more broadly, given the concerns echoed around the world by stakeholders in sport to ensure that the work that WADA did could have the confidence of all.

MR RYAN spoke on behalf of ASOIF to say that the association had of course been especially disappointed about the missed deadline; but, at the end of the day, ASOIF understood what was said in the report that the goal of all of the measures was to have any stakeholder fully compliant and operating at the required standard, so ASOIF was delighted that WADA had got the data out of Russia and the evaluation could begin. When he had read the report of the Compliance Review Committee, which he massively congratulated, along with WADA and especially the team that had gone to Moscow to obtain the data, there had been some concerns about getting into hypothetical outcomes because, if one got into the what-if scenario, quite frankly there could be all sorts of things coming up in the future connected with the data, so he took note of those but was aware that they were just examples of the direction in which things could go. Overall, however, ASOIF felt that there was absolutely no possibility other than to support maintaining the current position and adding no further sanction at that time.

MS UKISHIMA said that the Japanese Government considered that the obtaining of the analytical data by WADA from the Moscow laboratory represented important progress for identifying the athletes who had been involved in organised doping, and supported the recommendation from the Compliance Review Committee that no further action against RUSADA be taken at that time, taking into account the fact that progress towards elucidation of the truth was under way and from the viewpoint that non-compliance proceedings against a signatory under the ISCCS should be the last resort. In the event that tampering of the data was found as a result of the data authentication and non-compliance was recommended by the Compliance Review Committee, the Executive Committee members should be informed in detail by the WADA management and the Compliance Review Committee in person and discuss the issue carefully. Therefore, if the need for an urgent Executive Committee meeting without waiting for the regular Executive Committee meeting arose in order to discuss such an issue, she suggested organising an ad-hoc meeting in person. If, as a last resort, a sanction banning Russian athletes or other personnel from participating in the 2020 Olympic Games and Paralympic Games was imposed, considering the graveness of the matter and the procedure of the Executive Committee meeting in November 2017 prior to the PyeongChang Olympic and Paralympic Games, she suggested having an opportunity to hear the opinion of the responsible personnel in Russia, such as the Russian sport minister, in person.

THE CHAIRMAN thanked the members very much for their comments. He would ask Messrs Taylor and Younger if they would like to respond to some of the points made, in particular the suggestions made by Ms Hofstad Helleland, and perhaps Mr Niggli might like to comment on what Ms Coventry had said about the whole question of communication.

MR TAYLOR thanked the members for the interventions, which he had carefully noted. In response to Ms Hofstad Helleland, the five steps she had suggested, the immediate and thorough review of the authenticity of the data received, formed part of the next steps, so that was agreed on, and then there was the issue of scientific and legal analysis, and he noted that she and Ms McKenzie were emphasising the need for independence to maintain public confidence in the process. He asked Mr Younger to address the point in terms of the independent assessment of the authenticity of the data.

MR YOUNGER explained that WADA was first securing all the data, and had to make sure that there were no viruses or trojans, after which the data would be uploaded. Every day, WADA could upload one terabyte of data, so it would take 30 days just to upload all the data. As soon as the data were safe, WADA had an independent expert, an external IT expert who had been in Russia and was familiar with all the data, but WADA also wanted to involve another independent IT expert, possibly from Europe, so as to avoid any issues or accusations from Russia about using only Canadian experts, so that was why WADA was looking for another IT expert with the highest level of expertise. One could not just go into 24 terabytes of data to check whether or not they were compromised. WADA would seek to have all the intelligence available on those Russian athletes in question, so would address and target the priority athletes first to see whether or not they were protected and, if there was any compromised data, WADA would go into detail with the two experts to find out what had happened to that data.

MR TAYLOR said that, in terms of step four, that WADA monitor the IF analysis of the cases and take them forward itself if the IFs failed to prosecute, that was very firmly the Compliance Review Committee's understanding of what would happen. Executive Committee members would be familiar with the fact that, under the World Anti-Doping Code, if an ADO did not take forward a case that it should, WADA could step in and appeal the case to the CAS, and it was his understanding that that was exactly what WADA would do if WADA felt that there was a case to answer and the IF did not take it forward.

The final point was that WADA must require the authorities to pay all of the costs since the Pound inquiry back in 2015. That was obviously a matter for the Executive Committee members. He did, with his lawyer's hat on, wish to note that he quite understood the concern but that had not been a condition set before. Perhaps it should have been. He did caution Ms Hofstad Helleland to think about whether or not WADA would be accused of moving the goal posts, which had been a previous complaint. That was as far as he should go on that point.

THE CHAIRMAN stated that the Executive Committee would have an opportunity to consider that fully when it met in Montreal, as that was likely to be before the end of the process. There had been a suggestion from Ms Hofstad Helleland that the Executive Committee might consider independent legal issues as far as the authentication of the data was concerned.

MR TAYLOR responded that that was not really for the Compliance Review Committee; but, if that was deemed by the Executive Committee to be a necessary important part of maintaining public confidence in the process, he certainly saw no objection.

THE CHAIRMAN said that WADA could look at that.

THE DIRECTOR GENERAL noted that he had one remark on that, also to address the question from Ms Coventry on the process. As was pretty clear from the report, the first step was the authentication of the data, and an independent expert would be involved. That would be followed by the identification of samples and retesting. It was important to understand that, at the previous Executive Committee meeting, the idea for the future had been for a collaboration within WADA between the Intelligence and Investigations Department and the Legal Department to package all the evidence available on each case and take that to each IF for them to consider prosecution and, as Mr Taylor had mentioned, if the IF failed to do so and it was felt that there was enough evidence to prosecute the cases, for WADA to do so. That would happen and would allow WADA to put everything together in a much more compelling fashion than just bringing cases in a piecemeal fashion to the attention of the federations. As to the decision to appeal or not, that was when WADA could easily involve an independent legal review as to the strength of the evidence. How that might be done could be discussed.

MR TAYLOR noted that Ms Coventry had also said that WADA needed transparent communication of the next steps. He fully agreed with that and with her request for WADA to move ahead quickly with the verification of the data. Obviously, the Compliance Review Committee agreed with that, and he knew that Mr Younger and his team did as well and were resourced to do so. It did take a bit of time, but his impression was that everybody was motivated to move it forward quickly. He also acknowledged that the athletes wanted to know why there were no direct consequences as a result of the missed deadline. He understood that and was ready to explain it. The Director General had a call with the WADA Athlete Committee that afternoon and he had been asked to be on a call with the IOC athletes' commission the following day. He would be very happy to do that. He fully agreed that there needed to be a clear and transparent explanation because the process was a sound process and needed to be communicated.

He thanked Mr de Vos for his comments and welcomed him to the Executive Committee. He confirmed and wished to be very clear, because Mr de Vos and others had made that point, that the points made in paragraphs seven, eight and nine were for information; they related to potential next steps, depending on what happened. The Executive Committee members were not being asked to make a decision on them that day. He could confirm that to the members.

In response to Ms McKenzie, who had referred to the importance of independent assessment of the data, that had been addressed by Mr Younger.

He noted Ms Ukishima's concern about a possible recommendation from the Compliance Review Committee based on a finding of tampering, and that in that event there should be an in-person meeting of the Executive Committee to consider it. That was not for him to comment on other than to note and understand and again flag that that was a potential scenario and not something that the members were being asked to consider at that moment.

He hoped he had picked up the key points.

THE CHAIRMAN assumed that the Compliance Review Committee letter would be published.

MR TAYLOR responded that that was the plan.

THE CHAIRMAN said that that would provide much information for stakeholders. Before drawing the meeting to a close, he informed the members that there were two standing committee chairs who had been listening in and it was only fair to ask them to speak.

MR MOSES appreciated being brought into the conversation. He had been concerned and had been about to make a comment about that, that everybody else had had a chance to speak. He was glad that the Chairman had included him. He agreed with Ms Hofstad Helleland concerning the picking up of the costs for the manner in which WADA had had to go about getting the data and did believe that RUSADA should be asked to pay all of the extra costs incurred. One IF had asked for reimbursement, and he concurred with Ms Hofstad Helleland on that.

Special Note: *At this point, due to a technical fault, all callers from the Americas region dropped off the call for approximately 15 minutes.*

Unfortunately, a further technical issue occurred, and it was discovered after the conclusion of the meeting that the audio recording ceased working at the same time. The rest of the recording from this point until the end of the meeting was not retrievable.

The following comments are therefore a summary of the interventions which were made (based on notes taken) for the rest of the meeting and are not verbatim transcriptions as is usual practice for meeting minutes.

MS MCKENZIE noted what MR Taylor had suggested the CRC would be likely to recommend if it was found down the line that there had been tampering with the analytical data. She asked him whether RUSADA could be held accountable for such misconduct if it was done by third parties who were not controlled by RUSADA. Mr Taylor replied that in his view it could be, on the basis that as a signatory to the Code it was responsible for ensuring it received all of the support from other parties in its country that it required to fulfil its responsibilities (including its responsibility to procure access for WADA to the authentic laboratory data), and therefore it could be held liable and sanctioned if they failed to provide that support, even if they were outside its control. The CAS had upheld a similar argument in 2016, when rejecting a claim by the Russian Paralympic Committee that it could not be banned by the International Paralympic Committee from the Rio Paralympics based on the misconduct described in the McLaren report by state agencies that were outside the RPC's control.

MS HOFSTAD HELLELAND thanked Mr Younger and Mr Taylor for the work that had been done, and said she was happy that WADA can say that significant progress has been made. She said we should all be proud of that achievement. She therefore supported the CRC report. However, she underlined for the record that as far as she is concerned her position remains the same as it was in September 2018, i.e., in her view RUSADA should not have been reinstated until all of the Roadmap conditions had been met in full.

MR DE VOS said that he fully supported paragraphs 1-6 of the CRC report, but on the basis (again) that the matters set out in paragraphs 7-9 of the report were included for information only, as matters that may have to be considered in the future, and did not form part of the motivation for the present decision. In response, Mr Taylor confirmed that that was indeed the case.

[At this point the technical fault was resolved and the callers from the Americas re-joined the call. The recording still remained unavailable.]

MR MOSES indicated he would restart his intervention following being disconnected from the call. Firstly, he indicated that he agreed with the comments made earlier by Ms Hofstad Helleland. Russia should pay for the costs of the investigation team including the travel and additional work needed to retrieve the data. He thought that the highest qualified independent experts should be engaged in reanalysing the samples. The database must be confirmed as valid. He referenced the need to ensure that there was a valid chain of custody of the data in place. He asked if there would be any analyses done of evidence tampering? Had the possibility of trojans, malware and other technical complications been considered, and could they be detected? Would the IFs be prepared to deal with any positive tests? He imagined that the cases would be minefields and challenging to manage.

MS SCOTT said on behalf of the WADA Athlete Committee, it was their position that there should be a consequence for the deadline being missed by Russia. Athletes are asked to adhere to deadlines and if they did not, they were subject to strict penalties. Why is it considered differently for signatories? She affirmed that the missed deadline by Russia should have ramifications. Her recollection from the September 2018 meeting was that it was said if Russia missed the deadline, it would mean a non-compliance sanction being placed on them.

She had three further items she wished to raise. Her first question concerned the deadline. What was the purpose of setting a deadline if it was not actually a condition that had to be met? She felt the rules had been changed by WADA. Secondly, if the data was found to have been manipulated, what would be the course of action? And lastly, she said she would argue that Russia should be dealt with differently to all other signatories. They were not like the others. They had carried out a state doping program on a scale that had never been seen before.

MR TAYLOR thanked Ms Scott for her comments. He said the rules had not been changed, they had been followed exactly as set out in the ISCCS, and they did not provide for sanctions when a non-conformity was corrected after the specified deadline but before the matter came before the Executive Committee (and therefore sanctions had not been applied in other cases where that had happened). In response to her question, what reassurance did athletes have that there would be a very strong response if it was found that the data extracted had been manipulated by the Russian authorities?, he referred her to paragraph 8 of his letter of 17 January 2019, which spelled out expressly that in such circumstances the CRC would meet without delay to review the facts, and if tampering was confirmed then it would recommend to the ExCo that a formal notice be sent to RUSADA, asserting non-compliance with the requirement to provide authentic data and proposing the strict consequences available under the ISCCS, which would very likely include (a) that Russia not be granted any right to host any World Championships in any sport for a specified period; and (b) that no Russian officials, athletes or athlete support personnel be permitted to participate in the 2020 Olympic or Paralympic Games. Lastly, as to her question, what was the purpose of the 31 December deadline if it was not actually a condition that had to be met; the answer was that the purpose of imposing the deadline was to use the threat of sanction under the ISCCS to get the Russian authorities to provide access to the data, and it had worked.

DECISION

Contents of the CRC Report noted by the Executive Committee. There would be no further action concerning Russia's current compliance status.

The meeting adjourned at 9:15 am

FOR APPROVAL

SIR CRAIG REEDIE
PRESIDENT AND CHAIRMAN OF WADA