



Minutes of the WADA Foundation Board Meeting 16 November 2017, Seoul, Korea

The meeting began at 8.30 a.m.

1. Welcome, roll call and observers

THE CHAIRMAN welcomed the members to the WADA Foundation Board meeting. Before doing anything else, he reminded the members that the meeting was an open one. There were people from outside the family who were entitled to attend and, in particular, there were many members of the media in the room so, if the members had something that they particularly wanted to say, they should just remember that they had a slightly bigger audience that day than they might normally have at a WADA meeting.

Before starting any of the formalities, he invited the Korean Vice Minister for Culture, Sport and Tourism, the host that day, to say a few words of welcome.

MR ROH TAEKANG extended his deepest gratitude to the Chairman, the Vice-Chair and the other Foundation Board members and observers present that day. There were only 85 days to go until the Olympic Winter Games in PyeongChang. It was a pleasure to host the WADA Foundation Board meeting at that very important juncture in Korea. Korea was fully ready to welcome visitors from all over the world for the Olympic Games. Preparations were complete and the Korean Government was carrying out a final inspection in all aspects of operations. Construction of all the stadiums and facilities was over, with the completion of the venue for the opening and closing ceremonies on 4 November, and executives and IOC athletes who had visited the sites and venues had given a positive evaluation. The Olympic Games in PyeongChang would be the Olympic Games for peace. The Korean Government was fully committed to the Olympic charter that promoted unity of humanity and peace for the world through sport by hosting the PyeongChang Olympic Winter Games. On 13 November, Korea had announced the Olympic truce at the UN General Assembly, spreading the message of peace, calling for an end to conflicts and protecting human rights across the global community. Reconciliation and cooperation in the Korean peninsula and Asia were crucial and he believed that hosting the Olympic Winter Games would contribute greatly to the region. He looked forward to the continued interest and support of the global community.

The purpose of the doping control programme at the PyeongChang Olympic Games was to create a level playing field for athletes free of doping. Based on a strong doping control policy, the organisers would cooperate with related organisations to implement a meticulous and effective doping control programme. The Korean Government would be working with POCOG, KADA and WADA-certified laboratories and the Seoul doping control centre to support anti-doping activities. The doping control programme for the PyeongChang Olympic Games and Paralympic Games would thoroughly comply with the World Anti-Doping Code and was based on IOC and IPC anti-doping rules and international standards and technical documents. Two doping control centres would be established, one in the host city, PyeongChang, and the other in Gangneung. There would be a total of 19 anti-doping stations. There would also be dedicated spaces for two WADA outreach areas to conduct education and promote anti-doping among athletes and related personnel.

During the 2017 test events, 305 samples had been collected in 21 competitions across 14 disciplines to prepare for the Olympic Games. Among officers who had gained practical experience, key members had been selected and were being trained. The work force would do its utmost to ensure smooth doping control during the Olympic Games. The first key workshop had been held in September 2015. There had been a total of five workshops to date, so that everybody understood their role. The following week, training for the entire work force was scheduled. The trained work force would play a critical role in operating a smooth doping control programme at the PyeongChang Olympic Games. The global community was sanctioning athletes involved in doping activities by limiting their participation in the

Olympic Games and also their future careers. One should never forget that doping damaged the physical and mental health of athletes. Ensuring that no athlete was harmed by and nobody was disadvantaged because of doping was the path towards true sportsmanship. He hoped that that day's discussions would contribute not only to the 2018 PyeongChang Olympic and Paralympic Games but also to a doping-free world. He thanked the members for listening.

THE CHAIRMAN thanked the minister for his kind words, his welcome and hospitality and all the services that were being provided to WADA for the meetings. There were many people around the table who had been at many Olympic and Paralympic Games and many who were absolutely committed to the Olympic and Paralympic Movement. He wished the minister and the PyeongChang Olympic Games organising committee every possible success. The Olympic torch was going around the country, excitement was growing and he hoped that the Olympic Games would be a huge success. He thanked the minister for the efforts made to provide top-class anti-doping facilities, which he was sure would be warmly welcomed by the IOC and IPC.

THE CHAIRMAN offered a special welcome to three people attending their first meeting, one of whom was Mr Noh, who was very welcome, but he knew he had other duties later that day and would be leaving the meeting at about 10.30 a.m. He welcomed Mr Dunca from Romania and Mr Kralev from Bulgaria. They had both recently joined the Foundation Board and were welcome.

He also had a seating plan, which listed some deputies. Miss Barteková was sitting in for Mr Estanguet, an Olympic gold-medallist. Mr Godkin was representing Mr Hunt from Australia; Ms Tjongarero was representing Mr Ekandjo of Namibia; Mr Ryu, another Olympic gold-medallist, was representing Ms Coventry; Mr Otha was representing Mr Ossibadjouo from Gabon; Mr Pérez was representing Mr Infante from CONCECADE; Mr Singleton was representing Ms Ruggiero, from the IOC Athletes' Commission; Ms Mounier was representing Mr Hehr, the new Canadian Sport Minister; Mr Gendall was representing Mr Robertson, the new New Zealand Sport Minister; and Ms Fujie was representing Mr Mizuochi from Japan who had been at the Executive Committee meeting the previous day but who had had to return to Tokyo for normal parliamentary purposes. He hoped that the members would have a happy and fruitful meeting and that the quality of the debate would be in direct proportion to the quality of the surroundings.

The following members attended the meeting: Sir Craig Reedie, President and Chairman of WADA; Ms Linda Hofstad Helleland, Vice-Chair of WADA, Minister of Culture, Norway; Dr Toni Pascual, Chairman, IPC Anti-Doping Committee; Mr Nenad Lalovic, Member of the IOC, President, United World Wrestling; Mr Patrick Baumann, Member of the IOC, Secretary General, FIBA; Dr Robin Mitchell, Member of the IOC, President, Oceania National Olympic Committees; Mr Richard Pound, IOC Member; Mr Kejval, representing Ms Rania Elwani, ANOC Representative; Mr Fabio Pigozzi, President, International Federation of Sports Medicine; Mr Andrey Kryukov, Executive Board Member, Kazakhstan National Olympic Committee; Mr Zlatko Matesa, President, Croatian Olympic Committee; Dr Tamás Aján, Honorary IOC Member, President of the IWF; Professor Ugur Erdener, Vice-President of the IOC, President, World Archery (and WADA Health Medical and Research Committee Chair); Mr Jean-Christophe Rolland, President, FISA; Mr Francesco Ricci Bitti, Chairman of ASOIF (and WADA Finance and Administration Committee Chair); Mr Anders Besseberg, President of the IBU; Mr Patrick Singleton, representing Ms Angela Ruggiero, IOC Member and IOC Athletes Commission Member; Mr Adam Pengilly, IOC Member and IOC Athletes Commission Member; Mr Seung Mon Ryu, representing Ms Kirsty Coventry, IOC Member and IOC Athletes Commission Member; Ms Barteková, representing Mr Tony Estanguet, IOC Member and IOC Athletes Commission Member; Mr Marius Dunca, Minister of Youth and Sports, Romania; Mr Kraslen Kralev, Minister of Youth and Sports, Republic of Bulgaria; Mr Philippe Muyters, Flemish Minister for Work, Economy, Innovation and Sport, Belgium; Ms Gabriella Battaini-Dracani, Deputy Secretary General, Council of Europe; Mr Calixte Otha, representing Mr Mathias Otounga Ossibadjouo, Minister of Youth, Sports, Tourism and Recreation, Gabon; Ms Tjongarero, representing Mr Jerry Ekandjo, Minister of Sport, Youth and National Service, Namibia; Mr Michael K. Gottlieb, Assistant Deputy Director, White House Drug Policy Office, Executive Office of the President, USA; Ms Marie-Genevieve Mounier, representing Mr Hehr, Minister of Sport and Persons with Disabilities, Canada; Ms Clara Luz Roldan, President of the South-American Sport Council (CONSUDE); Mr Mario Pérez, representing Mr Pedro Infante, President of the Central American and Caribbean Council of Sport (CONCECADE), Venezuela; Ms Yoko Fujie, representing Mr Toshiei Mizuochi, State Minister of Education, Culture, Sports, Science and Technology, Japan; Mr Roh Taekang, Vice-Minister, Ministry of Culture, Sports and Tourism, Republic of Korea; Mr Mohammed Saleh Al Konbaz, President, Saudi Arabian Anti-Doping Committee, Saudi Arabia; Mr Yingchuan Li, Assistant Minister, General Administration of Sport,

China; Mr Godkin, representing Mr Greg Hunt, Minister for Sport, Australia; Mr Gendall, representing Mr Grant Robertson, Minister for Sport and Recreation, New Zealand; Mr Edwin Moses, WADA Education Committee Chair; Ms Beckie Scott, WADA Athlete Committee Chair; Mr Jonathan Taylor, WADA Compliance Review Committee; Mr Olivier Niggli, Director General, WADA; Mr Rob Koehler, Deputy Director General, WADA; Mr Tim Ricketts, Standards and Harmonisation Director, WADA; Ms Catherine MacLean, Communications Director, WADA; Dr Olivier Rabin, Science and International Partnerships Director, WADA; Dr Alan Vernec, Medical Director, WADA; Mr Julien Sieveking, Legal Affairs Director, WADA; Mr Gunter Younger, Intelligence and Investigations Director, WADA; Mr Benjamin Cohen, European Regional Office and IF Relations Director, WADA; Mr René Bouchard, Government Relations Director, WADA; Mr Frédéric Donzé, Chief Operating Officer, WADA; Ms Maria José Pesce Cutri, Latin American Regional Office Director, WADA; Mr Rodney Swigelaar, African Regional Office Director, WADA; and Mr Kazuhiro Hayashi, Asian/Oceanian Regional Office Director, WADA.

The following observers signed the roll call: Akaash Maharaj, Jean-Jacques Nzoghe Mebale, Jessica Jossob, Victoria Katukula, Machacha Shepande, Eva Nyirfa; Lucian Mircescu, Rafal Piechota, Sergey Khrychikov, Snezana Markovic, David Sharpe, Lisa Studdert, Matteo Mallini, Philippe Gueisbuhler, Eva Bruusgaard, Rune Andersen, Jan Aage Fjortoft, Marcellin Dally, Agata Dziarnowska, Shafag Huseynli, Japhter Rugut, Park Joo, Rich Young, Saul Saucedo, Joe Van Ryn, Joseph De Pencier, Violeta Zarkova, Viktoria Slavkova, Hitesh Patel, Iskener Odyay, LI Ye Wu, Taera Choi, An Vermeersch, Alexis Weber, Andrew Ryan, Tatsuya Sagai, Shin Asakawa, Kaori Hoshi, Chihiro Maekawa, Richard Budgett, Neil Robinson, Hannah Grossenbacher, SUH, Sang-Hoon, JIN Young Soo, KIM Choonseop, BAEK, Byungkyu, Kamal Hadidi, Stuart Kemp.

– 1.1 Disclosures of conflicts of interest

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

2. Minutes of the previous meeting on 18 May 2017

THE CHAIRMAN drew the members' attention to the minutes of the previous Foundation Board meeting, which had been circulated. They were very full and comprehensive minutes. He did not think that any observations had been received. Was it the members' view that they represented a correct record of that meeting?

DECISION

Minutes of the meeting of the Foundation Board on
18 May 2017 approved and duly signed.

3. Director General's report

THE DIRECTOR GENERAL welcomed the members to the Foundation Board meeting in Korea. There was a very heavy agenda with some complex issues to discuss, so he did not wish to spend too much time on his report, which was in the members' folders. They had the information, and he would be happy to take questions on it. He wished to make a few general remarks, starting with the fact that, one year previously, the members had been in Glasgow where they had had a meeting and decided on the way forward for anti-doping following the issues faced in the months leading up to that meeting in Glasgow. He was very happy that, along the course of the day, the members would see that all of the decisions taken in Glasgow had been implemented. Some were still in progress. Some had been completed and the members would receive a full report on those items. He had heard from some of the members that there was a lot of paper to digest for the meeting. He acknowledged that; it just reflected the level of activity and the number of discussions and subjects to be dealt with. He wished to thank in particular the volunteers, experts and people working in the committees for the enormous amount of work they had done over the past year. Without their hard work, WADA would not be where it is. He thanked the WADA staff who had worked way beyond their duty over the past year to achieve and prepare the documents and to deal with the underlying issues that were reported in the documents.

He provided a summary of the previous day's meeting. He would report on a number of decisions taken by the Executive Committee and then a number of recommendations that the committee had made for the Foundation Board to decide upon.

He started with a very important matter about which the members would hear later that day. The Executive Committee had approved the International Standard for Code Compliance. It had been adopted

and there would be a remaining portion of it for the Foundation Board to adopt which concerned some modifications to the Code relating to the standard so that both were coherent. The members would be given a presentation on that. The Executive Committee recommended to the Foundation Board that it adopt the modification.

The Executive Committee had also approved the suspension of one article in the ISL, also to make sure that everything was consistent with the new standard, and had approved the policy for the initial application of the standard to create a phasing-in of how that would be applied. It was a very important document for WADA and for the fight against doping in sport. It was a document that clarified the potential consequences for non-compliance and the process leading to a decision on such consequences. He was very grateful for the work that had been done by the Compliance Review Committee and its Chairman, Mr Taylor, to get a consensus over a short period of time and to achieve that result.

The Executive Committee had approved a process for accepting new Code signatories on the understanding that Europe in particular, GAISF and WADA would work together to see if and how that could be improved even further.

A number of social science research projects had been approved (three projects for a total of 175,000 US dollars).

The principle of developing an international standard for education had also been approved by the Executive Committee. The work would start and a further report would be given in May by the working group.

There had been a number of modifications to technical documents (laboratory package, minimum requirements, performance levels, HgH and decision limits) approved to make sure that the technical standards remained up to date with scientific progress.

Then there had been a number of recommendations for items to be discussed that day. The first was a recommendation from the Executive Committee for the Foundation Board to accept the proposal from Montreal International for the renewal of the WADA headquarters in Montreal from 2021 to 2031 on the understanding that, as part of the regular meeting that would take place between the parties under the contract, after five years, in good faith, the parties would sit down and have an open discussion to see whether or not the framework conditions had changed.

There had been a recommendation to accept the strategy put forward by the Laboratory Accreditation Working Group. The Executive Committee recommended that it be adopted on the understanding that Europe would come forward with further proposals at the May meeting to see how they could be incorporated in the proposal.

There had been a recommendation to approve the Executive Committee as tabled for the following year.

There had been a recommendation from the Executive Committee to approve the Code revision process, which would be starting soon, and the Code project team that went with it, with the addition to the team of one woman, who would be identified as soon as possible.

There had been a recommendation from the Executive Committee to accept the recommendation from the Compliance Review Committee on Russia, and there would be a full discussion on that later.

There had also been a recommendation to accept the Compliance Review Committee's recommendation on declarations of non-compliance.

Finally, there had been a recommendation from the Executive Committee to the Foundation Board to adopt for 2018 a budget with an 8% increase as proposed in the document and a recommendation to adopt a timeline according to which, by the May meeting, there should be a discussion on the remaining three-year part of the four-year plan put forward and the adoption of the plan by May after more work and interaction with the public authorities, who wanted a little more time to study the plan.

That concluded his summary of the previous day's meeting and he would be happy to take questions.

THE CHAIRMAN asked if there were any questions on the first part of the Director General's report.

DECISION

Director General's report noted.

– 3.1 WADA headquarters

THE CHAIRMAN noted that the members had heard the Executive Committee's recommendation and he was delighted to welcome Minister Garneau from the Federal Government in Canada, Minister St-Pierre from the Quebec Government, and Mr Bolduc from Montreal International.

MR BOLDUC said that he wished to cover two things: the cash awarded to WADA to establish and maintain its offices in Montreal and the additional money granted by Quebec and the Federal Government and some of the additional privileges granted to WADA from 2021 to 2031. Since 2001, WADA had been receiving from both levels of government 1.5 million dollars, which currently represented about 1.9 million in indexed Canadian dollars per year. Canada was the third biggest contributor to WADA's operational budget after Japan and the USA, with a total contribution of 1.41 million dollars. After the Paris meeting, the Canadian authorities had been asked to negotiate and present a new offer to WADA which was that both levels of government were ready to increase funding to WADA by over 1 million dollars per year, bringing it to 3.025 million dollars from 2021-2031, representing a 50% increase on government contributions. Over a period of 10 years, the total amount would represent 35 million dollars. The increases were conditional to the annual contribution of WADA expanding its activities and total government funding would be proportionate to the actual expansion. The authorities (the Quebec Government) would also make another 1 million-dollar contribution to co-fund some research with WADA, and that would take place with the Chief Scientist of Quebec over the 10-year period. In terms of some of the benefits, WADA did not pay municipal taxes in Montreal and enjoyed protection of personal information and a fast-track for visas and work permits. Staff considered ex-pats did not pay income tax, had access to free healthcare, English education at the amounts of money paid by Canadians, all social benefits and quick access to driver's licences. Some of the additional benefits that were to be added to the agreement included a yearly meeting with members of the WADA Executive Committee to make sure that the understanding between governments and WADA went well over the coming 10 years. He had heard the message about the importance of immunity against lawsuits in Quebec and, hopefully before Christmas, special legislation providing immunity against legal action arising from anti-doping decisions would be tabled. The Canadian authorities would also provide a one-stop-shop for immigration and there would be a regional representative in Montreal in contact with Montreal International, and the Federal Government was also looking at establishing a committee to take over and look into the whistleblower support requested by WADA. That was the formula which had been authorised and it summarised what the Quebec and Canadian Governments were offering to WADA.

MR GARNEAU told the members that it was truly a pleasure to be before the Foundation Board that morning to present additional arguments in favour of retaining the WADA headquarters in Canada from 2021 to 2031. That was his second visit to a distinguished body of WADA. He had had the pleasure of being in Paris in September. He would not repeat what his colleague from Montreal International had presented, other than saying that he thought that hard work had been carried out over the past two months to put together what he considered to be an enhanced offer that was fair and that looked at the period of 10 years from 2021 onwards. He believed that it was important for the WADA headquarters in terms of long-term planning and stability to make an offer that would cover that ten-year period.

He wished to make some general remarks that morning. The first was that Canada had been extremely proud to be the host country for the WADA headquarters since 2001 and, of course, had been strong supporters of the principles of WADA and clean sport right from the very beginning, and he believed that Canada had assumed a leadership position. Secondly, he wanted to say that he thought that things had worked extremely well over the past 17 years. All evidence to that was obvious to those who followed the work of WADA. It was an extremely professional organisation and he thought that, over the 17 years during which there had been a great deal of evolution in the doping arena, Canada had responded extremely well. Canada was also a strong promoter of the Olympic movement and had had the pleasure of hosting three Olympic Games over time. The employees of WADA (and he thought that that was an important consideration) were extremely professional and very happy to be working in Montreal, and he thought that that needed to be taken into account in any decisions that were made. Canada and Quebec had been strong financial supporters of WADA over the years and felt very strongly about the long-term stability of the WADA headquarters, particularly at a time when doping science was evolving as rapidly as it was.

In summary, Montreal, Quebec and Canada really wanted to keep the WADA headquarters in Canada. They loved and felt very honoured to host WADA and thought that it had worked extremely well and that it was important for the long term for Canada and Montreal to retain the WADA headquarters. He thought

that the offer that had just been described to the members reflected very much their commitment to WADA. He hoped that it persuaded the members that they were taking the matter extremely seriously and hoped to gain the members' support.

MS ST-PIERRE introduced herself. She was Minister for International Relations for the Government of Quebec. She was very honoured to be present at the Foundation Board meeting to talk on behalf of the Government of Quebec. She wanted to inform the members about how proud her government was to support WADA in its mandate. Nobody could deny that it was an enormous task. Doping affected all communities and all levels of sport. Recent changes to the WADA mandate bore out the need to act immediately and, more than ever, that would require a political determination, significant resources and simultaneous measures on a number of fronts.

The Government of Quebec acknowledged the increasing legal challenges that WADA faced. Accordingly, it encouraged WADA to submit to the national assembly of Quebec special legislation providing immunity of civil jurisdiction against legal actions arising from anti-doping decisions. The National Assembly, the Government of Quebec and WADA had recently initiated meaningful discussions on that matter.

In terms of significant resources, the Government of Quebec reaffirmed its commitment to pave the way for WADA to carry out its mandate. Quebec was pleased to endorse and contribute with the Federal Government to the financial package presented. With four major universities and international research teams in a variety of fields, Montreal offered WADA a vibrant and innovative environment. She was pleased to announce that the Office of the Chief Scientist of Quebec was working with WADA to increase scientific knowledge in the fight against doping in sport. That partnership would give rise to joint financing of projects dealing with biomarkers and artificial intelligence.

As she had said, her city had been and would continue to be an undeniable factor in WADA's growth and development. Keeping the WADA office in Montreal would not only ensure WADA's success but also the continuity needed to preserve WADA's expertise and serve as a guarantee of independence. She welcomed WADA's plans for expansion. As history had shown, the Government of Quebec had always supported the expansion of international organisations based there. WADA could count on Quebec then and in the future.

THE CHAIRMAN thanked the speakers for their presentations. As the members would have seen from the minutes, the Executive Committee had looked at that very carefully in September; it had been asked to further negotiate the situation, which he thought had been done with some success. The previous day, the Executive Committee had again gone over the details. Montreal and Canada had been good hosts and he knew that they were prepared to continue to be good hosts and they had very dramatically increased the support available to WADA. Did the offer meet with the members' approval? He thanked them very much indeed.

MR MUYTERS approved the proposal but wished to speak, first to thank the speakers for the very clear presentation, the remarks by the ministers and the generous ten-year offer. On behalf of the public authorities, he was happy to approve the ten-year contract.

MR KEJVAL spoke on behalf of the sport movement. He was grateful for the offer, which doubled the contribution. He explained that the revenue of WADA had doubled over the past 15 years, as had related taxes. His proposal was to sit down after five years and have a look at the development of the tax situation. The general idea was to have a tax-neutral policy and readjust if necessary after five years in 2026.

MR GENDALL asked for clarification that the acceptance of the offer was for 10 years and not for five years, reviewable after five years.

THE CHAIRMAN confirmed that that was the case.

MR RICCI BITTI said that he could not fail to mention what he had mentioned the previous day. He thanked the authorities for their generous increase. The members should not forget the item relating to the reinforcement of the European office, because it was close to the large majority of the stakeholders.

THE CHAIRMAN responded that that had been discussed the previous day. He had actually seen a mock-up of the extended offices that WADA would have in Lausanne in 2018 so as to service its stakeholders in Europe in a much more effective manner.

He congratulated Mr Garneau, Ms St Pierre and Mr Bolduc on their presentation. He thanked them for being good hosts. WADA expected them to continue to be good hosts and he was sure that WADA would be very pleased with the decision taken that day, because it offered certainty in an ever-changing and uncertain world. He was tempted to say that he knew that Mr Garneau's brief was transport and, to speak to WADA, he had been able to visit Paris and then Seoul. However, the next meeting would be in Montreal.

DECISION

WADA headquarters proposal from Montreal
International approved.

– 3.2 Updates from way forward (November 2016)

3.2.1 Governance Working Group

MR MAHARAJ said that he wished to begin by thanking WADA's hosts for their hospitality. He had come to sport as captain general of his country's equestrian skill at arms team through the armed forces. For anybody with any connection to the military, it was an honour to be in Jung-gu, the birthplace of Admiral Yi Sun-sin.

He would give a synopsis of the progress of the working group, where it stood and how it saw its work unfolding towards a conclusion. The group had met three times, and his presentation would represent what he hoped was the highest common denominator from those discussions. As someone who worked professionally in international relations, he could tell the members that the greatest asset that the working group had was that it had everybody, every constituency, at the table. He could also tell the members that the greatest challenge that the working group had was that it had everyone at the table. As discussions evolved, undoubtedly it represented a growing and living effort to reconcile equally legitimate perspectives that could sometimes conflict.

The work had begun with a determination by the members of the working group to start with the overarching architecture of WADA as an organisation in the hope that having a high-level structure correct would make it possible to populate and inhabit that structure to best effect. More recently, there had been a desire, particularly among the states parties, to look from the bottom up in the belief that having the details correct would allow WADA to form an overarching architecture that best served those processes. Needless to say, the objective of the working group was to try to meet in the middle with a package of recommendations that would come to the members in 2018 and that would serve both of those objectives. He was grateful to the members of the working group and his colleagues for the efforts that they had put in to making that possible.

Beginning with the Foundation Board, clearly, in terms of the overall objectives of the group, there was a sense among the members of the working group that the Foundation Board must continue to be the essential and ultimate, indeed, final authority, for all decisions affecting WADA. The work of the Foundation Board should, to serve that objective, be focused so that it was the body that, through its deliberations, had an opportunity to meaningfully bring constituencies to the table and engage them in deliberation and consensus-building to create a set of objectives for WADA and for the overarching anti-doping movement that would earn and be deserving of the respect of all of the constituencies. In addition to that, the Foundation Board must have the tools, the mandate and the capacity to enforce accountability, to ensure that the organisation was achieving the mandate that the Foundation Board set and that it was acting as a responsible steward of the funds, both public and private, made available to achieve those objectives.

In terms of the functions that the group believed the Foundation Board should focus on, clearly there were first and foremost basic legal obligations that were non-negotiable. As a Swiss foundation, WADA had basic legal obligations that it had to meet in order to be compliant and many of those responsibilities were and could only be the unalienated prerogative of the Foundation Board. In addition to that, the group believed that the Foundation Board should have a key and critical role in oversight, in electing the executive, monitoring and holding that executive to account and, perhaps most importantly, being disentangled from operations and management oversight. In other words, in order to achieve or better achieve WADA's basic responsibility of being accountable to the public authorities and the sport movement, the agenda, if not the structure of the Foundation Board, needed to be refocused first and foremost on the business of articulating the objectives of the organisation and holding all other organs of the organisation to account for the fulfilment of those objectives. While it was fair to say that there

was a strong consensus on those points, there was no denying that there were other aspects on which there were ongoing discussions that might or might not reach the threshold of consensus. In particular, there were discussions over whether or not the Foundation Board was the appropriate forum to bring together other constituencies that were not currently represented. Groups such as the Paralympic movement, INADO/NADOs, other partners whose cooperation and role in the anti-doping movement were critical but who were not represented in that forum. There was a sense that doing so would broaden the discussion, increase the base of legitimacy of the organisation and nourish the richness of the deliberations held at the Foundation Board. At the same time, there was a concern that additional seats at the table might make an already large body even more unwieldy and might dilute financial accountability if there were constituencies able to vote on WADA's activities who were not responsible for funding WADA's activities. It was still an ongoing discussion but, at that point, his sense was that there was not yet a consensus of opinion among the working group to lead to a recommendation to the Foundation Board which would reach the required two-thirds threshold for statutory changes regarding an expansion in the membership or a change in the membership of the Foundation Board.

In relation to the terms of service, there appeared to be a strong consensus that, for the sake of renewal and reanimation of the Foundation Board, term limits should be introduced. The limits under discussion at that point were that a term of office be defined as lasting for three years and that members of the Foundation Board be limited to no more than three consecutive terms. The group also was considering that, if the Foundation Board chose to go down that path, the introduction of term limits be staggered so that there was no sudden complete loss of institutional memory as large numbers of people vacated their seats at the start of the process or in three-year cycles. The group had discussed that it might be desirable to reduce the number of meetings of the Foundation Board to a required one meeting per annum, although leaving the Foundation Board with the power to have additional meetings if, at its discretion, it felt that additional meetings were necessary under prevailing circumstances.

As the members could see, much of what he had discussed had been on how the Foundation Board operated rather than on how the Foundation Board was composed or structured. As he had stated earlier, there had been a desire among the members of the working group to look from the bottom up, and that would be a focus on the standing orders of the Foundation Board, how its agenda was built, how material was presented to the members so that they had an opportunity not only to know what was going on within the organisation but also have a meaningful discussion, which would lead to a consensus of opinion to leave the organisation stronger, because individual representatives around the table would have had a real opportunity to shape its activities and to ensure that the organisation was meeting the standards set for it.

At the next meeting, he believed that the group would attempt to tackle the business of processes, policies, procedures and standing orders that would give material effect to that objective, and that was something distinct from who was at the table.

On the question of the Executive Committee, the feeling was that, if the Foundation Board became focused on setting the vision and mandate of the organisation, crafting the strategy of the organisation, the Executive Committee should itself be focused on achieving that mandate, that much of what was typically the work of a board of directors in a private corporation or a cabinet in a public authority should be remanded to the Executive Committee. As a smaller, more nimble, more agile body, the group believed that it had the capacity to deal with management oversight and many of the decisions that, while they had a real impact on WADA's ability to achieve its objectives, descended to a level of granularity that was not appropriate to a larger representative body. There had been some discussion about whether the Executive Committee should be an entirely independent body with people chosen based on skills or an entirely representative body, as it was largely currently constituted. The consensus of opinion was that it should remain a hybrid body; in other words, it should continue to be both representative of the funders and stakeholder groups, but the individuals coming from those constituencies should be chosen first and foremost for their skills. His sense, though he emphasised that such things were evolving in the discussions, was that there was reluctance among the funding constituencies to give up their seats around the table, but it was at the same time a responsibility that, with the more technical skills required for the Executive Committee and a desire to have some element of independence in the Executive Committee, those constituencies putting people forward should seek out people whose first qualities were their skills, experience and ability to contribute to the business of the organisation. Once again, at this time, the group would be recommending that there be terms of three years and term limits of no more than three consecutive terms, that the work of the organisation be primarily based on the achievement of the strategic plan laid out by the Foundation Board. The group

also believed that the Executive Committee should have and continue to have a critical role in articulating and projecting the ethical tone of the organisation.

In terms of matters that remained outside of consensus and still subject to ongoing discussion, one was how much overlap was appropriate between the Executive Committee and Foundation Board and, in the absence of expanding or significantly changing the composition of the Executive Committee, whether it was possible to introduce the expertise of independent and outside bodies into the agency by way of either observer status or some other relationship with the WADA standing committees. That was likely to be a significant part of the group's deliberations at its next meeting.

In terms of the overarching structure, the discussion at the previous meeting had been that there could possibly be one additional member of the Executive Committee chosen from among the WADA Athlete Committee, perhaps the chair of the WADA Athlete Committee. The group had also discussed that the president and vice-president of the Board continue to be members of the Executive Committee and that there continue to be equal representation from sport and public authorities, with the number from each of those groups remaining at five. The public authorities in particular had been keen to ensure that each of the global regions of WADA have a seat at the table and that, when added to the essential character of WADA as being a compact between those two groups, led to five seats for each of them.

There had also been significant discussion throughout the work of the group on creating a new nominations committee for WADA. The principles discussed would be that the nominations committee could be charged with the responsibility of making recommendations for candidates for the presidency and vice-presidency based on nominations coming out of the two groups, that is, from sport and the public authorities. The committee might also have a role in recruiting and recommending candidates for the standing committee chairs and the ethics committee chair (about which he would speak later) and for posts that were lower down in the hierarchy of WADA, such as members of the standing committees. The nominations committee would not play a recruiting role but it would have a role to play in vetting individuals who were selected to sit on those committees. There was a sense that it was important that there be a mechanism to ensure that the people who were chosen for the highest positions had passed an external test and people who inhabited all parts of the organisation had passed through a filter that ensured that they were more likely to augment the organisation and less likely to diminish it. The hope would be to have the nominations committee up and running if the recommendation was made by the working group and approved by the Foundation Board in time for the next presidential and vice-presidential elections.

In terms of the functions that that body would undertake, the group believed that the ethics committee would provide support for the recruitment of members by providing job descriptions, an analysis of the needs of the organisation, in other words what it was that WADA as an organisation might need of specific committee chairs, what it might need specifically for the role of the president or vice-president, and the skills and experience gaps within the organisation. Having done that, it would go through the process of recruiting potential candidates and making recommendations for candidates, but the actual decision as to who those people would be, particularly the president and vice-president, would remain with the Foundation Board. The work of the nominations committee would be to advise and assist, and not to replace.

He would not go into detail but would simply say that the process of nomination would be a fairly straightforward one familiar to anybody who had been engaged in recruiting for a large organisation of analysis, description, advertising, recruitment, presentation and ultimately a vote by the Foundation Board. The vetting process would be much simpler, because it would be a filtering process involved in third party-led investigation of candidates for all offices to ensure that, if there were conflicts of interest or issues that could impinge upon that candidate's ability to fulfil their responsibilities, they were brought to the attention of the Foundation Board, to the Executive Committee or to the Director General as the body making the appointment in the appropriate case.

In terms of the structure of the nominations committee, there was currently discussion on having a committee made up of five people: an independent chair, a representative from each of the two founding constituencies of WADA and two additional members recruited externally.

For the presidency and vice-presidency, in terms of the overall principles, he thought that none of the discussion would come as a surprise to anybody around at the table. Clearly, as the most senior and most visible officers, the president and vice-president were the embodiment of the organisation. They were also those who were most exposed to public scrutiny and to criticism by media and third parties

and, as a result, it was important that the organisation have processes to ensure candidates who augmented WADA rather than who were augmented by WADA and whose background, character, skills and experiences would allow them not only to serve the best interests of WADA but also to stand up to the slings and arrows of an often hostile environment. It was seen as important that such qualities be formally qualified within WADA. The group also believed that the president and vice-president must be subject to the strongest vetting measures to ensure that they could have confidence in their ability to lead the organisation and the organisation could have confidence in their ability to lead it.

In terms of roles, again, he did not think any of what he had to say would come as a surprise to anybody. The group did not see the essential role of the president or vice-president being significantly modified. It had identified a need to more clearly delineate between management and operations, which, though easy to articulate in word, could be difficult to live out in deed. The group believed that in particular the question of how communications were apportioned between the president and vice-president on the one hand and the director general on the other needed to be more precisely laid out.

The group believed that the single most important consideration for the president and vice-president was their independence. WADA should have processes that ensured that they were independent not just in substance but also in appearance. The group had laid out the beginning of a definition of what constituted independence because, while almost everybody could and did agree that WADA needed independent officers, people could and did disagree about what constituted independence, especially in a highly specialised area such as sport and anti-doping in which skills and experience counted for a great deal, but skills and experience could often only be acquired through involvement in organisations that were part of the sport and anti-doping movement. With that in mind, the group's initial definition of what independence was for the purpose of selecting those officers was that they were people who held no voluntary or paid position or were under any fiduciary or loyalty duty to either a state actor or to a sport organisation, to a legislature or to an anti-doping institution. The group was also discussing a requirement that that standard of independence be applied not only to people who were serving in those capacities, not only to people who wished to stand for those offices, but also that such requirement be extended backwards so that they could not have held such a position for a specified length of time before becoming candidates. There was still the need for the group to agree on the definition of independence to be ultimately put forward however.

In relation to terms of service, the group had a few questions. First, it believed that, if so much was going to be asked of the officers, particularly if they were to be asked to give up potential roles in other organisations, there had to be a responsibility on the part of WADA to mitigate the loss that they would encounter and, therefore, the group was discussing modest remuneration within the strictures or parameters of Swiss law for the president. There was also a clear consensus that there should be terms and term limits for the presidency and vice-presidency; again, the group was discussing terms of three years and term limits of three consecutive terms. The question of whether or not the presidency should continue to alternate between sport and state actors had been a subject of significant debate. He believed that there was a significant number of voices who believed that the alternation should be abolished to allow WADA to choose from the largest possible field of candidates and to have candidates who did not appear to be beholden to one constituency. However, those calls had not at that point risen to the level of consensus and had certainly not risen to the level whereby he believed that they would command a two-thirds majority at the Foundation Board. As a result, the working position was that alternation of the presidency between state and sport would continue and there should be a continued expectation that the president and vice-president come from different constituencies, a strong recommendation that the president and vice-president (if at all possible) be of different genders and come from different regions; however, the group recognised that, while that was extremely desirable, it was not possible to legislate for it. More discussion of the group would naturally take place on this particular subject.

In terms of ethics, that was undoubtedly the single most important issue for an organisation such as WADA, that, if it was to be capable of projecting a sense of ethics into the international sport system, it had to embody and abide by those ethical standards. The group was therefore discussing the creation of a new ethics committee that would create a strong ethics code and enforce a strong ethics code for the organisation itself. He emphasised that the ethics code would be a code of conduct separate and distinct from the World Anti-Doping Code, and the potential for the creation of a compliance officer who would support WADA internally to ensure that it avoided ethical pitfalls was being discussed. For the ethics committee, the discussions had been that it would be responsible for advising the Executive Committee on the creation of a code, receiving complaints on violations, investigating those violations, adjudicating them and imposing sanctions where violations of the code of conduct were found. To meet the essential

requirements of justice, any such sanction and any such decision had to be subject to an external appeals process and, thus far, the group had discussed the CAS being the appellant body.

The model for the structure and operations of the ethics committee was at that point being discussed as a panel of one to three people, having the body report to the chair and the investigative body, but otherwise remaining independent so that it could independently apply the code of conduct. If the role of the ethics committee was to identify and sanction transgressions of the code of conduct, the role of a compliance officer would be to provide counsel and advice to avoid transgressions of the code, and that would be a preventative rather than a corrective role. At that point, he would say that the discussion of the working group had been generally favourable towards the idea of creating such bodies; however, there had been significant concern about the cost implications of such a body. The group was conscious of the fact that, to be effective, an ethics committee in particular had to be independent; but, to be truly independent, there were significant costs in creating a new architecture or new body around it. The group had suggested some means to try to minimise the additional cost, but it was not conceivable that such costs would be zero. Accordingly, steps between then and the next meeting would involve trying to carry out an analysis of what the actual financial cost would be to such a body, the low cost and the high cost that would allow the Foundation Board to make an informed decision about whether the benefits outweighed the cost or whether the cost outweighed the benefits. Finally, in terms of athlete inclusion, with the essential principle that, as a working group, it recognised that athletes were obviously at the heart of what WADA did and, although everybody said that, not everybody lived that out. The reason WADA existed was not to enforce another set of rules of play for sport. Rules of anti-doping were not like the offside rule in football which was inherently arbitrary. The group believed that doping was a violation of fundamental human rights. It was an offence against those athletes who were excluded from contention and had their careers destroyed because they refused to cheat. It was an offence against athletes who were lured or coerced into taking drugs that would ultimately leave their bodies broken and their lives shortened, and it was an outrage against athletes who, after their sporting careers were over, would nevertheless continue to live in fear because their bodies were living evidence against the underworld's most ruthless figures. The group felt that that principle (although he doubted very much whether anybody would disagree) had to animate WADA's engagement with athletes, that the test of WADA's success or failure was the extent to which it protected the interests of athletes and the ethical system in which they operated.

The group was discussing potentially increasing athlete representation on the Executive Committee by one seat and had invited the WADA Athlete Committee itself to submit additional proposals to the working group for consideration at its next meeting about ways of more effective communication with athletes.

There were open questions that the working group had addressed but on which, as of that point, he felt there was no clear consensus. One was on the ways in which WADA could and should engage with professional athletes. That was a rapidly, indeed geometrically, growing area of the sport movement, but professional athletes were often subject to no anti-doping rules or anti-doping rules that were not harmonised with WADA's approach. To the extent that WADA wished to be a global regulator, it had to find a way to engage with those athletes, and he did not underestimate the difficulty in doing so.

There were questions about the appropriate definition of an athlete, how long ago somebody had to have been in competition, in which sport, and that too, throughout the history of WADA, had proven to be an elusive subject. Currently, there was no working definition of an athlete for WADA. That remained under discussion.

Finally, the question of whether the appropriate blend of athlete representatives was one that was either the existing model or a different model that might include election and/or appointment was also subject to discussion. For all of those questions, the group had asked the WADA Athlete Committee to consider them and to get back to it with its views.

There would be one more meeting in March 2018 which he very much hoped would be the final meeting. He would say that, while it was important that the working group take as much time as was necessary to give strong and sound recommendations to the Foundation Board, it was equally important that the process not be allowed to carry on indefinitely. There was an old expression that people who wanted to be virtuous tomorrow were people who had no intention of being virtuous today. In addition to that, he thought that the members should be aware of the fact that, the longer the process lasted, the more the sense of urgency became attenuated and dissipated. For that reason, he hoped that the next meeting in March 2018 would be the final meeting of the working group and, if that was the case,

the highest common denominator of recommendations made by the members of the working group would come forward to the Foundation Board and Executive Committee in May 2018. There could then be statutory amendments in November 2018 and, once passed, they would take effect on 1 January 2019. However, a thing was not done until it was done. The actual set of recommendations that would come forward would be at the discretion of the working group and must command not only a majority but a consensus of the working group, and would have to be as a package rather than just piecemeal, because all of the elements were interrelated. The willingness of any one constituency to proceed on one front would depend on what happened on other fronts.

He had to end by commending his colleagues on the working group for their optimism and dedication to the process. He recognised that it was not easy. He recognised that they all represented other constituencies and were not free to speak their own minds, whether those constituencies were sport institutions or institutions of state. Nothing important was ever easy and he very much hoped that, by the end of that process, there would be a set of recommendations for the members which would ultimately give them an opportunity to make WADA an even stronger institution in the international system.

THE CHAIRMAN thanked Mr Maharaj very much. It had always seemed to him that that would be one of the hardest parts of future planning to complete and he thought that was what had happened thus far. He thanked Mr Maharaj very much for his presentation and description of how to finalise it and move it forward. Were there any observations?

MR MUYTERS thanked Mr Maharaj for his presentation. He agreed that there had already been tough discussions in the working group. The government representatives had stressed the fact that the working group had been established to review all aspects of WADA's governance at every level in order to strengthen WADA where possible. They also asked for greater focus on the functioning of WADA at the lower levels, such as of the standing committees, subgroups, ad hoc groups and representation of stakeholders at that level. That was necessary before it would be possible to decide on models for the Foundation Board, the Executive Committee or the nominations committee. In other words, there had been a request for a bottom-up approach; therefore, the focus should be not only on the structures but also on the proper functioning and processes. He therefore thought that there was still a lot of work to be done and he also hoped that it would be possible to conclude it in March.

MS ROLDAN said that she was delighted to be present. She thanked Mr Maharaj for his presentation on the governance issue, but pointed out the concerns expressed regarding the pathway used with respect to the various issues. Governments had reiterated their concern that structural models could not be proposed for WADA unless they knew exactly why. It was necessary to know what had not been working well and what needed to be amended or changed. It had been a concern of the governments that were part of the working group that the experts leading the group were proposing a new composition for the Executive Committee and the Foundation Board of WADA without taking into consideration the various committees and all the other ad hoc groups. On that basis, it might be possible to think about the model needed to keep advancing. It was necessary to examine the different processes, and then it would be possible to define the structure to ensure compliance and the implementation of such processes. There was a possibility that the current structure did not need to be changed and that the processes and procedures within each group should be reviewed. There would be another meeting in March 2018; however, it was worth pointing out those observations because a lot was expected of that working group.

MR POUND thanked Mr Maharaj for a very comprehensive report. He could see that the group had been very busy and he congratulated the group on the work done to date. He had a couple of observations, which he hoped that the working group might consider. One was amendments to the Code. The way in which the group had expressed it was that it could happen only upon the recommendation of the Executive Committee, and he thought that there should be an opportunity for the Foundation Board to propose an amendment, and he did not mind getting the advice of the Executive Committee on it but he did not want the Executive Committee to be able to block discussion of an amendment.

The expansion mentioned to get other diverse interests involved would be something that ought to be handled by the management, implementing a broad policy developed by the Foundation Board, but he did not think it was necessary to expand the Foundation Board necessarily to get that new expertise.

He would not be in favour of only one Foundation Board meeting per year, certainly for the foreseeable future. There were a lot of things to do and it was important to get together regularly.

On the matter of consecutive terms, he noticed that Mr Maharaj had said (he assumed with a studied purpose) that there could not be more than three consecutive terms. Could one sit out a term and then get re-elected? He thought that the group should probably address that.

His fifth point was that successful organisations always managed to separate the board function from the management function. Too many boards thought that they were actually managers and they were not; they were not good managers, and it was confusing.

He had the same observation to make on the president and vice-president. He thought that the slide said that there could not be more than two consecutive terms, but thought that he had heard Mr Maharaj say three. He suspected that Mr Maharaj had meant to say two.

On the issue of doping being a violation of fundamental human rights, he thought that should be thought through a little bit because, if WADA was going to leave all of its appeals at the level of the CAS, one did not want to start using language that encouraged ongoing appeals to different tribunals that might not understand the background.

With respect to the Athlete Committee, he thought that WADA's experience had been fantastic with the appointment of athlete members. He agreed that some kind of definition should be established so that everybody knew what they were talking about, but he did not find, for example, that the way in which the athletes were elected at the IOC in the middle of an Olympic Games with a whole bunch of athletes (some of whom were actively participating in those games) was necessarily the best method for getting the right people.

A final point for consideration was that, when members sat there, they came from different backgrounds, they were nominated by different bodies and so on; but, when they sat at that table, he should have thought that everybody understood that there was a fiduciary responsibility to that organisation and that they were not there just as ciphers for the nominating bodies.

MS FUJIE said that, as a member of the Working Group on WADA Governance Matters, she supported the comments made by her colleague from Belgium. Further discussion was required, she thought.

MR GODKIN stated that, on behalf of the public authorities, on the general issues of governments, he wished to advise the Foundation Board that, that week, the public authority representatives to WADA had agreed to establish the One Voice platform as an ongoing mechanism for prompt and effective exchange of views by government members in response to topical and emerging anti-doping issues in support of WADA and in support of fellow anti-doping stakeholders. The platform would be operational from 1 January 2018 with a permanently functioning secretariat fulfilled by the Council of Europe and the chairing role fulfilled by the Vice-President of WADA.

MR GENDALL noted that Oceania was represented on the working group by Mr Howman and, on his behalf and on behalf of the New Zealand Government, he stated that he supported the views expressed by the minister from Belgium and also the ministers from Colombia and Japan that there needed to be a bottom-up focus rather than a top-down one, and there needed to be focus and consideration on the functioning process, not just the structure. As the minister from Colombia had said, there should not be change simply for the sake of change; it should be needed.

MR PENGILLY said that he was also a member of the working group and it had already been highlighted that there had been some challenging meetings. He simply wished to emphasise the importance of making sure that athletes were represented on the boards. Mr Maharaj had already highlighted the reasons why; but, if anybody wished for more, they should just ask and he would be more than happy to elaborate.

The challenge with that was reflected in the current 50-50 situation regarding sport and government and, therefore, if there was to be another, i.e. an athlete, they would have to show that they were independent and there would have to be confidence from both parties or both shareholders that that individual was independent. Therefore, they needed to be constituted independently and there needed to be an appropriate way of doing that which was acceptable to both parties, because that was one of the challenges he had observed during those meetings: that sport basically thought that the WADA Athlete Committee was part of government and government was nervous that athletes were from sport, and therefore they ended up getting nowhere, so there had to be a thought-through system of constituting that body so that everybody was happy, because it was vital to have athletes on the boards of WADA.

MR BAUMANN thanked Mr Maharaj for the comprehensive work carried out. It went through a large number of topics. He also wished to share the views expressed by the public authorities that probably the focus should be a bottom-up one and on the functioning and processes rather than on modifying changes. He wished to make a few comments on that. He thought that the DNA of WADA was that it was a 50-50 partnership between the public authorities and the sport movement. That should stay like that and WADA had to make it work. As Mr Pound had said, the members had a fiduciary responsibility. Of course, they came from somewhere but, at the end of the day, they were sitting there as members of the Foundation Board of WADA and had to make sure that they did their best in the interest of WADA and the fight against doping in sport. Having said that, trying to change or think about including other stakeholders on the Foundation Board was simply wrong and, as mentioned, it should be the role of the management to ensure that all of the feedback necessary came in; but, if one started having NADOs or others represented, there would have to be IFs as well, and that would just create confusion in terms of what WADA was and what it stood for.

He felt uncomfortable, because of the wish for independence, about including the chairs of the standing committees in the Executive Committee. He was not sure that the chairs could be qualified as being totally independent, in terms of the way in which they were appointed and worked with the management and so forth, so there should be a clear separation. If WADA wanted independence, it should come from outside. He was not really sure that anybody was independent because, at the end of the day, they were all involved in one way or another; they covered the world.

His third point related to the presidency and vice-presidency and the changes being discussed in terms of when they had to have finished their jobs in their respective roles either as ministers or government officials and so forth. If that was the path that the Foundation Board wanted to go down, it should be implemented gradually, not in a rush and, for the next election, it should be implemented and it had to happen. If somebody was thinking about being the next president, they should be given time so that they were not suddenly side-lined because of the work of the working group. Those changes should be implemented gradually.

Finally, he had heard the timeline expressed. There would be a meeting and then Statutes changes would have to be implemented and it would come into force on 1 January 2019. He would recommend caution and a thorough debate on many of those matters around that table and by the Executive Committee. That would take a little more than one meeting.

THE CHAIRMAN said that he would not ask Mr Maharaj to respond to all of the suggestions. He suspected that a number of them would have to go to the next meeting and maybe several meetings after that. He would be happy to have a general reaction from Mr Maharaj on how he was going to handle that.

MR MAHARAJ responded that a series of suggestions had been made for the working group to consider and he knew that the other members of the working group present would take those forward to the next meeting for discussion.

On questions about consecutive terms, Mr Pound was correct: it should have been two consecutive terms for the presidency and vice-presidency and not three, so he apologised for that. The group was discussing the question of how much of a cooling-off period would be necessary before and indeed whether somebody would be permitted to stand again after a maximum number of consecutive terms. That remained under active discussion.

On the question of processes moving up or the architecture coming down, that was clearly a key consideration for the working group. In terms of how that had evolved, he would say that there had been a desire expressed by the members of the working group at the start of its work to start with the overall architecture and, as he had mentioned, he thought that the sense had been that, if the architecture were correct, it would be possible to go on to inhabit it. There had since been a desire expressed by many people around the table that instead the group should look at it from the reverse; in other words, from the bottom up and, if the processes and policies and functions were done correctly, after that, it would be possible to consider whether different architecture were necessary to better serve those. Both of those approaches were entirely legitimate. The challenge for the working group would be to try to take those two impulses and meet in the middle. In other words, take members of the working group whose first priority was the architecture and take members of the working group whose first priority was processes and procedures and hopefully come up with a package of recommendations that met both. His sense was that there was an element of ordinary human nature at play, and that was that

constituencies that had seats at the table on the Foundation Board and the Executive Committee were more concerned about the lower-level bodies. Groups that had representation on lower-level bodies and no seats at the Foundation Board and Executive Committee were much more concerned about the Foundation Board and Executive Committee, but that was the basic business of trying to reconcile competing ambitions and perspectives, all of which were legitimate but all of which needed to be brokered together in order to serve the general good.

He wished to pick up on one question raised by Mr Pound about a well-functioning Foundation Board or Executive Committee being one in which the members saw themselves first and foremost as servants of the organisation and not of the constituencies that had brought them to the table. That was undoubtedly the case and, if one read any tome of management theory, that would be in paragraph one, two or three. The hard reality, though, was that they were all human beings and, for many of those around the table, their daily experiences were more shaped by the organisations that had brought them to the table than the organisation around whose table they sat. He pointed out that many of the people who had spoken that day had begun their interventions not by saying that they were speaking on behalf of WADA but they had said that they were speaking on behalf of constituency X. That was a hard reality with which WADA must wrestle, but WADA must wrestle with it.

Finally, a question had been raised about whether the status quo was an option and whether it was possible that WADA was sufficiently well formed and the Foundation Board should simply carry on with policy changes and process changes but not necessarily with structural changes. That was a decision that only the Foundation Board itself could make. His only advice would be to consider that the working group had been created by the Foundation Board and presumably the members of the Foundation Board in that room who had created the working group had reasons for doing so. He urged the members, in deciding which path they wanted to go down, to consider why it was that they had created the working group. Why had they felt it necessary? Therefore, would the recommendations that came forward from the working group meet the reasons for which they had called it into being? In his own view, WADA could not ignore the fact that whatever the actual mandate of the working group said on paper, the social, psychological and political reality was that those initiatives had been born in a context of a feeling of crisis emanating from the Russian state-sponsored doping scandal and, although that was not the business of the working group, it did shape the environment in which it operated. The working group could not answer those questions. Those were questions for other bodies. It did shape the environment, however.

On the whole, WADA had been remarkably successful in prosecuting its mandate and, as somebody who worked in international affairs, he could tell the members that the greatest frustration for everybody was that high words cast a long shadow over low deeds and it was almost impossible to find an international institution that had had the capacity not merely to articulate high ideas but also the ability to back them up. He thought that WADA was rare in that regard, and one of the reasons for which the members spent so much time, energy and passion on the question of Russia was precisely because WADA had some capacity to make a difference there. He did not think that it was an exaggeration to say that what WADA was, as an international institution, trying to do was serve the oldest dream of human civilisation itself, and that was to create a world in which the laws that bound the weak and the powerless no less bound the great and the powerful. That was what the working group was trying to do to ensure that the structure, policies, procedures and function of the organisation made it capable of realising its mandate and, without wanting to sound too grand about it, made it capable of continuing to make the world a better place at a time when the enemies of WADA were no less energetic, no less determined and far better resourced than WADA itself was.

THE CHAIRMAN thanked Mr Maharaj very much. In practical terms, there was still much progress to be made. He was very grateful to Mr Maharaj for the quality of his presentation and for the intellectual rigour that he brought to that particular issue and his ability to present options in a way that would enable WADA to move on. He wished Mr Maharaj luck in Lausanne in March the following year and looked forward to the deliberations of the working group.

DECISION

Working Group on WADA Governance Matters
update noted.

3.2.2 Laboratory Accreditation Working Group

THE CHAIRMAN referred to the second aspect on future planning and asked Professor Erdener to introduce the item.

PROFESSOR ERDENER said that he was pleased to report that the Ad Hoc Working Group on Laboratory Accreditation, which he had the privilege to chair, had completed its task. Several recommendations from the working group would be presented for approval at the Foundation Board meeting. He believed that, if approved, the recommendations would be a significant step forward in further harmonising quality and laboratory practices; however, it was necessary to be mindful of the fact that, even though the working group had been careful about the additional costs generated by such recommendations, it was obvious that the additional requirements on some of the WADA-accredited laboratories and on WADA itself would generate some additional costs, despite trying to be as limited as reasonably possible. As always, the recommendations had been circulated for broad consultation and refined by the members of the working group before their presentation that day. Mr Young, who was a well-known lawyer in the world of anti-doping and a member of the group, would present the conclusions and recommendations to the Foundation Board but, before, Dr Rabin would say a few words on the process followed by the working group.

THE CHAIRMAN noted that, at the end of that particular item, the members would be asked to approve the policy.

DR RABIN reminded the members that the Ad Hoc Working Group on Laboratory Accreditation had been established one year previously in Glasgow. The working group had been very active and had met in person in January 2017 and then again in March 2017 in Lausanne. There had also been a teleconference organised in July to compile all of the information and work on the draft document that had been circulated for global consultation among all stakeholders in August and September that year. The draft recommendations had also been presented to the Foundation Board and the Executive Committee in May, as well as to the Laboratory Expert Group in June. The broad consultation conducted had yielded 89 comments from 20 organisations, and those comments had been incorporated by Mr Young in the document that had been circulated among the working group members and which was being presented that day for approval. He had understood from the Executive Committee meeting the previous day that Europe would like to make further comments on the document. The Executive Committee had agreed to recommend to the Foundation Board to approve the document, and it had also been agreed to continue discussions in the weeks and months to come with Europe to see how those comments might be incorporated into an updated document for subsequent circulation.

MR YOUNG said that he would talk about the substance of the discussions and recommendations. He started by saying that there was a very good system of laboratory accreditation at WADA. The current standards expected of the laboratories were higher than medical laboratories making life and death decisions. The objective of the discussions had been to make the system even better and, in doing that, the group had focused on four different areas, one of which was the gap in performance between the good laboratories and the very best laboratories. The second was the issue of an unequal geographic distribution of laboratories. The third was the problem of potential corruption or improper influence on laboratories. The fourth was ways in which WADA's administration of the laboratory accreditation system could be made better.

He started with the gap in performance. In his view, and in the view of the stakeholders who had commented, that was really the most important consideration with which the group had been dealing. Solving that problem trumped the other concerns. The members lived in a world in which, with ever better analytical equipment and more experienced scientists, it was possible to detect lower and lower quantities of prohibited substances. Also, the very best laboratories were constantly doing cutting-edge research. It was therefore not surprising that there would be techniques developed in some laboratories that were not available in others and that they would be able to detect the latest doping substances and methods and long-term metabolites that nobody had known existed before. That was great, but it created a problem and the problem was that, if he were a dooper with low levels of a new substance, his sample could be collected by his NADO and submitted to his national laboratory, which was a good laboratory, and it would test negative. If that sample were submitted to one of the very best laboratories, it could test positive. From the point of view of clean athletes, which was how everything was looked at, that was just not acceptable. The recommendations therefore went to closing that quality gap. The group recommended and was making it clear what performance levels were expected and what metabolites laboratories needed to analyse for as the base. The group would work on communication, education and

clusters of laboratories that would help one another so that the cutting-edge information from the laboratories that had just done the research was circulated among all of them. Timelines would be set for laboratories to bring their ability to detect new metabolites and new levels of prohibited substances up to the best standard. The group would increase quality control testing and make it less predictable. It would, from time to time, take negative samples from one laboratory and have them tested in another laboratory just as a quality check. There would be performance metrics and collaboration and education to try to help all the laboratories reach the highest level. That was the closing-the-gap issue.

The second issue was the geographic distribution of laboratories. If one thought about it, it was a good thing to have a laboratory near where a sample was collected. It cost less to ship it there, one could get results back more quickly, and there were some samples (such as passport blood samples) that really did need to get to a laboratory quickly in order to be effectively analysed. That created a problem when the samples were collected a long way from where there was a laboratory. There was a shortage of laboratories in Africa and a shortage of laboratories in South America. The group had talked at length about the possibility of having A-level, B-level and C-level laboratories to make up for that geographic distribution issue. The decision that the group had made and the decision that it had heard from the stakeholders was, no, there would not be different level laboratories. WADA was judged by its lowest common denominator and would have only very good laboratories. There might be situations whereby, for special types of analysis, a sample could be sent out to a speciality laboratory but, as a general proposition, WADA would have only very good laboratories. WADA would therefore like to have more very good laboratories in Africa and South America. The group had found that the saturation of laboratories in Europe was adequate, but there were certainly issues of fluctuations in demand. When the Paris laboratory was suspended, when the Moscow laboratory had lost its accreditation, there was increased demand imposed upon the other laboratories which needed to be taken care of. The problem from a laboratory director's point of view was whether or not to increase capacity to take care of that situation: was it a short-term blip in demand or was it something they could count on long-term? The group wanted to make it clear that, while there was an adequate supply of laboratories in Europe, that did not mean that WADA had closed the door. WADA would consider good laboratories that had the ability to be among the best laboratories coming from anywhere.

The third issue was the problem of potential corruption and potential improper influence. That had been highlighted in the McLaren report. If WADA were judged by its lowest common denominator, it would not get a very good report card when it had a laboratory involved in a conspiracy to cover up doping. That just could not happen. WADA needed to stop that. Recommendations were increased work through WADA's investigative unit to make sure that that did not happen, and the swap of samples between different laboratories was useful there. WADA could seize samples from laboratories and have them re-analysed somewhere else. The other thing that helped there that could be put in the rules was a rule-change (which was being recommended) that said that the laboratories must be not only operationally independent from ministries of sport, NADOs, etc., but also administratively independent. He recognised as a practical matter that money from laboratories frequently came from anti-doping agencies and frequently came from ministries of sport and, of course, they had to account for how they spent that money, but it was absolutely critical that they not be told how and when they were to use that money for sample analysis.

The final area was how WADA could do a better job in administering. The recommendations along those lines were that more and less predictable quality control sampling of laboratories would be done, but WADA would also ensure that its quality control samples were of the highest quality so there would be no contamination or similar issues. The process of points whereby laboratories were scored based on test results and were either suspended or there was a recommendation of revocation was being re-evaluated. The process of laboratory discipline was being re-evaluated. One other thing on which many comments had been heard and very much taken to heart had to do with the communication process related to laboratory discipline, suspension and revocation. The stakeholders had said that they would like to know if laboratories had got into trouble for something, because that could be a learning experience for all of them. Comments had been made on how WADA communicated that to the rest of the world. The fact that a laboratory had made a minor mistake, not with a false positive test but in not detecting something, should not be a black stain on that laboratory forever. In fact, they did things really well and that should not undermine a case in which they found an adverse analytical finding, so it was necessary to be mindful of how WADA communicated that, not only to the rest of the laboratories but also to the world.

Those were the highlights of what had been talked about and what was being recommended. The members could read the report for more details.

THE CHAIRMAN asked if there were any questions. He thanked the working group very much; it was a very complex area. He thanked Professor Erdener for all the work that had been done. He knew that there might be the occasional additional piece of information from the European authorities. The report and the recommendations were in front of the members. Were the members happy to approve them?

THE CHAIRMAN said that he had managed to miss the sign that Mr Krlev from Bulgaria wanted to make a short intervention.

MR KRALEV thanked the President for his warm welcome to his first WADA Foundation Board meeting. He had been recently appointed as a European representative on the Foundation Board. It was an honour for him to join the Foundation Board and, as a former athlete, he was fully committed to working with WADA, his fellow Foundation Board members and all the stakeholders to tackle doping in sport.

He wanted to speak briefly about the Ad Hoc Working Group on Laboratory Accreditation recommendations following the discussion held among the European public authorities. They welcomed the commitment from Dr Rabin to engage more closely with Europe as part of the work. When the European authorities had met the previous day, they had been concerned that their views, which had been previously submitted to WADA, had not been adequately reflected in the recommendations put forward for adoption that day. For example, the European comments that the accreditation of the laboratories should be based on quality and not on geographical location had not been taken into consideration. However, in light of Dr Rabin's willingness to work with Europe, the authorities were content to support the adoption of that report on the understanding that further engagement might result in an updated list for complementary recommendations that could be put forward for adoption at the meeting the following May.

THE CHAIRMAN thanked Mr Krlev for his comment. He was not sure that it actually required a response. The Foundation Board noted exactly what Mr Krlev had said and he was sure that those responsible for the working group would take that into account. He apologised for missing him at the right time.

DECISION

Ad Hoc Working Group on Laboratory Accreditation update and related recommendations approved.

3.2.3 World Anti-Doping Code amendments

3.2.4 International Standard for Code Compliance by Signatories (ISCCS)

- 3.2.4.1 Policy for the initial application of the ISCCS by WADA

- 3.2.4.2 Suspension of Article 4.4 – International Standard for Laboratories

THE CHAIRMAN invited Mr Taylor, the Chairman of the Compliance Review Committee, to take the members through items 3.2.3 and 3.2.4 as well as 3.2.4.1 and 3.2.4.2.

MR TAYLOR said that he had a short presentation to go through that day. He was present to ask the Foundation Board to approve a set of changes, mainly to articles 20 and 23 of the Code, to implement a decision that had started with that Foundation Board back in November one year previously in Glasgow when the Foundation Board had endorsed the proposal of a graded sanctioning framework for Code signatories' non-compliance. In May, the members would recall, he had been present to recommend that they approve a consultation process on the amendment of a small number of Code articles and the development of an International Standard for Code Compliance by Signatories to support those changes and to provide a new framework in that area.

As a brief reminder, the members would recall that, in 2016, the anti-doping movement had come under some significant scrutiny and pressure when it had become apparent that the provisions in the Code relating to compliance by signatories needed some attention, and in particular there had been a difficulty because, in response to a particular serious case of non-compliance in Russia, there had not been one central process and system for developing a response by WADA and its stakeholders, but

instead a fragmented approach that had led to different treatments that had not attracted credibility or confidence from the watching public or indeed from stakeholders, including athletes. The answer was to formalise in response a centralised process, a system of graded sanctions in terms of non-compliance that everybody bought into and was bound by and, just as importantly, a system that allowed for support for signatories to achieve, maintain or indeed regain Code compliance. There was one particular focus, and the members would recall he had reported in May. At the WADA symposium in March, there had been a very strong mandate from all of the stakeholders and attendees there, in particular from athletes, who had said that they were held to a very high standard under the Code in terms of their compliance with their obligations under the Code, and signatories must be held to that same standard. The members would recall that the response was to try as much as possible to have a parallel process, similar to the process by which athletes and athlete support personnel were declared non-compliant and sanctioned, for signatories.

Following the Foundation Board's approval of the proposed course of action in May, the group had set out an aggressive timetable to try, through two rounds of consultation, first in June and July, with version 1 of a standard and amendments to the Code and then in September and the first half of October with version 2, to see if consensus might be built. He reported to the Foundation Board that the response of the stakeholders had been extremely impressive. There had been a very clear understanding that there was a real need for the standard and for the changes in the Code and a real effort by stakeholders, and there had been a lot of comments, a real recognition of the need for change and support for that change and some really impressive, thoughtful comments on how to achieve the objectives identified by the Foundation Board. There was a very good team of people, with very strong support from the WADA staff in the compliance section. The Foundation Board should note, at least from that observer's point of view, that WADA enjoyed very competent professional support from staff, particularly on the compliance side.

The consultation process had been a robust one. There had been many in-person meetings, as the members could see from the slide, with various organisations from the sport movement and the public authorities and the CAS in order to discuss comments and build consensus and, in particular, in terms of the first version of the standard that had gone out on 1 June, there had been a focus on saying that compliance was the goal and sanctioning non-compliance was the last resort. The aim was for the sanctioning process to be one that deterred people from non-compliance in the first place. The group wanted it to be about WADA assisting signatories to build a level playing-field by achieving compliance voluntarily. As he had said, the process sought to mirror as much as possible the process for ensuring Code compliance by individuals. There had been a very clear mandate and a very clear instruction to ensure that, while WADA might assert non-compliance and propose sanctions, if disputed, that would go to an independent tribunal to make a determination. The members would see the amount of comments received. The consultation process had been good and robust, and he and the team had been impressed with the constructive comments made by signatories and, he could promise the members, had read every single one.

The main changes in version 2 included a desire to differentiate between those acting in good faith, seeking to achieve and maintain compliance, and those acting in bad faith, ready to corrupt and undermine the system. There had also been a desire to have WADA have the ability to prioritise monitoring and enforcement in particular areas, particular categories of signatory and particular types of non-compliance. That had resulted in a number of changes in the standard, but also in a policy on initial application of the standard which had been part of the presentation to the Executive Committee the previous day and had been approved by the Executive Committee the previous day as part of the package with the standard. There had also been a provision for fines and a clear consensus to remove that ability except in the most serious cases. In the draft, there had also been a very clear consensus that the process within WADA should go from the task force to the Compliance Review Committee and then a recommendation to the Executive Committee to make the assertion of non-compliance and, if that was disputed, it should go to an independent body, which should be the CAS, and it should be a one-stop shop, not a first instance and then an appeal. With that, with only one first instance, preceding rights of intervention for affected parties to ensure that they were buying into the process, because they would be bound by the process at the end when there was an outcome. The proposal of a date for implementation was 1 April 2018. That was what had gone out on 1 September. Again, there had been a lot of comments, which were in the members' files. He would say that there had been, again, strong support; obviously, people had been pleased when their comments from version 1 had been reflected in version 2. There had been changes made based on comments, and he would categorise those as more

of detail and drafting rather than important fundamental issues of substance. There had been strong consensus on the substance. There was a legal opinion from Judge Costa to which he would come, and the committee had gone through every single comment and the members would see in their files a commentary on the major changes made. What were they? One of the main ones was, again, mimicking or mirroring the process that occurred when dealing with Code compliance by individuals. Non-compliance was asserted, a sanction for that non-compliance was proposed, and the signatory could, just as an athlete could, accept the assertion of non-compliance and the proposed sanction. In that case, there had been many comments from stakeholders that those who could have intervened to defend their interests where the case had been disputed, in a case in which it was not disputed and was accepted by the signatory, should have a right to appeal to ensure their rights were vindicated. Again, the key concept was that, at the end of the process, everybody would be bound, so it was important that they have that right vindicated to have their interests heard and protected, so the committee had added in that right of appeal in a situation in which a signatory accepted WADA's assertion of non-compliance and proposed consequences.

Others were wording amendments. The members had in their large bundle of papers a red-line version showing those amendments, and he would not spend a lot of time on them. Other comments had overlapped with those made by Judge Costa. WADA had sought a legal opinion from Judge Costa, a former Court of Human Rights Judge, as had happened with previous versions of the Code, asking for his view on the approach and, in particular, the consequences outlined in the Code for signatory non-compliance, and there were some very serious consequences proposed for serious non-compliance. His opinion had been that, overall, the number and importance of provisions compatible with the international principles of law and human rights must be welcomed; a positive opinion. Judge Costa had raised some issues of detail and he would very quickly explain what those had been and the amendments made to address them. Because the proposed consequences depended very much on the severity or seriousness of the non-compliance in issue, it made it very important to be able to distinguish between what was known as critical non-compliance and high priority non-compliance or other non-compliance, and he had asked for more examples to be added to make that a clearer and more certain and predictable distinction. He had also asked for (and the committee had inserted) a clear right for a signatory to dispute the classification of non-compliance as critical as opposed to high-priority or other before the Compliance Review Committee, before the task force, before the Executive Committee and indeed at the CAS. The committee had also, based on his comments, clarified the procedure for selecting arbitrators at the CAS to ensure compliance with international standards.

Judge Costa had had two comments on the consequences proposed. One had been to ensure that a non-compliant NADO's country could not host the Olympic Games or Paralympic Games and that that be limited to one edition of the games except in cases of recurrence, and he had asked that a cap be put on the maximum fine that could be imposed, so there was currently a power to fine only in cases of non-compliance with critical requirements and aggravating factors, aggravating in particular being circumvention or corruption of the requirements of the Code. There was a power to fine; he had wanted a cap put on there, and the cap being put into version 3 of the standard was the lower of 10% of annual turnover and 100,000 dollars.

He had mentioned that there was currently a power to prioritise monitoring and enforcement efforts, and a policy was being put to the Executive Committee to start for the first two years of application of the standard, with the signatories divided into tiers and, while everybody was required to comply with the Code, more time would be given in the lower tiers to comply. Tier-one signatories would be required to, in the normal way, address and correct critical non-compliance within three months and high-priority within six months. For tier-two signatories, critical requirements would have to be addressed within three months, not six months.

There were matters that the committee considered best to defer to Code review, including WADA's status. WADA could not monitor itself, so that was part of the governance review to consider how WADA's operations were monitored for compliance with the requirements of the Code.

As to the issue of anti-doping service providers, there was a trend towards outsourcing of anti-doping responsibility to different service providers. The standard was very clear. Just as an athlete could delegate responsibility but not accountability for compliance with their anti-doping obligations, they could get assistance from a coach, a doctor or whoever it might be; but, if a mistake were made, they would be accountable. It was a very strict standard and exactly the same applied with signatories for compliance

with their obligations. They could therefore delegate responsibility if they wished, they could outsource particular tasks; but, if there was non-compliance, it was they who would be accountable.

There was a job to be done in terms of signatories who had members and were required to ensure that their members were Code-compliant. It was not WADA that would do that monitoring or enforcement, but the signatories. They needed to be given guidance as to how to do that. He knew that the Code review drafting team had some ideas about that and that had been deferred to broader Code review. The consequences for non-compliance should be set out in the Code rather than the standard, and he did hope and expect that that would happen as part of the broader Code review.

There had been many comments made about good governance and other obligations on signatories. That particular review had not been about what the obligations were but how they should be monitored and enforced and, therefore, those issues had been deferred to broader Code review. There had been specific focus on the idea that those individuals who were responsible for non-compliance by signatories should be subject to specific sanctions and, again, while the drafting team quite understood that imperative, that had been a process of dealing with Code compliance by signatories. Article 2 of the Code dealt with sanctions against individuals for violations, and that was where the committee suggested that that issue be considered.

That was the situation. In terms of the decision he was asking the Foundation Board to make that day, the Executive Committee had been good enough the previous day to unanimously approve the standard and the policy for implementation of the standard. However, in the Code articles, in particular in articles 20 and 23, changes to those provisions were needed, mainly to explain and ensure the process for identifying non-compliance and for imposing consequences and for bringing those consequences referred to in the standard into the Code. That was set out in changes (that were in front of the members) to those articles of the Code, the key one being that, once that process had been followed, once there had been a declaration of non-compliance and sanctions either accepted by the signatory or imposed by the CAS after a fair and independent process, all stakeholders were bound to recognise and respect and give effect to that sanction within their sphere of authority in exactly the same way as they were bound to give effect to a sanction imposed on an athlete. That was the mechanism by which the committee addressed the concern expressed by the Foundation Board that the fragmented approach to sanctioning non-compliance, which had not reflected well on the anti-doping movement, be fixed. It was fixed by that one process, one single process, with people having a right to participate and protect their interests; but, once there was an outcome determined, if necessary by the CAS in an independent process, that everybody was bound by, it must give effect to it. He did recommend those changes to the Foundation Board; it had been an aggressive timetable and he had been very impressed with the signatories' willingness to engage and to recognise that they needed to send a signal to stakeholders, to those interested in anti-doping, in particular to athletes, that they understood that there was an issue, that they understood stakeholder compliance was vital for a level playing field, that athletes wanted to know that stakeholders were being held to account, and to be able to react as quickly as possible to that and to be able to get a new system in place with those Code amendments and an international standard to back it up which he believed was robust. It was a living document, it would need to be reviewed, he was sure that the committee would be coming back and reporting on implementation of the standard. Nevertheless, he thought it would send an extremely strong signal to those who were watching that WADA and its stakeholders were able to understand where there were issues and react robustly, promptly and effectively to those, and that was why he recommended the proposed changes to the Code to the Foundation Board and asked for the members' approval.

THE CHAIRMAN thanked Mr Taylor. He had one general comment to make on the acceptance of the standard the previous day. That was something that had been very strongly supported by the athletes of the world who had wanted it done as quickly as possible. It reflected considerable credit on the Executive Committee and the work done by the Compliance Review Committee. Specifically, the committee was seeking approval, and he was checking exactly which piece of paper people could refer to. He thought it might be attachment one on item 3.2.3/3.2.4.

MR TAYLOR responded that he was afraid that he was unable to tell the Chairman because he was unable to work his iPad. The paper was 3.2.3/3.2.4 for the approval of the amendments to the Code and then the attachment one.

THE CHAIRMAN referred to the proposed amendments that he was asking the members to agree to amend as part of that process. Were the members happy to do so? He thanked them very much.

He noted that the approval of the standard was an Executive Committee decision decided on the day before, and that was mainly for information in the member files.

MR SINGLETON said that athletes would be very pleased that a system such as that was being introduced, keeping all the stakeholders accountable, signatories as well as athletes. It was vital for the credibility of the anti-doping movement.

THE CHAIRMAN thanked the members very much. It had involved a great deal of work and he too was very impressed at the quality of the work done in the consultation process. To deliver the standard, WADA had spoken to everybody and everybody had been invited to take part in the debate. The end result was that WADA would be able to do something that was really significant and do it fairly quickly. He thanked Mr Taylor very much indeed. That completed everything on that particular item.

DECISION

Proposed World Anti-Doping Code
amendments approved.

4. Operations/management

– 4.1 Executive Committee appointments 2018

THE DIRECTOR GENERAL informed the members that the first item was actually the appointment of the WADA Executive Committee for the following year. The members had on the table the list of the Executive Committee in accordance with the nominations from the various stakeholders. He formally asked the members to approve the Executive Committee.

DECISION

Proposed Executive Committee appointments for
2018 approved.

– 4.2 Foundation Board

THE DIRECTOR GENERAL said that the members had before them the composition of the Foundation Board for the following year. That was on their table for information.

MR DUNCA stated that he was honoured to join the WADA Foundation Board as one of the representatives of the European public authorities. It was the first time that a public official from Romania had assumed that role and, therefore, he could assure the members that he fully understood the responsibility of his position. The fight against doping in sport was a key priority and played a vital role in sport and in society. He expressed his appreciation for the efforts of WADA dedicated to protecting clean sport and, together with Mr Kraleev, also recently nominated, he was looking forward to contributing to WADA's work.

THE CHAIRMAN responded that he was looking forward to working with Mr Dunca.

4.2.1 Memberships 2018

4.2.2 Endorsement of composition for Swiss authorities

THE DIRECTOR GENERAL asked the members to endorse the composition of the current Foundation Board for the Swiss authorities.

DECISION

Current Foundation Board membership and
composition endorsed.

– 4.3 Standing committee memberships 2018

THE DIRECTOR GENERAL referred to the composition of the standing committees for the following year. They had been established in accordance with the process set out in the WADA statutes. As always, the management had sought to balance the committees by taking into account gender, geography and the expertise required. Currently, in terms of numbers, there were 25 members from Europe on the committees, 15 from the Americas, nine from Asia, five from Africa and four from Oceania. The gender balance was currently 23 women and 35 men. The sports and governments were almost equally

represented, with 20 from governments and 19 from sport, and there were some representatives who were independent. That was a matter for information only.

DECISION

Standing committee memberships 2018 noted.

– 4.4 Operational performance indicators

DECISION

Operational performance indicators noted.

5. World Anti-Doping Code

– 5.1 World Anti-Doping Code review – proposed scope

– 5.2 Process for accepting new Code signatories

THE CHAIRMAN said that the members had been listening carefully to the issue in relation to standards and had heard about laboratories and the problems of Code compliance and the issue of a Code review. Code review was traditionally roughly a six-year project. To tell the members where WADA thought it was, he handed the floor to Mr Sieveking.

MR SIEVEKING stated that the Code was an evolving document. WADA was seeking to review it for the third time in the past 15 years. It had first been reviewed in 2007 and there had been a second review in 2013. The review was to reflect the evolution of the fight against doping in sport. The members had in their papers a proposed timeline, as well as a detailed budget. They also had a summary of the proposed changes to the Code. With regard to the changes, everybody agreed that the 2015 Code currently in force was a document that had been very well received by stakeholders; it was mainly well applied by stakeholders and generally it had been working well. His department was reviewing more than 2,000 decisions per year and, since the entry into force of the current Code in early 2015, had seen that it was working in a very satisfactory fashion. Therefore, the objective was not to bring about a revolution and change a document that had proven to be efficient; however, it was necessary to improve and adapt to new circumstances, in particular, the evolution of the area WADA was working on. The idea was to have limited scope of review. He would explain the three areas in which review was considered necessary.

The first area was changes relating to the structure of anti-doping. One year previously in Glasgow, many important decisions had been taken by the Foundation Board on different topics regarding the future of anti-doping. The three main points were listed on the slide: on compliance (and he would not repeat what Mr Taylor had explained earlier regarding the changes required in relation to compliance), the changes that would take place in relation to WADA governance would certainly lead to a need to adapt some Code provisions and, the independent testing agency as well as other service providers and their status would have to be discussed and could lead to changes in the current Code.

The second area was linked to the question of underlying principles, which remained contentious. The members had a detailed summary in their papers. The main area that needed to be looked at was retesting, which was becoming increasingly important, and a subsequent question that was linked to retesting was the ownership of the samples being retested. Other issues that needed to be addressed were the issue of contaminated products, in particular meat contamination, as well as the source of the substance, in particular for minor athletes for whom some fine-tuning of the Code might be required. Other important questions, such as prompt admission or mutual recognition of sanctions, as well as the question of whistleblowers, might also have to be included in a better fashion in the Code.

The third area was not as significant, but some small issues had been highlighted in which some small improvements should be made, improving the drafting, for example, for better understanding by those who had to apply the rules.

In conclusion, the core principles would not be touched. The articles relating to the four-year sanction, the question of intent and anti-doping rule violations would not be touched. The idea was to update, improve and make minor corrections.

With regard to the team in charge of that, the members would see the proposed composition in their papers. As the Director General had mentioned at the beginning of the meeting, an additional woman would be added to the group. The group was small and the idea behind that was to have a small group of experts and the other drafters. Their job would be to take the comments, read them, classify them, look at the trends and make drafting proposals. Their mandate was not to be the leaders but to act as a secretariat and ensure proper and in-depth consultation among all stakeholders. As Mr Taylor had also explained on the recently adopted standard for compliance, the consultation and involvement of all stakeholders was absolutely essential in that process, and it would be the role of the drafting team to ensure that all of the stakeholders were duly consulted during the process. Obviously, the Executive Committee and Foundation Board would be the steering groups for the review and, after each round of consultation, a new draft would be proposed and it would first be discussed at the Executive Committee meeting. The members should also note that an athlete had been added to the composition of the group, and that was something that had happened for the first time and was in his view absolutely appropriate.

As to the timeline, if the Foundation Board agreed to continue with the project, the management would start shortly at the end of that year and end in 2019 at the next World Conference on Doping in Sport in Katowice in Poland. That was what he had wished to say; he would be happy to take any questions from the members.

MS BATTAINI-DRAGONI thanked Mr Sieveking for the presentation. She wished to come back to one or two points in the presentation, the first of which related to point three, which she welcomed. It was very important to keep, at least in the initial phase of the work, capability for a greater possibility to come forward with additional elements, which had not necessarily been mentioned, so that kind of open-mindedness to something else being added. She could feel that that was the intention and she welcomed it very much.

On the composition of the drafting group, when she had raised the question of the composition, she had had in mind the question of gender equality. By the way, saying that it was just a question of picking up a woman was not very welcome from her side. WADA was an organisation of values and gender equality was an important value. That question of the composition did indeed need to be improved and the composition was not only a question of gender (although that was of course important), but there was another element to it: geographical distribution. That was why attention was paid to the fact that the drafting group would be respectful of a number of elements and criteria such as geographical distribution, gender equality, and so on. By the way, she also believed that it was not exclusively lawyers who could be members of the group. There were very good lawyers around, both in the WADA management and the drafting group, so perhaps other dimensions might also be considered.

Her final point was that she had not heard anything in the presentation about the budgetary implication of the work. Indeed, at the public authorities' meeting held two days previously, the public authorities had been somewhat surprised by the figures in the document distributed. Perhaps some explanation was required to corroborate or complement the information and see whether that was just a proposal for further analysis. If more information could be shared on the question of the budget, it would be extremely helpful.

MR RICCI BITTI reiterated what he had said the previous day: generally speaking, the Olympic Movement was very happy with the 2015 Code. The Olympic Movement appreciated what had been presented as an approach, attacking the changes needed and not a universal exercise. There was another advantage (to echo what the previous speaker had said) in that it could be more cost efficient, so the Olympic Movement supported very focused change because it believed that the Code that was in place was very good.

MR POUND said that he was less concerned about the size and extent of the drafting group. That was a technical function in which WADA had the benefit of quite a lot of expertise. The policies reflected in it were far more important, and that was where the main focus should be. He had a couple of concerns to raise for consideration, not to be answered that day. One was that, some time or another, WADA would have to come to grips with the Osaka rule and either do something in the Code or walk away from it. There was probably not too much objection to the thought behind the Osaka rule; it just had not been implemented properly, and it continued to be attempted to be implemented, so he thought that WADA needed to deal with that. The other thing was whether or not there was a mechanism to attract suggestions for technical improvements, for example, additional means that could be built into the Code to make it more responsive to conditions in the field. If there was a timeline or a way of getting those comments in from members and others, he would be happy to know it and contribute.

THE CHAIRMAN responded to the issue of the Osaka rule. The matter had been taken up at the request of the Olympic Movement at a previous meeting. WADA had taken its wording and taken it to Judge Costa, who had knocked it back. That was the situation. It might then be necessary, if that were to be part of the Code review, to find a different set of wording because, from a purely legal point of view, that was complicated. He nevertheless thanked Mr Pound for his suggestion.

MR GODKIN supported the proposed approach to focus on those areas for key focus. He also noted that nothing was off-limits. Any good ideas should be contributed to the process if they arose. That was important for the Code review.

MR SIEVEKING responded to the comments. He told Ms Battaini-Dragoni that, regarding the larger scope of review for the initial phase, everybody agreed that the current version of the Code was quite efficient. The idea was not to open up to everything, also for cost reasons (and he would say more about that later) but, obviously, if brilliant ideas came up, the team would take them into account, so if there were any good ideas, even on articles for which the team did not think changes were required, the team would definitely look at them and propose to implement them if appropriate. There would be a website for everybody to comment article by article, and it would be necessary to think about having a section allowing for additional comments to be made because, obviously, any other comments would be welcome.

As to the composition of the team, he took due note of the points made. He stressed that it was a technical secretariat and, having been involved in the previous two Code revision teams, the work was very interesting but also very demanding, and he thought that the idea was to have the best person in the best place. He agreed that gender equality and geographical equality would be fantastic, but it was a small team and its job was only to liaise with stakeholders and ensure that everybody was heard. It was technical. In response to the comments, there would be an additional person on the team. The balance would still be far from the 50-50 sought, but at least a woman would be present. He also understood the comments made about the lawyers, but the Code was a legal document and, to ensure that everybody's ideas were well integrated in the document, it was legal work. Also, the aim was to ensure that the Code would be easily applicable by all courts and understandable by all other lawyers having to apply it. Again, the lawyers would be under control, given that every step of revision would have to be approved by the respective boards and the stakeholders. In terms of budget, for the previous Code review, when the Code had been accepted in 2013, the budget had been 1.5 million dollars. Taking into account inflation, that figure would currently be 1.8 million dollars, and the proposed budget was half of that, so cuts had been made wherever possible. Conference calls would be held wherever possible instead of face-to-face meetings and the limited scope of review would probably require a little less work in terms of legal drafting. By dividing the budget in two, he thought that the group had shown a willingness to ensure that costs would be as low as possible for the project. That also answered the question asked by Mr Ricci Bitti on the budget.

He thanked Mr Pound very much for his comment, which would be taken into account. He would be happy to discuss the matter further. In terms of what Mr Godkin had said, he had a blank.

MR GODKIN explained that he had been reinforcing the point that nothing in the Code was off-limits, that any good ideas would be considered by the group.

MR SIEVEKING agreed with what Mr Godkin had said.

THE CHAIRMAN asked if the members were happy to proceed because it was actually necessary to review the Code. The review would be much more modest than previous iterations. One of the things that the organisation had become very good at was organising consultation processes. The members had just seen it for the new standard on compliance, for which the consultation process had been excellent, and he was sure that exactly the same thing would happen again. The previous day, the Executive Committee had been keen on a small, efficient and hard-working group, and had started on the road to gender equity, so perhaps WADA was due some credit for that. Were the members happy to go ahead?

DECISION

Proposed scope for World Anti-Doping Code review approved.

– 5.3 Code compliance

5.3.1 Compliance Review Committee Chair report

THE CHAIRMAN noted that the item was entirely separate from the standard on compliance: it was the normal compliance process. He would again ask Mr Taylor to take the members through that and he would touch on some of the monitoring that went on as well, after which the Foundation Board would deal with the situation with Russia.

MR TAYLOR told the members that they had a short paper from him giving some headings, and he would be speaking specifically about non-compliance cases, but he did wish to bring to the attention of the Foundation Board some key achievements in terms of compliance. There was actually a very strong message to be delivered about the way in which WADA had been able, in a short period of time, to ramp up its efforts on the compliance side with the help of signatories. He had mentioned in relation to the standard that it was about sanctioning non-compliance, but it was mainly about encouraging compliance. He would suggest, and he hoped to highlight, that there had already been some significant achievements for which, again, credit went to a very impressive staff at WADA for their efforts.

He explained what he meant. The two main tools for compliance monitoring available to WADA were the Code compliance questionnaire and compliance audits. In February 2017, the Code compliance questionnaire had been sent out to 307 IFs and NADOs and, thus far, there had been 10 compliance audits. The members would see the response. 80% had been completed within three months and only one organisation had not yet responded to the Code compliance questionnaire.

There had already been a very intensive exchange. The Code compliance questionnaire resulted in corrective action reports and corrective action plans and then corrections, and a very intense dialogue between WADA and signatories. The Code compliance questionnaire had the benefit of bringing to the attention of signatories a quite extensive range of materials and help that they could get from the extensive resources produced by WADA on how to do a test distribution plan, how to do a risk assessment and how to do TUE applications. There were significant resources, and it was not clear to him that they had always been accessible to signatories. The Code compliance questionnaire brought them very directly to their attention. The corrective action reports went out along with best practice recommendations, and signatories had been seen to engage very constructively in that process. The reports that the Compliance Review Committee had been receiving were that it had been, as intended, a proactive mutually beneficial process.

He wished to focus on one line, the one line that everybody should take away that day and which, in his view, was a very relevant achievement. The members would see over that 400 corrective actions had been implemented thus far by the signatories in advance of the deadlines given in the corrective action report. There had been 400 instances in which the playing field had not been level because signatories had not all been meeting the same standard and there were currently 400 less. He thought that that was a very positive first step. There were many more corrective actions out there being implemented at that moment. There was an ability to challenge where one thought that the corrective action identified was wrong, so there was no iron fist. There was a debate to be had about whether some corrective action was correct or not; but, in the main, immediate engagement and immediate action had been seen together with an immediate translation into improvement in the quality of the anti-doping activities of signatories. As examples, and he was looking at the audit part of the monitoring whereby WADA sent a small team that spent one, two or three days with the anti-doping organisation to audit its operations, by doing that in Kenya, and with the impressive support of Anti-Doping Norway, instead of having, bluntly, a deep hole in Kenya, there was currently a NADO that had implemented all of the corrective actions and had greatly enhanced its anti-doping programme in terms of education, TUEs, blood testing and increased target testing and an ABP programme. Therefore, there had been a move from a situation in which compliance had been about having a set of rules that implemented the Code to an engagement, a meaningful engagement and meaningful discussion, and corrective actions identified and corrected, and there were very meaningful results. The same had occurred in Brazil. An audit in March 2017 had resulted in implementation of corrective actions in terms of doping risk assessment, out-of-competition tests and hearings and procedures. Those were tangible benefits for all athletes from the Code compliance questionnaire, without going out to audit in the field, just from answering the Code compliance questionnaire. In the host country for that meeting, a very specific corrective action report would be implemented in advance of the Olympic Games, those critical and high-priority corrective actions identified as a result of the Code compliance questionnaire. The same applied to Argentina. Its

NADO was using that process to help it get approval of the necessary laws to ensure its compliance. Azerbaijan was another example selected by the compliance team to show, simply as part of the engagement with the Code compliance questionnaire but again with another NADO coming in (that time, the Polish one), that it had been possible to bring in tangible improvements to the programme. Other countries had also used the Code compliance questionnaire as the reason for prompt action in terms of data privacy to get them using ADAMS. It was not just NADOs; it was IFs as well. All were using the process to improve the quality of their programmes. There had been an increase from 0 to 100 in a very short time and, bluntly, he was impressed that people in the WADA compliance team were still alive and kicking. Nevertheless, they were, but there clearly had to be an allocation of resources and it was the tier-one signatories who had been focused on to get the corrective actions to them. The team had moved on to the tier-two signatories; other tier-two signatories would be addressed starting in the New Year.

When it issued a set of corrective actions, WADA did not walk away. It got a corrective action plan and helped the signatory to make sure that plan was effective and to implement that plan. It was not a process that stopped with the issue of the corrective action report.

There was a heavy workload, there were demands on WADA, and it had come an enormous way in a very short time. He knew that there were budget issues that had been discussed. He sent to the Foundation Board a very clear message that the members were seeing a transformation of the compliance function and he urged them to give it their full support. The partnerships identified by WADA with developing and developed signatories to help implement corrective action had been incredibly impressive. There was no doubt that there would be more resources needed to expand the programme, but what he could tell the members was that, at least from the point of view of the Compliance Review Committee, the benefits were very tangible and were currently happening: 400 corrective actions already under way and many more in process. He would talk about non-compliance shortly, but he wanted the Foundation Board to understand that there had been, in his opinion, a quite remarkable transformation of the compliance function from a box-ticking exercise to something very meaningful and delivering very tangible benefits for the level playing field and for athletes everywhere.

THE CHAIRMAN thanked Mr Taylor. When he had mentioned that consultation was good, he was staggered to believe that, when WADA had sent out 307 questionnaires, it had received 306 back. That was a staggering figure so, for the people involved, mainly Mr Donzé and his team congratulations were in order. Were there any questions of Mr Taylor on his report, which he found to be hugely encouraging?

DECISION

Compliance Review Committee Chair report noted.

5.3.2 Compliance monitoring update

- 5.3.2.1 Russia – RUSADA update, report from the Compliance Review Committee

THE CHAIRMAN said that he had received a request from the Minister of Sport in Russia and the President of the National Olympic Committee asking if they could attend the previous day's Executive Committee meeting and that day's Foundation Board meeting and to speak and of course he had said yes, because it was entirely appropriate that they be present and speak. He would therefore invite Messrs Kolobkov and Zhukov to join the members at the table. A similar process as the previous day would be used. They would be asked to address the members. The members would have the opportunity to ask questions after their presentations. The Chairman of the Compliance Review Committee would then produce his report so that the guests could listen to it. They would then be asked to leave the table, although they could stay in the room if they wished, and there would then be a discussion on the situation. He welcomed Messrs Kolobkov and Zhukov.

MR KOLOBKOV informed the members that he had described the current anti-doping situation in Russia the previous day in some detail. Two years previously, following the results of the investigation related to the All-Russia Athletic Federation, WADA had recommended that the licence of the Moscow anti-doping laboratory be removed and that its director, Mr Rodchenkov, be dismissed due to numerous violations. At the same time, RUSADA had been declared non-compliant. The anti-doping system in Russia had failed and the creation of a new anti-doping model, which had no analogies in the world, had begun. He would not comment on that in detail, but he would mention the most important things. During the process of improving the anti-doping system, Russia had valued interaction with the international

structures that coordinated activities with WADA and experts, had raised the level of the fight against doping in sport from the level of public organisations and the ministry of sport to interdepartmental and governmental levels. The improvement of the anti-doping system was ongoing under the control of the government. The complex of measures for the implementation of the national plan for the fight against doping in sport had been improved by order of the government. The process of creation of the new laboratory on the basis of the Moscow State University was ongoing. The people in the organisation whose duties had included anti-doping work such as the anti-doping centre, RUSADA and the ministry of sport, had been removed. The most important process was the reform of RUSADA. Significant work had been done and that had been noted by WADA and the Compliance Review Committee. The financing of RUSADA had been increased threefold. RUSADA was currently fully operationally and financially independent as an organisation. In practice, it was carrying out such functions as testing, implementation of education programmes, result management and investigations in accordance with the Code. The previous day, during his speech, Mr Taylor had spoken about the problems regarding access of doping control officers to closed cities, and he did not agree with what Mr Taylor had said. He knew of one fixed case when a doping control officer had had one real problem concerning access. It had occurred at the stage when the mechanism had just been implemented. In that regard, he stated that the orders of access had been approved. In cooperation with RUSADA, the plan of granting access passes had been developed. Confirmation of granting access and copies of materials had been transferred to RUSADA. Last but not least, every athlete included in the testing pool living in the closed cities had been informed that their personal responsibility was to be available for testing. Most importantly, he was talking about no more than 20 athletes living in such cities; there were currently 10. He could see that there were issues to be fulfilled. The state, and in particular the ministry of sport, fulfilled their obligations under the international UNESCO convention. Attention was paid to education activities. In 2017, Russia had begun to work actively with representatives of all the regions of Russia. Scientific research was being carried out. Legislation was being improved to a level higher than that of the best world practices. The funding of anti-doping organisations had been significantly increased. All the requirements of the road map had been fulfilled. The remaining WADA requirements did not influence the operational functioning of RUSADA. One of WADA's requirements in access to the Moscow laboratory samples aimed to investigate possible violations in the anti-doping sphere, and the Russian investigative committee was continuing its investigation regarding the manipulation of doping tests admitted by the past leadership of the anti-doping organisation. The investigation was in the active phase. Relevant information regarding the investigation was published on the official website of the investigative committee in Russia. What he could say was that, in accordance with the requirements of the criminal procedure legislation, the samples stored in the laboratory and the electronic database had been sealed. According to the provisions of the criminal procedure code of the Russian Federation, material and evidence had to be kept with the criminal case. Attempts to influence the investigation were strictly prohibited. That was not possible in any legal system in the world, and he was sure that the members would understand. The transfer to WADA of the samples would lead not only to the criminal responsibility of those who had committed that but also would not allow the act of justice to be carried out in the form of punishment of the perpetrators. Once the investigation was completed, the samples and electronic data would be transferred to the relevant organisations. The investigative committee had repeatedly tried to interact with relevant organisations and had made a statement about its willingness to jointly investigate the possible facts of anti-doping rule violations and information contained in the electronic database. He would not repeat what he had said the previous day. The database was highly questionable. He thought that the issue should be considered by the Russian investigative bodies and the competent organisations such as WADA and the IOC. He was sure that the question of the samples would be solved in accordance with the procedures in Russia and other countries' procedures.

Operationally, RUSADA performed all the functions in compliance with the World Anti-Doping Code. It was currently very important for RUSADA to receive official compliance. On behalf of the Russian Ministry of Sport, he guaranteed that RUSADA would be a fully independent agency and it would continue to perform its anti-doping work in accordance with the highest anti-doping policy standards.

MR ZHUKOV said that, over the past two years, a great deal of work together had been done in the fight against doping in sport and creating a new Russian anti-doping system. Russia was currently implementing a national plan for the fight against doping in sport developed by the public anti-doping commission created by the Russian Olympic Committee. In terms of changing the cultural approach to doping in the Russian Federation, laws had been passed to show that Russia as a society did not tolerate such practices. It had been shown through the conscientious decision of the state that Russia did not tolerate any kind of doping in sport. Currently, doping was a criminal offence in Russia. He drew the

members' attention to the fact that all the points of the road map relating to the operational daily activities of RUSADA had been implemented. RUSADA was currently a completely reformed organisation with a new leadership, independent of the government, and was properly funded. It had been rebuilt under WADA's surveillance; there was no doubt about that. He was sure that everybody could agree that it was time for everybody to move on and acknowledge that RUSADA was fully compliant with the World Anti-Doping Code.

He had described in detail Russia's attitude to the report of Professor McLaren at the meeting of the WADA Executive Committee, but he had to repeat it again, because Mr Taylor had not taken into consideration the Russian position the previous day. The McLaren report had become a key reason for the total reorganisation of the Russian anti-doping system. Russia accepted the fact that the national anti-doping system had failed. It had also been recognised by the country's top leadership that the failure had been the result of organised activities aimed at manipulating doping samples of Russian athletes by a group of individuals for their own personal benefit. That group had consisted of a number of individuals within RUSADA, the Moscow anti-doping laboratory and other anti-doping institutions. The level of involvement and the guilt of certain individuals would be determined by the investigative committee of Russia at the end of its investigation. At the same time, Russia absolutely denied the existence of a state-sponsored doping system. As for other allegations in the McLaren report, the events of recent months had demonstrated that the information in that document was controversial, often legally unsubstantiated and required additional verifications of each individual case. That primarily concerned the thesis that more than 1,000 Russian athletes had doped. The conclusion had been refuted by the results of the investigations conducted by various international sport federations. The statement that all the Russian athletes' victories had been mainly achieved by doping was completely illogical. The performance of the teams and athletes in summer and winter sport over the past two years when they had been under constant and very strict control by foreign anti-doping agencies completely refuted that statement. Large-scale testing over the past two seasons and numerous checks made by foreign organisations responsible for the collection and analysis of the doping samples in Russia also rebutted those conclusions. At the IOC summit, held a short time ago on 28 October, it had been emphasised that the forensic examination findings from the McLaren report could not be used as grounds for individual legal action, as the methodology used by Professor McLaren had not been developed to identify individual violations of the anti-doping rules. It was clear from what had been said that the unconditional recognition of the McLaren report was impossible. Such requirement could not and should not serve as an obstacle to the full compliance of RUSADA; otherwise, it would result in an inability to restart the operations of the national anti-doping system in Russia, including all the activities of the anti-doping laboratory and the capacity for Russian Paralympians to participate in the Paralympic Games. That was not the result to which Russia aspired having worked for two years with WADA. He also wished to draw the members' attention once again to the fact that that requirement had nothing to do with the day-to-day operations of the totally reformed national anti-doping agency, which had been under the full control of WADA for the past two years. It seemed more likely an artificial obstacle of a political nature, not related to sport.

Having implemented a number of important reforms, having acknowledged the failure of the previous anti-doping system, having opened all the doors for constructive cooperation with WADA, he believed that it was currently possible to say that RUSADA and Russian sport in general could and should be considered reliable partners in the fight against doping in sport. Russia had a zero tolerance doping policy and was working hard for the rights of all the clean athletes to participate in international competition. He thanked the members for their attention.

THE CHAIRMAN thanked the speakers very much for their very clear statements. It was the members' opportunity, having heard them, to ask any questions they might have of the minister and the president of the Russian Olympic Committee. Were there any questions?

MR POUND wondered if the speakers would be in a position to share with the members of the Foundation Board who instructed the FSB in Russia. Who gave instructions to the FSB? What ministers did it report to? The members needed to know that information.

MR ZHUKOV replied that he was not a prosecutor.

MR PENGILLY thanked the speakers for their presentation. He began by commending the reform that had taken place at RUSADA. The members had heard about some really good work and development that had gone on there and it was very positive and encouraging to hear that. Also, the developments within Russia regarding anti-doping that went beyond RUSADA were positive, such as the comments

about the acceptance of a failed anti-doping system. His question and the question of a lot of athletes around the world was how they would be able to trust the new system being put in place. How could they believe it until there was a real acknowledgement of the extent of everything that had taken place? There had been evidence produced that said that there were people from the ministry of sport involved and consequently some of, or at least one of, the people of which WADA knew had been removed from their position, which would seem as if there were acceptance of the guilt of that person and subsequent removal, which had taken place internally by Russia. He would come back to that question. Until there was full acceptance of the whole thing, how could athletes around the world have real confidence that the great work that had been done by RUSADA could continue and that there would not be any interaction, involvement and manipulation of RUSADA in the future?

MR MOSES asked if there had been any further investigation in Russia as to the hacking that had gone on of the IOC, USADA and WADA. Had there been any investigation from the Russian side and what had that led to to date?

THE CHAIRMAN summarised that three questions had been asked, one by Mr Pound on responsibilities, one by Mr Pengilly on acceptance and one by Mr Moses on the question of the hacking of databases and IT systems that had gone on. Would the speakers like to deal with those?

MR ZHUKOV thanked Mr Pound for his question, but he had already explained that the level of involvement and the guilt of certain individuals would be determined by the Russian investigative committee at the end of its investigation. He was not a prosecutor and could not answer Mr Pound's question at present.

MR KOLOBKOV said that he would answer the second question. He had said in his presentation that RUSADA was a totally new organisation under the control of the UK Anti-Doping Agency and two independent experts recommended by WADA. They had worked at RUSADA for two years and, of course, everybody knew that it was a totally new organisation and in fact was compliant with WADA (although not legally). The second thing that everybody should know was that, over the past two years, all of the athletes in winter sport and summer sport had been tested by foreign testing organisations and the percentage of positive tests had been 0.6 the previous year and 0.4 that year, which was less than in other countries. Moreover, all of the winter sport federations had signed a special paper with their own federation, and it was an actual fact. They paid money for more testing. It was an unprecedented fact and he was sure that all of the athletes preparing and training to take part in competition were fully tested and clear. The third thing was that he had said before that an investigation was under way in Russia with a real procedure and the members and of course the Russian authorities were waiting until the end of the procedure, after which matters would go to court. Everybody should know that, and he assured the members that all of the athletes currently training were clean athletes. Unfortunately, he could not recall the third question.

THE CHAIRMAN said that the third question had been asked by Mr Moses. Did the speakers have any information on the cessation of the hacking of the IT systems which had gone on over the past year to 18 months? There was clear evidence of possible Russian involvement in that process.

MR KOLOBKOV asked why he was being asked that question. He did not understand why; it was not a question for him.

MR RICCI BITTI said that the discussion was very focused on the road map. His question was about how it had started. Had there been an acceptance of the road map? The different conditions of the road map were being discussed. The majority of the conditions had been fulfilled (at least the technical ones); obviously, there were still some pending. What had been the start of the relationship after the McLaren report between WADA and the Russian authorities? That was a point that had never been clear. Had the authorities formally accepted the road map? Had it been imposed by WADA? What had been the process at the beginning? He did not know.

MR KOLOBKOV responded that, the previous year, and he thought it had been September or October or maybe earlier, the road map had been signed by the former minister with WADA. Afterwards, WADA had made two more claims according to which the government and RUSADA should first of all fully accept the McLaren report with no exceptions, and then the minister of sport should give the samples and the database to the international federation. It had been said many times that the authorities were not responsible and could not interfere in the investigation. Of course, the members knew that, in any legal system, it was impossible. If one went to Scotland Yard or any other investigative committee, it was impossible to influence them. He thought that the members understood that. He thought it was very

important but, of course, the two claims by WADA were not important in terms of the real operational financial activity of RUSADA, which had been changed under the control of WADA, the experts of WADA, and assisted by UKAD for two years, and the members really understood that the organisation was fully compliant, although it was legally not compliant. It was currently very important for the organisation to be compliant because there were so many IFs, so many government representatives, and over the past five years Russia had organised more than 2,000 international competitions and more than 13 world championships and of course asked the members to make RUSADA compliant. There were more than 5 million young people going into professional sport in his country and it was more important to have more samples and more testing. Russia should and was ready to go forward and, as the Minister of Sport, he could guarantee to everybody sitting there that the Russian anti-doping system and RUSADA would work openly in accordance with WADA. He asked the members to let RUSADA work and be compliant.

THE CHAIRMAN thanked the speakers. Were there any further questions? He asked Mr Taylor to give the report from the Compliance Review Committee. The speakers would be welcome to stay in the room after that but would leave the table, and then there would be a discussion. At that time, the Director General would take up the question of the road map.

MR TAYLOR said that the members would see two letters in their papers which he had written in his capacity as Chairman of the Compliance Review Committee to the Director General of WADA, one on 25 October and one on 10 November. The Compliance Review Committee had held a special meeting on 24 and 25 October in person in Montreal to receive a report from the WADA audit team of the results of its audit of RUSADA operations and also progress against the road map. The participants had heard from the Director General, from Mr Koehler and also, importantly, from Mr Nicholson, one of the international experts appointed (as referred to by Mr Kolobkov) to work with RUSADA to meet the conditions in the road map. It had been important for the Compliance Review Committee to hear directly from a person on the ground in Moscow working with RUSADA to meet the road map conditions. Following that meeting, the Compliance Review Committee had written a letter (which was in the papers) on 25 October explaining why at that time its view was that the road map conditions had not all been met and that the recommendation to the Foundation Board would be not to reinstate but to maintain the status of RUSADA as non-compliant. The committee had said that it would meet again by teleconference on 10 November to consider any updates. It had met the previous Friday and had received and taken note of letters from the ROC President, Mr Zhukov and from the Minister of Sport, Mr Kolobkov, from whom the members had just heard, and the committee had also noted the statement published by the investigative committee of the Russian Federation on 8 November that it had refuted the arguments of WADA's independent expert, Professor McLaren. It had received a letter from the RUSADA supervisory board chairman, the note from the Director General about the LIMS database that had come into WADA's possession from the Moscow anti-doping laboratory, and it had received an update from Mr Ricketts about the progress of RUSADA to address the non-compliances identified in the audit in relation to RUSADA's operations, so he did wish to reassure the Foundation Board that the Compliance Review Committee had been assiduous to ensure that it had all of the facts at its fingertips and was able to provide a fair and objective assessment of those facts and that was what it had tried to do. Where did it stand? The Compliance Review Committee was unanimous on that matter.

First, to be very clear, the Compliance Review Committee had been impressed with reports of the work that had been done at RUSADA to reform and strengthen its operations, both before and after the audit, and it had, according to the report received, acted quickly to correct the corrective actions reported following the audit, and that was to the credit of the new director general at RUSADA and his staff. In relation to closed cities, he noted carefully the comments made by Messrs Kolobkov and Zhukov. With great respect, he noted that a procedure had been put in place to ensure access by Russian doping control officers to closed cities in order to obtain no-notice testing of athletes located in those cities. The Compliance Review Committee had asked how that process had been implemented in practice and had heard that, to date, there had been limited attempts (but a number of attempts) to test that process to see if it worked. In some cases it had worked and access had been provided without notice and in other cases (not one case) there had been problems in implementing the procedure and access had not been provided immediately but only after a number of hours or even days. So, while the Compliance Review Committee did not question that progress had been made, it considered it incumbent upon itself to require evidence that that procedure had not only been implemented at the top but also at the bottom and did work in providing access to athletes without notice.

There were two conditions about which discussion had already been heard that were in the road map that the Compliance Review Committee understood had been accepted by the Russian authorities. Taking

those one by one, had those conditions been met? One was to accept the findings in the McLaren report of a conspiracy involving individuals from the ministry of sport, the centre for sport preparation, RUSADA, the FSB and the Moscow anti-doping laboratory to cover up evidence of doping. He had addressed two points in his letter, but there was a third. He had listened very carefully and with great respect to the comments of the President of the ROC, Mr Zhukov, who had said that he had not listened carefully enough to his comments the previous day. He noted that Mr Zhukov had said that there had been a manipulation of samples by a group of unnamed individuals; they were apparently a number of managers within RUSADA, the Moscow laboratory and other unnamed anti-doping institutions and the level of their involvement and the guilt of the individuals would be determined by the investigative committee of Russia upon termination of its investigation. That did rather conflict with the announcement made by the investigative committee the previous week that it had refuted the findings of the McLaren report. Nevertheless, he wanted to be clear. The Compliance Review Committee understood that condition to be to address the findings of the McLaren report that not only people at RUSADA and the laboratory had been involved in a conspiracy to cover up doping, but that that had been directed by officials at the ministry of sport and implemented by members of the FSB and, until that was addressed, the Compliance Review Committee did not believe that that condition had been met.

There were a couple of other points. He noted very carefully the argument of Mr Zhukov that because, in a number of individual cases, a decision had been made that there was not sufficient evidence to bring cases against individual athletes for doping, that demonstrated that the findings of a conspiracy to cover up doping could not be accepted. He hoped simply by stating that, he would see (with great respect to Mr Zhukov) that, in the view of the Compliance Review Committee, that was an utter non sequitur. In fact, if there was no evidence of individual doping, if anything that was evidence that the conspiracy to cover up that doping had succeeded. In terms of the statement the previous week by the investigative committee, he had looked at it very carefully. The Investigative Committee noted that it had refuted the findings of Professor McLaren. To refute findings was to disprove them. What the Compliance Review Committee saw in the statement of the investigative committee was that it had found evidence to dispute those findings, but it did not see any process by which the evidence had been weighed up on both sides and a clear decision had been made that could be backed up by reasoned analysis to show that the findings of Professor McLaren were refuted. To the contrary, the committee noted that while, for example, the report said that 700 athletes, coaches and medical personnel all denied any knowledge of a doping programme, there was no reference to interviews of the ministry of sport officials or any FSB officials despite them being specifically named in the report, and the Compliance Review Committee found that be a surprising omission.

The Compliance Review Committee noted the dispute about the expert evidence gathered by Professor McLaren about the ability to open sample bottles. There was a dispute there, and that needed to be resolved. On the other hand, there was no mention by the investigative committee of the other objective evidence that Professor McLaren had relied upon to corroborate his findings, such as e-mails sent by the very officials at the ministry of sport and the centre for sport preparation, wash-out lists of athletes involved in the scheme or (and that would bring him to his second point) the LIMS database with evidence of disappearing positives.

With great respect, and he understood from Mr Zhukov that, despite the fairly emphatic statement by the investigative committee the previous week, its investigation continued, the Compliance Review Committee had been unable to accept the proposition that the findings of the McLaren report had been refuted. At most they had been disputed. What was very clear was that the condition that they be accepted had not been met.

That brought him to the second condition that remained outstanding, which was to provide WADA with access to the samples still at the Moscow laboratory and the electronic data relating to those samples. That had been specifically referred to in Professor McLaren's report. He understood that the materials were considered to be evidence in a criminal investigation; however, he also understood, having just been referred to by Mr Kolobkov, that the investigative committee was ready to cooperate with WADA's investigators to consider the relevance of the electronic data and the samples. The Compliance Review Committee had considered very carefully whether the fact that WADA had obtained a copy of the database meant that that condition was moot and should not be insisted upon. The members had just heard from Mr Kolobkov, who said that the database was highly questionable. That was fair enough. One could question the authenticity of that evidence and it was extremely important that the authenticity be verified or disproved. How was that going to happen? By getting access to the Moscow laboratory and the data, both the database and, more importantly, the instruments in the

laboratory that had produced that data. That would be able to tell everybody whether or not that database was accurate and authentic. The Compliance Review Committee's conclusion was therefore that that condition remained outstanding and in fact was probably more important at that point.

If those two conditions were not met, and he thought that that was not really a matter for argument, that left (with respect) the point very clearly made by Mr Zhukov, which was that one should not link RUSADA's reinstatement with those two conditions, because they were political requirements and nothing to do with RUSADA's compliance. RUSADA should not be held hostage to those political elements. The Compliance Review Committee had considered that very carefully and had come up with three points, one of which was that that position to delink the conditions sat very uneasily with the fact that those had been conditions in the road map which the Compliance Review Committee understood had been accepted by the Russian authorities, and to decide at a point at which they could not or would not satisfy them that they should be delinked sat uneasily with that prior acceptance. Secondly, as it happened, he insisted upon the fact that the closed cities issue was still an issue for which WADA needed to see that the process that had been put in place worked and access was provided with no notice to those cities. Thirdly, and most importantly, and it was something that Mr Pengilly had just referred to, the question for the members was, in a circumstance in which there were findings by a WADA independent investigation that the previous RUSADA's operations had been utterly corrupted by the system by the ministry of sport officials directing RUSADA, laboratory officials and the FSB, however good the reform at RUSADA, how they could be confident that they would not be corrupted again if the findings made and set out in detail with the evidence to support them had not been addressed, refuted if they could be, but otherwise acknowledged, addressed, so that athletes could have comfort that, in the future, that would not be repeated. For those reasons, the Compliance Review Committee very respectfully did not agree with the suggestion of Messrs Zhukov and Kolobkov that those conditions be delinked from the issue of compliance. He had heard from Mr Nicholson on the ground who had said that RUSADA had done very well, but RUSADA operated within a particular environment and was dependent upon that environment for the success of its operations. For that reason, the Compliance Review Committee suggested to the Foundation Board that such conditions remain linked to RUSADA compliance and, until they were met, the recommendation of the Compliance Review Committee was that RUSADA not be reinstated and instead its status of non-compliance be maintained.

THE CHAIRMAN said that there was a little more information there than provided the previous day by Mr Taylor. For purely formal reasons, he would ask the two Russian speakers if they would mind leaving the table, but invited them to sit in the room during the discussion because the meeting was an open one. A number of people had wished to have a discussion and make observations. It was their opportunity to do that and he would be pleased to hear from those wishing to speak.

PROFESSOR ERDENER said that he wanted to say something related to the matter. He thought that WADA and the IOC knew there had been a lot of activities related to the Russian situation and of course there was no doubt that an effective anti-doping system in Russia was needed. The IOC, together with its partners, WADA and the IFs, arranged appropriate level testing until the Olympic Games in PyeongChang based on pre-Games task force recommendations. In addition, two of the IOC commissions (the Schmid and Oswald commissions) were currently working very efficiently. He expected that the two commission reports would be completed by the time of the next IOC executive board meeting to be held from 5 to 7 December. The executive board would again evaluate that situation during its meeting. That was by way of information for the Foundation Board.

MR GODKIN made a statement on behalf of the public authorities. He thanked in particular the Chairman of the Compliance Review Committee for the informative and very detailed report delivered to the Foundation Board. The public authorities recognised the role of the committee as a complex one and one that was being approached with demonstrable care, due consideration and impartiality. The public authorities acknowledged tremendous progress had been achieved over the past two years by all parties and considered that it was a matter of regret that the conditions of the agreed road map to full compliance for RUSADA were yet to be fully met as articulated in the Chairman's report and that new developments required further investigation, but all looked forward to that matter being resolved as soon as possible. Equally, however, it had to be recognised that, until that point was reached, extra vigilance should be exercised, particularly by major event organisers, to ensure international competitions were conducted under circumstances that provided confidence in the integrity of the events and that the rights of the clean athlete were being fully protected. To that end, the public authorities urged major event organisers to adopt appropriate measures and safeguards to ensure such confidence in the legitimacy of their events and that athletes might participate on an equal and fair basis.

MS HOFSTAD HELLELAND thanked Mr Godkin for his clear statement. Given the report provided by Compliance Review Committee and in particular concerns arising from the recent revelations relating to the laboratory data, it would seem that any participants from Russia in major events must be subject to rigorous external oversight. That included effective testing regimes by compliant anti-doping organisations in order to protect the clean athlete and ensure the integrity of competition. The public authorities, dedicated to clean and fair sport, looked forward to an effective response by the major event organisers on that matter.

MR POUND stated that he fully supported the recommendation made by the Compliance Review Committee. He noted that, notwithstanding the presence of a minister and a deputy prime minister, nobody had chosen to answer the question regarding the FSB. He thought that the fact that several cases brought by the Oswald commission had been decided in a manner that fully supported the allegation of widespread doping and the fact that the internal investigation reported to the members had been clearly inadequate, and he also thought that it was not as gentle as being uncomfortable with but to attempt to resile from two of the essential conditions of the road map at that stage and simply rely on the daily technical competence of who happened to be there at the moment was insufficient to deal with the problem of the magnitude currently before the members.

MS TJONGARERO said that the African Union recognised the tremendous job done by Russia to correct what had to be corrected and also acknowledged the statement of the Compliance Review Committee that there were a few things remaining to be corrected. However, the African Union was for the athletes and, for that reason, recommended that the clean athletes be allowed to participate in all upcoming events and competitions while Russia was still in the process of correcting the remaining two issues to be corrected.

MR RICCI BITTI noted that he had been expecting the Director General to contribute to the question. He was not arguing about the proposal of the Compliance Review Committee; his point was focused more on the future, and the future was that WADA risked getting stuck, which would not be to the advantage of the sport movement. It was necessary to find a way to force the people who could incur, and there had been an example in the past. Russia was more mediatic, and there had been some examples and WADA had not perhaps tackled them in the same way. He took the matter very seriously and he could reassure his friends representing the public authorities that he took the matter very seriously and had done so for a long time. It was no coincidence that the sport movement was an equal partner in the organisation. His position was that the only way to get better was to make WADA more efficient. The rest was another matter. He therefore believed that the Russian case should enable WADA to learn some lessons, which were that WADA should be careful from the beginning to tackle cases in a way that also considered the future because, if WADA were in a situation in which the Russians decided freely not to accept some conditions, there would be no solutions and he did not think that that would be of any use, and therefore it was necessary to be creative, to find something, and he congratulated the Compliance Review Committee on its extensive report, but again it was necessary to be careful. He said that because he said once again that he had been a member of WADA for a long time and it was necessary to keep control over the domain in which WADA acted. Thanks to the Russian case, WADA had learned many good lessons. He reassured the public authorities that sport, as Professor Erdener had said, was acting effectively and he believed that sport had worked from the time of the Olympic Games in Rio, and had given some evidence of its work, but he still believed that it was necessary to draw some conclusions for the future.

MR BAUMANN echoed what Mr Ricci Bitti had said. He thanked the Compliance Review Committee for the report and the opportunity to give the Russians an opportunity to express themselves publicly before the Foundation Board. He would certainly be interested to hear about which conditions had been on which paper and at which particular moment of the process in terms of the road map. Equally, he was happy to hear that the issue of the closed cities had been partly successful and that a process was in place and in fact doping control officers had had access without difficulties, although in other cases they had had more difficulties, but at least there was more progress perhaps than the members had been led to believe the previous day, at least on that matter.

Finally, he also wanted to make a point about whether it was to be a public statement on television or before the Foundation Board by somebody or whether it was about how to ensure that there was confidence that RUSADA worked. Technically, RUSADA worked; it was being controlled by foreign experts, and that should provide WADA with a level of confidence that should suffice, at least in the minds of the IFs. Anything beyond that was not part of WADA's remit: to change Russian society or the

structures or who ran what in the Russian Government. Certainly it was time to look forward and learn some lessons on how to do things better in that context and avoid similar difficulties, and that was probably also something that the Working Group on WADA Governance Matters should take on rather than the other aspects about which the members had been hearing that morning. Finally, regarding the clean athletes, the pre-Games task force was aimed precisely at making sure that rigorous doping controls were provided for athletes going to PyeongChang so that there was as much as possible a level playing field for everybody, and the sport movements and IFs supported the fact that every clean athlete should have a chance to participate in PyeongChang.

THE DIRECTOR GENERAL said that, since the declaration of non-compliance of RUSADA, a lot of work had been done immediately after the non-compliance decision. In fact, the work started as a result of a meeting with Mr Kolobkov's predecessor even before he had taken on the role of WADA Director General. To respond clearly to the question, there had been a meeting about 18 months previously in Zurich with his deputy Mr Koehler and Mr Kolobkov and Mr Smirnov, who at the time had been heading the commission for reform. There had been a clear discussion on the conditions for going forward. As a result of that meeting, things had been formalised in a document, and it had evolved over time. He had asked Mr Koehler some weeks previously and basically that road map with those conditions had been exchanged with the Russians more than 25 times over the past 15 months, and in fact all of the conditions except those two had been fulfilled. That was the document that had been used to follow the work done, so everything had been on the table. He would confirm that Mr Kolobkov had always said that he was not in control of the investigative committee and that it was beyond his remit to deal with that, but the conditions had been there for a long time.

THE CHAIRMAN acknowledged the comment about testing. WADA in fact, with Mr Ricketts, had been part of putting together the pre-Games testing task force, which was working with five national anti-doping organisations and the winter sport federations, and some of that testing was being done by RUSADA so that in the run-up to the Olympic Games there would be plenty of testing done. Secondly, he was very well aware that there were two commissions appointed by the IOC which would respond as far as the technical issues on Sochi were concerned and the accusations of a conspiracy by Professor Schmid, and the IOC as he understood it had said that it would deal with that on 5 and 7 December. He did not think that anybody around that table would be upset about the wish that clean athletes be allowed to take part, and that had been mentioned by individual delegates and members of the Foundation Board. He told Mr Ricci Bitti that nobody was keener to move forward on that than he was. It had taken literally hours and hours of effort to try to hold that exercise together, and go forward WADA would. A huge step had been taken the previous day by putting in place a totally agreed standard for compliance. If that happened again, there would be a system to deal with it that he thought the members would accept which would avoid the kind of situation WADA was in. But that was the situation WADA was in today and, while he regretted that it was at that stage, he regretted many things that had been said in public, he regretted that that still hung over sport at that moment, but WADA had to deal with the recommendation that had come to it from the independent Compliance Review Committee that WADA had put in place. He asked the members whether they were prepared to accept that recommendation, after which WADA would move on and try to do everything else it could to make the world a better place in which to live. Were members happy with that? He thanked them very much indeed.

DECISION

Recommendation on the matter of continuing RUSADA's non-compliance status from the Compliance Review Committee approved.

5.3.3 Declarations of non-compliance

MR TAYLOR referred to the updated version of item 5.3.3 for decision. There were three other ADOs that the Compliance Review Committee recommended be declared non-compliant with immediate effect. He would not belabour the point, as the members had the paper. The first was Equatorial Guinea, the one ADO that had failed to provide a response to the Code compliance questionnaire, and obviously, if it did not do so, its compliance could not be assessed. That failure was itself a serious non-compliance, and the recommendation was that Equatorial Guinea be declared non-compliant with immediate effect.

The next case was Kuwait; again, there had been a number of requests for information to address issues of non-compliance and a failure to respond to those with no excuse for doing so and, again, for

the reasons outlined in detail in the paper, the recommendation was that the Foundation Board declare the Kuwait Anti-Doping Committee non-compliant with immediate effect.

The last one was the Anti-Doping Unit of the Mauritius Ministry of Youth and Sports. To be clear, that part of the paper that he wished to clarify was that WADA's assessment was that the rules in place adopted in Mauritius did not implement the Code, were non-compliant with the Code and, despite various requests and attempts to engage, there had not been a correction and so the rules were non-compliant, which was why there was a recommendation that Mauritius be declared non-compliant with immediate effect.

THE CHAIRMAN said that WADA would clearly do everything it could with those three organisations to make sure that they become compliant. That was the proposal. Were the members happy to accept it?

MS TJONGARERO said that the African Union supported the declarations of non-compliance in relation to Equatorial Guinea and Mauritius; however, efforts would be made to ensure following the meeting that it engaged the two countries and assisted them to become compliant.

THE CHAIRMAN thanked Ms Tjongarero Fadil for the statement, which was supported 100%.

He thanked the members very much for the debate on non-compliance matters; he thought that they had moved things on.

DECISION

Non-compliance recommendations approved.

6. Athletes

MS SCOTT remarked that she had the dreaded post-lunch spot. She hoped that everybody had had a coffee. The WADA Athlete Committee had held its second meeting of the year that summer in London in conjunction with the IAAF World Championships, and had been hosted by UKAD and UK Sport, as well as the Bird & Bird offices of Mr Taylor. The outcomes of the meeting had been published on the website and were also in the documents that the members had received for the meeting, so she would not go into too much detail and would simply pull some highlights from the report. As mentioned at the previous meeting, the Athlete Committee had begun the development and creation of a charter of athlete rights, with the aspiration of having that document adopted and embedded in the World Anti-Doping Code. As part of that process, the committee had wanted to carry out a broad stakeholder consultation, and had started that with some survey questions that it had developed and distributed through the independent organisation Fair Sport. It had been a very important focus and goal, as the committee had wanted to go as broadly as possible and get as much feedback from athletes as possible. She briefly shared some of the highlights from the survey results: over 2,000 athletes had responded from over 60 countries representing 50 sports with an equal gender split, and a majority of the respondents having competed at Paralympic or Olympic level. Some of the key findings from the survey that might be of interest were that 55% of respondents had felt that their sport was not free of corruption, coercion or manipulation, 54% had felt that their leadership was not free from conflict of interest, 97% had believed that it was essential and desirable to have the right to clean sport free of corruption, coercion and manipulation, 83% had felt that they had the right to be compensated by those who cheated at their expense, 92% had wanted the right to representation and participation in the fight against doping in sport, and another 92% had believed that whistleblowers who reported doping infractions should be supported. The committee had been encouraged to see the results from the survey and would move to the next phase, which would be the beginning of drafting and creating a document.

The second major project of the WADA Athlete Committee completed that year was a strategic direction, which was a process of defining the principles and guiding framework for the committee to work from. It had been a very helpful and effective process.

The WADA Athlete Committee continued to be active and engaged and dedicated to the fight against doping in sport. The members were deeply committed, attentive and focused on continually bringing the voice of the athletes to the platform and the tables of the policy-makers and decision-makers. They were an absolutely outstanding group of individuals who were very intelligent, courageous and independent, and she was very lucky to be their chairperson. That was the end of her report; she would be happy to take any questions.

MR POUND told Ms Scott that he thought it was the other way round: he thought that they were lucky to have her as their chairperson. He was looking at the notes from her London meeting and point 6 was a reference to the CAS improving and strengthening independence. He was a member of the International Council of Arbitration for Sport and it would be helpful to know what the concerns were so that, the next time there was a meeting, he could bring those forward in a direct manner.

MS BARTEKOVÁ spoke on behalf of the IOC athletes commission and congratulated Ms Scott on her leadership of the WADA Athlete Committee. The IOC commission wanted to cooperate in terms of representing athletes within the Olympic Movement and WADA. She asked, as she had the previous day, for more clarification on the mandate given by WADA to Fair Sport, which was an independent organisation. She referred to the mandate given to the development of the athlete charter or charter of athlete rights. The project was currently coordinated by the IOC athletes commission and it believed that WADA should be a leader in the anti-doping part of it. She stressed that the IOC athletes commission had not given any mandate to Fair Sport and the action of Fair Sport had been a little misleading and created some confusion among the athletes subject to a survey. The IOC had not taken part in that survey. She sought clarification and believed that, as agreed before, the IOC would cooperate better and make sure that the athletes would be represented with the WADA Athlete Committee being the leader in the anti-doping part.

MS HOFSTAD HELLELAND recognised the work of the WADA Athlete Committee and its Chairperson Ms Scott and stressed the importance of the committee continuing to have an ability to speak independently on issues related to doping in sport. Everybody was sitting around the table to facilitate a clean sport environment and should embrace and listen to the voice of athletes and do everything possible to engage them. Over the past few years, the WADA Athlete Committee had shown leadership, had gained the trust of clean athletes, had been the first to take an initiative to develop an anti-doping charter of athlete rights, was involved in the governance review on the various WADA committees, including the Education Committee, the Compliance Review Committee and the Code review team. The athletes' voices should be embraced and athletes should continue to be engaged in all decision-making processes for the future for an enhanced clean sport environment.

MR RICCI BITTI reassured the minister that the Olympic Movement was taking care of the athletes; there was a commission with 23 athletes, the majority elected, the rest appointed, and a lot was done. That day, a lot of recommendations had been received, but he reassured the minister that the Olympic Movement was taking care.

MS SCOTT responded to Mr Pound. The comments about the CAS had been made following a presentation on the new standard for Code compliance. The comment had been made by the athletes that, with the new standard being applied, the importance of the CAS would be increased and they therefore wanted to ensure that decisions would be consistent and strong.

She told Ms Barteková that the charter of athlete rights had actually been started by the WADA Athlete Committee nine months previously and it had been in the context of a response to the numbers of athlete petitions and statements made following the revelations and facts that had come out of the McLaren report. Upon commencing the project, the committee had realised that the charter had the potential to be much bigger than anti-doping and, at that point, had enlisted the help of an organisation called Fair Sport, which was an independent organisation not anchored in any sport administration body. Fair Sport had taken on the coordination of that charter and the WADA Athlete Committee would feed into the charter regarding anti-doping and any related pieces of the charter that could be attributed back to anti-doping. The previous week, she had learned that the IOC athletes commission was also starting a charter of athlete rights and the WADA Athlete Committee would contribute to that charter of rights as well regarding anti-doping. She thought that there was a room for a lot more athletes' rights to be brought into the atmosphere and whether or not the two charters collided or combined at some point to create one document that was unified and supporting and raising and protecting the rights of athletes remained to be seen. It was an evolution of course, as both organisations developed their independent charters at the same time. Nevertheless, the WADA Athlete Committee was certainly committed to elevating the rights of athletes and participating in bringing the role that it had with regard to anti-doping to both charters as they developed.

THE CHAIRMAN observed that there was obviously quite a lot of work to be done in terms of charters.

DECISION

Athlete Committee report noted.

7. Finance

– 7.1 Government/IOC contributions update

MR RICCI BITTI apologised because he was going to be slightly longer and would repeat what he had said previous day to the Executive Committee, but the Foundation Board had not met since May, so he had a duty to provide more information. The Finance and Administration Committee had met in July to review the year-end accounts and had accepted the internal control memorandum from the auditor. Once again, the auditor had found no control deficiencies and he wished to thank the staff of the Finance Department led by Maria Pisani for its effective work.

The committee had noted with satisfaction that WADA had received 1.4 million dollars as a contribution for special investigations which had been badly needed because investigations had been very costly recently, as the members could imagine, and some money had been deferred for future expenses.

On the most important item, and he introduced one point to which he would return, Executive Committee members in September had received an extensive presentation by the Director General of WADA with the four-year plan requested by the Board members. The Finance and Administration Committee had prepared a plan with all the new incoming expenses and activities required for a new and more effective WADA capable of meeting all the challenges, which were increasing. The presentation had been very well-received and, unfortunately or fortunately, a four-year plan had been attached. The Finance and Administration Committee had judged the four-year plan very positively as the only way of making WADA grow and cope with all of the coming challenges. Three conclusions had been reinforced: the committee had accepted the four-year plan and decided to present it to the next meeting of the Executive Committee and Foundation Board. It recommended that the public authorities revisit if possible (knowing that it was a difficult job) the model of sharing between and within the continents. The committee encouraged them to start, although it would be a long process. Each model needed to be reviewed at some stage. Thirdly, the committee encouraged the WADA management to look for additional sources of money, which would be very welcome to help with the ambitious project. Two more decisions had been taken: the protocol for voluntary contributions had been approved by the Executive Committee, and the committee had appointed a new member of the remuneration committee, and he congratulated Mr Godkin, who was the new member replacing the outgoing Norwegian minister who had previously held that position.

With regard to contributions to date, 97.9% of the total contribution expected from the public authorities had been received. That was a little bit better than the previous year at that stage, but he reminded the members that the budget that year had been very ambitious and the committee had set a figure of 98%, so there was not much time until the end of the year, but he hoped that it would be possible to meet the figure.

In addition to Japan, Kuwait and Australia, he wished to thank Azerbaijan, Egypt and Saudi Arabia for their additional contributions, which were very welcome.

DECISION

Government/IOC contributions update noted.

– 7.2 2017 quarterly accounts

MR RICCI BITTI said that he would be very brief; he reassured the members that, as they could see in one of the papers, WADA had 10,000,700 dollars remaining. That was a reassuring figure, because there were three months of expenses and WADA had to cope with a capital expenditure of about 3.5 million dollars, which should bring WADA in line with the revised budget already presented in September to the Executive Committee which showed a depletion (that was the most important factor) from the reserve fund of 170,000 dollars instead of the maximum 500,000 dollars allowed every year. That was good news, although it was not significant when looking at the 10 million-dollar figure, because WADA received the money at the beginning of the year and spent it throughout the year, but he believed that there was enough money to keep on track to the end of year.

DECISION

2017 quarterly accounts noted.

– 7.3 Four-year plan (2018-2021)

MR RICCI BITTI informed the members that, as they knew, the Foundation Board had previously requested the exercise. The Finance and Administration Committee has been very positive about the presentation made by the Director General and had presented it to the September Executive Committee meeting. The decision, again inspired by the public authorities of the Executive, had been to present the budget for the following year only and not the four-year plan.

The ambition of the four-year plan for the sake of those who had not been present at the previous meeting had been to include an 8% increase for 2018, 15% for 2019, 15% for 2020 and 5% for 2021. The public authorities had recommended that the committee review and present the budget for 2018 and the recommendation was clear: there were two alternatives (an 8% increase and a 5% increase) and the Finance and Administration Committee had strongly recommended the 8% increase and the Executive Committee had unanimously supported that 8% increase. The reason was very simple. The budget might appear expensive but to each country it was not very much. He understood the situation but everybody wanted to have a new WADA: a WADA that did many more things. Just to be clear, he had asked obviously the Finance Department to see which kind of activities should be kept in the event of the 5% instead of the 8% increase. The members could see the list and basically two of the activities were vital: the scientific research programme and the compliance programme. For the scientific research programme, there had been a special contribution for a few years which had allowed WADA to cut dramatically the scientific research standard cost, which had to be reinstated gradually. Research was a vital part of its activity and he strongly recommended that the members consider it a very important part of the exercise. The second item he wished to mention that WADA would not be able to cut was compliance. Compliance was a very new activity but, if compliance funding were cut, WADA would do fewer audits and WADA did not want to reduce the activities, so it needed more audits and it needed to move forward. For those two reasons, which had been very well received by the Executive Committee the previous day, he recommended for approval the budget that the members had before them. He asked the Chairman to take the floor to seek formal approval of the budget that the members had in front of them including an 8% increase (the one that the Executive Committee strongly recommended).

THE CHAIRMAN asked if there were any questions on the 2018 budget before he sought the members' approval.

MR POUND had two observations/questions: one was about the reduction of the activities. He was disappointed that scientific research was absorbing what appeared to be more than its share and he thought that it had always been one of the cores of WADA and one of the differentiating features of WADA that a much larger portion of its overall budget was to go to scientific research than other organisations. His second was the depletion of the litigation reserve. He thought that it was necessary to face the fact that, as a lot of the cases came along, parties were doing what they called 'lawyering up' and the cases were getting much more extensive and much more expensive and it was probably unrealistic to think that much on that budget could be cut.

MR RICCI BITTI agreed completely with Mr Pound. WADA had been enjoying for some years a special fund, which had been matched by the IOC, of 12 million dollars, allowing for the standard budget to be cut, but it would be necessary to reinstate that standard budget, because it was a vital cost. That was to explain the process, but he obviously agreed with Mr Pound that the more money available for research, the better it would be. It was currently a must, because the special fund of 12 million dollars would be concluded soon. He asked the Director General to respond regarding the litigation issue.

THE DIRECTOR GENERAL added that that had been one of the options with the 5% scenario, that some money from litigation would have to be taken; but, if the 8% scenario were approved, the litigation reserve would remain untouched and ready to be used in the event of need.

THE CHAIRMAN observed that there were two issues: the research issue was a serious one. The members would recall that there had been a 12 million-dollar fund made available by the IOC to be matched by the public authorities and they had matched approximately 6.5 million, so WADA had received 6.5 of the 12 plus 6.5 expressed in dollars but the people who had contributed in many ways had contributed in their own currency and not necessarily in US dollars, so the final figure for expenditure had been somewhere under 13 million; but, as Mr Ricci Bitti had said, that fund was almost exhausted, but it had allowed, when there had been all sorts of other pressures on expenditure, WADA to remain solvent.

On that basis, the budget was before the members.

MS BATTAINI-DRAGONI asked what degree of flexibility there was in the management of a budget; in other words, if one saw at one point in the running of the year that there were expenditures that were becoming less important for different reasons, was it possible to redirect the resources to research, for instance? That was her first question: what degree of flexibility existed in order to avoid leaving unspent money at the end of the year? Particularly with the 8% increase, the possibility of flexibility seemed to her feasible. The second point was, when WADA received a voluntary contribution, to what extent could it convince countries that made voluntary contributions that they should not be earmarked so that WADA could make the best possible use of the resources and put the money where everybody around the table believed that the priorities were?

MR RICCI BITTI responded. Qualitatively, he believed that WADA had proven that it was able to manage unexpected situations, for instance, the investigation costs over the previous years were an example of what had been asked. WADA had survived in spite of very unexpected and serious expenses. He believed that WADA had proved that and he had given a qualitative answer as the Chairman of the Finance and Administration Committee. He was very confident that WADA has proven its flexibility to date.

In response to the second question, he believed that voluntary contributions were not relevant in general. Some of them were addressed to some activities and, increasingly with the new protocol, WADA wanted the people who made contributions to say what it should do with their money. Obviously, WADA spread it over the year if it was unable to spend it but it used the contributions for the purpose usually indicated by the contributor. For instance, some Asian contributions were for ADAMS and they were very welcome, because ADAMS required continuous maintenance. He could mention many others, but was very positive with regard to both of the questions. WADA did what it was asked to do.

THE DIRECTOR GENERAL added that, in practice, WADA followed a process, which was a mid-year review of the budget, and that was then submitted to the Finance and Administration Committee, which met in July. It was a zero-sum exercise with re-allocation based on what had changed since the approval of the budget, and then some money could be reallocated, obviously keeping the overall budget intact. Thus far, it had worked well. At the end of the year, some activities had been a little over and some a little under, but it had worked in the end.

MR RICCI BITTI said that he had forgotten to make another comment regarding the risk of unspent money. That did not exist in WADA. If one looked at the history of the organisation, the only issue was that the limit imposed was not to go over 500,000 dollars of depletion of the reserve. That kept the reserve at an acceptable level. He believed that the reserve was very low, but WADA could not build up reserves if it had to deplete money every year. That year, there was good news, because the limit of 500,000 dollars that WADA had allowed itself would not all be spent. The latest version of the revised budget indicated that perhaps only 107,000 dollars would be needed, but WADA was always under water and the risk mentioned had not existed for many years in his opinion.

MS FUJIE said that, in relation to the four-year plan, she understood the need for adequate funds for WADA to continue to carry out satisfactory activities; however, she wished to highlight that the proposal to increase the public authorities' overall contribution by 50% over the coming four years was an enormous increase, and huge resistance from the governments could be expected. It would be extremely difficult to achieve. Two options had been presented for the 2018 budget (5% and 8%), and she asked that multiple options in the realistic arena be presented that could serve as a platform for further discussion.

MR RICCI BITTI observed that the speaker had repeated what her minister had said the day prior. He took note of what had been said; he knew that it was a very ambitious project. He recommended that everybody obtain a copy of the document that had been presented, because it was one of the best documents in terms of an explanation that he had received since he had been a member of WADA, and he was very-long serving member. He therefore recommended that the members look at the document. He asked the members to approve the budget, after which he would move on to the timeline for the next three years.

MR MUYTERS asked if the members were discussing the timeline.

MR RICCI BITTI responded that he had felt that it would be better to approve the 2018 budget and then talk about the timeline for the approval of future years. It was his fault. He apologised for the confusion.

THE CHAIRMAN said that he had guessed that that was what Mr Ricci Bitti had wanted to do, so the Foundation Board would deal with the 2018 budget first. He told Ms Battaini-Dragoni that he had very few ambitions left in life, but one of them was to find some substantial unspent money in the WADA accounts. He asked the members to look at the budget. They had had the options. Was it approved with an increase of 8%?

MR RICCI BITTI moved to the previous point. He had interpreted that it had been the wish of the public authorities in September to talk about the budget on its own and then about the three years, which was why he had dealt with the agenda as he had, and he apologised to Mr Muyters.

The timeline was very simple from the point of view of the Finance and Administration Committee. As he had said, the document presented had been very extensive and shown a new WADA because, obviously, everybody understood that a compound 50% increase was not an increase: it was a different model. It was clear that there was some flexibility. The Finance and Administration Committee had been open to present the three years as they were; obviously, it was necessary to find out what options the members wanted and to work on that, but nothing else. It was not possible to change the timeline. That was his proposal. The three additional years would be presented in May to the Foundation Board for approval. At the meeting that day, he wanted to know what to do with the document that had been presented including the important increase, but it had been very well-documented. The position of the Finance and Administration Committee was that the ball was in the members' court. He asked them to analyse the document. They had five or six months to do so, and indicate whether or not they wanted a different model that day. The current model was 15%, 15% and 5%. He could reassure the members that there was very good news in terms of what the Olympic Movement had achieved. The Olympic Movement had made it clear that it was ready to match whatever the public authorities were able to do. He mentioned that because it could facilitate the work of the public authorities. He would be happy to answer any questions. The document had been distributed in September among the members of the Executive Committee. He believed that the explanation of the expenses was very important. One part was the enhancement of the current activities and the cost associated and one was the newly initiated core activities. It was a new model. He was ready to listen and work as he recommended to the members that they work in order to have a fruitful meeting in May to decide on the three years (three and not four). That was what he could say about that agenda item.

MR MUYTERS said that he could approve the timeline for the adoption of the three-year plan with possible adoption in May 2018 and was very happy with what Mr Ricci Bitti had said but also with what the Director General had said that morning, which was that the three-year plan was open for interaction. That was very important in Europe. The three-year plan was only an initial discussion document. A sub-group would be established to examine the three-year plan and initiate dialogue with WADA on the issue and then the views would be shared with the other continents so that they could see what the European authorities' views were on the budget; everybody would speak as one voice if possible.

MS HOFSTAD HELLELAND confirmed what Mr Muyters had said. She would use the newly established One Voice platform to launch a consultation process among the public authorities with a view to helping WADA prepare a high-quality multi-year plan with which all stakeholders would be comfortable. Based on that, with the public authorities, she would review the strategy and action plan proposed by the WADA management and the Finance and Administration Committee. There was so much knowledge among the public authorities and she would try to get them all on board. She knew that it would be difficult but would try; so, as Mr Muyters had said, Europe had already started the process by establishing a CAHAMA sub-committee to engage in dialogue with WADA on that matter. Consultation on the multi-year plan would be held in parallel with the discussions on a possible revision of the current continental split, which (due to the obvious complexities) might take some time. Nevertheless, she looked forward to working closely with the WADA management and Finance and Administration Committee on those matters and relied on their commitment in that process.

MR RICCI BITTI thanked Mr Muyters and Ms Hofstad Helleland. He encouraged cooperation. He had provided the framework. Some was positive; as he had said, the Olympic Movement was ready to match what the public authorities were ready to pay. There was a lot of understanding regarding the many difficulties. On behalf of the Finance and Administration Committee, he asked the public authorities after their consultation to let the committee know in time (not in May, but at least one month in advance); otherwise, it would be impossible to produce the options that the public authorities requested. He asked for the consultation to be made in time for the management and the committee to carry out the final refinements. He thanked the members very much.

THE CHAIRMAN asked the members if they were happy with the timeline regarding the four-year (or three-year) plan. It was worth reminding the members that, one year previously in Glasgow, everybody around the table had agreed on an amount of work that needed to be done. Part of that had involved costing it, which had been done. Much of the work had been done; but, at the end of the day, delivering what everybody wanted done would need funds, and the funding basis of that organisation was that, after government contributions were made, the sport movement matched them dollar for dollar. Clearly, the public authorities had to lead if there were to be a change in the base contribution. He wished Europe luck and he wished Ms Hofstad Helleland luck. It was complicated, but he was afraid it was an essential part of what everybody wanted to do. If that could not be done, WADA would be faced with a whole list of things that it could not deliver, and that would not be happy position.

MR MUYTERS mentioned that he thought that there were two processes: the making of the bill and the paying of the bill were two separate exercises. The paying of the bill was the exercise of who was going to pay what, what Ms Hofstad Helleland had been saying, and the making of the bill was a three-year plan. He suggested carrying out the two exercises separately as much as possible.

THE CHAIRMAN said that he understood, but it still had to be done.

MR RICCI BITTI thanked Mr Muyters, who had been very focused on the finances, and he understood the situation very well, but all the elements were in place and WADA was flexible. If everybody wanted a better WADA, they would have to make an effort.

DECISION

Proposed timeline for the four-year (now three-year) plan approved.

– **7.4 Draft budget 2018**

MR RICCI BITTI said that he wished to thank the members for approving the budget, because the constraints of the 500,000-dollar maximum depletion of the reserve allowed WADA to have a reasonable reserve level and a gradual increase in the operating reserve. As the members could see from the budget, even with the 8%, with increased activities in 2018, WADA needed to be at the limit again (474,000 dollars). That figure was still required even with the 8% increase, so he thanked the members for their understanding.

DECISION

Draft budget 2018 approved.

– **7.5 Confirmation of auditors for 2018**

MR RICCI BITTI said that formal approval was required and the Executive Committee had proposed that the Foundation Board confirm PricewaterhouseCoopers as the auditors for 2018.

THE CHAIRMAN asked the members if they were happy to renew the contract with PricewaterhouseCoopers.

DECISION

Proposal to confirm PricewaterhouseCoopers as auditors for 2018 approved.

8. Education

– **8.1 Education Committee Chair report**

MR MOSES informed the members that the Education Committee had had a great year and it received great support from all of the staff members. The committee continued to enhance its programmes through various initiatives. In July, a parent guide to support clean sport had been released. The document had been developed based on social science research and had received a tremendous amount of positive feedback from stakeholders. Many of them had co-branded the resource and incorporated it in their education programmes. The education partnership continued to strive to finalise a values-based education resource for teachers and the partnership continued to involve the IPC, the IOC UNESCO, the ICSSPE and Fair Play International. Since the previous committee meeting, there had been symposiums in Argentina and Qatar and, in addition, the committee had finalised the host city of the second global

education conference in 2018, which would be held in Beijing. It would be sponsored by CHINADA with the support of USADA. The proposed dates were 24 and 25 October 2018. It was also worth noting that 37 projects had been received for the 2018 social science research programme, of which three had been approved the previous day by the Executive Committee. The first meeting of the working group to explore the development of an international standard for information and education had been held in Montreal on 4 and 5 October and, the previous day, the Executive Committee had agreed to move forward with the development of the standard. Mr Koehler would be providing more information on the development of that standard. The goal would be to have it adopted at the World Conference on Doping in Sport in November 2019.

He had also been pleased to note that the department had completed its enhanced online anti-doping education platform called ADeL, and Mr Koehler would also give an update on that programme. He thought that a good job had been done with the support of many people, especially the Athlete Committee, which was always central to the Education Committee meetings. He really appreciated that. The committee would keep moving forward. Social science informed that an educated and informed person was more likely to reject the temptation to dope and he encouraged all stakeholders to invest in and implement in substantive ways, programmes to promote clean sport.

MR KOEHLER provided a brief overview of the new enhanced anti-doping e-learning programme launched earlier that week. He hoped that, when they saw it, the members would continue to promote anti-doping education and use the new platform, which would be available to all stakeholders. With the ADeL programme, what had been done was take all the e-learning projects and put them in one location. That included tools for athletes, elite athletes, coaches and sport physicians. Those involved in the production of the new e-learning programme had made sure that it was tailored experience for all users. In addition, there was a user management function for ADOs, and it included a mechanism, which had always been a challenge to ensure that the products could be easily translated in a cost-effective way by stakeholders to ensure that everybody had access to information and education. As he had mentioned, one of the platforms was called ALPHA, and it was an e-learning programme for athletes. Coach True was obviously for coaches. One just launched that week was called ADO Kickstart, and he would talk about that in a little more detail in a few minutes. Then, of course, there was the Sport Physician's tool kit, which had been developed two years previously and had been enhanced the previous year in the lead-up to the Olympic Games in Rio. WADA had worked with the Olympic Movement to implement a specific element for the physicians going to the Olympic Games. The Olympic Movement had ensured that every single physician going to the Olympic Games in Rio in 2016 had been required to fulfil or finish the sport physician element related to the Olympic Games in order to receive accreditation. He was pleased to say that the same programme would be implemented prior to the Olympic Games in PyeongChang in February 2018. That was a great initiative in which mandatory education was being offered to and taken up by sport physicians.

Looking at the home platform where one signed in, every user would be required to have a user account and the reason for that was to be able to track and see who was using what on the e-learning platform. The tailored experience he had spoken about was that every person was required to enter their name, sport and their position and, when they entered who they were as an individual, it would tailor the experience for them in terms of what was best suited to them when it came to education. Following a request from all stakeholders, and to avoid duplication, people had not known who had been completing the e-learning courses, because there had been no tracking of results or of who was doing what. As a result, a platform had been built in so that International Federations, NADOs and major event organisers could look to see who had been using resources. In the example on the screen, football, the members would see that only one athlete had been using the platform; however, it would currently be possible for FIFA to go on to see every single footballer or coach who had completed the courses, or a NADO would be able to see every athlete from their country who had completed the e-learning course.

The other area was the translation device. An automated translation device had been built in so each stakeholder would be able to translate the resource online. It would be uploaded and there would be ease-of-use to ensure multiple languages. WADA continued to expand to ensure that the W stayed in WADA for that global reach.

The new product just launched was called ADO Kickstart. That had been in response to a request from a lot of stakeholders indicating that the business was pretty technical, there was a lot of staff turnover and a mechanism was required to ensure that people knew what anti-doping was about. That new platform had been developed again with the Institute for National Anti-Doping Organisations and

SportAccord (currently GAISF) to help deliver the programme. It touched upon each element within the Code. There was an introduction to anti-doping, education, intelligence and investigations, therapeutic use exemptions, testing, result management and ADAMS, and he would provide an example of each. When looking at the introduction to anti-doping, there were many stakeholders involved in the business, so that provided an overview with one click of a button to find out the roles and responsibilities of each of the stakeholders. When it came to the more technical parts, looking at result management, there was a step-by-step process in which each individual button or arrow had further information; for example, athlete notification was technical. What did one do when one had to notify an athlete (for up-and-coming NADOs or people just starting in the business)? One clicked on the button and it provided resources, tailor-made letters enabling users to know how to notify an athlete, and a step-by-step process. The same applied to the testing process. There was a step-by-step guide provided on planning, pre-test administration, testing missions and then what to do after a test was done. There were form letters built in to ensure ease-of-use for each stakeholder. The same thing applied to the TUE process. There was a step-by-step guide. It would also link users to the relevant articles in the Code or standards to be looked at when making decisions in terms of approving or denying TUEs. That was a very quick overview of the new programme. It had been launched and was currently available on the website and he hoped that people took the opportunity to use it and share it with other stakeholders.

THE CHAIRMAN thanked Mr Koehler. It looked terrific. Were there any questions?

MR POUND said that the slides might not have been complete. One of the early slides showed who could check in and who got an account number. What about a journalist? What about somebody who was just interested? Could they get in and see what all that was about without necessarily having to be tracked (although they could probably be tracked if they did get in)?

THE CHAIRMAN asked whether somebody like him should put down 'athlete'.

MR KOEHLER acknowledged that it was a valid point. It was not in there, but he would make sure that it was in there over the coming weeks.

DECISION

Education and Education Committee Chair report noted.

– **8.2 International Standard for Education and Information**

DECISION

ISEI noted.

9. Health, Medical and Research

– **9.1 Science report**

- **9.2 Medical report**

PROFESSOR ERDENER informed the members about some of the activities of the Health, Medical and Research Committee. As the Chairman of the Health, Medical and Research Committee, he was pleased to highlight a few issues in addition to the complete information provided for the meeting in the science and medicine departmental reports.

Related to the List of Prohibited Substances and Methods, the 2018 draft List had been initially circulated from April to July for stakeholder feedback and the final step had been approved by the Executive Committee on 25 September. Most of the changes had been additions of examples or clarifications. The only significant change had been the removal of the P2 section on alcohol. After careful consideration and extensive consultation the previous year, it had been concluded that alcohol was primarily a safety issue with most sports and that IFs would have better flexibility when it came to controlling the use of alcohol in their sports if transferred to their sport rules.

Over the recent months, WADA had been actively involved in co-organising three scientific events. Firstly, as part of its efforts to ensure that ADOs properly applied the International Standard on Therapeutic Use Exemptions, a WADA TUE symposium had been held on 21 and 22 September in Helsinki. Over 200 participants, mostly TUE Committee chairs, had attended to discuss challenging

medical conditions and legal aspects relating to TUEs. Post-conference survey results showed that 98% of attendees felt that it would help with future evaluations.

Secondly, there had been an international symposium on meat residues and the impact on anti-doping analysis in sport co-organised in Beijing with CHINADA. The issue of meat contamination was known to be complex and local and international scientists had met to assess current knowledge in the field in an attempt to define solutions applicable to anti-doping analysis. Several steps forward had been proposed but would require further scientific validation before any of the solutions could be considered for implementation. The outcomes of the symposium would be made available on the WADA website. He thanked the Chinese authorities and CHINADA for their support in co-organising and hosting the symposium in Beijing.

Finally, WADA had co-organised the fifth international conference on novel psychoactive substances together with the United Nations Office on Drugs and Crime and the European Monitoring Centre for Drugs and Drug Addiction in Vienna. The conference had allowed WADA to expose its activities in terms of the fight against doping in sport and anchor WADA's leading role in the fight against drug abuse in sport. The conference had also been a very valuable forum to exchange information on new illegal drugs, many of which were a potential threat to athletes and more generally to society.

DR RABIN mentioned that a complete report had been provided on the scientific and medical activities at WADA and it was in the members' files. He would be pleased to answer any questions.

MR POUND prefaced his comment by saying that he brought all the scientific experience of tax lawyer to the question, but he had read in various reports of forensic use of the analysis of hair follicles, which were apparently reliable enough for some legal purposes, and he was wondering if there was any potential for that as a very unobtrusive way of testing.

DR RABIN responded that hair analysis was regularly used in the forensic area. That was a matrix WADA had been discussing with several experts. Like any methodology or matrix, it had its limitations and he would not go into detail, but there were several limitations to hair analysis. Going back to what had been mentioned, for example, for clenbuterol analysis, it might be of interest, which was why in the context of the discussions held in Beijing it was thought that hair analysis, again in the specific context of clenbuterol analysis, could be a matrix of interest, and the plan was to further develop that approach and perhaps apply it to other substances, which were complicated to analyse in blood or urine. Again, it was a very limited scope of application with some limitations, about which he was very much aware.

THE CHAIRMAN thanked Professor Erdener and the Science and Medical Departments for all of the work that had been done.

DECISION

Science and Medical reports noted.

– 9.3 Athlete Biological Passport

DECISION

Athlete Biological Passport report noted.

10. Legal

THE CHAIRMAN said that the members would find four or five pages of a report on the legal exercise and they would clearly see why WADA needed a litigation reserve.

MR SIEVEKING made two points regarding the follow-up of the McLaren cases. He had heard that several signatories wanted to provide information, for example, that Professor McLaren had not used methodology to establish and assert anti-doping rule violations against athletes in the framing of his investigation. That was absolutely right. As the members knew, the investigation had not been set up to identify and establish evidence against individual athletes. The members had also heard that Professor McLaren had said that 1,000-plus athletes had doped. That was not what he had meant. There had been a certain number of athletes whose names appeared somewhere on documents that had been obtained by Professor McLaren and his team but, in the vast majority of cases, it was a mere name on the list and was not sufficient to assert anti-doping rule violations against athletes. The members had also heard that WADA had cleared or declared not guilty 95 athletes. That was totally wrong. WADA did not clear or take decisions against any athletes. WADA received decisions taken by IFs with respect to the athletes

in their sport so, for the 95 cases, WADA had accepted the IF decision based on the evidence currently available that there was nothing sufficient to assert an anti-doping rule violation. It was also important to note that WADA did not provide that acceptance lightly. There was an internal process and all of the cases were thoroughly reviewed. Once an opinion was reached, it was sent out to external counsel to seek a view on it. WADA also shared its conclusions with the IP team to ensure that nothing had been forgotten and, last but not least, the file was handed to his colleague Mr Younger and his team, who could still investigate if necessary and, as had been made public earlier that week by WADA, there was some material to be investigated further. Obviously, the cases that were closed were closed for then and could be reopened if new evidence became available.

THE CHAIRMAN thanked Mr Sieveking for that information. It was very important to have that on the record as opposed to what tended to be written in the occasional newspaper. Were there any questions on the legal issues?

MR POUND observed that there was a lot of information. Until he had received that meeting file, he had thought that *War and Peace* was quite a piece of literature. He had two questions on the legal matter, one of which was related to the Office of the Privacy Commissioner of Canada, and his question was whether they were working with WADA to try and see what had happened with the hacking or whether they were looking at WADA with a possible view to expressing an adverse opinion on WADA and/or its systems. Question number two was on 5.1.1, the intervention in the European Court of Human Rights on whereabouts. He noticed that it was in excess of four years since WADA had intervened. Was that indicative of the importance attached to the issue or was it something else?

MR SIEVEKING responded to Mr Pound with regard to the investigation conducted by the Office of the Privacy Commissioner. He thought that the answer was in between both situations: that they were looking at what had happened and how WADA had reacted and what processes it had had in place to make an assessment of the whole issue. They would probably be publishing a report. They had visited the WADA office to ask questions and review documents and there should be a report, but he had no idea as to when it would be made available. On the European Court of Human Rights, WADA had contacted it earlier that year and had been told that a decision should be issued shortly. There had been no news since then. It was not known to be a court that rendered decisions speedily. He knew that it had a lot of cases and he honestly had no idea as to the timeline and why it was taking such a long time.

THE CHAIRMAN said that the papers that Mr Pound had received three weeks previously were much more interesting than *War and Peace* but he did accept that there was a lot of material there, and that was a direct result of hugely increased activity and the quality of the paperwork, and he really did pay tribute to the staff who had managed to get that out to the members three weeks before the event. There was a lot of reading, but could the members imagine what it would be like if they did not receive the material and could read it only the night before they turned up to the meeting? The effort was well worthwhile and perhaps, at some future date, the number of pages would reduce as there was less activity. What WADA would continue to do in the future was send minutes separately, just to reduce the number of pages that the members had to read, but it was a formidable effort by the staff and he was very grateful to them.

DECISION

Legal update noted.

11. Intelligence and investigations

MR YOUNGER said that he had provided the report; the only thing missing was the latest development about the Moscow LIMS file, which currently had the highest priority in his team, meaning that all of the investigations (or almost of them) would be on hold until that investigation had been finished. If there were other questions, he would be happy to take them.

THE CHAIRMAN noted that Mr Younger and his team were very busy.

DECISION

Intelligence and investigations update noted.

12. Anti-Doping Administration and Management System (ADAMS)

THE CHAIRMAN noted that the item was an update on the next generation of ADAMS. It was a specific presentation and an issue that had been before the members for some time. What was happening, and how was the work progressing? There were lots of questions.

MR KEMP informed the members that he was present to provide an update with regard to what was being called the Next Generation of ADAMS, an upgraded and enhanced platform for the Anti-Doping Administration and Management System. The members had already received a paper, but he wanted to expand on several of the points raised in it as well as address any questions that the members might have. He was pleased to say that a point with that project had been reached whereby he could actually show the members some of the new elements of the system and provide an overview of what they could expect in the coming months. For those who might be less familiar with the system, he thought it might be useful to spend a couple of minutes reminding them about the importance of the system and how it supported WADA and anti-doping organisations and athletes in meeting their responsibilities under the Code. At a very high level, and by way of a reminder, ADAMS had been around since 2005 so, as the members could imagine, 12-year-old technology certainly needed a substantial overhaul at some point and that was what the ADAMS Next Generation project was looking to address. ADAMS itself was a modular software system, and by modular he meant that it addressed different needs of different stakeholders, so not all users of the system used all elements of it. Some of the key modules in ADAMS included the way in which athletes provided whereabouts information, how anti-doping organisations planned, recorded and administered testing, how therapeutic use exemptions were managed and shared among anti-doping organisations, how laboratories reported their results (both adverse and negative) in a central database as well as how WADA consolidated results related to the Athlete Biological Passport programme, especially when those various data points came from different testing programs and anti-doping organisations.

To give them a sense of the volume of use, he thought that a few metrics might be helpful to the members. There was talk about athletes using the system and they were the primary users of ADAMS, although the scope of what they used in the system was quite limited. At any given point in time, approximately 18,000 athletes were part of some sort of registered testing pool and providing their whereabouts into ADAMS to share with the relevant anti-doping organisations which had jurisdiction to test those athletes out of competition. Beyond that, of the 350-odd anti-doping organisations that relied on ADAMS on a day-to-day basis, there were over 2,000 individual users in the IFs, NADOs, and major event organisations as well as RADOs, which relied on ADAMS for their day-to-day anti-doping practice. As well, among the accredited laboratory network, there were 220 users relying on the system and, with the continued evolution of athlete passport management units that supported Athlete Biological Passport programmes, an additional 130-odd users of the system.

Why was ADAMS so important to the anti-doping movement as well as WADA? First and foremost, it consolidated data. Stakeholders could have an effective and efficient anti-doping system only if they were sharing the knowledge they had about particular athletes and programmes with one another and ADAMS was a means of doing that in a very standardised way that reflected the rules of the World Anti-Doping Code and all of the international standards. It was important to note that only by using ADAMS was it possible to ensure a common standard with respect to the protection and privacy of personal data, most importantly athlete data and, again, in support of athlete rights, ADAMS was the means for athletes to submit their whereabouts information once rather than to multiple organisations through multiple systems. Furthermore, ADAMS was the only means by which WADA could comply with its responsibility under article 14.5 of the Code to act as a central clearing house for all of the types of data listed on the slide. That was WADA's way of consolidating and collecting anti-doping information and then sharing that with all entitled organisations under the Code.

Again, to give the members some sense of the data currently housed in ADAMS, acknowledging that there was a strict data retention rule in the system in accordance with the International Standard for Privacy and the Protection of Personal Information, although ADAMS had been in place since 2005, it did not mean that testing data from 2005 still resided in the system. Data was purged from the system in accordance with the ISPPPI but, on any given day, there were over 350 organisations using ADAMS data that correlated with almost half a million athletes to some extent over the lifetime of ADAMS, 20 languages being maintained in the system so that the exchange of information globally could be done through a common standard but one that was accepted and understood in the local language and, as he had mentioned earlier, nearly 20,000 athletes providing their whereabouts data in the system.

He had mentioned earlier that not all modules in ADAMS correlated to every type of user, and the slide provided an overview of the different modules and the type of user they pertained to. That was important to convey to the members, because one of the large challenges with the Next Generation project was how to prioritise the redevelopment of the modules that could be seen on the left and all of the sub-modules that lived within that because, of course, it was difficult to meet everybody's needs and expectations all at once, and he would explain a little bit more about how WADA was going to undertake that prioritisation exercise.

Again, he had mentioned that athletes were the single largest group of users of ADAMS; however, as the members would see on the pie chart on the right, they comprised a very small section of module use. Really, athletes used ADAMS only to provide their whereabouts and had limited accessibility to the system to retrieve their own testing activity i.e. the tests that had been conducted on them as well as the means to apply for a therapeutic use exemption. Conversely, anti-doping organisations had access to almost all modules in ADAMS and had a heavy reliance on those modules to conduct their day-to-day activities.

The members had heard before about the need for ADAMS to be overhauled and he thought that the fact that the system had been conceived in 2005 obviously spoke for itself. At some point, one could no longer keep building on an old system and putting band-aid solutions on small leaks but rather a fundamental overhaul of the system was required, and that was what WADA was currently doing with the Next Generation system. The real catalysts for change had been that that antiquated technology was no longer performing at the expected levels that typical users of technology (athletes and administrators) would expect or should deserve; therefore, WADA was really looking to improve the performance or the speed and reliability of the system, and also modern technology made it possible to start incorporating ways and means of rebuilding the interfaces and the modules in ADAMS in a more logical way, making them easier to use, which over time would reduce the need for WADA to provide advanced support around the clock as well as training on how to use the modules. WADA therefore needed to avail itself of modern ways and means of doing things with technology and integrate those in ADAMS.

Furthermore, increasingly, anti-doping administrators and certainly athletes were not tied to a desktop computer and, therefore, WADA wanted to make sure that all of the functionality in ADAMS could be used in a mobile way so that the majority of functions could be conducted on a tablet or an iPhone or some other smartphone device. It was very important that the system be modular and mobile and responsive.

It was necessary to upgrade the technology behind ADAMS so as to facilitate greater connectivity between systems. One sometimes heard about certain anti-doping organisations using other systems. The vast majority of organisations relied solely on ADAMS for their day-to-day activities, but WADA wanted to rebuild ADAMS in such a way that it became easier to develop an interface between ADAMS and other systems so that those organisations that might have an IT system that did things above and beyond what ADAMS was intended to do could merge the work they did in their systems with ADAMS. It was important to highlight that because, really, there were only about five organisations that currently used a system other than ADAMS in their day-to-day work and WADA planned to provide connectivity to those five organisations; however, it was not an immediate priority for WADA, given that it would delay the high need for redevelopment of the modules for the over 345 other users relying solely on ADAMS. Having said that, there was already connectivity between ADAMS and another system, and that was the mobile whereabouts application, so WADA had a framework in place to build upon going forward.

Before he told the members a little bit more about what had been achieved with ADAMS, he wanted to tell them what had been changed with the Next Generation project. The new project had been under way since March that year and great strides had been made in that short period of time. He felt quite confident about the direction in which the system was headed after a few false starts in the past. One of the reasons for which he was quite comfortable was that there was a brand-new IT team and leadership that had the full support of the WADA management and also a better job had been done of integrating the practitioners, the anti-doping business people, within WADA to be part of the team on a day-to-day basis so that the IT people were taking instructions on the real needs of stakeholders and ADAMS users and could be more proactive in the development of the system. As the members would understand, a great deal of focus was being placed on the performance and speed of the system, but also making sure that data security in the system was of paramount importance, as well as the mobility he had mentioned previously.

To give the members an idea about how the system was being developed, he referred them to the small graphic on the right. It had been necessary to make a decision about whether to change the entire system, turn off the switch one day and turn on the switch of the new system another day, or whether it was something that would be done over time one module at a time. A compromise approach had been taken: the database would not be changed considerably apart from an infrastructure upgrade, but WADA would basically be having two interfaces available and would build a new interface one at a time so that a user could decide to use the new interface or the old existing interface, and only when WADA received feedback leading it to believe that the new system was well understood and well received would it turn off access to the old one; so, in a sense, it would be a good virus. It would start to take over ADAMS one module at a time, always connected to the same database. Therefore, those who might have concerns about how the new module operated would have the ability to toggle back to the existing one, provide feedback on what they liked or disliked about the new one, so that changes could be made in an iterative way before finally turning off the old version and then eventually having all modules replaced over time. He felt that that was a good strategy to mitigate the risk associated with making drastic and immediate changes, and it also allowed WADA to engage every ADAMS user in the feedback process. He would talk a little bit more about how WADA was engaging all users of the system, but WADA would actually be engaging users in real time so that they could test it almost in a beta or preview-style format, entering the real data and using real data in the system, and there would be a feedback mechanism built into ADAMS from which WADA would be able to learn in order to make changes as warranted going forward. Furthermore, some of the infrastructure that was being built in the system would help build better metrics and collect better data on users. Where were they clicking? What modules were they using? What were they struggling with? What type of reports were they running? That was something that, currently, with the older technology, WADA had to do manually, and there were tools available that were currently being built into the system, things that came off the shelf from which WADA could benefit so that, going forward, decisions made about what to change in ADAMS and when to change were driven by data rather than intuition. An example of that would be a change in the way in which WADA worked with user experience and user interface. Much of ADAMS as it currently stood had been built on an old medical database system for tracking injuries related to athletes, and WADA had built on it over time, but it had never been customised for anti-doping use. WADA currently had an opportunity to start from scratch with the modules and not build upon what was already there if it was not fit for purpose but rather take a step back, understand what the needs of the users were and what best practice was and then have the new modules reflect that. An example was the image that the members would see on the right-hand side of the screen, which was what was referred to as a dashboard. Currently, one of the major performance issues with ADAMS was that users were constantly running very heavy reports on data in the system. For example, an anti-doping organisation might want to know how many tests it had done over the past quarter in a certain sport, how many had returned results and so on and, each time a request for such data was conducted in ADAMS, it put a drain on the overall system's performance. Therefore, rather than continuing with that approach, WADA planned on building in (and had already done so) what was known as dashboard technology. Rather than running that heavy report, which would be burdensome on the system, the data would be presented in a visually appealing way in real time, which would be particularly helpful, as the members could imagine, using a mobile device, so an anti-doping organisation would know where its programme stood at any given moment in time. It was that kind of rethinking how to visualise and retrieve and manipulate the data in the system that was very new in the Next Generation project, reconceptualising how the data in ADAMS was handled.

In terms of engagement, two task forces or user groups had been set up. One was internal and that was the one that the members would see before them, and the foremost task of that group was to review all of the previous requests for change and enhancement made or received in the past to try and prioritise some of those elements (what needed to be done quickly, what could wait until later and so on). Obviously, with WADA's enhanced role with respect to compliance monitoring, ADAMS was becoming increasingly important, so there was an opportunity to improve ADAMS in such a way that could make the monitoring process more efficient and effective for WADA, and that was why all of the different departments in WADA had been engaged to assist with that process. The departments would also help make sure that the new development was in line with their area of expertise so, if it was the Legal Department dealing with privacy matters, the Medical Department dealing with therapeutic use exemptions and so on, everything that was being built in the system was in line with how the Code and standards required WADA to operate.

The second engagement group was referred to as the External User and Testing Group, and it was a modest group of users who were well experienced with ADAMS and had provided feedback for many

years on the system and to whom WADA often looked for testing before things were deployed into production or to give feedback on a day-to-day basis about what they might struggle with or what ideas they had going forward. WADA had put together a small group that represented NADOs, IFs, MEOs and laboratories as key users of the administrative elements of ADAMS in order to better engage the group to understand what their real priorities were, help develop specifications for the new system in some cases and then test the new system before making it available to a broader audience. That had been a very successful approach to date. There had been multiple teleconferences with conferences with that group, and WADA was always happy to engage any stakeholder at any time should they have information that they wished to convey, a request that they would like to make or any update that they would like to receive on an issue that might be of particular interest to them. Although it was meant to be a small representative group, by no means was it an exclusive group. WADA continued to have meetings with stakeholders on an ad hoc basis to ensure that it was capturing any of the requirements that they might have.

He had talked about how the Next Generation project would be an iterative approach and how WADA would be going one module at a time. It had been decided to start with a module that was relatively simple but that would have high visibility with all users. The members would recall relatively recently that it had become mandatory for all anti-doping organisations to enter doping control forms into ADAMS, and that meant to share their testing records in ADAMS in order to have a central database for who was doing what in the world of global anti-doping activity. It made sense that, since WADA had required all organisations to use ADAMS for that purpose, it should make it easier for them to do so. Therefore, WADA had started with a simple new module of the doping control form which had also added some business value to both WADA and users to make sure that all of the mandatory fields of the International Standard for Testing and Investigations were accurately reflected in ADAMS, which gave good information for intelligence purposes, statistical reporting on who was being tested, who they might have associations with and other intelligence and data that might help build more efficient and effective testing programmes. Also, that new module was an important precondition for WADA to build a new paperless doping control system, which, as he would explain later, was a high priority going forward and certainly an initiative that was long overdue given that the majority of organisations were still using carbon copy paper forms when athletes were tested.

He wished to give a short demonstration of what the new system looked like. For those members who were less familiar with ADAMS, that was the current system and, although it might be difficult to see from a distance, the members could see that the colour palette and condensed nature of terminology and field were not particularly user-friendly, so that was something that the team had been looking to address by reconceptualising how the process worked, how the workflow worked, working with experts in user experience. He would play a quick two-minute video that would contrast how the current system worked and how the new system would work when it was deployed in just a couple of weeks' time. Currently, the members would see that data related to a doping control form was spread across a large page with very small fields in multiple tabs, and it was not easy to understand what to do. Some fields were mandatory, some were not, and it was a bit of a dog's breakfast that could be dealt with well only if one had been trained properly or had easy access to a user guide. In the new system, the workflow had been re-ordered so that it clearly resembled how an athlete would be tested, the demographic information of an athlete, information related to the notification of the athletes that were being tested, the athlete information itself and then information pertaining to the sample that had been collected as well as the procedural details of the test which might include what type of test it was i.e. blood, urine, the laboratory that things were going to, and so on. Another important note was that, with all of that technology, it was possible to pre-populate many of the fields; that reduced the time required for data entry by having auto-complete text, for example, which would be common on most normal websites (modern websites) and also the system was intelligent enough to recognise pre-populated menus of names, countries and time zones, again reducing the amount of time necessary to spend entering data, which was also going to be helpful when translating to a paperless or electronic sample collection process. Being able to do that more quickly was also obviously helpful as well, because it got the information back to the anti-doping organisation more quickly and got the data to the laboratory more quickly so that the entire process of sample collection to sample analysis and sample reporting could be done in an expedited fashion. He would spare the members the full video, but he thought that the members would get the idea even if just in terms of the general look and feel and the reconceptualisation of the workflow.

Another thing that WADA was looking to do was better align the look and feel and brand of ADAMS with WADA itself. Obviously, the grey and orange in the previous version did not look very WADA-friendly

or aligned with WADA; therefore, the team was using the same type of colour palette, the same type of font and so on that athletes and users would be used to when interacting with WADA to extend that to the ADAMS brand. Furthermore, the visual on the left was what it would look like in the first iteration, and the one on the right following additional design work by WADA's branding people had enhanced it further; so, when a new module was released, it was not set in stone, but WADA would continue to enhance it based on the feedback of usability experts, the Communication Department and, most importantly, the users themselves. As he had alluded to earlier, it was very important to set expectations reasonably among stakeholders that the project would not be done overnight and it was a delicate balancing act when it came to deciding which modules to deal with first, as there were many dependencies between the various modules. For example, it would make no sense to change the reporting structure at the outset of the project when it was not yet known what fields and criteria would be changed in the various modules subsequently reported on. The team was therefore being quite agile in its approach to that, but the general rule of thumb would be to try and address modules in a sequence that reflected the needs of users, the most users of the module where the most issues had been identified to date.

Although it was a long-term project, he thought it was important to share the priorities for the coming year. As he spoke, the new doping control form was being launched and would be available to select stakeholders over the coming week or two. Subsequently, a new test planning module was nearing completion, and that would assist organisations with the pre-population of doping control form information so that WADA would not have to record certain data twice. In addition to those two modules and all of the other under-the-hood type improvements made to infrastructure to assist with performance and security, the three main modules on which WADA would be working in 2018 had to do with an all-new athlete whereabouts system to address the valid concerns that many athletes had about the usability of the current system and its performance, a doping control system that could become paperless (to which he had already alluded) which would help not only with the efficiency and speed of the doping control process but also foster confidence among athletes in the doping control process itself and also with respect to connectivity, giving the network of WADA-accredited laboratories a means to have their laboratory information management systems connected to ADAMS automatically so they would not need to enter their results into two systems, and that connectivity with laboratories, what was referred to as an API, would really be the foundation for future connectivity with other systems that other anti-doping organisations might have.

He had mentioned the branding of ADAMS and he thought that the short new ADAMS logo could show how inextricably linked WADA and ADAMS actually were. Beyond that, he would be happy to take any questions that the members might have, either about the current system or the plans for the Next Generation system.

THE CHAIRMAN thanked Mr Kemp; that had been brilliant, and it gave everybody around the table some idea of the complexities and necessities WADA had to deliver on in that ever-changing world. He thanked him very much. Were there any questions?

MS MOUNIER thanked the Chairman and thanked Mr Kemp for the comprehensive presentation. Some NADOs, like her own, the Canadian Centre for Ethics and Sport and several other anti-doping organisations, used different systems, and she was referring to one system in particular, the Security Information Management Online Network known as SIMON. SIMON and ADAMS did not talk to each other, creating duplication of manual data entry. The CCES had been advocating for some years that the two systems should be able to talk to one another and she was very happy to hear that WADA was contemplating ADAMS being compatible with other systems. She was not sure if she had understood correctly: was it not a priority? If so, why was it not a priority and what kind of timing was being looked at?

MR PENGILLY thanked Mr Kemp. It was encouraging to hear how WADA was moving forward. Was there a specific date (because he did get asked) for the following year when the Next Generation whereabouts module would be completed and, also, would the new app be at the same time? He presumed it would be, but he sought clarification on that.

MR KILIC thanked Mr Kemp for a comprehensive presentation. Having discussed the matter among the European public authorities before, there had been quite a lot of reports relating to the athletes and ADAMS, and he hoped that the matter would be taken into account in a simpler way.

He also asked whether WADA had sought any damages for failures to deliver the system beforehand.

Finally, the high priority should be that the whereabouts module should be up and running as soon as possible.

MS SCOTT thanked Mr Kemp for the very comprehensive presentation. The previous time he had spoken to the WADA Athlete Committee, one of the requests that the committee had had was to include an option or an opportunity for athletes to report on an experience with a doping control officer, and she was just wondering where that was and whether that was being considered as part of the development.

MS BARTEKOVA said that, as an athlete, she appreciated the work, as she was still in a registered testing pool. She had one question related to security and data protection. Had any measures been taken after the information leaks to make the system more secure?

MR KEMP responded to the comments. He told the Canadian speaker that connectivity with SIMON was something WADA had been hearing about for a long time. It was something that WADA planned on doing. As mentioned, there was already connectivity between ADAMS and the whereabouts system. The next priority would be connectivity with the laboratory network, which had been asking for that for a very long time, and then it would be a priority to connect to SIMON but, to be frank, only five organisations used the system compared to 345 that relied exclusively on ADAMS. WADA really did not want to delay many of the priorities for the 345 organisations in favour of the five using other systems. To make that a more constructive process, what WADA did plan to do was try to better understand what SIMON did that ADAMS did not, because those five organisations paid to use SIMON whereas ADAMS was more or less free of charge for users. WADA wished to learn from the users of SIMON what functionality the system had that might be relevant for ADAMS users, and that was one of the reasons that the Canadian Centre for Ethics and Sport had been included in the working group, because it was familiar with both systems, which was a pretty unique thing, so WADA would like to be able to learn from them as much as possible in terms of what they liked and disliked about ADAMS and SIMON. He was reluctant to commit to a date about when the connectivity would occur, but it would be within the lifespan of the project, because there was a commitment to develop the API, the connectivity technology, with other systems, whether it was the laboratories, SIMON or any other type of application that might be helpful, from intelligence work to biological passport work and so on. That was something on which WADA would keep in close contact with SIMON users on a regular basis.

Regarding the question on whereabouts, he apologised for not addressing all of the specific points but, again, it would be dealt with; it was a high priority for 2018. The first step taken to rebuild the whereabouts system was that a survey had been devised which would be integrated in ADAMS within the coming week for all existing registered tested pool athletes; so, when they next logged in to provide their whereabouts, they would be given a survey to tell more about what they liked and disliked about the system and what they would like to see in the system going forward, so WADA would have good data about how to provide a whereabouts system that was serving their needs which he thought was tremendously important.

WADA was also considering moving entirely to an app-based solution. WADA was trying to collect good data, and that was one of the purposes of the questionnaire on how often athletes were tied to the computer to provide whereabouts versus doing it on the go on a smartphone, and that type of data would help inform WADA's decision but, at the very least, it would absolutely be updating the app, although a decision was yet to be made about whether whereabouts would be done exclusively in the app or whether there would be a desktop version as well.

He had mentioned the engagement of athletes through the questionnaire as a starting point but, obviously, WADA would be looking for other opportunities to talk to athletes directly. WADA anticipated being able to bring athletes together into small working groups and focus groups with the user testing group or even the offices in Montreal so that developers could engage athletes directly and hear from them and what they needed in the system rather from organisations like WADA, which might think it knew what athletes wanted.

He acknowledged the point made with respect to the simplicity of the system for athletes and would take that on board going forward. As to the question about damages regarding the previous service provider, WADA had negotiated a settlement with that organisation that had been of benefit to both parties and satisfactory to both parties, so that had actually saved WADA extensive legal costs on having to get out of the agreement, and all parties had been satisfied with that.

He told Ms Scott that that requirement or idea about having a means for athletes to provide feedback on doping control officers was absolutely on the table and that would be put within the potential

specifications. As she might recall from the previous Athlete Committee meeting, WADA was also looking to see if there were means or interest in expanding the scope of a potential app for athletes so that, rather than just going in to enter their whereabouts, there might be an opportunity for WADA to avail athletes of other types of anti-doping information, be it the latest update on the Prohibited List, push notifications and advice from an anti-doping organisation or a means to provide feedback to an anti-doping organisation. He was really open to that and looked forward to working with the Athlete Committee on how best to implement some of those ideas.

In response to the last question about security, WADA was looking to build on best practices with the new system. The members had heard that before; but, to be absolutely clear, the security concerns about ADAMS in the past had had nothing to do with ADAMS itself but rather illegal access to ADAMS through illegitimately obtained credentials. That being said, obviously, that whole situation had given WADA a good opportunity to take a step back and see if there were further means through which to improve the security of ADAMS entirely and, because the technology that the system used was being rebuilt from scratch, it would be possible to implement new best practices in the system that would already be seen implemented as he spoke with new verification questions and two-factor authentication being used and so on to bring ADAMS up to the modern age when it came to best practice around security.

THE CHAIRMAN thanked Mr Kemp very much. That was the first question he had asked when the Fancy Bears had appeared and, in fact, at that time, WADA had been about as secure as possible; however, it had been necessary inevitably to invest some money to make sure that WADA stayed secure. That was a fabulous presentation, representing a huge effort, and he wished Mr Kemp luck. It would be delivered; inevitably somebody would say that it was not in the right order but, once it was all finished, it would probably be necessary to start changing it all again. It had really been very interesting indeed.

DECISION

ADAMS update noted.

13. Communications

MS MACLEAN said that she had nothing to add to her report but would be happy to take questions.

DECISION

Communications update noted.

14. NADO/RADO relations

MR KOEHLER informed the members that his report contained everything and he would be happy to answer any questions; he did just wish to highlight one project launched in May that year as a result of a meeting between Anti-Doping Norway with IFs and NADOs. The meeting had resulted in the development of a guideline that talked about ADO cooperation. That document was being used to ensure that NADOs helped ADOs develop and increase and improve their programmes and currently IFs and NADOs were working together. It was a model guideline provided with templates to assist people help increase the community and expertise in the community. He would be happy to answer any questions.

MR BESSEBERG said that he had a comment. There were many who belonged to the global anti-doping community and their main goal was to protect clean athletes and develop doping-free sport as far as possible. However, over the past two years, too many people had the impression that they were communicating anti-doping work and activities very differently. It was WADA, or NADOs, or the IFs or the IOC. He really hoped that everybody would join efforts and communicate on the common objective in such a way in the future to ensure that the world looked at the community as a single global anti-doping community and not different parties fighting one another.

MR KOEHLER acknowledged that Mr Besseberg's point was well taken. He fully agreed that it was one community and everybody had a role to play.

THE CHAIRMAN thanked Mr Besseberg for his comment.

DECISION

NADO/RADO relations update noted.

15. Government relations

MR BOUCHARD said that the report was in the members' files; he had nothing to add. He would be happy to take questions. He would ask Dr Saleh Al Konbaz to say a few words about the UNESCO conference of parties held at the end of September.

DR SALEH AL KONBAZ said that UNESCO had started its work related to anti-doping in 2005 and, when he had been elected at the fourth meeting of the conference of parties in 2013, a new era of cooperation with WADA and UNESCO had started. He thought that the process was running well and the relationship had developed well. In 2015, a resolution had been adopted to be more flexible with the new Code after it was updated and he wondered whether, if another update were carried out, perhaps there could be liaison to ensure that there would be no conflict between the convention and the new Code. In 2017, there had been a new election and he had been chosen for the third and final time. 187 countries (a huge number) had attended the conference of parties. The bureau met twice a year at least; it invited the Council of Europe and WADA as observers and also communicated well with all the members of the group. The following meeting would be in Riyadh at the end of February. He thought that a great deal had been achieved to develop the relationship and also evaluate government performance. He would not take up any more time but, if there were any questions in relation to UNESCO, he would be happy to hear them.

THE CHAIRMAN thanked Dr Saleh Al Konbaz. He had been very happy to go to the conference of the parties in Paris, an enormous meeting, and speak. It had been extremely interesting. He took note of the request that there be close cooperation in that area.

DECISION

Government relations update noted.

16. International Federation relations

THE CHAIRMAN said that Mr Cohen would deal with the issue of IF relations. He also occupied and ran the Lausanne office, which was in the process of development so that WADA could undertake the greater range of duties mentioned by the sport movement that morning. Was there anything that Mr Cohen wanted to say?

MR COHEN replied that everything was in his report. He simply asked the members to note the annual WADA symposium from 21 to 23 March the following year. It was WADA's biggest annual event and it would be a great message if the Foundation Board members could attend and also encourage their stakeholders to attend. Mr Besseberg had spoken about speaking with one voice and the best example would be being present to discuss and share concerns. The members were therefore cordially invited to the symposium the following year in March.

DECISION

IF relations update noted.

17. Standards and harmonisation

THE CHAIRMAN apologised to Mr Ricketts. He knew that Mr Ricketts had been responsible for the Code compliance questionnaire and he had given Mr Donzé credit. Mr Ricketts had really been responsible for getting 307 replies out of 308. The report was in the members' papers.

MR RICKETTS said that he had nothing in particular to comment on, although the report did contain an update on the pre-Games testing task force, which had been mentioned a couple of times that day. He would be happy to take any questions. He acknowledged the compliment; of course, it was a team effort.

DECISION

Standards and harmonisation update noted.

18. Regional offices

– 18.1 Lausanne

DECISION

Lausanne regional office update noted.

– 18.2 Cape Town

THE CHAIRMAN asked if Mr Swigelaar wanted to mention anything in particular.

MR SWIGELAAR responded that he would be happy to take any questions.

DECISION

Cape Town regional office update noted.

– 18.3 Montevideo

MS PESCE said that everything was in her report and she would be happy to take questions.

MR PÉREZ said that he was the Sport Minister of Panama and represented CONCECADE. He thanked Ms Pesce for something that was very important concerning not only sport but also the world, since many ministers were present. He thanked WADA for its work. The office in Latin America did very important work and he thanked Ms Pesce for her work. He informed the members that, in February 2018, the second Latin American Anti-Doping Science and Medicine Seminar would be taking place in Panama. Latin America was organising the event and WADA colleagues including Dr Rabin would be present. The aim would be to fight on behalf of clean athletes.

THE CHAIRMAN thanked Mr Pérez. The date was noted.

DECISION

Montevideo regional office update noted.

– 18.4 Tokyo

MR HAYASHI said that he had nothing particular to add to his report, but he wished to express his sincere appreciation to all of the Asian Foundation Board members, especially for their annual contributions and also the additional contributions received almost every year from all four Asian Foundation Board member countries: Japan, Korea, China and Saudi Arabia. He urged them to continue.

DECISION

Tokyo regional office update noted.

19. Any other business/future meetings

THE CHAIRMAN said that he had received a letter not so long ago from Dr Aján, the President of the International Weightlifting Federation, who really wished to speak to the members.

DR AJÁN said that, on 9 June, the IOC executive board had taken the decision that the International Weightlifting Federation had to prepare very strong action on cleaning the sport of weightlifting. He had set up three commissions and could tell the members that one of the commissions concerned those countries that had had three or more positive cases on the occasion of the reanalysis of the samples from the Beijing and London Olympic Games. Nine countries had been suspended for one year. Never before had an IF taken such strong action. At the same time as suspending the nine countries, the suspension time had started on 19 October, because the CAS had concluded very late, which was why it had not been possible to start the period of suspension earlier. The other two commissions were a clean sport commission, which had to prepare a paper before the end of December on the programme for the 2020 Olympic Games in Tokyo and the 2024 Olympic Games in Paris but, if the IOC executive board did not except the paper prepared for the clean sport of weightlifting on the occasion of the Paris Olympic Games, weightlifting might be removed from the programme. The other was the sport programme commission, because it was necessary to take away one event from weightlifting on the occasion of the Tokyo Olympic Games. He told the members that weightlifting had a very strict and well-devised control programme and all the competitors who had tested positive on the occasion of the sample re-analysis

had been controlled before the two Olympic Games and during the two Olympic Games, and all of the samples had tested negative, but laboratory techniques had changed and with the reanalysis unfortunately many competitors had been positive. There was a very strict programme; the two special commissions were working and weightlifting was a basic sport. It was very important and had been on the programme since 1896. He hoped that the IOC executive board would be satisfied with the strict control programme and was optimistic that the executive board would support weightlifting for the future. Again, he told members that there was a very strict control programme dating back to 1975 and he had statistics on the number of controls carried out all over the world. He asked for the members' support. He asked NADOs to help because, frankly, he was not very satisfied with the way in which many of the NADOs worked and cooperated with his IF. Not enough information on the controls in the different countries was received, and he used the opportunity to kindly request help and a lot of information in the future. That was the information he had wished to provide.

THE CHAIRMAN thanked Dr Aján very much. He took his hat off to him: for as long as Dr Aján and he had been friends, Dr Aján had been fighting the battle on behalf of his sport and he was pleased that WADA was helping in one of the commissions. He hoped that that was helpful; that was an undertaking he had made in Lausanne, and WADA would listen carefully to what Dr Aján said and would follow the progress of the commissions with great interest. The members clearly wished Dr Aján well.

He thanked Dr Pascual for representing the IPC. It was his last meeting. It was actually rather flattering to know that Dr Pascual would be replaced by the president of the IPC. On behalf of WADA, he thanked Dr Pascual for all of his assistance in many ways other than just around that Foundation Board table. It had been a pleasure to have him there.

DR PASCUAL said that it had really been a pleasure to cooperate with the movement; in fact he remained a member of the Health, Medical and Research Committee. He had enjoyed every minute of reading through the many documents and offering his assistance where possible.

THE CHAIRMAN thought that Mr Pengilly would cease to be an athlete member of the IOC on the closing day of the PyeongChang Olympic Games and would no longer be an athlete member of WADA; he was still a member of the WADA Athlete Committee, so WADA would not lose him entirely. He gave Mr Pengilly the floor.

MR PENGILLY said that it had been a great privilege to sit around the table and represent athletes over the past seven years. On their behalf, he said a huge and sincere thank you to all those who worked very hard for clean sport and urged everybody to keep fighting for clean sport, fighting the scourge of doping, fighting for the fans around the world who wanted to trust in what they believed and most of all fighting for the rights of the athletes everybody was working so hard for. He thanked the Chairman for his time there.

THE CHAIRMAN referred to the next meetings in Montreal in May 2018. In September, the Executive Committee, having wanted to have a meeting in Africa at some stage, would be in the Seychelles and, in November 2018, there had been a very warm offer from Baku, Azerbaijan.

He said a few words of thanks on the members' behalf. He said thank you to the Korean friends for their wonderful hospitality and assistance given. It had been an outstanding two days. WADA had been wonderfully well served and he would of course be writing to Mr Noh just to say thank you on the members' behalf. He thanked the interpreters, the audiovisual providers and the staff. He thanked everybody for their help. The Korean hosts had arranged a special sightseeing tour. He thanked everybody for their attendance. He also thanked the Director General and his team for the quality of what was delivered. It was really outstanding. It was easy to say thank you very much but he asked the Director General to pass on the members' thanks not only to the people present but the people in the various offices. He wished the members safe travels and looked forward to seeing them at the Olympic Winter Games in PyeongChang or in Montreal.

DECISION

Executive Committee – 16 May 2018, Montreal, Canada;
Foundation Board – 17 May 2018, Montreal, Canada;
Executive Committee – 20 September 2018 (Seychelles);
Executive Committee – 14 November 2018, Baku, Azerbaijan;

Foundation Board – 15 November 2018, Baku,
Azerbaijan.

The meeting adjourned at 4.15 p.m.

FOR APPROVAL

SIR CRAIG REEDIE
PRESIDENT AND CHAIRMAN OF WADA