

**Minutes of the WADA Executive Committee Meeting
8 May 2010
Montreal, Canada**

The meeting began at 9.00 a.m.

1. Welcome, roll call and observers

THE CHAIRMAN welcomed the members to the Executive Committee meeting. The bell had been given by Dr Schamasch to WADA on the occasion of its tenth anniversary functions in Stockholm the previous December. He was not sure what the message behind the bell was. Was it to say that he was unable to keep order properly and needed the assistance of a bell, or was it simply to indicate that WADA could revert back to age-old technology? He thanked Dr Schamasch for the generous donation.

The meeting that day, like all of the Executive Committee meetings, was important. He had not detected from the discussions in the lead-up to it matters of great contention. He did not rule out that such matters might arise as the day proceeded or during the Foundation Board meeting the following day. He invited all of the members to contribute and say what they wanted, and would give them every opportunity to do so. He welcomed in particular the only new member to the table, Mr Samir Labidi, the Minister from Tunisia.

The following members attended the meeting: Mr John Fahey, AC, President and Chairman of WADA; Prof. Arne Ljungqvist, WADA Vice-Chairman, IOC Member and Chairman of the WADA Health, Medical and Research Committee; Mr Francesco Ricci Bitti, IOC Member and President of the ITF; Sir Craig Reedie, Member of the IOC (morning session only); Dr Patrick Schamasch, representing Mr Patrick McQuaid, IOC Member and President of the UCI; Mr Gian Franco Kasper, IOC Member and President of the FIS; Dr Rania Elwani, IOC Member; Mr Jaime Lissavetzky, Secretary of State for Sport, Spain; Mr Samir Labidi, Minister of Youth, Sport and Physical Education, Tunisia; Mr Edward Jurith, General Counsel, Office of National Drug Control Policy, USA; Mr Haruki Ozaki, representing Mr Kan Suzuki, Minister in Charge of Sports, Japan; Mr Bill Rowe, representing Ms Kate Ellis, Minister for Sport, Australia; Mr René Bouchard, representing Mr Gary Lunn, Secretary of State (Foreign Affairs and International Trade) (Sport), Canada; Mr David Howman, WADA Director General; Mr Rune Andersen, Standards and Harmonisation Director, WADA; Ms Julie Masse, Communications Director, WADA; Dr Olivier Rabin, Science Director, WADA; Dr Alan Vernec, Medical Director, WADA; and Mr Olivier Niggli, Finance and Legal Director, WADA.

The following observers signed the roll call: David Gerrard, Kaori Hoshi, François Allaire, Zakia Bartegi, Françoise Dagouret, Ole Sorensen, Anne Brown, Khaled Khiari, Matilde Garcia and Javier Odriozola.

THE CHAIRMAN highlighted the report from Interpol. He had mentioned at the public authorities' meeting that morning that he, along with WADA staff, had seen a presentation earlier in the week from WADA's officer from Interpol who had been visiting WADA in Montreal. The Interpol officer had given a powerful PowerPoint presentation to point out the

real extent of the problem addressed by members in their work on anti-doping. The Chairman had asked the Director General if it would be possible for the presentation to be brought back to the Foundation Board meeting in November that year. Members would see a number of things that they perhaps knew about but that they might not stop to think about so often. The message that came through loud and clear (and that the Vice-President also advocated) was that the more effective cooperation between law enforcement agencies and anti-doping organisations was, the more effective WADA would be in this fight. Some members had laws in their countries that allowed this to occur, and some had agreements and understandings but, particularly when it came to trafficking and manufacturing, effective laws did assist. This was probably a message directed specifically towards public authorities, but he urged committee members on their return home, when they looked at what could be done, not to underestimate their influence (whether in sport or in public authorities) to achieve more effective laws that might assist in this particular fight.

The other aspect he had raised that morning which he thought was a significant step and which he anticipated would bring some discussion and debate was the extension for the athletes' passport of the haematological testing done outside the accredited laboratories. There were certain criteria that had to be met, but this was an extension that directly addressed (even if at an initial stage) the constant claims made by members to him that there was an expense attached to anti-doping. Quite a bit of that expense was linked to the proximity to a laboratory and the transportation cost. It would be a progressive step to expand that process to a more practical application through the very good pathology units that were in hospitals and cities throughout the world. He was not suggesting that it should be at the expense and integrity of the process, and the paper again indicated that that would be protected.

2. Minutes of the previous meeting on 1 December 2009 (Stockholm, Sweden)

THE CHAIRMAN drew the members' attention to the minutes of the previous Executive Committee meeting. He asked if they wanted him to sign those minutes as an accurate record of those proceedings. He thought the answer was 'yes' and asked if any members wanted to raise any of those matters in the minutes. WADA had not received anything on the minutes in advance for any business items or changes. He thanked the members and asked the Director General to deliver his report.

DECISION

Minutes of the meeting of the Executive Committee on 1 December 2009 approved and duly signed.

3. Director General's report

THE DIRECTOR GENERAL said that he would go through the report as briefly as he could, accentuating matters that he thought members would want to know more about. As far as UNESCO was concerned, there were now 138 countries that had ratified the convention. Rwanda was the latest addition. There were six further countries whose instruments were on the way to Paris or were in the lawyers' office in Paris. That was another significant advance. There were more countries that had now ratified this convention than any other

convention in the history of UNESCO in that period of time. There were two conventions that had been in place since the 1970s that had more countries, but they were 40 years old.

There had been a big increase to the voluntary fund, with a significant advance made by Russia, yet still very few applications were being made by the smaller countries or the regions. There was a need to encourage those smaller countries to make applications for funds from this voluntary fund.

The legislation project WADA was working on with UNESCO had been delayed for logistical reasons by the UNESCO office, but he hoped to be able to report on that more fully in November.

The issue in relation to Interpol was the real need WADA had for countries and governments to have legislation in place in relation to trafficking and distribution. It was obvious that Interpol was willing and ready and able to work with any country that had laws in place. It had been significantly aided by the few that did. He did not want to enumerate any, because it would be a bit unfair to those that did not. Nevertheless, WADA now knew that the first objective it had with Interpol was to work with it on persuading, in particular, the developed nations of the world, perhaps starting with Europe, country by country, to engage. WADA already knew from Interpol that the underworld made more money out of trafficking in steroids, EPO and human growth hormone than it did out of heroin and cocaine. The reason for that was that it was legal and, on a down payment of one dollar, one could make a profit of 100 dollars. It was so simple and such an easy way of making money. WADA also now knew from Interpol that there were direct links between the money made from this trafficking with betting, bribery and corruption. WADA should not divide these issues. It was a matter of money laundering and getting money for the underworld to progress in relation to other objectives that it had in sport to make more money. WADA was going to work together with Interpol on a project in the coming months to work with developed nations and to address one by one those without laws in place and to show them what could be done if there were laws in place. This would help the fight against doping because it was work that was done without any money coming to it from the anti-doping finances. There was no money necessarily provided to it by the anti-doping organisations. The enforcement agencies were in place. It made sense for WADA to advance this as much as it could.

An issue WADA had following on from that was the sharing of information that might come from investigations. Regrettably, the meeting WADA had planned to attend in London just prior to that meeting had had to be cancelled because of the volcano eruption in Iceland, but it was a matter on WADA's table and he hoped WADA would engage in that meeting in the coming weeks and have a full protocol to show members how the information that could be gained from enquiries could be shared properly and legally and in a timely fashion. There were about five or six different scenarios on how information could be shared between organisations. He would not go into detail at that point, but it was not as easy as simply saying that the police conducted an inquiry, they got information and shared it with an anti-doping organisation. It did not happen as cleanly as that. There was a lot more to be gone through in terms of national law and the ability of the respective enforcement agents to share the data.

WADA had made progress on its development with NADOs in significant countries. WADA had looked at countries around the world with a deep sporting heritage (those that

were frequently on the podium or had significant success but where there was still not an anti-doping agency): Nigeria, Jamaica, India, Brazil, Turkey and Russia. Russia had an agency in place, but it was new and needed a lot of work. WADA had combined with Norway through its foreign affairs department to provide assistance, but it was a work in progress. WADA would be visiting Jamaica the following week to report to the minister there after conducting an audit on the programme that had been set up in Jamaica by its agency that was up and running. WADA was not totally happy with the implementation and the practice, so it was going to audit that the following week. WADA had visited Nigeria, but there had been a problem with the death of the president and the change in government, and a fresh connection with that country was needed to ensure that WADA's initial meetings there would bear fruit. There was a similar situation with Turkey, while Brazil was better. WADA planned to talk later that day with the President and the Vice-President about an initiative that Portugal and Brazil were entering into to ensure that Brazil would receive the necessary expertise from Portugal and WADA to establish an anti-doping agency. A document was hopefully going to be signed in Lisbon in two weeks' time. India was a work in progress, and he would be going to India in two weeks' time to address an intergovernmental meeting there and to take the opportunity of meeting with the minister, not only to talk about the Commonwealth Games, but more particularly to talk about India's national anti-doping programme. WADA had visited Turkey once and would go back when the groundwork necessary to set up an anti-doping agency had been done.

There was a full report on RADOs in the papers. WADA was grateful to the countries that had contributed to the maintenance of the RADOs. Canada had provided good sustenance for the Caribbean RADO, Australia with the Oceania RADO, and Japan with the Southeast Asian RADOs. Without that support, these RADOs would languish, and it was necessary to make sure the good work that had been done to set them up was maintained, so he was very thankful to Japan, Canada and Australia.

There was a lengthy report on ADAMS in the papers. He suggested having a discussion on ADAMS when that paper was tabled and introduced by Olivier Niggli. He stressed the importance of ADAMS, not only as a tool, but also as vital in providing the clearinghouse that WADA had to provide under the Code. There was a lot of work being done on ADAMS. It had been successfully run in Vancouver with the IOC and there would be a full report on how that had worked later in the year from the IOC, but there were some required improvements that had to be delivered. This was a very high priority for athletes, and one that WADA's Athlete Committee had identified in a teleconference prior to that meeting as a significant matter that required urgent work and urgent implementation of improvements.

Recent meetings had included a significant European Union forum in Madrid. Unfortunately, it had been affected by the volcano. WADA had been unable to attend. He was sorry about that because it was an important matter for sport and governments and he was sure that Mr Lissavetzky would give a more detailed report when he had the opportunity. The Lisbon Treaty was a most important area for sport to be engaged in. WADA had been invited by the European Commission to provide its views on how the new treaty could provide for the fight against doping in sport. The Commission had been notable in its willingness to engage with WADA. WADA had had a recent meeting with the new Director General responsible for this area and who was very willing to engage WADA as a partner in the resolution of any outstanding issues with the European Union.

The other significant meeting that had just taken place was SportAccord in Dubai. The President had attended this meeting with Mr Fairweather and the Director General. There had been a booth ably manned by WADA staff which had been used for stakeholder meetings and to present WADA in the normal way, as well as to get information out in relation to the WADA World Conference on Doping in Sport in 2013.

There were a number of issues that had come up as a result of various meetings with the sport community. They would all come up during the Executive Committee meeting. He would not enumerate them other than to say that the issues raised were consistent. They included ADAMS and queries related to how WADA was progressing in relation to whereabouts, how it was going to create better quality programmes (one of the bases of WADA's current activities), how it was going to reduce costs and how to be cost effective. Those sorts of things were interesting because they were consistent and matters WADA was aware of and trying to address. He was sure that, when they came up in the meeting, there would be good feedback from members.

The Court of Arbitration for Sport would require more scrutiny when the Legal Director reported, but he highlighted the fact WADA was concerned about some of the practices occurring in the CAS and some of the issues that had arisen which indicated that the CAS was not providing speedy, cheap justice for athletes. It was not just the anti-doping costs WADA was worried about, but also the cost for athletes to actually go to this forum which was now becoming significant. When an athlete was asked to pay seven or eight thousand Swiss francs just to open the door to the CAS, then members could understand many athletes would be unable to do that. Of course, the professional athletes could, but not all athletes would have that sort of money just to open the door. He was not talking about the cost of their lawyers or the cost of the actual proceedings; he was talking about the court costs that went to the contribution of the costs that their arbitrators incurred. A little discussion was needed about that when Mr Niggli reported.

He had mentioned in his report the player groups; WADA needed to continue to engage these groups. It did increase WADA's workload, but they were becoming stronger. WADA's Athlete Committee was aware of it and was prepared to work more itself, but WADA needed to find ways and means of engaging its athletes in a more significant fashion. He suggested two in-person meetings a year. That would be more expensive, but the athletes did need to get around the table to discuss some of these matters. WADA could do some things by teleconference, but there was so much work that could be done when WADA met them one-on-one and engaged them with other members of WADA's management team. He tabled that as something WADA might be alert to heading towards 2011. The Athlete Committee meeting that year was scheduled for early September, so there would be good athlete input for the Executive Committee meeting in September.

There were other matters raised in his report that were the subject of separate papers, such as the blood analysis mentioned by the President and the progress WADA was making on doping control forms and the project on whereabouts, so he would not comment on those. He accentuated the headway made with the pharmaceutical industry. WADA's Science Department, headed by Dr Rabin, had been hard at work doing this. Significant progress had been made that really showed that, if at first you don't succeed, then try and try again. WADA was about to sign a document with the international pharmaceutical industry in June that year, the International Federation of Pharmaceutical Manufacturers and Associations, which was the global body with whom WADA should be dealing. So it was an

MOU or an agreement that showed the way in which WADA was working. He asked the President to have the concurrence of the group to that project to show that the Executive Committee supported it. Formal approval was not needed, but it would be nice to have a concurrence to indicate support for the way in which WADA was conducting this activity. WADA also hoped to sign other MOUs with the pharmaceutical industry in the coming months.

In relation to laboratories, the members should know that the Colombia laboratory had been suspended and another laboratory (the Malaysian laboratory) was subject to disciplinary proceedings. Olivier Rabin could give an update on that in his report.

The Secretary for Sport in Spain had asked the Director General to report on a regular basis in relation to the major leagues. That had been done, but he could not report in more detail because the major leagues were private bodies that were not subject to governmental control or interference, or subject to any jurisdiction from the sport movement in general. So, to work with them, it was necessary to engage with them one-on-one. WADA continued to try to do that. For example, WADA was trying to have a meeting with the NFL in three weeks' time. It would engage with the NHL following the conclusion of the Stanley Cup. WADA had been given a significant boost with hockey by Mr Koehler's programme with the International Hockey Federation entitled "Say NO! to doping". There were some important meetings coming up. WADA would meet again with the PGA, which was halfway towards being Code-compliant, but was one of the tours that was not as close to being Code-compliant as others. WADA had been asked to talk with the PGA again to see if it could bring it closer. The other major league was baseball. Thus far, WADA had been unsuccessful in organising a meeting with baseball, but he had spoken with the International Federation the previous week which was having a meeting that week with MLB. Following that, WADA would see what it could do to work with MLB.

He pointed out an item that was not in the papers but that had been included in the meetings in Stockholm, and that related to the laboratories and insufficient independence between the laboratory and the national anti-doping agency. This was a subject that was still under scrutiny by WADA's Laboratory Committee. It was a work in progress and a matter that the Laboratory Committee would raise at its next meeting. He would then be able to report more fully at the September Executive Committee meeting.

On the subject of staffing, the Director General informed the members about the appointment of the new regional director in Latin America, Ms Pesce. She was on the way to Montreal from the CADE meetings in Merida, Mexico. She would be there the following day and was to take over from Mr Torres, who would be taking up a 12-month contract in Montreal until the middle of the following year.

There were a couple of issues that had arisen since the publication of his written report. The first was the human plasma inquiries; there had been two inquiries conducted by the Austrian prosecutor in Vienna, both called "human plasma". The first related to an inquiry about the accredited laboratory in Vienna and concerned the suggestion that there was perhaps some malfeasance taking place between a member of the laboratory and an athlete agent, in that samples were being destroyed or not being delivered to the laboratory. That inquiry had been completed and there had been no substance to the allegation found, so that had been concluded. WADA had received a copy of that report the previous year. The second inquiry had been completed that year and had been undertaken by the public

prosecutor. It had led to a 710-page report, which had been delivered to WADA at the end of March. It had been translated and reviewed by one of WADA's private lawyers. WADA had forwarded the elements of it that pertained to any of the International Federations to allow them to determine how far they would take any of the matters by way of sanction procedures. At least two International Federations had engaged. The Austrian NADO would deal with the Austrian athletes, so any Austrian athletes named in the report would be dealt with by way of result management in Austria, but those international athletes who were not Austrian would need to be dealt with by the International Federations.

The last initiative that he wished to raise was the President's appearance in London at the new United Kingdom anti-doping agency during a meeting of several of the developed NADOs in Europe and Japan, where the idea was to try to strengthen the group of NADOs to enable them to contribute more as a group to the fight against doping in sport. There was significant experience and expertise and information that needed to be shared, not only between the NADOs but also with WADA. The meeting in London had provided a good start towards that.

THE CHAIRMAN indicated that he also agreed that there should be two Athlete Committee meetings each year. WADA was having phone hook-ups, but it was not quite the same; the agenda was not as pronounced when one had people at the end of the phone. The preparation was frequently not the same either; that was the nature of phone hook-ups. The importance of that input could not be underestimated. Subject to some discussions on the additional funds required to get them together on more than one occasion which WADA would have with the Chairman of the Finance and Administration Committee, he believed that WADA should move forward on that. WADA would be discussing that with the Athlete Committee in the days ahead.

He responded to the Director General's request for a message of support for the signing of the MOU with the pharmaceutical industry. He noted for the record, since he was sure that there was support around the table, that WADA saw it as a positive and progressive step in the context of that relationship, which was so important for the detection, in particular, of new generation drugs. He asked if he could take it that the committee wished that to be formally recorded. He thanked the Director General and asked for comments on the report.

DR SCHAMASCH thanked the Director General for his report. He made two minor points. The first was that he reminded the committee that, at the session in Copenhagen, Prof. Ljungqvist had raised a motion on the sharing of information in relation to the new technical document for bidding cities. He thought that the sharing of information was a core issue. This was something that had to be advanced, because clear procedures were needed at the time of the Olympic Games, and it was something that would help a great deal.

The second point was the issue of Brazil and the NADO. The Olympic Games in 2016 would be in Rio de Janeiro and, for the moment, things were not going so well in Brazil and WADA's help was needed to have such a NADO in Brazil. It was known that there was a problem with the laboratory. It was clear that having a NADO in place well before the Olympic Games would help in dealing with the organising committee, so he thanked WADA for moving in that direction.

MR LISSAVETZKY congratulated the Director General on the fact that 138 countries had signed the UNESCO convention. He had chaired the meeting in Paris, and noted that more

than 92 percent of citizens in the world were included in those 138 countries. He wanted to refer to two subjects; first of all, the question of professional leagues. He thanked Mr Howman for his efforts, but believed that the report was not very specific at all. His interest was related to the presence of some of those leagues in competitions of an international nature such as the Olympic Games or world championships and so forth. In some cases, he believed that, in order to improve the situation, it was important to be based on federations, as had been the case, as mentioned by Mr Howman. In tennis, there was no problem. It was true that, in golf, there was progress in this direction. He hoped that WADA could continue moving forward but, in some important sports such as basketball, it was very important to see that, somehow or other, it would be necessary to come closer to complying with these rules, even if it was major leagues, because they might participate in Olympic Games later on. If they participated in a world championship, the one that would be taking place in Turkey that year, then there could be a series of rules for several months of the year and then, when there was a championship, one could change the rules of the game, but there was a shared responsibility. They were very stringent regarding International Federations and governments, but WADA had to try to move forward so that it could at least have a clear situation. He believed it was not very good to proceed like this. He thanked people for their effort even if he believed the report was not very specific. He repeated the idea that, at the next meeting, there could be a true, real report. It was not a question of saying, "Oh when I've finished this, that and the other then I'll have a meeting. Let's say the Stanley Cup – yes, fine and dandy or I will have a meeting in, I don't know how long, after spring perhaps." He did not really want to say September, but suggested that, throughout that year, there should be something so that the members could specifically discuss the situation in the Executive Committee. The fact that they were outside the sports movement or outside governments did not mean that it was not a positive thing. WADA should somehow move in this direction.

With respect to the Lisbon Treaty, WADA should have a dialogue amongst everybody – structured dialogue – including the presence of professional sportsmen or at least major leagues at a European level. He wanted to see an effort in that direction. He thanked the Director General for his brief report.

He did not know if it was the right moment, but he was speaking for Europe and said that he supported WADA's position vis-à-vis the CAS, and CAHAMA supported the position WADA was defending. The costs charged by CAS to athletes and the anti-doping community needed to be fair and reasonable. They should not be paying more money; just a fair price should be paid. WADA should do its utmost. As far as blood laboratories were concerned, that would be discussed later on.

MR RICCI BITTI congratulated Mr Howman on his report, saying that it was very complete and he was satisfied with WADA's progress. There was progress to be made, but he was happy in terms of what WADA represented. The last meeting in Dubai had been very satisfactory. He wanted to make two remarks: one was on the UNESCO convention. He would make detailed remarks during the meeting. The sports side was very happy that WADA was talking not only about signatures but also about the obligation that the countries had to fulfil following the signature. That meant the set-up of the NADOs and their effectiveness. He considered Brazil to be a very important country for the Olympic Movement. This was a key point for the future, even to monitor what the UNESCO

convention meant, not only to monitor the compliance of the sports side. This was absolutely vital, and he thanked WADA for that.

The second point related to Interpol. Sport at a top level was under threat in general for its integrity. Its integrity had to be defended in any way; one surely was the anti-doping programme, but there were many other ways. Another related issue was anti-corruption. What had been said was very interesting, but more legislation was needed, as well as more consistency in legislation. He was very happy that the interaction with Interpol had started and he thought that WADA could take some action. He did not know in depth what had been discussed but he was keen to know that WADA was in touch with Interpol and had the possibility of sharing information. This was a key point for the future and the governments should play a role in legislation.

MR JURITH thanked the Director General for the very comprehensive report; it was a testament to the hard work of the Director General and his staff. The committee members came up as interlopers every few months and got a good look at the hard work done and it was much appreciated. He totally agreed on Interpol and he had noticed in the paper that would be discussed later on that WADA's Interpol officer would be sitting down with the US Drug Enforcement Agency to figure out how they could cooperate. He asked to be kept in the loop on that. The ONDCP worked very closely with the DEA and he could help with any glitches that might arise. He was sure that the DEA would be very helpful in that regard. He also wanted to thank WADA for the thoughtful report on the US major leagues. WADA had highlighted the obvious point, which was that they were independent, they were outside the scope of the Code, and they were outside the scope of the UNESCO convention. If a player in one of those leagues participated in an activity governed by the Code, he or she had to follow the rules set down. If there was a problem there, WADA should look at that problem and be mindful of what the jurisdiction of this organisation was. The members would clearly all like to see the major leagues, not just in the USA, but other professional associations worldwide that might be outside the Code and outside the UNESCO convention, come into compliance with those arrangements. He thought that, in many respects, the US major leagues were moving in that direction. They had a broad list of prohibited substances, technically not the WADA List, but their list mirrored it in many respects; they did an increasing amount of out-of-competition testing, even more so than some of the IFs and NADOs did. They had a strong intelligence-gathering programme. Working with Interpol had been mentioned. In major league baseball, for example, 13 investigators had been hired. They were former police officers and former DEA agents who were working in the clubhouses, looking around and following up on leads and referring them to prosecution under criminal law. He thought that, in many of these cases, the matter had been taken very seriously. There had recently been an HgH case based upon these investigative efforts. A high number of tests were conducted on the athletes' pools. The NFL, for example, did EPO tests. Most significantly, the major leagues committed a lot of money to research. He had participated in a conference sponsored by the partnership for clean competition, a partnership of major league baseball, the NFL and USADA doing a lot of good solid cutting-edge research in terms of doping control which was shared worldwide. The sanctions, particularly in the NFL and major league baseball, for violation of their doping rules, were fairly significant: 50 games in major league baseball and four games in the NFL, which was a quarter of the NFL season, so there were very significant sanctions. He was not there to defend their programmes or to say that they could not do better. WADA needed to recognise what its jurisdiction was, why WADA had been created, and he thought that WADA

should look at its own programmes and compliance before venturing to look outside the organisation.

PROF. LJUNGOVIST gave his thanks for the report. As the President had mentioned, he had been advocating for a long time for appropriate domestic legislation against doping and he was very pleased to find that WADA now had a report from Interpol and had cooperation with Interpol that could help in that respect. He had found out that there was a serious lack of harmonisation and a serious lack of legislation with respect to doping around the world. The conclusion in the report was quite interesting, saying that this would inevitably lead to the problem of doping havens. Mr Howman had mentioned the ongoing investigations related to the blood doping affairs in Austria. This was the result of an incident that had happened four years previously, namely at the Turin Olympic Games. Because of the existence of an Italian law, the IOC had discovered inappropriate activities in the Austrian team. Had that law not been in place, the Austrian affair would never have been discovered, nor would the consequences of it that were now being discussed four years later have been discovered.

He thought that that was an example of the importance of having appropriate domestic laws in place to help WADA in the fight against doping. He thanked the President for having mentioned that he had raised these matters on various occasions, including at the recent IOC session in Copenhagen. The result was quite interesting – that the existence of appropriate domestic law would be of major importance in the evaluation of the suitability of hosting Olympic Games in the future. So he was happy to report that the IOC was following suit with respect to the importance of anti-doping legislation. He asked the government representatives around the table to take responsibility and make sure that this happened, not only in their own countries but also in their own areas around the world, because there were also area representatives present.

He had a question for Mr Howman about the players' groups. It was confusing to him and, he believed, to many members because, in the sports organisations, there were athletes represented, in terms of athlete commissions in WADA, the IOC and the International Federations. He asked what status the groups the Director General had referred to had and who was representing the athletes in them. This was a confusing situation that needed to be clarified for all the members, the athlete commissions and the players' groups.

MR LABIDI thanked the Director General for his comprehensive report, and thanked Mr Stofile, who had represented Africa on the Executive Committee. He hoped he would be in a position to continue to represent Africa over the next few months. He would continue to work with the African committee to deal with two main priorities. The first was to get the maximum number of African countries to sign the international convention and to create the maximum number of NADOs on his continent. The work in anti-doping activities in Africa was mainly one of education. It was essential that WADA educate and teach this anti-doping culture to the athletes. This was definitely of the essence. He used the example of Tunisia, where the NADO was doing good work together with sponsors. An agreement had been signed with a major telecom group the previous week so as to broadcast the anti-doping culture and promote this way of doing things together with the media, on the Internet, together with the students and the universities and sports federations. He believed that his continent worked better in terms of positive results as the people were educated.

As to costs for the CAS, this was something dear to his heart. He wanted to encourage people along those lines because, for an athlete or a sports committee that needed to go to court and have something settled, it was a very costly procedure. There was too much procedure for that matter. WADA had to find an adequate solution. He did not think even professional athletes had the means. Most athletes in Africa did not have the means to start a procedure, let alone get a lawyer and, if WADA could defend their interests, it was the essential right of a person to defend him or herself. This would be a major handicap for athletes. He encouraged WADA to pursue the matter.

THE CHAIRMAN asked for further questions and comments. He asked the Director General to respond.

THE DIRECTOR GENERAL thanked Dr Schamasch for his comments on Rio de Janeiro. He agreed that it was most important, and WADA was well on top of the situation there. The meeting he had referred to between the Brazilians and the Portuguese was at the level of prime minister or president, so that was how significantly each of the countries was regarding it. He thought that the arrangement would be signed by them in Lisbon on 19 May. WADA had been to Rio de Janeiro on two occasions and would go more frequently as required to ensure that the national anti-doping agency was well established and the laboratory was working to the utmost. As an aside, he said that WADA needed to do the same work with Sochi. There was a lot of work to do in Russia, not just with the establishment of a satellite laboratory in Sochi, but also with the work being done by RUSADA and the laboratory in Moscow.

The mention of Copenhagen reminded him that he should have said in his report that the IOC had established a new commission called the Entourage Commission. It would be chaired by Sergei Bubka. He had met with Mr Bubka in Dubai and advised him that WADA had done a lot of work in terms of entourage, offering WADA's assistance and expertise. Mr Bubka had said that he would engage WADA following the first meeting of the commission, which was being held the following month, during which the working terms of reference would be established.

A number of members had mentioned the laws. This was not a matter for WADA to mandate, but was a matter for WADA to persuade, because the effectiveness of the persuasion was such that the fight against doping would be enhanced. The duties the governments had were not under the Code, they were under the convention, and it was UNESCO that had to monitor the convention, not WADA. WADA worked with UNESCO on the convention and on the way in which UNESCO monitored, but WADA could not tell UNESCO what to do; it had to adhere to UNESCO's protocols and processes. What WADA could do was be extremely persuasive. On the other hand, WADA had the authority to deal with the NADOs. The NADOs were signatories to the Code and he knew there was a little confusion between the NADOs and governments, but the NADOs were independent of governments generally speaking, despite being funded by them. WADA had a duty to monitor them under the Code. That was how the system worked and WADA would continue to work very hard in that area.

In response to Mr Lissavetzky's comment, he understood the professional leagues and understood the request for more information. Mr Jurith had summarised it better than he could. He knew that the players that were in the leagues when they represented their countries in international competitions did that under the Code, but it was during their

season in the leagues that they were not. He could give members a more detailed report on how close they were to the Code and how WADA was attempting to get them closer, but he did not have a mandate. It was an activity he was conducting more on the level of work he was told to do by the Executive Committee, without any power. As Mr Jurith had said, he did not have any jurisdiction, nor did WADA have any jurisdiction to compel or demand all the major leagues to do anything. Nevertheless, WADA could continue to work with them in areas in which they could see the sense of getting closer to the Code. That was what was being done, and he could explain some of the activities being conducted at the following meeting to show how they were getting closer, in order to give the committee a bit more detail.

He thanked Mr Ricci Bitti for his comments. Mr Ricci Bitti had heard him talking about what WADA could do with UNESCO and monitoring, and WADA would ensure the NADOs were monitored very closely, as it would do with the International Federations. That was part of WADA's job. And WADA would exercise its persuasive power with governments in terms of their obligation to put into place some rules or regulations for trafficking and distribution. He distinguished between anti-doping laws in general, because there was no power under the UNESCO convention to demand that countries have rules that were criminal in effect in relation to those – athletes in particular – who breached the Code. WADA did not have that mandate in UNESCO.

He appreciated the members' support regarding WADA's activities with Interpol. He agreed it was significant and understood the need to protect the integrity of sport and would continue to engage with Interpol to see how WADA could increase its role in that area. He thought that was very vital.

He thanked Mr Jurith for his comments regarding Interpol. Interpol representatives were meeting on a regular basis with the DEA. He could keep Mr Jurith up to date with what was happening there. WADA's seconded officer was very grateful for the help he had received from specific officers working for the DEA.

He did understand that there were other professional leagues; for example, in boxing, there were probably nine different entities that had control of professional boxing outside the control of the International Federation for Boxing, which dealt more with amateur boxing. WADA was engaged in the odd discussion with one or two of those groups to see if they might entertain more Code-compliant processes. It was very complicated, but WADA had to continue to work on this, because some were not even international, they were state-wide under a Nevada state boxing commission. It was the same with cage fighting and kickboxing. He was not sure if the Executive Committee wanted the WADA management mandate to go wide on this type of issue, because WADA had sufficient issues relating to the compliance of its NADOs before embarking on journeys that might lead to a costly exercise, but he was open to the committee's direction.

In response to Prof. Ljungqvist, he was aware that the controversy relating to Austria had led to the Austrian Government being strong. In a meeting held with the Austrian NADO the other week, the Austrian Government's response had been tremendous. Unfortunately, sometimes it took controversy to stimulate an action. The President and he had both been on record saying that it would be a shame if it took a death or something like that to stimulate another country. So WADA was trying to persuade countries not to wait for

controversy or matters such as the one that had happened in Turin before the introduction of laws. But that was a matter of politics; it did occur in that way.

The issue of the players' groups was a bigger topic. There was now a players' group in Europe called the EU Players' Group, which apparently represented 25,000 professional athletes spread over a number of federations both at national level and European level, and the group was becoming a strong voice in Europe.

In addition, there were federations like the Professional Players' Association in the UK, and FIFPro, which represented 51 countries in football. There was the International Cricket Players' Association and the International Rugby Players' Association. These groups were modelling themselves more on the American style of players' associations, requiring collective bargaining and engaging with the owners or the league controllers to demand conditions that were more akin to what happened in the USA and more akin to labour laws. And that was the significant issue for WADA in terms of how that fitted within an anti-doping programme. So WADA needed to engage with them because, if it did not, it was going to find that there would be conflict ending up in some of the courts. WADA knew already that they were backing, for example, the case in Belgium that Mr Niggli would be reporting on – the contention that the whereabouts rules were in contravention of player rights. So WADA had to be alert and engage. WADA had been trying to get its athlete groups engaged at an appropriate time and the WADA management team would continue to talk with these people, because it was most important to continue this dialogue. That was the best answer he could give, but he would be able to give more detail if it was required.

He thanked Mr Labidi for his comments. He of course agreed that education was a priority. The members would hear a little bit later about some of the initiatives in which WADA was engaging with regard to education. He was very grateful for the minister's support in relation to the issue regarding the CAS, because that was a most vital area for WADA going forward. More would be heard when Mr Niggli made his report. He thanked the committee members for listening.

THE CHAIRMAN thanked the Director General and asked if there was anything further arising.

MR SCHAMASCH thanked the Director General for answering Prof. Ljungqvist's question on players' groups. He also thought that this was an important matter, especially if one looked at the players' group position paper, which had been published in March 2010 and had actually denied WADA and the IOC authority to represent the athletes on the one hand and, on the other, contested the efforts made by WADA at the Athens meeting in 2009 for having properly and correctly positioned the problems. His concern would be that, in speaking to these groups of athletes, WADA perhaps gave them too much publicity, which could be counter-productive. He could understand that WADA needed to talk to them about this matter but, on the other hand, the more WADA had discussions with them, the more it gave them a quasi-institutional position.

THE CHAIRMAN asked if the Director General wanted to comment.

THE DIRECTOR GENERAL said that, as with all WADA's work, it was a balance. He did not think that WADA was over-engaging; however, to ignore this would be to WADA's peril, so it had to continue dialogue rather than ignore, and the issue was how much dialogue? At the moment, it was satisfactory. At the moment, WADA was not being pressured. They were being very critical not only of WADA but also the IOC Athletes' Commission. That was

a little disappointing because, at the end of the day, the athletes on both commissions were athletes who had a lot more experience and expertise. Some of these player groups were more unionist than being made up of players themselves. WADA had to be alert to that conflict or difference, but it would be unwise for WADA to ignore them.

MS BOKEL thanked the Director General for his comments. She was a member of both the WADA and the IOC athletes' commissions, which represented more than the 25,000 mentioned and even had representatives elected at the Olympic Games out of those players' groups. WADA should follow this topic very closely and not think that those players' groups represented all athletes all over the world.

MR REEDIE said that this issue had been brought before the recent Executive Board of the International Olympic Committee. The Executive Board was very well aware of the situation vis-à-vis the representation of athletes by athletes' commissions or whatever other structure. WADA should concentrate entirely on the anti-doping effects of the plans of these players' groups and should liaise very carefully and closely with the IOC so that, effectively, the two organisations spoke as one voice and took this forward. WADA did have to speak to them. That did not give them any credence. A refusal to speak to them would be entirely the wrong tactic.

3.1 Think tank provisional agenda (September 2010)

THE CHAIRMAN directed the Executive Committee members to item 3.1. He asked the Director General to speak briefly about the think tank provisional agenda.

THE DIRECTOR GENERAL said that he had been asked to foreshadow what WADA would be doing in September. All of the committee members knew that the number one issue in WADA's strategic objectives and strategic plan was to provide leadership upon current issues. This was an ability to look at the wider picture and do a little bit of lateral thinking on the fight against doping in sport. WADA would engage a couple of outside speakers to come and provoke the discussion and to raise issues that would give WADA a chance to debate and discuss them. There would be a facilitator, a bit like in Oslo but on a smaller basis, on the Friday in September prior to WADA's Executive Committee meeting. This would give the committee a chance to operate from 30,000 feet and look down and perhaps ask why it was doing things, whether there was good justification for what was being done, whether the committee was missing something because of being so entrenched in its daily work, and those sorts of issues, issues that he had tried to delineate in the paper. Papers would be distributed in advance in the same way papers were distributed for the Executive Committee meetings. So there would be plenty of opportunity to read about the sorts of issues that might be raised by the presenters before travelling to Montreal. This information or the discussions would, of course, be used in the way in which WADA reviewed its Strategic Plan. So, going forward, the idea was that, that year, the committee would spend a little bit of time on the current Strategic Plan and update it so that it took account of current thinking and activities. That would benefit largely from the discussion to be had in September.

THE CHAIRMAN asked for feedback on the think tank. He asked the members to note in their diaries that it would be on the Friday before the Executive Committee meeting, on 17 September in Montreal. It would effectively be a two-day meeting with the think tank the first day and the normal Executive Committee meeting on the second day.

3.2 Ambassador programme

THE DIRECTOR GENERAL said that the paper had been prepared on the basis of the mandate from Stockholm. It spoke for itself. He preferred not to read it, but thought the recommendation was clear and asked for a ruling accordingly.

THE CHAIRMAN asked if there was any discussion or comment. He asked if it was the committee's wish to support the recommendation of the management, which was not to proceed but to acknowledge that this was a useful programme that might be picked up further within individual countries.

DECISIONS

1. Formal support given to the MOU with the pharmaceutical industry.
2. Management proposal regarding the Ambassador programme approved.
3. Director General's report noted.

4. Operations/management

4.1 Endorsement of the Foundation Board composition for the Swiss authorities

THE CHAIRMAN noted that it had been brought to the committee's attention earlier that morning that there were some minor errors in the paper circulated. He asked the members to find in front of them the amended document. What was required of course was the committee's approval, and that was formal acknowledgement of the composition of the WADA Foundation Board so that WADA might advise and thereby comply with Swiss law.

DECISION

Foundation Board composition for the Swiss authorities endorsed.

4.2 Vancouver 2010 Olympic and Paralympic Games report

THE DIRECTOR GENERAL said that it was a simple report because all of the missions had been very successful with the assistance of both the IOC and the IPC. So it was simple in its content, but significant in its outcome, and had borne fruit in the form of the Independent Observer report from the Olympic Winter Games which was now being published and substantially applauded the efforts made by VANOC and the IOC and the anti-doping programme. The IPC had just commented on the report provided to it and its report would be posted the following week. The Outreach programmes at both events had been extremely successful and he thanked all those who had attended the Outreach booths because many of the members of both the Executive Committee and WADA's Foundation Board had visited. That was very important for the staff looking after those activities. He noted gratitude to those organisers who had engaged with WADA and thanked the members of the teams who had attended those particular events.

THE CHAIRMAN added to the comments by acknowledging the hospitality extended to many people at WADA by the Olympic Movement. He thanked Mr Kasper in particular for his role in a most important winter Olympic sport. All of those who had had the privilege of

being able to participate in the event and the sporting aspect of the event had thoroughly enjoyed themselves and recognised that it had been a magnificent occasion in the celebration of sport. He acknowledged that aspect on behalf of WADA members who had had the opportunity to participate. He asked for other comments.

MR BOUCHARD said that he wanted to take the opportunity to acknowledge the work that had been done and to thank the organisations involved. The work done had contributed to making the Olympic Games a success. Canada had been very pleased to welcome the world to Vancouver. It was very proud and it was worth underlining the work that had been done in the field of anti-doping which had been key to making the Games a success.

PROF. LJUNGOVIST said that the Olympic Games had been very successful. It was appropriate to extend heartfelt thanks to the Canadian hosts for having hosted those games and in such a professional and successful way. It had been a great pleasure indeed for the Olympic Movement to be in Canada with the Olympic Games. From the point of view of the conduct of the games and from the point of view of anti-doping and a medical aspect, the Olympic Games had been very well governed and run by the Canadian people there. Turning more to the medical aspect, there had been a very professional team from the Canadian side. It was fortunate that they had been very close at hand at any time that they were needed. It was unfortunate in some aspects, one being that there had been not an increased number of medical accidents, but that the accidents had been more serious than usual. There had been one very tragic accident as everybody remembered. All those cases had been dealt with in a very immediate, instantaneous and professional way, and it was interesting to note that the media had never speculated as to whether the accidents had been properly attended to or not, in particular with respect to this very sad case. There was often a media attempt to find defects in the system. The media had not found anything.

On the anti-doping issue, the IOC had been very pleased with the Independent Observers, and had thought that everything had gone very well. Therefore, it had come as some surprise that there was such an extensive report with 50 pages saying that everything was okay. The tremendous effort that the Independent Observers put into their work should not be reflected by the number of pages; it should be reflected by the work that they had done. By way of an example, he and the chairman of the independent observers had had a hotline for the duration of the Olympic Games, but it had never been used. Everything had been smoothly and perfectly run, and he was very happy with the outcome of the report, although he found it a little unnecessarily long.

There was one item that was still pending in the discussion and that was the mandate of the Independent Observer team – to what extent the Independent Observers in their report should go into speculation about what could have happened if this or that had been asked or if this or that person had been present at the hearings. That had caused an exchange of letters between the IOC, the president's office of the IOC and the Independent Observers. Since everybody agreed that it had been a successful mission, a big issue should not be made of it. There had been an invitation by the Independent Observers to put down final remarks as an addendum to the Independent Observer report on the website. He did not think it necessary to engage in an open discussion on the Internet with respect to irrelevant questions, but thought that remarks on that issue should be added to the report during the Executive Committee meeting so that they would be included in the WADA minutes for the meeting. That would be totally sufficient because – coming back to the summary – everything had gone very well with the Independent Observers. They had been very happy

with what the IOC had done and the IOC had been happy with what they had done, but did have some question marks related to the role they should play and the mandate that they should have on such an occasion, and also with respect to what they should or should not report in the final report. Perhaps that needed to be discussed further for upcoming events.

THE CHAIRMAN thanked Prof. Ljungqvist in particular for the remarks regarding the role of the Canadians. On the question of the Independent Observer report, it was just that – it was the report of a group of people who were organised by WADA but were very much independent. So much so that he had been constantly told to avoid going near their room during his stay in Vancouver so that there would be no impression that he might be seeking to influence what they were doing in the context of their observations. WADA did not intend to have the report published through the minutes. It was going on WADA's website and there were no difficulties with the final response from the IOC being added as an addendum to what was being placed on the website. Having read that final letter, he did not think that it would encourage debate on the report itself. If the IOC wished to have those points made in that letter actually out there in the arena, then they should just be added to it. WADA had no difficulties with that but, again, it was an Independent Observer report; WADA had no influence over what it contained and nor should WADA, any more than the IOC should. Appropriately, the IOC should have the opportunity to at least comment on it before it was finalised, and it had done so.

THE DIRECTOR GENERAL said that WADA had already had discussions with members of the IOC management team so that WADA would engage with them on a contract for Independent Observer teams, but also in a full debrief of the IOC rules because there were some rules in place that had caused confusion to athletes because they had been different from their normal rules. So WADA had said it would sit down in a calm fashion and do a full debrief with Patrick and Christophe and several other members of the IOC management and talk about these things in an informal manner so that progress could be made sensibly for London.

PROF. LJUNGOVIST said that the suggestion could be accepted but that there was one further issue with respect to independence – was it okay that one third of the team was composed of WADA staff?

THE CHAIRMAN responded that WADA was a custodian of the Code and that input in relation to that custodianship could best come from WADA staff. Acknowledging that they were members of the WADA staff, he could assure the Executive Committee that no attempt was made to influence anything that might occur in the context of their observations and/or the report that flowed from it. It was a question of the skills and expertise that the Independent Observer team had to have, otherwise the members would not be in a position to make any judgements. That did not eat into the independence. WADA as such could not influence what they might say as an observer team and it had not tried to.

DECISION

Vancouver 2010 Olympic and Paralympic Games
report noted.

4.2 Strategic Plan review and Operational Performance Indicators

THE CHAIRMAN said that this was testimony to the transparency of WADA as an organisation. It had some guidelines stated – the key performance indicators. The

implementation of those performance indicators was judged through the report seen there. The Director General in his opening paper had indicated that it was time for WADA to rethink the Strategic Plan, particularly after having celebrated 10 years, and that process was about to start.

He called for any questions or comments. He noted the report.

DECISION

Strategic Plan review and Operational Performance Indicators report noted.

4.3 Fourth World Conference on Doping in Sport 2013

THE DIRECTOR GENERAL said that WADA was working hard on the conference. Members would see amongst the compilation of papers on the table a brochure that WADA had circulated widely. A number of expressions of interest had been received. WADA was now working on the way in those expressions would become actual bids. The process was outlined within the paper. WADA would progress on that and be able to report in more detail in September.

THE CHAIRMAN asked the members to give serious thought to hosting the conference.

DECISION

Fourth World Conference on Doping in Sport 2013 update noted.

4.4 Executive Committee and Foundation Board meetings – costs/logistics

THE CHAIRMAN asked the Director General to comment.

THE DIRECTOR GENERAL said that the matter was really for noting so that, if WADA did hold a meeting outside Montreal, the host should clearly understand the conditions that it was working under. WADA had learned a lot from the meetings in Stockholm and wanted to make sure that, when it had another meeting in another city outside Montreal, some pretty strict guidelines were adhered to. That was a reminder of that process.

THE CHAIRMAN said that he proposed to acknowledge the success of that meeting the following day. It was more appropriate at the Foundation Board meeting than the Executive Committee meeting to comment specifically on it. All of those who had attended it (and most of those present had done so) recognised that it had been an outstanding success and done an enormous amount to further the cause of WADA's work and to highlight just what had been occurring, particularly in Europe. That was noted.

DECISION

Executive Committee and Foundation Board meetings update noted.

5. Finance

5.1 Government/IOC contributions

MR REEDIE stated that item 5.1 was the up-to-date statement of government contributions. Members would see that, in 2010, WADA had collected to date 76.92 percent of the invoiced contributions. That was slightly less than at that time the previous year. The Council of Europe had managed to provide the wrong information so that WADA had invoiced Europe wrongly and, when Europe had told WADA the figures were wrong, WADA had had to undo that and repay some countries and collect more from other countries. Had that not happened, WADA would be slightly more up-to-date. He added a plea to Minister Labidi that, when working in Africa, and he encouraged everything the minister was doing and did understand that there were particular complexities in collecting relatively modest government contributions from Africa, any help he could give WADA would be appreciated, although he was cushioned to some extent by the generous over-payment from the Government of South Africa. The figures would be reflected later on in the report when looking at the first-quarter accounts.

DECISION

Government/IOC contributions update noted.

5.2 2009 finance overview

MR REEDIE said that item 5.2 was a statement and item 5.3 were the actual accounts for the year ending 31 December 2009. Normally, any chairman of a finance committee who owned up to the fact that the final accounts were about 13 and a half percent different from the original budgeted figure would be embarrassed, and he was embarrassed. However, the correction was in the right direction. WADA had approved an overall budget that indicated a deficit of about two million US dollars, which would have been supported by some of WADA's unallocated cash. The end result was that WADA had delivered a surplus of 1.7 million US dollars. There was a turnaround of about 3.8. The end result of that was that it had been possible to meet all of the capital expenditure on WADA's IT equipment. It had been decided some time ago that, instead of leasing it, it was an opportunity to buy it and then depreciate it over a period of four years. It had been possible to do that without imposing any strain on WADA finances. In general terms, WADA had raised about 1.2 million dollars more than anticipated in budget terms and lowered costs by about two million. One of the reductions in costs had been the figure on salaries. That was in some way to do with the exchange rates because staff were paid in US dollars and WADA paid out in Canadian dollars, so WADA could either benefit or lose by exchange rate differences. Over the period of 2009, WADA had actually benefited quite substantially.

Within the presentations, there was the paper he always found most useful, which was the 16 pages that were described as "actual against budget". These showed through every department and across the board for the activities of the agency exactly what happened – whether WADA spent more or less money than it had expected. In general, costs had been slightly lower and the litigation figure had been slightly higher. WADA was in court constantly, defending athletes and defending decisions taken by partners, and those costs were noticeable and sometimes extremely difficult to budget for. Mr Niggli would be giving more information on the whole legal operation when he presented his report.

There was a detailed breakdown of the research payments that WADA made. For example, WADA had decided in September the previous year to invest 5.7 million dollars in research programmes. The mechanics of getting that money on the ground involved ethical review, peer group review and contract review. So, having decided WADA would spend that money, it is actually been quite difficult to get it out quickly. By the end of the first quarter of 2010, approximately two million dollars of the 5.7 million had actually been spent. When one looked at the accounts, one could see that in a rather different form. The reason was that the accounts were produced under the International Financial Reporting System, the same system used by the International Olympic Committee and many governments. The IFRS comprised a set of rules that in his view sometimes did not even correspond to reality, but it meant that figures were presented slightly differently from the very simple system WADA used, which was: "this was what we thought we would spend and this was what WADA actually spent in any period of time". He would be very happy to explain any of the details to the members if they wished.

At the end of each year, WADA received a management report from its auditors, Price WaterhouseCoopers. The report for 2009 was in a new form, which again represented a change in international accounting practice. In particular, the auditors were looking now, as part of an audit, for a phrase that they called "internal control systems". They wanted to know that WADA's internal control systems were good. Throughout all these pages, everything was satisfactory. Everything was green, there were no red marks. There was one minor yellow question, which said: "We raised an issue on item A and, by the way, management had dealt with it". He would not have mentioned it at all, but accountants had to do it. WADA had been given about as clean a bill of health by a leading international accounting firm as was possible. At that stage, questions should be taken on the 2009 figures and, if there were no such questions, he suggested that the committee agree that the accounts be submitted formally to the Foundation Board the following day for acceptance, because that was a Foundation Board duty and not an Executive Committee duty.

THE CHAIRMAN said that, before seeking that recommendation from the Executive Committee, it was appropriate that any questions or matters be raised.

PROF. LJUNGOVIST thanked Sir Reddie for explaining why the research money could not be distributed immediately. It was quite a procedure. At that time, WADA had distributed some 34 percent of the budget for 2010. That was fine. It meant the office had worked very efficiently under Dr Rabin to reach the necessary conclusions with respect to the negotiations, because that was what it was all about. WADA had to negotiate and reach a contract with the receiving institutions. That was the way it worked. He wanted to comment on and commend WADA on one very important fact, that it seemed that 99 percent of the government contributions had been collected in 2009. For those who had been there from the very outset, that was a sensational sum and a remarkable achievement. He remembered how difficult it had been for the governments to fund a private institution in Geneva and find the mechanism to do that, but now it had been successfully done, and WADA should be commended along with the government representatives round the world. He wished to extend his sincere thanks to them for their efforts in this respect and for the success this meant for WADA now that it was fully funded.

DR SCHAMASCH congratulated WADA on the 99 percent sent in. Although he could understand that smaller countries still had a problem sending in contributions, he had been

surprised to see that Israel was not even mentioned. Israel should be able to send in something. He had cross-checked the list two or three times but that country had not been mentioned. It should be able to contribute something.

MR LISSAVETZKY congratulated Sir Reddie for the presentation. He wished to share with the Executive Committee the mandate assigned to him by CAHAMA which was to advise that the following day during the Foundation Board meeting, there would be an intervention made to request an advance copy of the budget in the Spring. This was because such financial data is discussed and debated within the Council of Europe and therefore Europe would be like for budgets to be presented earlier. This was the process within governments when they had general state budgets so that others could appropriately prepare to debate them. This was his only request and the following day this matter would be presented by the Council of Europe.

MR CRAIG REEDIE said that he understood that Israel had contributed in the past. It was not known why it had not contributed to the current list. He would rectify that omission. On the question of advance budgets, he asked if he could deal with that under item 5.5 when he would deal specifically with how WADA guessed what might happen.

MR BOUCHARD congratulated Sir Reddie, as the data used to set up the budget were always fluctuating and very difficult to decide on. Then there were the exchange rates in terms of US and Canadian dollars. He again congratulated Sir Reddie because, in 2009, WADA had had a budget surplus rather than a deficit. When it came to government contributions, he had noticed that WADA was heading in the right direction and most governments had already sent in the amounts.

In the course of the American Sports Council Anti-Doping Commission meeting that week in Merida, Mexico, that matter had been raised, and countries in that region that had not yet sent in their contributions had been encouraged to do so. As regards 2010, everything seemed to be going well so far. For 2011, he wanted to underscore how important it was to carefully look at the expenses, since there were two components or headings that fluctuated a lot and might have a sizeable impact. As had already been raised, there was the CAS matter and legal issues. Were there any measures that could be taken so that WADA could perhaps influence or have a better control of the costs involved? Perhaps that could be discussed at a later point.

Secondly, on the issue of IT, he welcomed the fact that WADA had made some capital investments, so that would reduce expenses over the long term. That was highly encouraging, but there were measures that the committee had seen that would lead to new expenses from the point of view of technology. It was not a problem, but he suggested the committee look at how they evolved and try to limit them as much as possible.

MR CRAIG REEDIE said that he accepted everything that had been said. WADA was aware of the problem, but that was why the finance meeting would be held on 26 July in Lausanne, and that was the exercise.

He suggested that the Executive Committee decide to present the final report. It should be noted that it contained the final implementation of the decision that had been taken the previous year to create a 2.4-million-dollar operational reserve. WADA had had a very, very sound financial year. Mr Felix Roth, WADA's auditor, would attend the Foundation Board meeting the following day and could take members through any difficulties that might be had with the IFRS rules.

THE CHAIRMAN said that the recommendation required of the Executive Committee was to take forward the following day a recommendation that the Foundation Board approve the 2009 financial accounts. He asked if everyone was happy with that.

5.3 2009 year-end accounts

DECISION

Proposal to recommend that the Foundation Board approve the 2009 year-end accounts approved.

5.4 2010 quarterly accounts

MR REEDIE said that he would move on to the detailed breakdown of budget against actual for the first quarter of the year. He had in the past described the first quarter as “gloriously misleading” and it was because, in the first quarter, WADA collected large amounts of its projected income in terms of government and IOC contributions, but only spent roughly one quarter of its costs. He had no particular issues there.

He had looked through the budget against actual issues and the same sinners appeared as usual. Litigation was again expensive. That was the one that was specifically out of line; everything else was pretty well in line. It was interesting to see that, because of the exchange rate fluctuations, the salaries figures had moved the other way. That was simply a reflection of quite a substantial move and the strengthening of the Canadian dollar, presumably due to the magnificent performance of the Canadian athletes in the Olympic Winter Games in Vancouver.

DECISION

2010 quarterly accounts noted.

5.5 2011 draft budget

MR REEDIE stated that he would deal mainly with the paper on preliminary planning for the 2011 figures. He accepted absolutely that people liked to know what their budget obligations were likely to be as far in advance as possible. It was quite clear that, with the success of the rate of government collection that year, WADA’s previous practice of basing its assumptions on collecting 96 percent of government contributions was probably now over-cautious. He wanted the Finance and Administration Committee to sit down and look at that in some detail at the meeting in July. His guess was that WADA would move closer to reality. He doubted WADA could assume a full 100 percent, but it was likely to be a higher percentage. The expenditure side was complicated. WADA had issues that would have to be met on the IT side, as Mr Bouchard had mentioned. There were certainly expenses that would have to be met in litigation and some potentially very expensive cases in Europe; there was one currently running in Spain and potential problems with cases involving athletes in Belgium. WADA could not, not be represented; it had to be represented. If it was not, decisions would be taken that were absolutely against the interests of the agency. He asked for the freedom to put before the committee in September two sets of figures – one would be a variation of the 2010 figures with the most up-to-date information WADA had and the second would be a first draft for 2011. Mr Lissavetzky had asked a perfectly fair question. He expected, since WADA had had such a

good year and since it had maintained and in fact marginally strengthened its unallocated cash, that the rate of increase in contributions for 2011 should be considered with the rest of the four percent in 2010 and he was running his initial projections at somewhere round about two percent. He was well aware that the International Olympic Committee had a great interest in that figure and that the governments of the world would have an interest in that figure as well, so he was happy to put that on record. What he could not put on record was what the expenses would be because there was a lot more work to do. On that basis, that was how he wanted to proceed. The Finance and Administration Committee, which would be meeting on 26 July, would also spend time going through every item of expenditure to find out from a purely budget point of view whether WADA was budgeting accurately – i.e. if WADA budgeted for expenditure up to 100 and the department only spent 87, in reality should WADA be budgeting at 90 just to make sure costs were checked across the whole operation and to keep these as strictly under control as possible? That was how he wanted to proceed and, subject to the committee's permission, would do so.

THE CHAIRMAN asked for further comments. At that point in the year, collections from governments were some seven percent less than the previous year. Hopefully, that would not translate into a shortfall, but the great success of the past could not always be guaranteed in the present. The gentleman sitting on his right had pointed out where there were no contributions to date and had his finger on a country called Greece. There were difficulties in Europe and who knew how it would all translate and whether WADA would collect the record levels that had been successfully collected in the past couple of years? All of this would be clear to Sir Reddie and his committee in July.

MR JURITH stated that it was incumbent upon those who represented the various regions on the Executive Committee to reach out to those countries that had not yet made their contributions for that year to ask them to get them in as expeditiously as possible. He would take that on board.

DECISION

2011 draft budget noted.

6. Legal

6.1 Legal update

THE CHAIRMAN said that the legal report was quite extensive and the focal point of what WADA's work was. It was the outcomes that were achieved, and the fact that they were frequently tied up in legalese was just one of those things that happened. There were rights and it came down frequently to the cases. That section dealt with a couple of other areas, more specifically the legal cases, including the European data protection and the Court of Arbitration for Sport issue, which had already come up a few times that day. He asked WADA's counsel to lead the committee through it and make the opening comments before opening the area up for discussion.

MR NIGGLI said that he would highlight a number of items in the report he thought were important. He would start by talking about data protection, not only because it was the first item in the written report, but also because it was an item that was still very much on the agenda in Europe. WADA had not changed its position on that matter since the previous meeting. WADA had clearly indicated on many occasions that it was absolutely willing to

keep an open dialogue with Europe on those matters where it could have some impact or where items were falling within WADA's competency. It had also been made very clear that WADA was not prepared to go to meetings or have discussions on matters that were purely European matters and over which WADA had no influence. It had to be clear that there was no change in the WADA position. It was a little sad to see that the same issues kept reoccurring when WADA would rather have some solution put forward. That was what would keep happening.

The Council of Europe had had a full-day meeting on the data protection issue during the meeting of its legal committee on 15 April in Paris. The issues that were still on the table, at least from the Council of Europe perspective, were the following: retention times (the issue of keeping the information and how long one kept information that was collected within the framework of anti-doping). WADA had been discussing and cooperating with it on that issue and work was in progress. Following that week's CAHAMA meeting, WADA would receive a position paper on the issue which it would then be able to circulate among all its stakeholders. That was a good example of cooperation and work in progress.

The other issue on the agenda was the issue of consent. That was quite simple; it was basically the view of some in Europe that consent from the athlete was not valid and therefore one needed another basis to allow for the transfer of data. That was fine. WADA had said from the beginning that its data protection standard allowed for various bases for this transfer and that typically this was a matter for national countries to deal with. If they had a problem with consent because they had either stronger data protection authorities or legislative problems, it was up to them to deal with the situation. What WADA did not want to hear was that there was no way of transferring data, because that meant giving up on the fight against doping and nobody would want to do that. So it was up to those governments that had a problem (and it was a minority of governments in Europe) to find a solution to this issue. WADA did not have any role to play on that particular issue.

Public disclosure came back on the table regularly. This was about publishing the decisions and the sanctions handed down to athletes. This was a matter in Europe which had been debated amongst the European countries. During the meeting of the Council of Europe on 15 April, some sort of a survey had been carried out among the members at the table; 13 out of 17 or 76 percent of the countries in the room at that time had published decisions with sanction. So, if 76 percent of these countries did that, it meant that one-third of Europe had a problem with it, but this was more a national issue than a European issue because otherwise one would have two-thirds actually infringing the law. And that was not the case, it was more a case of how it was dealt with at the national level and it was for those countries to deal with. If they wanted to come back with a common proposal, WADA would see, but that was not the case yet.

The transfer of data to Canada was almost becoming an embarrassing issue because the commissioner for Canada and the commissioner for Quebec had both gone to Brussels. They had had a hearing with the Article 29 Working Party and explained that WADA was fully covered under Canadian and Quebec law and that Canadian and Quebec law was adequate from a European perspective. But WADA still saw this issue on the agenda. If there was something to be done then it was for the European Commission to finalise the discussion with its counterpart. It was more an administrative issue than anything else. There was no issue in transferring data from Europe to Canada and that had been made abundantly clear. One should stop making it an issue when it was not.

Finally, there was an issue with data protection and ADAMS. Some countries still claimed that the use of ADAMS could not take place in their country for legal reasons. Twenty-one out of 27 EU countries were using ADAMS to a certain extent. So if it were really a European issue, then at least 21 countries would have a problem in Europe. It was a national issue for some countries and it was just wrong to make it a European issue. Italy had a problem, and WADA was working with it on solving it. The Netherlands had a problem so, if it needed help, WADA would be happy to help solve it, but it should not always be made a European issue all the time. On top of that, ADAMS was only a tool; the legal issue was transfer of data and ADAMS was actually helping the countries to transfer data. If they said that data could not be transferred, then those countries should not have sent any athletes to Vancouver because they had transferred data. There was some hypocrisy there. On the one hand, people claimed problems; on the other, in practice, people knew that it was happening. It was known that international sports required the transfer of data. Dr Schamasch had said in his intervention that the sharing of information was key to the fight against doping. Everyone was agreed on that. So information would have to be shared in Europe and one should stop creating problems and find a solution so that it happened, because that was what was needed in order to be efficient. So that was the direction he hoped would be taken. WADA was open to dialogue with Europe as long as this was an issue on which it could do something. WADA could not solve national legal issues.

Another difficult topic was the CAS. There had already been some discussion on the CAS. He would start with the change in the CAS rule 65.1, which had entered into force on 1 January that year. The consequence of the rule was that any appeal from an athlete or anybody else over a decision that came from a NADO or a national federation was not free any more. It was not free to the athlete, it was not free to WADA, it was not free to the International Federation that was going to appeal it, and the costs had to be paid upfront to the CAS in order for the procedure to start. To give an idea of the magnitude, there had been two cases already since the beginning of the year and in both of these cases WADA had had to put about 28,000 Swiss francs up front in order for the case to start. That was a lot of money in the budget. In the documents, the members would see the answer WADA had received from the CAS on 30 April on the issue. The CAS was claiming that it would compensate the winning party at the end of the procedure. Unfortunately, experience thus far had shown that this did not happen, or not to the extent that it should. Therefore, it was doubtful that, if one had to advance the funds, they would ever be recovered. The position of the CAS in the letter was clearly that it needed more funding, that the increase in cases had resulted in some budget issues for it.

WADA was not questioning that; there might be some budgetary issues to be discussed, but WADA thought the choice it had made in instigating rule 65.1 was wrong. It was wrong for a number of reasons: first of all and most importantly, it created a real inequality of treatment among athletes. An athlete tested by his or her NADO who wanted to contest whatever sanction he or she had received would have to have the money to do it, but for an athlete tested by his or her International Federation, it would be free. That was wrong; they were all under the same code and regime. How could one have two different ways of having one's rights scrutinised? On top of that, it was being determined by money.

On top of that, it was known that there were challenges for the CAS at the moment. The Wickmayer case in Belgium more than anything else, including the case on whereabouts,

was a direct attack on sports arbitration and on the CAS. WADA was giving arguments to the people challenging the CAS by having these kinds of rules. They would argue: “Why should our athletes have to go to a foreign arbitration court, which is more expensive for them than going to a civil court?” This was the kind of argument WADA was going to face if it continued in that direction. And they might win. They might end up before civil courts and the whole purpose of having an arbitration sports system would fall apart. He did not think this was a clever idea. One understood that the CAS might have some monetary issues. Mr Lissavetzky had said that the governments in Europe were supporting WADA’s position. WADA urged its stakeholders and the other parties, in particular the Olympic Movement and the IOC (which was a funder of this court), to insist to the CAS that, while WADA was ready to discuss and find a solution to the problem, this rule should not be the way of doing it because it would create a lot of problems.

The other issue with the CAS was the cost of litigation and how much money one was awarded when one won a case. Again, this was highly unsatisfactory for WADA. He regretted that Mr McQuaid was not there that day, although hopefully he would be there the following day. One example of this was the Valverde case, which CONI, WADA and the UCI had won. The UCI and WADA had received nothing from the CAS. CONI had got about 12,000 dollars, which was minimal. Each of these organisations had spent more than 250,000 dollars in costs in preparing the defence and so on in this case. So WADA had got nothing for reasons that it considered unacceptable. When it had raised the issue with the CAS, the CAS had said in response that the members would see on the table that this was a discretion it had and it did not intend to change the rule.

That was a big issue because some professional athletes (and the Valverde case was a good example) were making probably more than four million a year and had more means to fight their case than WADA did. In Valverde’s case, he had tried to delay the case and the outcome through every possible avenue. That was his tactic. That was fine, he could choose to do that, he could have a fair hearing, everybody was playing by the rules. WADA went there and had a three-day hearing but, at the end of the day if Valverde lost, there was no reason why WADA should have to foot the bill. Frankly, it was hard for WADA to understand the CAS position on that. Those who took this litigation approach (he was almost tempted to say the American way of litigating) would have to pay the bill. It was only fair; otherwise, the whole system would one day be bankrupt. WADA hoped that the CAS could understand that and that those with influence on the CAS could highlight the fact as being of concern to all organisations. If WADA put the money up front, it needed to get some back if it won. In some cases, athletes were not professional, they had no money and in that case there could be a gentleman’s code, but not in cases like the one just mentioned.

Finally, still on the CAS, there had been an interesting decision on a TUE. It related to the Berger case. He would not go into the cost issue there, as it had already been discussed. The main issue was the fact that the CAS had actually indicated that, for TUE matters, it could see and review new evidence that had not been presented at the time the TUE had been issued by the panel of medical doctors in charge in the first instance. This was a worrying point because it meant that, in TUE matters, which were highly medical (and that was what it was – a medical debate), one had new arguments in the appeal. Inevitably there would always be new arguments brought by the athlete who was appealing which would then be dealt with by a panel of arbitrators. That meant they needed some expert opinion from doctors because they could not make the decisions themselves and that added

to cost and time. It did not make the system cost-efficient and realistic, so WADA had suggested to the CAS that it should examine with the CAS a special procedure for TUEs that would probably make it faster and cheaper. The CAS had more or less rejected that idea in its answer. WADA would look into the Code and at how it could itself change the rule, but WADA thought that it would be appropriate to have the CAS entertain at least the idea of a discussion on how one could have something practical for TUEs.

He turned to the Belgium case involving Wickmayer and Malisse. This was pending in the CAS and Belgium and a lot of places. WADA was involved but the members should be aware and were encouraged to read the quote in his report. There was the decision from the Belgian court, in which one could see a statement saying that the CAS had not fulfilled the requirements of Article 6 of the European Convention on Human Rights. This was a very strong and very dangerous statement. If this were to be upheld at a higher level and to become European jurisprudence, every CAS decision could be challenged in Strasbourg every time. That was a dangerous situation. WADA did not think it was right or that this should have been the outcome, but this was what the court had said. Everyone should take that seriously. WADA was intervening and would try to partake in all litigation to which it was admitted. WADA would try to defend it, but the CAS should also realise that this was something that was a threat to it and WADA had suggested in particular that CAS should discuss the issue at its seminar in September. Everybody should be very careful. At the time of the Bosman case in Europe, nobody had been expecting it to happen, especially not football, and then it had happened and it had taken ten years for football to get re-organised. If there were a decision like that at a European level, the whole of sports arbitration would have to be reconsidered, which would not be helpful to anybody.

He turned to the list of cases as he wanted to make a few points. He did not want to comment on Valverde. There was still one pending case. WADA hoped to have a decision by the end of that month, but it was in the hands of the CAS. One of the things that Valverde had done in this case was to challenge one of the arbitrators – namely Mr Haas, on the grounds that Mr Haas had been the chairman of the Independent Observer mission in Athens. This had gone up to the federal court in Switzerland and had been rejected by the federal court. Valverde had appealed the decision before the federal court, so there was one pending case there at the moment.

Another case was case number 1 under the pending cases heading; it was called “Didier”. The case itself was not of particular interest, but it had been the first one in France in which WADA had had to go before the state council because WADA had no right of appeal to the CAS. WADA was not sure if it had this right of appeal, but the French Government had just adopted a new ordinance that clearly now granted athletes this right of appeal in France, so this matter should not reoccur.

Case number four, Cabreira, had now been resolved and WADA had won and got a two-year ban. This was interesting, because it had not been a positive case, or a typical A and B case, but a case in which WADA had been able to prove tampering with protease put in the sample to destroy the traces of EPO. It had taken quite a number of efforts for the Portuguese NADO and for WADA to bring the right evidence before the CAS. WADA was quite satisfied with the outcome.

He highlighted the Cañas case. Cañas had lodged a complaint before the European Commission. His complaint had been rejected and he had decided to bring the case before

the European Court of Justice. WADA was intervening in this case in order to play a part, so that it could ensure that the right argument would be put forward. So the Cañas case was not over yet.

Both in the Wickmayer-Malisse case and the other challenges to whereabouts, WADA knew that there were interest groups. Some of these union groups that had an interest in having some precedent at the European level were claiming that everything should be ruled by European law. Cañas had no interest as an individual in bringing this matter before the European court. He was not playing any more; he was a coach. He did not even appear to have the money to do it, but the case was going forward. Who was behind it? There was a question there. It was not by chance that one saw a lot of cases going the route of the European Court at that moment. It was a real attempt by some to try and create some precedent in that direction.

THE CHAIRMAN thanked Mr Niggli and invited the members to make comments and ask questions.

MR LISSAVETZSKY thanked Mr Niggli for his work and for the information provided. He referred to item one in the report, relating to Europe and data protection. This was a question of inference, and he meant that in a positive sense. He was more optimistic than Mr Niggli because he had had a positive experience, which was that, through open dialogue, solutions could be found. An example of that was what had been approved in April 2009 – the International Standard for Data Protection. It had been at a standstill for a while, but it had been possible to move forward thanks to open dialogue and the creation of a working group between the Council of Europe, WADA and the European Commission itself to deal with the issue. Due to this, WADA was able to move forward in this way.

Another useful example was retention times. There was no problem in that respect, as Mr Niggli had said. Mr Lissavetzky had been mandated by the CAHAMA to say so at the meeting. The document had been completed and, according to the WADA decision, it could be distributed to all of the stakeholders within the anti-doping system. A second step forward had been taken. Mr Niggli had spoken about the question of consent, dissemination of information and data protection, etc. That was a question of disclosure. If two steps forward had been taken, why not go further?

Strictly speaking, and referring to item 7.0, there were good guys and bad guys. It was a question of different legislation because, sometimes, one could not apply good objectives and good ideas as proposed by WADA because of legal impediments. As Mr Jurith had said, WADA had to be aware of its own jurisdiction. It was Mr Howman who had said that WADA would try to persuade people when talking about major leagues. Of course, there was no jurisdiction over major leagues, but this was also true for countries. WADA had to try to establish dialogue. When one reached item 7.0, one could see that there were two columns – one column said rules and those who complied with the 2009 Code and those countries that had different controls. Out of those countries that did comply with the 2009 regulations, there were 26 that had had no surprise monitoring, and out of those that had had surprise controls there were 25 that did not completely fulfil this question of random testing. Some of them were European. He did not know if it was more important to say that they complied with rules and had no random testing or the other way round. Ideally there should be both, but there were 19 European countries that did not comply with

regulations. Was this by chance? No, not at all, it was a question of legislation. He really did not understand the legislation of each country.

For example, Spain was working with WADA very closely to try to correct things and respect the Spanish constitution and legislation, but also to change things. Spain had to try to change decrees. He did not want to talk about this, but Spain had changed things according to WADA's wishes. Of course, it was easier to comply with regulations if one had proper laws. One could not punish people who moved forward. Those were the countries that had established laws. Governments had to have the capacity to accept what people said in the anti-doping community and to adapt such legislation, but the anti-doping community had no jurisdiction over countries. WADA had to work by persuading people.

On the question of professional or major leagues – was WADA going to be permissive with some and not with others? In Europe, 50 percent of the financing came from Europe – government funding, and Europe wished to move forward and to continue the fight. This could only be set up with discussion. He congratulated Mr Niggli on doing a wonderful job. WADA should be flexible and have dialogue. It was not by chance; somebody might not fully agree. It was a problem. There were the four subjects mentioned, maybe they followed the law closely. He could not go to his country and say Spain did not have many problems. There were some problems – trafficking, distribution and people who tried to induce people into doping, etc. That was one thing, but it was going to be very difficult for the Spanish position to change. If the state council said that one could not do something, then it could not be done. One would always try to find a way out. Therefore, WADA should not be pessimistic. WADA was progressing and particularly in Europe there was very good legislation because it kept improving as compared to WADA's rules. He concluded by stressing the importance of dialogue. Of course, there was the question of the CAS, but matters should not be exaggerated.

MR RICCI BITTI thanked Mr Niggli for his very professional report. He was sad to hear that there was some frustration in the report in some parts. This frustration had been compensated by the optimistic intervention by Mr Lissavetzky, who represented the political side, which was much more positive. He agreed with Mr Lissavetzky in that many problems could be solved by trying to persuade the counterparts. He wanted to give his perspective on the CAS as a representative of a sports organisation engaged in the field. To put matters in pragmatic terms, his first two concerns about the CAS were the qualification of the judgement and the consistency. This was his concern, because he felt – and he had discussed this many times with the president of the IOC, who agreed with him – that the CAS was a young organisation and, to gain credibility, there had to be consistency and quality. An effort had obviously been undertaken and there had been an improvement on that. In terms of the inequality of the condition to appeal, he was completely against that and he had told somebody in the CAS that everybody should be in the same condition before this body. The answer he had received on that was that the CAS needed money. This took him on to the next problem, which was funding. He was not completely sure how the CAS was funded, but the IOC was playing a very important role. This problem had to be solved because WADA could not accept the CAS becoming a success only for a group of specialised lawyers. Athletes needed a solution that was as cheap as possible; ultimately, it was the athletes who funded the CAS through the IOC.

His last comment was about the interest groups. In tennis, there was lengthy experience of professional athlete associations. One had to be very careful. The Cañas case was a

good example – Cañas was not playing or even coaching any more, but had decided to go down a very, very expensive route in terms of a legal case before the European Court of Justice. One had to be careful because there were surely vested interests. The athletes (and he was sorry to say that in front of Ms Bokel, who was a very smart lady and was doing a great job in the IOC) were used all the time by people with very clear vested interests. There had been a stabilisation period when things had improved but at the beginning it had been very dangerous; there was always somebody behind them.

MR JURITH noted that Mr Niggli had mentioned that, a lot of the time, it looked like American-style litigation, but the irony was not that none of it was in American courts. Governments had an obligation around the table. Going back to 1999, WADA had been created to bring harmonisation and transparency to what was being done. It had been agreed that, in the jurisdiction under the Code, a government or sports organisation would follow an agreed upon and uniform set of procedures and, if those procedures were impeded by national law or continental agreements (as in Europe), then it was incumbent upon the governments around the table and on the Foundation Board to work to change it. It did not make sense to have one group of athletes who happened to live in one part of the world relying on treaties or conventions that frustrated the work that WADA was trying to do. That was the responsibility of governments to work and change that. It had nothing to do with professional sports. The point was that they were outside WADA's mandate. So, instead of talking about what would those professional sports might be doing or not, it was the obligation of both governments and sporting movements around the table to make sure that their national laws and the procedures of their sports organisations were consistent with the Code. These were the people who had signed this Code, who had signed the UNESCO convention. One should not talk about the problem over there because one could not do anything about the problem over there. WADA should talk about the problem within WADA's jurisdiction and he would defer to those who had more expertise in dealing with that CAS than he did but, if that body was not going to be cooperative with WADA, then WADA should look for alternative mechanisms to bring these appeals.

PROF. LJUNGOVIST said that what Mr Jurith had said was correct and one reason why WADA had been created, to deal with the problems sport faced with the different legislation and laws and rules around the world in different countries. This was one of the *raison d'être* for WADA. If WADA could not uphold that, then WADA was also at stake, so he urged everybody to follow up the UNESCO convention in making sure WADA could exercise its own rules. It was after all a mandate under the Code that WADA recognise the CAS as the highest authority in solving the disputes within the sporting world. If WADA for some reason accepted that some people did not abide by the Code, then there was the possibility of action within the rules to be taken. So this was a very critical and fundamental matter for WADA. He urged WADA to make sure that these were the rules that governed sport; otherwise, there would be chaos.

With the new CAS rule about paying for arbitration, Mr Niggli had said that people who were athletes who were tested by the IFs would be tested by NADOs, but it was not the testing, it was the decision, was it not? That was different. Take a federation like the IAAF, which never took a decision; it tested. The NADO took the decision. In such a case, was a decision taken by delegation? Was that understood or not, or did it need to be explicitly written? The other question was the TUE case referred to. He was surprised to hear that a court in such a case took a decision on new evidence. Was it not the normal procedure that,

if new evidence came about, one referred back to the first instance? He thought that this was not in accordance with normal juridical practice. How could that be accepted?

MR LABIDI thanked Mr Niggli. He had raised a number of interesting issues that needed to be examined further at the next meeting. It was not something that would be readily settled, because there might be different rules and regulations in the sports field or in another field, and that complicated matters. Mr Niggli had proposed a possible solution with the CAS – that governments or sports federations could intervene. But that was not a solution, as the CAS was a court and it had a legal role. It had been set up to settle private disputes and WADA had accepted its jurisdiction. Everyone in the sports world had done so. As to the financing matter, he had looked at the amounts and it represented a major expense, but one could not just forget a procedure that was well known and recognised in the sports world from the commercial or private point of view which said that, if one did not pay, it was the other one who did. The ruling would decide that the party who had not paid yet would then pay after the decision was rendered. One had theory and then practice. Theory was recognised but, in practice, how did one get somebody to pay afterwards? That was the problem. WADA might have to cover these costs itself.

As to the second issue or matter of the CAS rulings, it was a tribunal, it was a court that took a decision. One could not intervene. New evidence? Yes, that was a question that could be raised from the legal point of view. It was a very valid question. Now was not the time to go into it but, once a ruling had been made, nobody could intervene, except of course if somebody launched an appeal. That was why he asked that WADA further examine the matter to see to WADA's interests because WADA was greatly involved. Legal experts sometimes played procedures to sort of hide issues of substance. He hoped that, at the next meeting, the committee would be able to think this through, not having to do with the rulings and decisions, but rather the way in which these disputes were settled within the CAS.

MR BOUCHARD thanked Mr Niggli, who had raised some important issues. One of the items raised was related to Canadian and Quebec legislation. Following Mr Niggli's invention, there had been an intervention that suggested the importance of dialogue on that very first point. He had been very open in terms of providing information and sending experts to provide the appropriate information and respond to the questions that had been asked, and hopefully this would be helpful in finding solutions. If there were issues, although there did not seem to be any, with Canadian and Quebec legislation, then Canada would work on them and try to solve them. Secondly, with regard to the CAS and the costs that could become much more important than they were right then, what did one expect from the committee? Had Mr Niggli given some thought to the kind of support that the committee or that some countries could provide?

MS BOKEL said that she wanted to comment on the issue of athletes being used. She stressed the importance of athletes' commissions in order to improve communication and in order to avoid the chance of athletes being used for things other than sport.

MR NIGGLI responded to Mr Lissavetzky's question. WADA would remain open to dialogue but one should confine the issues to those in which WADA had a role to play and one should not involve WADA in issues that were a matter for Europe. He agreed with the comments from Mr Ricci Bitti, so he would not add anything. He did not have much to add

to the comment from Mr Jurith, only that there was a good school for lawyers, which was why many had learned how to litigate.

To Prof. Ljungqvist, on that issue it was necessary to distinguish things. The CAS had a rule that was that it could review things “de novo”, meaning that it could see new evidence. In every normal CAS case, one could have new evidence, and the CAS had the power to see that. That was probably quite a good thing in general cases because, in particular, when an International Federation or an organisation like WADA intervened only in second instances, it was important that WADA could provide the big picture even if it had not been dealt with previously.

TUEs were very particular because they were a medical issue. That was where WADA had to think about being practical – was it really cost efficient and practical to have new medical evidence discussed by a panel of legal people? In the TUE standard, WADA had actually clearly indicated that, when WADA was called upon to review a TUE case, it would base its review only on the documentation provided by the athlete to his or her federation or NADO because, if the athlete had new evidence, he or she could ask for a new TUE. So there was no reason why it should be dealt with only on appeal. That was not the CAS’s position. The CAS’s position was that, as with any other cases, it should have this power of reviewing “de novo”. That was where WADA should have a discussion with the CAS to find a solution.

Mr Labidi was perfectly right but, once organisations put out these costs or expended them, they would never get them back. That was a problem. Speaking of the CAS, or rather the ICAS (that was the umbrella organisation), it had changed the rules of the game before consulting WADA at the beginning of the year. WADA would have to discuss the funding of that institution if that was where the issue lay. But the rule that currently existed seemed dangerous to WADA; it did not want to influence the CAS or the arbitrators or anyone, but was concerned about how it was administered and managed.

In response to Mr Bouchard, the ICAS had a meeting at the end of the month in Lausanne. He would hope that any members present who had any link or contact with ICAS members could pass on the message that there was a general feeling that this rule was not appropriate. There were many questions to be addressed in the longer term. This particular rule could be addressed by the ICAS at its meeting at the end of the month, at least so that in the interim there would be a reasonable solution, after which it would be possible to start discussing deeper problems on funding and so on. Those who were closer to this institution needed to pass on the message.

MR LISSAVETZKY stated that he was a bit disappointed with the second statement made by Mr Niggli. Europe was going to follow the same lines, even though he did not belong to the Commission. Spain was a European Member State, but would nevertheless continue to fight to ensure dialogue. Therefore, WADA could contribute a lot. One should be consistent; one should be able to respect the spirit that enabled everybody to solve problems, whilst knowing that in every part of the world, countries had their own legislation. He was rather mystified about whether WADA was in favour of dialogue or not. He had been given a mandate for the following day to say that, if there were no solutions, or proper rapprochement, then this debate would take place with the Foundation Board and it would go all the way to the Council of Europe. Basically, he wished to try to make WADA members get closer to each other. The governments wished to change things, but WADA should help.

In WADA, the members should all help each other. It was not a question of somebody teaching somebody else. It was just a question of saying that countries in Europe would continue with dialogue because they had fought against doping and would continue with anti-doping campaigns and would try to resolve legal problems. It was not a substantive problem. It was just a question of legislation. As a good lawyer, Mr Niggli would understand that there were such problems. Europe was trying to overcome them. Therefore, since Mr Niggli had given an answer in five or ten seconds, could he please respect this spirit of dialogue? As they said in Spain, "We should not extinguish fire with petrol, but with water".

THE CHAIRMAN pointed out that WADA was always willing to have dialogue on matters that affected the WADA Code and matters that were relevant to WADA's custodianship and responsibilities with respect to the Code with any country anywhere in the world. What WADA had found, however, and the example Mr Niggli had given was a matter of relevance, where there was good dialogue occurring, which would undoubtedly continue, related to the question of retention. That was very much an alive issue. Where WADA had had difficulties on matters, where there seemed to be disputes in some countries based upon their national laws, WADA did not see itself as a party that could effectively arbitrate or input information into the national laws of individual countries. So where these matters were specific to countries in Europe, then WADA said it was by all means there to give them advice on background, but it would not attend meetings concerning them. That was not its responsibility. Nor had it been given a budget to do that, but WADA would certainly provide on any submissions made to it some input that would give some broad guidance. But European countries had to resolve those issues and WADA wished them well. He needed to make it clear that WADA was not closing any doors and never would. These issues were matters that had only come up in one region of the world, and that was Europe. They had not come up in other regions of the world for reasons he did not need to go into. WADA hoped that ultimately there would be outcomes. WADA had been told by a lot of individual countries – and he would not give any detail – that they did not understand some of the concerns that were constantly expressed in meetings that took place in Europe and they did not have the same concerns that seemed to be expressed in the outcomes of such meetings. So one was right to resolve these matters as best one could within one's own dialogue. WADA would assist where it could, and would be actively involved in matters that were the responsibility of WADA to bring about results as it had done in the past with the process started in Barcelona at the meeting in question. He hoped that the matter was now clear.

PROF. LJUNGOVIST said that there were two questions that had not been answered and thanked the Chairman for answering one of the three. He had a further question, which was whether, in a case in which a federation did not take a decision but only the NADO did so, that by inference was regarded as a decision taken by delegation? He had another question. His understanding was that under the WADA Code – and the Code was required for the eligibility of an athlete – the athlete had to respect the CAS as the ultimate decision-making body in disputes in sport cases. Of course it could be appealed but then the appeal would be to the Federal Court of Switzerland. If one went somewhere else, was it a violation of the Code?

MR NIGGLI replied that the CAS had foreseen in this provision that, if the decision were taken by a national federation on delegation from the International Federation, then the appeal would be free. That concerned only two federations – the IAAF and the UCI. That

would be the case. As for the second question, in theory the CAS was the ultimate appeal body and that would be the case under IF rules but, under national legislation, it could be different and, if an athlete won before a civil court, the International Federation might be in a tricky position to make a decision that went against that or was different from that. WADA should encourage every athlete to follow the process and every national legislation to recognise the CAS as a valid appeal body in sports matters. That was what happened in most countries, which recognised that the CAS was an independent institution of arbitration, and a valid arbitration agreement would make a civil court decline competency, but the example in Belgium showed precisely the opposite, so it was not black and white.

DR SCHAMASCH said that he had a question about item four – Cabrera. He was not too familiar with the case, but there was a bit of a problem there within the CAS because it had taken the CAS more than four months to deal with something that definitely involved abuse. It had been excessive for some form of manipulation or handling or mishandling perhaps. So if it took four months to deal with such a case, how much time did it take for the CAS to decide other cases? Something had to change there. It was not something WADA could do, but it could ask itself questions. This seemed to be a rather simple tampering case. It had taken more than four months; it had taken four months between the hearing and when the ruling had been handed down, so that was the part of the iceberg that was under water. It was not a classic case, and arbitrators must have asked themselves other questions, not the usual questions that they dealt with. The speed with which one went from the appeal all the way to the ruling had been commented on earlier. This length of time was not satisfactory in terms of the law, the athlete and what the final outcome would be. It took too long (although not always), also because of the way the procedure took place and the kind of defence tactics that the athletes themselves used to play the game. One athlete had used every possible means so that he could have a much later decision handed down.

THE CHAIRMAN stated that WADA would continue to supervise and do what it could in its sensible way to solve the CAS problem. The members would respect the fact that there was the right of every individual under the laws of his or her nation to take whatever action was seen as appropriate to protect his or her rights. WADA's Code said that it should be the CAS. WADA's concern was that, because of the way in which the CAS was operating, athletes in particular, or litigants in general, would go elsewhere and therefore simply destroy this court, which had been designed for sport on the basis that it was accessible by not being too expensive and that it was prompt in the manner in which it delivered outcomes. The Vice-President had told the IOC at its meeting in Vancouver that there were still decisions pending from cases dealt with during the Beijing Olympics in August the year before last, so that hardly qualified as a prompt outcome.

The governing body was the ICAS, and there was nothing wrong with any of the members saying to those who governed this Court of Arbitration for Sport that there was disquiet and concern in sporting ranks and in the anti-doping ranks about the direction in which this particular body was heading and that it was necessary to find solutions. WADA would not say anything publicly as it should not; as a litigant itself, it was not for WADA to express any sort of concern in the public arena, but it was up to all of the members of the Executive Committee to see if the CAS could be got back to the outcomes that had been sought in the beginning and the reasons for which it had been established by the IOC in the early or mid-1990s. WADA had an ability to bring about that. In the appropriate way, WADA would continue the dialogue. There was a letter that had been responded to which

had come in only a few days previously from the CAS, not long after the Executive Committee papers had been distributed. WADA would continue to express the views that the members had given WADA and debated that day to achieve as best as possible a body that would deliver what it had delivered in the past in the interests of sport.

DECISION

Legal update noted.

6.2 Interpol

Item dealt with in the Director General's report.

7. World Anti-Doping Code

7.1 Interim Code implementation and compliance report

THE CHAIRMAN said that WADA had decided the same time the previous year that at each meeting there would be an updated progress report on Code implementation and Code compliance.

MR ANDERSEN informed the members that this was an interim report. The compliance report would be issued in November the following year. So this was just an update. Members would see a more comprehensive report listing countries and International Federations that had accepted and implemented the Code. There was also a list of those NADOs and International Federations that had anti-doping programmes in place. Since the previous December, WADA had reviewed a number of the rules from anti-doping organisations and 31 sets of rules had been declared in line with the Code. It was worth mentioning that 654 anti-doping organisations had now accepted the Code, and that was a considerable number of anti-doping organisations. In the addendum to the report that the members would have received that morning, there were certain countries and International Federations mentioned.

Singapore had recently established its anti-doping organisation, its NADO, and it had submitted rules to WADA and been declared in line with the Code, which was good to report in light of the events that would take place that summer. WADA was moving towards enhancement of programmes. The implementation of rules was one thing but, as had been mentioned before by Mr Lissavetzky, the enhancement of programmes was what was currently attracting WADA's attention. The Director General had mentioned earlier WADA's focus on certain national anti-doping organisations. WADA had good cooperation with SportAccord in terms of the International Federations, but it was moving towards measuring the quality of anti-doping programmes around the world. WADA would soon print on its website a questionnaire, the results of which would give WADA an opportunity to look more closely at how anti-doping organisations were doing. Quality versus quantity was what WADA would be focusing on in the lead-up to the 2011 Code compliance report. All the facts and figures were in the report and he would be happy to take any questions.

THE CHAIRMAN asked if there were any questions or comments.

DECISION

Interim Code implementation and compliance report noted.

7.2 International Testing Standard (whereabouts)

MR ANDERSEN said that the Executive Committee had been asking the WADA management to review the International Standard for Testing. There had been media reports from athlete groups and others that the system should have some improvements. WADA had done a survey amongst all of the stakeholders and received lots of responses to that survey. The global response to the question about whether people wanted a whereabouts system was: "Yes, definitely". There was a need to have a whereabouts system in place in order to conduct testing. That was the core of what was being talked about – not the whereabouts system in itself but the whereabouts system as a means to reach the goal of effective out-of-competition testing. That seemed in many ways to be forgotten when WADA discussed one hour, five minutes, two hours, and things like that. In order to conduct effective testing, WADA needed to have a whereabouts system in place. WADA was not saying that millions of athletes would have to give whereabouts information on one hour a day, any time, anywhere. WADA wanted anti-doping organisations to establish testing pools that were proportionate to the level of the athletes. That required some sort of a risk assessment.

This was the context. The response to whereabouts had been very positive. The response was also that WADA needed to make some minor adjustments to the system in order to find solutions. The IST had entered into force on 1 January the previous year and the review that the members had asked for would be completed by the end of that year. WADA's question to its stakeholders was whether the IST had supported effective testing, which was, as he had mentioned, the important thing. If it had, did WADA need to make any minor modifications and, if it had not, what modifications might be necessary? Those were the questions, and he would give floor to Mr Kemp, who was managing the whereabouts process, to give a presentation on the stakeholders' responses.

MR KEMP said that, as Mr Andersen had mentioned, the IST had come into force in 2009, so the review of practice had been limited to that period of time, just a little over one year. And certainly the international standard was still in its relative infancy, although whereabouts itself as a principle was not. It was important to consider that the review during the limited period had focused on the application of the requirements, more so than the requirements themselves of course, because one could really only evaluate the requirements if one could see them in practice, in order to see their strengths and flaws. Generally speaking, it was perhaps too early to understand whether or not the requirements were the right ones. However, the process established was very much a quantitative one in that a survey had been provided to all of the stakeholders to complete so that WADA could quantify the application of the whereabouts programme. From that survey process, WADA had received a little over 80 submissions, 51 of which had come from international sports federations and 31 of which had come from national anti-doping organisations. Following the submission of the surveys, a small working group had been formed by WADA, composed of both International Federations and national anti-doping organisations. Many of the members of the working group were the same members who had helped develop the standard in the first place prior to 2009. It had certainly been interesting to review the

submissions provided. However, it was important to note that that did not perhaps depict an overall impression of what had been done. Really, the information provided in the survey was the application by those who had made an effort. If one considered that there were more than 600 stakeholders, 80 submissions was relatively small in the large picture. One also wanted to understand what obstacles there had been to implementation to that large majority excluded from the survey process.

So that survey had been formulated back in December and the working group had reconvened in March to reconsider the submissions and to decide on what steps to recommend going forward. It was worth noting that Ms Bokel had been part of that working group in March and that her input had been invaluable. The initial findings as outlined in the report provided were that it seemed that there had been a disproportionate application of the requirements. As Mr Andersen had suggested, the whereabouts requirements were very much meant to support effective testing, not to be an end in and of themselves. It would appear from the data received to date that, unfortunately, many anti-doping organisations had seen the whereabouts requirements merely as a box they needed to tick in the compliance process, without a larger consideration as to why that box needed to be ticked and what the relationship was between whereabouts and whereabouts testing. That said, for those anti-doping organisations that had employed the standard, it would appear that it had worked well with respect to missed tests and availability of athletes. The data suggested there had been efficiency in the testing that had been conducted based on the whereabouts because there was a low incidence of missed tests and a high incidence of successful sample collection.

Another point that had been made abundantly clear in the survey was that, although perhaps some anti-doping organisations were ticking the box, it was acting as a catalyst for them to develop an out-of-competition testing programme in the first place. This was important to consider inasmuch as many of the comments that WADA had received about whereabouts had perhaps actually been about out-of-competition testing in general and the burden that that placed on many anti-doping organisations and the resources required.

Other initial findings included the fact that there had definitely been a benefit to athletes in the new harmonised process. Prior to 2009, although it had been mandatory to have whereabouts information, there had been no harmony across those requirements, so athletes had been subject to different requirements and different result management practices. It had definitely been to the benefit of athletes that they were now subject to the same programmes as long as the anti-doping organisations were actually applying the standard in the same way. That said, the anti-doping organisations had told WADA that they saw the process in the standard as being very time consuming, especially with reference to educating the athletes about the requirements to be in a registered testing pool, as well as the requirements related to results management should an athlete fail to live up to his/her responsibilities with respect to the filing of information or the availability for testing.

Another notable point through this survey process was that there had been insufficient evidence from team sports about some of the problems they had previously identified with the standard. So this was certainly an area in which WADA would like to collect more information and engage team sports and NADOs that included team sports within their testing programmes to see if WADA could find ways and means to come up with some

practical solutions to collecting information from teams. Not very many anti-doping organisations had applied the Article 11 requirements on team sport athletes, so it had been difficult to evaluate this information. Another point of concern was that it was quite apparent that, although the ITS in 2009 had restricted the missed test accountability period to 60 minutes a day, whereas previously it could conceivably be 24 hours a day that an athlete needed to account for his or her whereabouts, different organisations had been employing that 60-minute period differently for testing. Some would use it exclusively so that, if an athlete had been unavailable, there would be a higher likelihood that there would be a larger number of missed tests, while some anti-doping organisations had chosen to exclude it altogether, thereby avoiding the potential for any missed tests whatsoever. WADA had received information from them that suggested that they were still able to successfully collect the sample outside the 60-minute period, but it seemed that there was room for improvement in terms of harmonisation with the use of the 60-minute period itself.

The purpose of the whereabouts standard was to support the highest level of testing and it had also been apparent through the survey process that perhaps the burdensome requirements of the IST were not necessarily being applied to the correct athletes at all times. It was fair to say that an athlete should reasonably expect that if he or she was providing whereabouts information to an ADO 365 days of the year, he or she should expect to be tested regularly with that information. It was certainly a burden on the athletes and they should expect that that information was going to be used regularly. It had become apparent to the working group in reviewing the data from the surveys that perhaps this was not the case, that whereabouts information was being collected and that it was never being used. Certainly an athlete would perhaps have the right to voice concerns about this if it was not used. WADA thought that perhaps a way to improve the relationship between whereabouts collection and test application was to ensure that there was a link between the two, and that link should be the risk assessment that was required in the IST before the formulation of a test distribution plan in the first place.

So, WADA would like to see that each anti-doping organisation considered predominantly the physiological risk of doping within its jurisdiction and then added the other variables that one would consider, such as the financial incentives to dope, etc., before formulating the pool of athletes for whom it would collect whereabouts information. Only then would one actually be supporting effective testing because one would be collecting whereabouts information from those athletes actually tested. So perhaps this was something that could actually be improved in the International Standard for Testing.

There had also been a great deal of feedback on the requirement for whereabouts information during in-competition periods. Different anti-doping organisations could define what constituted their in-competition period so, for many, it was quite literally the first drop or kick of the ball until the final whistle, while for many organisations it was an extended period that might preclude other organisations from conducting testing during that period. It was predominantly for that reason that the in-competition period had been to include whereabouts, but that seemed to have caused concern for some ADOs as they felt that they already had the whereabouts information that they required to conduct testing during an in-competition period because they knew where the athletes were staying at an official event or where they were training or certainly where they were competing during that period, so this was something else that had been apparent from the surveys that WADA had received.

Also, in fairness to athletes, some of the comments that had been heard from athletes and also from the ADOs on their behalf during this process was that, at the end of the day, the declaration of a missed test could very much become a situation of the “he said, she said” sort, whereby the doping control officer reported that all attempts had been made to identify an athlete at the location designated – the 60-minute period – but that the athlete during the results management process said: “I was there, you didn’t ring the doorbell. It must not have been my house, etc.” Certainly, there was an obligation on the doping control staff to do their job professionally and to document their attempts appropriately, but some feedback had been received and some consideration should be given to the concept of providing a phone call at the end of the 60-minute period, not to arrange a test but to actually confirm whether or not the athlete was indeed there. Such a process would really be in the athletes’ interest to really give them every opportunity to make themselves available so that a missed test was not inadvertently declared against them.

Finally, there had been some good feedback from anti-doping organisations on the 60-minute period itself. Most anti-doping organisations appreciated that having a limited period of accountability for a missed test was a good thing, because trying to enforce a 24-hour system was unrealistic. However, there had been some good feedback about whether or not the period could be extended. Currently, the period in which one could provide a 60-minute period was from six in the morning to eleven at night because most anti-doping organisations did not want to intrude on athletes overnight and were unlikely to ask them to specify a 60-minute period overnight. Perhaps consideration should be given to expanding it, perhaps one hour at the beginning or one hour at night – five in the morning or even up to midnight later on during the day.

At the end of the day, although that was some of the major input, it had become quite apparent to the working group that a lot of the tools to implement the standard properly were already there but perhaps they could be complemented or enhanced. There was, for example, a very thorough whereabouts guideline on implementing an effective whereabouts programme. Ironically, it was almost longer than the standard itself. It was almost a practical recipe book on how to implement the standard and those ADOs that had used this guideline had found it quite helpful. But perhaps it might be useful to take some of this practical advice and build it into the standard itself, so that they implemented the standard in a meaningful way and were not ticking the boxes inasmuch as they were understanding the intent of the requirements and then applying them appropriately. He also felt that it would be possible to build on that guideline to address this issue of risk – the fact that the aim was to make sure that only the top-level athletes who were at high risk for doping were providing this level of detailed whereabouts information. One possible way to do this would be to develop a guideline on the model of best practice on the formation of test distribution plans to begin with. It would be important to consider that there was not a one-size-fits-all approach for test distribution planning, because it was necessary to consider the risk factors of the jurisdiction as well as the resources available to different organisations. One could not tell a given sport that it had to do “X” number of tests if it was just not financially pragmatic or perhaps if it had other priorities within its anti-doping jurisdiction such as education and development of larger infrastructure. So, that being said, one could foresee the need for a test distribution planning guideline or a model of best practice, and also the need to give more guidance to anti-doping organisations on how they could develop a registered testing pool that would suit their resources and their objectives with their testing programmes.

In terms of going forward, WADA had really only been able to evaluate the information it had received on application and WADA would like to do more work to understand what obstacles there had been for those other anti-doping organisations that had not seemed to be able to implement the standard. WADA needed to understand – was it an issue of comprehension of the standard, did the standard need to be re-articulated or re-written in such a way that it was a little more user-friendly, or were there fundamental issues related to whereabouts and test planning that needed to be better articulated?

From the feedback received, there were perhaps some small things WADA would do to improve the standard both for anti-doping organisations and athletes, such as extending that period in which an athlete could provide his or her 60-minute period. WADA was confident it could develop these complementary resources to assist athletes and also anti-doping organisations to implement the standard. But WADA did feel it needed to reach out far beyond just the 82 organisations that had completed this survey in order to understand their experience since January 2009 with respect to their attempts at implementation. It also needed to discuss with those organisations that had been unable to implement the standard or that had ideas about what had been working well for them that could perhaps be incorporated in the 2009 standard. So it would be WADA's recommendation and its hope that it could extend this review past this interim period to provide a final report in November. Certainly the paper provided had delved into some of these issues in far greater depth than he could.

MR RICCI BITTI thanked Mr Andersen and his team for a very, very extensive report and for representing the organisations on the field and the NADOs' point of view. This was a great analysis and very useful. He only had one comment. He was worried that this wonderful document, which was to be finalised in November and needed to have some adjustments in terms of decisions and flexibility regarding the existing standard, appeared to be rather a long process. The document was excellent, and he believed that the management should draw some conclusions and make adjustments as soon as possible, because time was of the essence.

MR JURITH said that Mr Andersen and his team had done an excellent job on what had been a very controversial issue, particularly when many of the NADOs had had lengthy discussion with the US anti-doping agency about this issue and they had been very involved with Mr Andersen as he had undertaken this study. The roadmap laid out was a good one and would get WADA hopefully in November to where it needed to be. He urged WADA to think about the process and about getting better guidance out in terms of how to do the whereabouts and how to construct the testing pools. He agreed that a one-size-fits-all process would not work here, but it was WADA's responsibility, the responsibility of the Executive Committee and the Foundation Board to make sure that, as part of this guidance, there was a mechanism in place that gave assurance that as the testing pools were created the right number of athletes were in those pools and the right type of athletes were in those pools and that WADA had some kind of mechanism to examine that. Part of the guidance needed to be some mechanism so that WADA could objectively look at what was being put forward to make sure that it indeed made sense.

DR SCHAMASCH congratulated Mr Andersen on the presentation. He had a question about harmonisation. He was looking at the last sentence in attachment 2 on the Interpol report, which stated that there was evident proof that there was a lack of harmonisation in terms of anti-doping regulations and legislation so that a bit of a niche could be created

when it came to doping. Mr Lissavetzky had said that WADA needed to speak and discuss and have dialogue. Could the monitoring group possibly give the Executive Committee and all of the members of WADA an interim report on where the legislation was at in the various countries? Most probably it would be done the following year, but an interim report for the next Executive Committee and Foundation Board meetings in November would allow the members to see whether it was possible to have a niche set-up and then government partners could perhaps tell WADA what could be done. So, was the monitoring group in a position to give an interim report as WADA had already done?

PROF. LJUNGOVIST said that he had noted that responses had been received from 51 plus 34 organisations. He agreed there was a need to expand this. He recommended the inclusion of some athletes' commission bodies in that. He referred in particular to the controversy earlier with respect to the one-hour slot. One question was whether that was still an issue and whether there had been any serious comments from the NADOs or the IFs on that matter, because it was very important to get the input from the athletes as well as the organisations that were supposed to test them. He asked if that could be considered for the future.

MR ROWE echoed Mr Jurith's previous comments. He added that there was something he would like to see in the construction of the registered testing pools, which was the connection or the way in which investigations or intelligence from investigations was informing the construction of the registered testing pools. In Australia, that was an extraordinarily important component that was used in constructing testing pools and the comment made had been exceptionally helpful in understanding the purpose of the registered testing pools. Once that was understood, a number of the other issues that evolved from the use and construction of the pools perhaps were not so arduous. That could actually become a tool to help rather than an onus on the organisation.

THE CHAIRMAN noted that this had been a good effort. Clearly, there had been concerns expressed. The major ones expressed the previous year had been in the first quarter of the year when there had really been inadequate time for any implementation of the changes that had commenced on first January to have occurred. That had been disappointing. At the time, WADA had responded by consulting as widely as it could and the Director General had had to do a lot of travelling to do that, particularly to some of the team sports expressing concern. WADA had consulted widely and it had become apparent that WADA should not ignore what was seen to be, in the way expressed at least, impractical aspects of the standard, and that was the reason why WADA had stated that it would give it a year and then seek to have an examination of the practical application. What the report showed was that 51 International Federations and 30-something anti-doping organisations were not a lot compared to the 600-plus signatories to WADA's Code. But what the report did tell WADA was that, overwhelmingly, the whereabouts was a success. Its purpose had been justified; nevertheless, the anomalies did continue to occur. Mr Kemp had told the committee that, for example, there was a guideline that was lengthier than the standard itself. So WADA had to make sure the tools available for users and stakeholders were in clear, layman's language, not legal language, and could be understood by people who might not necessarily be educated to the nth degree in interpreting documents. WADA would do that straight away. Action would start instantly to ensure that the guidelines were written in clear, user-friendly language. These guidelines had obviously been interpreted in a very interesting way.

In a discussion with the IOC president in January in Lausanne, the IOC president's response to the observation that, in his country, Belgium, there were 700 athletes in the registered testing pool, had been that there were not 700 athletes of any standard that would warrant them being in a registered testing pool in the country of Belgium. That was not being critical of Belgium, but it just showed how variations of application did occur. WADA did need to get a number of factors into the guidelines that would assist the implementation. So, if there was a need for WADA to make any changes of substance, that would be apparent in the report in November, which would follow a more extensive consultative process. Ms Bokel had assisted on this committee already as a representative of athletes. Not just the sporting federations, but also the athletes' input would in fact be part of this ongoing process. Action would commence immediately, providing the members were happy to note the report and the assurances of the way forward or the discussion that had been had on the way forward. Action would commence immediately to develop a guideline in user-friendly language, which would be available at the earliest possible time to all of WADA's stakeholders.

DECISION

International Testing Standard update noted;
action to commence immediately to develop a
guideline.

7.3 Protocols for Code Article 15.1.1

THE DIRECTOR GENERAL said that this was an issue that had been raised in Stockholm at the Executive Committee meeting. He had been asked, when the management had been tasked with preparing detailed protocols on how WADA dealt with the mandate it had under Article 15.1.1, which dealt with International Federation testing at events at which national anti-doping agencies wished to do extra testing, to consult with the Executive Committee members Messrs Ricci Bitti and McQuaid, so that they would be able to be alert to the way in which WADA looked at this mandate. They had been able to give pretty useful feedback and the net result was the document that was in the papers; it showed the way in which WADA would respond to any situation in which a national anti-doping agency did ask to be involved and to do extra testing. The same protocol would apply should an International Federation wish to do testing at a national event, so the similar sort of protocol would apply if the reverse were the case. It set out a process that was detailed, and it really spoke for itself. He was available to answer any questions in relation to the way in which it might work. He simply asked for approval.

MR RICCI BITTI said that the sports side had identified one of the key issues to improve the effectiveness of any anti-doping programme: the complementarity between NADO and IF activity, and not the duplication. The problem had not been solved entirely, because there were some different points of view. With the last case in tennis, he had discovered something that perhaps would have been useful – that USADA had tested repeatedly what had already been tested, so perhaps coordination could have helped in being more effective and discovering something. This was further proof, if necessary, that WADA needed to work very hard on this. This was the first example. He thanked WADA because it was an unbelievable step forward towards clarification, and he was very happy.

DR SCHAMASCH asked whether, if the requesting ADO were granted the right to conduct testing, result management would fall under the responsibility of that ADO.

MR RICCI BITTI replied that this was another matter; it was an additional issue. With result management, there were many combinations of situations; it would be good to have a study one day.

THE CHAIRMAN said that he would not want to lock that into the debate. The situation, which had caused a little of bit of angst in the past, had been clarified with a clear set of guidelines about the role WADA would play in the circumstances whereby a NADO wanted to do some testing. This was a really good step that had been started. It had been a consultative approach. The two federations that had been most affected by this particular rule had agreed and contributed to this particular outcome. So this would be practice henceforth when the issue arose, with the committee's concurrence.

DECISION

Protocols for Code Article 15.1.1 approved.

8. Departments/programme areas – decisions and key activities

8.1 Science

8.1.1 Health, Medical and Research Committee Chair report

PROF. LJUNGOVIST said that WADA had had extensive discussion and there had been a report at the Stockholm meeting a few months previously when WADA had decided on some other things, in particular the guidelines for the athlete passport. Not very many things had happened since. Of course there had been ongoing work in this field in the WADA office. WADA had a Medical Director in place now, based in Montreal, Dr Vernec, who was sitting at the table. Dr Vernec had also been working with WADA during the Vancouver Olympic Games. He would be dealing with TUE matters, but also other medical matters. Dr Vernec had also given a written report to the committee which was in the files, and was of course ready to respond to any questions.

There was also the science part of the report. He referred to the discussions that had been taking place between WADA's Science Director, Dr Rabin, and the International Federation of Pharmaceutical Associations and Federations, as well as with particular pharmaceutical industries. This was very fruitful cooperation that was being developed. This was – as had been emphasised earlier that day during the discussion of the Director General's report – a very promising area in which WADA was moving pretty fast. The ultimate goal was for WADA to become informed when drugs were in the pipeline that could be used for the purpose of doping. Before they were on the official market and even well before the official launch, they were there because, unfortunately, when drugs came onto the market, they did so after certain protocols, including clinical trials, which meant that those drugs might be available although they were not yet on the official market. They were being tried out in specially designed laboratories or clinics and there they could be illegally obtained. There was an example of this – the latest generation of EPO, called CERA (continuous erythropoietin receptor activators). CERA had come on the market in about 2008 and WADA had not had, at the time of the Beijing Games, a method for detecting it, but had obtained one later. The IOC had carried out some further analyses well after the Olympic Games were over, and had found a number of people who had been using CERA at the time of the Olympic Games. It was now known through intelligence that CERA had

probably been illegally available already at the time of the Turin Olympic Games; therefore, it had been decided to conduct further analyses on a number of samples that had been taken at the Turin Olympic Games. That showed how important it was to be proactive as opposed to reactive, as WADA had been to date with these matters. The negotiations with the pharmaceutical industry were aiming at that proactivity instead of reactivity.

THE CHAIRMAN noted that Dr Vernec and Dr Rabin were both in the room. Unless there was anything pressing that either of them wished to highlight in their reports, he was happy to open up the floor for questions.

DR VERNEC said that, if there were any questions, he would be happy to answer them.

MR JURITH said that, over the previous few months, he had been working with Dr Rabin to see how WADA could work with the US Food and Drug Administration to do exactly what Prof. Ljungqvist had mentioned. It was an ongoing process, but WADA was trying to work through the FDA's regulations and laws to work out how to share that information. He would be working with Dr Rabin on a project relating to the provision of information as these drugs moved through the approval process.

DECISION

Health, Medical and Research Committee Chair
report noted.

8.1.2 Draft 2011 List update

DR RABIN stated that there was a cover document in the binders to indicate that the draft 2011 Prohibited List had been drafted by the List Expert Group following its meeting in April. The List had been released for consultation (that was the usual process) to close to 2,000 stakeholders, with a deadline for submissions of comments and review by 25 July. As usual, these comments would be compiled and reviewed by the List Expert Group and the draft List would be recommended to the Health, Medical and Research Committee in early September with, as usual, the presentation of this draft List to the Executive Committee in September for final approval.

DECISION

Draft 2011 List update noted.

8.1.3 Revised technical documents

THE CHAIRMAN asked Dr Rabin to give a layman's summary of the purpose of these documents and what the amendments were required for.

DR RABIN informed the members that he would be very brief. These technical documents were fairly complex, but this was to highlight the continuous work of the Laboratory Committee with the support of the anti-doping laboratories and also the international organisations. The objective in these documents had been to include the best practice and the best harmonisation with international rules in the field, and he continued to update these technical documents in line with version 6.0 of the International Standard for Laboratories as well as with some of the new technical documents that had been inserted in this process. So WADA had updated the 19NA technical document, which had initially been

approved the previous year and had now been updated for approval. There were other documents that had been initially approved by circulatory vote by the committee in January but, again, following the rearrangements of some of these technical documents and also additional input from the anti-doping laboratories, that failed to be considered sufficiently important by the Laboratory Committee to justify the slight rearrangement of these technical documents. The technical document on decision limits, the one on identification criteria and the one on the minimum required performance levels were now being adjusted and they were provided in the binder as either track-changed versions or with a summary of modifications. These documents were now proposed for final approval.

He would not enter into technical details unless the members required him to do so but it was clear that there were two points that needed to be highlighted in addition to what had been provided: in the decision limit technical document on page 2 footnote (e), the word "threshold" was to be replaced by "decision limit" for consistency. Also, some reformatting of the references had to occur for consistency with the other documents. So there was nothing affecting the sense of the document, just some formatting issues. Finally, in the technical document on 19NA, the reporting section on page 3, section (d) had been completed to better reflect the technical section in 2.2 of the document. The page had been tabled to highlight this change. So, it was nothing essential, but there had certainly been very good progress on these technical documents. There had been great work conducted by the Laboratory Committee and intense work during its sessions to update these documents and make them compatible with international rules now that they had been adopted by many of the international organisations in the field.

DR SCHAMASCH asked whether there was any major or legal issue that had led to the date of approval on 8 May and an effective date of implementation on 1 September. Did this have to do with the laboratories being prepared?

DR RABIN replied that it was necessary to give sufficient time to the laboratories to incorporate these new elements, not only in their standard operating procedures, but also on the bench. There were some elements, such as referring to the decision limit, that in a sense encouraged the laboratories to review some of their procedures to ensure that they were tight enough to fulfil all requirements in this document, so this time was – even if the laboratories had been informed ahead of time and the documents circulated – to allow them time for implementation before the rules come into effect.

DR SCHAMASCH asked, from a legal point of view, which technical document would apply in a case in which a test had been collected on 25 August and then arrived to the Laboratory on 2 September.

DR RABIN said that the technical document at the time of the analysis would apply. This was a situation that WADA had already faced.

THE CHAIRMAN said that the question was that the committee approve the revised technical documents and, for the record, they were TD2010NA, TD20101DCR, TD2010DL TD2010MRPL and TD20101NDEX. He asked if everyone was in favour.

DECISION

Revised technical documents approved.

8.1.4 Criteria for approval of haematological laboratories

DR RABIN said that he had a quick presentation to give on the haematological laboratories. It had been mentioned earlier that the idea was to expand upon the existing network of WADA-accredited laboratories. This was for a simple reason, with the blood matrix in particular, to analyse some of the blood variables. The blood matrix was a very lively matrix, so WADA needed to have a short time of transportation and analysis between the time of collection and the values when they were measured by the equipment in the laboratories. It was obvious that, in particular in some regions, the network of laboratories was too limited to cover this aspect very satisfactorily. So this was something that had initially been envisaged in the Code, in section 6.1, where WADA had the opportunity to approve some laboratories that were not part of the network of WADA-accredited laboratories for the usual and traditional testing, of urine, for example. So this provision existed and the idea had been to discuss with some of WADA's stakeholders how such a provision would be useful for this particular case of blood variable analysis. Of course, as everybody was aware, there were many other laboratories, not only the WADA-accredited laboratories, that could do blood analysis. Clinical and pathological laboratories were very good examples and had this capacity on a very routine basis, in particular the clinical laboratories. In order to support the athlete passport in some regions, some stakeholders had come to WADA and said they would need to have approved laboratories to control for the blood passport the population that lived in some of those regions. Of course, for some specific events that could be organised in the world, there could be some particular needs even if having a laboratory approved in that region was probably more difficult to justify for a short period of time. There was still this flexibility that WADA needed to keep in its system.

Also, WADA had to envisage the possibility (which WADA had heard from some WADA-accredited laboratories) that laboratories received only a very small number of samples from their national anti-doping agencies, for example, or from International Federations. Did it make full sense to implement such methodology in a WADA-accredited laboratory when not too far away one might have a clinical laboratory with this capacity on a routine basis? So this cost-effectiveness aspect had also been taken into consideration in the process. In fact, there had been a lot of discussion with the Laboratory Committee. It had been discussed with the accredited laboratories and there had also been direct interaction with some laboratories that had expressed an interest in becoming an approved laboratory for the measurement of these blood variables. This was something in which of course the federations or national anti-doping organisations that had implemented the athlete passport were extremely interested. WADA had reviewed with the Laboratory Committee the criteria that would be considered to be essential for such laboratories to be approved. The ISO accreditation was mandatory. The WADA-accredited laboratories operated under the ISO 17025 accreditation, but WADA did not exclude the possibility of also having laboratories with the ISO 15189 accreditation, which was more specific to blood analysis. WADA wanted, of course, satisfactory participation in the WADA EQAS programme because that was the external quality control that could provide assurance that the laboratories were performing according to the requirements set in WADA's rules. WADA believed this was quite essential in this process. WADA also wanted compliance with the existing provisions in the International Standard for Laboratories that applied to blood analyses, of course, the core document and some annexes, and he had heard quite rightly at the government meeting that morning that there might be some elements of judgement to apply in particular for

annex B. He was fully aware of this and WADA had to remain flexible in the way this approach was taken. The objective was to expand and provide this opportunity to include additional laboratories, not to create an unreasonable hurdle for those laboratories wanting to join this network of approved laboratories. The blood analysis procedure related to the athlete passport biological guidelines. This was a mandatory document, but it was very important for the blood analyses.

There were some elements that were not necessarily technical elements but were also elements in support of the very specific procedures that WADA faced sometimes in anti-doping. When some measurements or values were produced by anti-doping laboratories, they were used by the legal system and they were presented before the court as proof in support of adverse analytical findings. This was something that most of the clinical laboratories were not familiar with and WADA needed to train some of them in the chain of custody technical documents. It also had to make sure they could report in compliance with the technical documentation packages, which were essential information used by the legal system. Also, WADA wanted to ensure they integrated some of the elements or culture of the anti-doping system in order to provide good analyses in a good context. WADA had also identified several points that were related to the administrative aspects in the reporting of anti-doping rule violations. This was something that was very important in support of those laboratories reporting anti-doping rule violations, and support of the stakeholders bringing those cases before the legal system was essential. WADA needed to make sure the laboratories were very much aware of their duties in that respect. Also, WADA wanted to make sure that there was a component of involvement of stakeholders that were interested in the development of this network and it wanted to ensure that the laboratories not only received samples from the stakeholders interested in developing those laboratories, but also had some support to make sure that they operated in the system where there was a need for them to provide this information.

He recommended that these criteria be used as a basis for those laboratories to be approved by WADA. It was important to bear in mind that they were not criteria to be used as hurdles for the laboratories but to create the expected quality and credibility on the values that WADA received from these laboratories in the anti-doping system. If these criteria were approved, he would like to disseminate them among the laboratories that had expressed an interest to WADA already and also to ADOs that were supportive of some of these laboratories. Of course, WADA would be involved to ensure that the technical support was provided to those laboratories and anti-doping organisations as needed.

DR SCHAMASCH asked what was, for Dr Rabin, a sufficient number of samples. He knew the number for the accredited laboratories, but what was the number of samples? The ADO was directly involved in that, so did Dr Rabin have any idea how many samples might be involved?

DR RABIN replied that a golden number did not exist because it had to be taken on a case-by-case basis. When a laboratory already did some routine analysis, for example a clinical laboratory, and fulfilled the requirements and the criteria, the minimal number of samples was not going to make a difference and would be perfectly acceptable. For a laboratory in a region in which WADA would need to approve, very few samples provided by an anti-doping organisation to this laboratory might be more questionable. This had been discussed with the Laboratory Committee. The idea was to give sufficient flexibility so that there was an agreement between the laboratory, the anti-doping organisation and, to some

extent, WADA, to say: "Here it is reasonable to establish a laboratory". WADA had not gone into the elements of establishing a threshold number of samples as had been done for urine.

MR ROWE said, for the benefit of those who had not been at that morning's government meeting, that one of the issues raised related to criterion C, annex B. One of the items in annex B required the laboratory to develop a programme of research and development to support the scientific foundation of doping control. It was clearly not appropriate for that type. He asked if, since the committee was being asked to approve these as presented, there could be a small change to get around that little problem there at the end of C; rather than "annex A (relevant sections annex B)", it could be changed to "relevant sections of annex A and B". This would mean that the Executive Committee would not be approving something where it knew there were some requirements that would not be required.

THE CHAIRMAN responded that he would allow that unless there were any objections.

MR LISSAVETZKY said that, that morning in the meeting referred to by Mr Rowe, there had been a short discussion on the subject. He would certainly support these criteria. He did agree although that clarification was needed. It had been made that morning, but it had to be stated at the Executive Committee meeting. He understood that all the accredited laboratories that employed this technique would be able to have these blood samples. What would happen to those laboratories that, even though they were accredited by WADA, did not have this technology? The Swedish representative had said it was rather an expensive technique and it cost about 200,000 or 300,000 US dollars. Could such laboratories have outsourcing with other laboratories that were not accredited? He wanted this to be cleared up, although he supported the criteria.

DR RABIN replied that not all of the laboratories would be necessarily eligible; they would have, of course, as indicated in those criteria, to fulfil those requirements and make sure they had support from anti-doping organisations. This was an important point because, for matters of capacity, one had to work on a needs basis more than just on the technical basis; so this was for the blood laboratories.

As to the methodology for IRMS (isotope ratio mass spectrometry) analyses, this was a point that had been presented before the Executive Committee following the conclusions of the ad hoc group on laboratory accreditation at the end of 2008, when some proposals had been made to the committee, in particular to make some analyses mandatory for all the WADA-accredited laboratories. Three methodologies had been retained and presented at the time: IRMS analysis, EPO analysis, and human growth hormone analysis. The reason why IRMS analysis had been retained was because, now that WADA was increasingly entering the area of longitudinal follow-up steroid profiling of the athletes with the T/E ratios but also other analytes, the feedback from the anti-doping laboratories was that they were conducting more IRMS analyses than before. This methodology applied not only to the T/E ratios but also to 19-norandrosterone, boldenone and, in the future also to cortisol, which was a substance that could be detected by IRMS analysis (the exogenous form of cortisol).

More and more of the International Federations were coming to WADA asking for harmonisation between the methodologies between the different laboratories. The ad hoc group had responded by saying that there were some methodologies that needed to be made mandatory for all the WADA accredited laboratories because they were considered to be very important, and there were some methodologies that could be applied at a regional level and, in particular, blood analysis (in the sense of analysis for blood transfusion, for

example) was something that had been considered acceptable at a regional level. So there was some sense also of trying to adjust, based on the need and the good anti-doping capacity, the methodologies within the laboratories, bearing in mind what some of the laboratories were saying about the cost of implementing those analyses, mainly on the number of samples they analysed.

DR SCHAMASCH asked if these approved laboratories fell under the jurisdiction of the WADA disciplinary commission in the event of wrongdoing.

DR RABIN responded that it was clear that this was not WADA accreditation they were talking about; it was approval by WADA. This meant nonetheless that, if WADA was not satisfied with the performance of the laboratories, not only in the external quality assessment scheme but also in routine practice, that would be a question it would address directly with the laboratory and with the anti-doping organisations involved, to decide, if the laboratories had been involved in any wrongdoing, to remove this approval. This was good sense.

PROF. LJUNGOVIST said that what was required from haematological laboratories was nothing different from their routine work as haematological laboratories based in any hospital. It was just a matter of having the administrative system adapted to satisfy the WADA requirements. So that was not a scientific issue but an administrative issue; therefore, one should not worry about the quality in terms of science. The other aspect raised by Mr Lissavetzky was a totally different one, not related to the haematological laboratories, the IRMS technique and methodology. Of course, WADA should not impose unnecessary and unreasonable financial burdens on laboratories by making mandatory techniques that were very expensive and only performed in very limited amounts. It was also a matter of quality that came into play because, if one did not have enough samples or did not conduct enough analyses over a particular length of time, one might lose the competence to do it properly. Did WADA have facts and figures about the increasing use of IRMS? It would be interesting to have that information to hand. Some laboratories had felt it was an unreasonable cost for very little actual practice and, were they to ask customers to pay what each sample would actually cost, it would be an unreasonable sum. So they had to be supported in some way from somewhere. To date, IRMS had been in a limited number of laboratories and WADA had other examples, CERA for instance, for which there was only a limited number of laboratories that could do those things and do them in sufficient amounts to keep the competence alive. What was the situation with IRMS in this respect?

DR RABIN replied that what WADA did on a regular basis was to ask the laboratories which methodologies they had in place in the laboratory active under the ISO accreditation. The feedback it had had from the laboratories was that now most of them – probably more than 25 of them – had IRMS in place. Probably about five were very actively implementing IRMS and the others were strongly considering implementation by the end of that year. There were two laboratories that had expressed to WADA during the annual meeting (which had been in Vienna in March that year) some concern because of the lack of support from their authorities. It was not that, technically speaking, they were not able to do it, or that they did not have a technical interest; it was lack of support from their authorities, based also on the fact that some laboratories were barely running the number of samples that were requested and found it very difficult to justify such a costly analysis based on the rather small number of samples. This was something that had been discussed with them and WADA had told them to inform it about this situation in order to discuss the matter with

the authorities but also, technically speaking, to determine whether there were solutions that could be found to accommodate their situation. WADA was actively discussing this with the two laboratories concerned and trying to find ways to bring this issue to the authorities and see whether there were temporary solutions. It might be along the lines described, involving other laboratories in the region. This was something under consideration. The IRMS analysis was a methodology that had been introduced in anti-doping more than fifteen years previously. Some laboratories even provided this as a routine analysis at no additional cost to their anti-doping organisations; the issue related mainly to the laboratories that were doing a small number of samples.

THE CHAIRMAN said that the IRMS issue was an area of concern expressed at the authorities' meeting that morning, so it was good that there had been the opportunity to discuss it. WADA was now looking for a decision. He highlighted the amendment, suggested by Mr Rowe and accepted, to item 2, page 1, C second line, now reading "section 6.0, relevant sections of annex A and annex B". With that amendment, he asked if the Executive Committee was happy to approve non-accredited laboratories in the network of laboratories testing for blood variables subject to the set of criteria contained in the paper. This was a positive step towards tackling the question of costs and also convenience on the basis that, the more WADA could extend out beyond the 34 accredited laboratories, the more able it would be able to ensure that the analysis aspect of it was done in a timely and cost-effective way without of course sacrificing standards. Nobody would want to see that happen. He reaffirmed what Dr Rabin had said in the presentation, that the criteria were not to be a hurdle that was impossible to jump over. Everyone would appreciate down the track being informed of just what the application of this decision was. He asked if, in the report in the latter part of the year, Dr Rabin might indicate what response had been received.

DECISION

Proposed criteria for approval of haematological laboratories approved.

8.1.5 Worldwide Drug Information Database

DR RABIN said that the worldwide drug information database, referred to as the WW-DID, was a project that had been nurtured at the Science Department for quite a long time. There had been a chance to discuss with the List Committee and the Health, Medical and Research Committee and the department had received some very strong support on this concept and he believed that this was a subject worth considering outside the science realm. He introduced Dr Barroso, the Senior Science Manager at WADA, who had been following the project closely.

DR BARROSO said that he would briefly present the information available regarding this project for the development of the worldwide drug information database. In September 2009, the Executive Committee had first heard about this project. He would present an update on the progress and an assessment of this project since September 2009. The main objective of this project was to provide a Web-based tool for WADA's stakeholders and mainly for athletes, but also for sports organisations and so on, on the status of drugs in sport. He specified that this would include drugs that were marketed and for which there was published information, meaning that it would not include information about nutritional supplements, which were not very well regulated or about herbal medicines or traditional

medicines or anything like that. There were some necessary limitations in terms of coverage, but WADA was trying to go as far as possible in terms of worldwide coverage.

The background was that WADA was conducting this project in collaboration with Pharmaceutical Press, the London-based publishers of the well-known Martindale drug information notebook or database. When WADA had presented this information back in 2009, the initial budget estimate had been around 150,000 dollars for the development and implementation of the Web-based tool. There had also been some other funding needs identified with regard to the renewal fees and maintenance and running of the tool once implemented.

However, in order to get the best assessment of what the project entailed, WADA had organised a meeting in Montreal in November 2009 with some of the national anti-doping organisations that had already developed this kind of tool, and these included representatives from USADA, UK Anti-Doping and the CCES in Canada, which had developed a database called Global DRO, which basically covered the medications that were marketed in those three countries. There had also been a representative from ASADA. Later, WADA had been in contact with the Irish Sports Council and the Swiss Anti-Doping Organisation, which had also developed their own tools. He highlighted that these databases, as comprehensive as they were, had a main limitation – they basically covered medications that were marketed in those particular countries, which did not mean that they would not cover medications in many other countries, but there might be significant limitations in terms of changes of composition of these medications. This applied more than anything to over-the-counter medications that might change composition very soon and national pharmacopoeias might not be updated as soon as required. Following this meeting, the main objective of which had been to understand more of the complexity and scope of the project, several issues had been identified involving the major difference in terms of what WADA planned to implement in comparison with what was already in place. First of all, the pharmacopoeia data provided by PharmaPress covered at least 40 countries around the world, including the countries represented in those already existing databases. Most importantly, the service would be provided in different languages. WADA was planning to enter into partnership with UNESCO on this to make use of UNESCO's translation services. The data source was a unique and well-recognised data source; for example, Global DRO had three different data sources according to the different countries that formed part of the database. There was a unified data source that was published every year and would be updated on a quarterly basis. The Web-based tool development and implementation had been discussed in depth. It also came with a very extensive review process and that extensive review process was very much associated with an increase in human resource requirements.

He reported on the progress of the negotiations with PharmaPress with regard to the license fee for the provision of its database information. The original license fee proposed by PharmaPress had been around 100,000 dollars a year, plus a two percent annual increase. WADA had managed to bring it down to 70,000 dollars a year and negotiations were continuing.

Regarding the Web-based development, two different approaches had been considered – either to develop it from scratch with an all-new website, or to use the already existing platform that had been developed by Global DRO. In order to assess these two different approaches, WADA had contacted its IT provider, Groupe Conseil, in Montreal, which had

given an initial estimate for these two different possibilities and also an initial budget estimate for the development of the Web-based tool. Basically, Groupe Conseil's conclusion had been that the use of the Global DRO platform would not bring any significant cost reductions or any significant improvements as compared to WADA establishing its own tool. This was because not all the elements included in Global DRO could be adjusted to the new database, which would be different in terms of the number of countries it would cover, the different languages, and so on, apart from other technical considerations. Significantly, its budget estimate for the development of the Web-based tool was about 275,000 dollars, plus an estimate of another 50,000 dollars for other related costs.

In terms of the data review process, this would probably be one of the most complicated parts once the database was implemented. WADA had to be absolutely sure the information provided was accurate and updated, so WADA was very much mirroring the system developed by Global DRO. WADA was planning to establish a three-level system of review; the first level included of course the classification of the drugs, which was done by PharmaPress itself. PharmaPress had been working with WADA already for several years in publishing the drugs that were prohibited in sport according to the List in a little notebook that it had been producing for the past two years. The second level would be an internal review by the WADA Science Department but also second-tier reviewers which might also involve some representatives from the WADA List Committee or some external consultants. The final approval before publication of any results would have to come from the WADA List Committee experts. WADA would have to take legal responsibility for the information provided, the appropriate disclaimers would naturally be inserted in the database, but the main responsibility was that WADA would follow what was in the Code, which was the principle of strict liability of the athletes. In terms of human resources, this extensive review process and the development would require significant involvement on the part of the WADA Science Department. The initial phase might require about one to two days per week devoted to this activity, external support from experts and consultants (and that would include pharmacologists, anti-doping experts and so on), and ultimately the time that would be required from the WADA List Committee.

In conclusion, the reassessment of the project had shown clearly that more human and financial resources would be needed; there were still some issues to be clarified in terms of financial sustainability in the future and in terms of the workload of the WADA Science Department and the scientific committees. This was the estimated budget: an initial budget of 450,000 dollars for development, implementation, fees and so on, plus around 100,000 dollars annually for renewal of the license for consultancy fees and so on. He wanted to make an important point – WADA already had the initial amount of 450,000 dollars. An originally granted research project had not proceeded due to the fact that the principle researcher was no longer available, so it had been cancelled and the granted money had been given back to WADA. So WADA had that original 450,000 dollars. For the 100,000 dollars that would be required annually, WADA would need to discuss where in the budget that would come from. WADA also wanted to include some external partners, such as UNESCO, which might bring down the financial budget for WADA. There had also been some initial interest expressed by FIFA, and of course WADA was going to approach some pharmaceutical and IT companies.

Another important point was that the project, if approved, was going to be tendered for development to international applicants. That meant that, for the development of the

database, this was a budget estimate; it might go up or down slightly, but it was going to be dependent on the applications WADA received. The decision requested was whether or not to approve the further development of this project. He emphasised that he believed that this project would bring some added value to already existing tools, due to the worldwide coverage and also the fact that there would be a level information field for all athletes around the world in the sense that many athletes coming from countries without the possibility to develop their own tools would benefit substantially from this tool.

THE CHAIRMAN said that a number of the Executive Committee members had spoken to him in the past couple of days and felt that perhaps there was a level of uncertainty still there. What the Executive Committee needed to do was look at the issue about this particular resource and make a decision as to the priority it ought to be given. Was that a resource WADA believed would be useful for its constituency out there? Would it be utilised in a way that would be beneficial? That was question number one. If that was answered in the affirmative, then WADA should look at the ways in which it might implement this going forward, including shoring up some of the cost factor and ensuring that there was a competitive tender to allow it to get best value. Maybe that would involve tacking on to the systems that were already there. There would be more work at that point to be done. But Prof. Ljungqvist would speak first on the question as to whether this was a priority activity for WADA.

PROF. LJUNGOVIST said that he had thought about this very carefully and had been involved in the matter in the framework of the Health, Medical and Research Committee, and he felt that this was actually an important tool to which WADA should give the necessary priority. It went back very far; this was something that the IOC had tried to achieve way before WADA had been created. The task had actually been given to the then president of the Montreal laboratory to do this in the way that was possible at that time, not based on IT or Internet or websites (those had not been available at the time). There was this need for accurate information on drugs and their relation to the List. And it needed to be global because to have it on a country-wide level or regional level would not suffice. WADA was a worldwide organisation and therefore had a global responsibility. If WADA did not do it, then nobody else would do it. Athletes would still seek information, in the worst case in the wrong way, and get the wrong information, so there was a strong argument for this being looked into further, according to the procedure that had been suggested.

MR BOUCHARD pointed out that there was value for WADA. He could see the potential and benefits of that tool. Despite the fact that the committee had received much detailed information (and that was appreciated), the difficulty was the equation between the benefits and the cost. WADA might need some further information along the road, so it made it difficult to really assess it. For example, Dr Barroso was talking about 450,000 dollars and 100,000 dollars after that; he was alluding to the fact that it would require further development. The question was – was it part of the costs already or did that entail additional cost? He was offering that because he found that it was important, it could have some benefits, and there was already some work being done out there; so would this be duplicating that work? He had been told that it would not duplicate that work but, at the same time, some of these organisations were investing in certain systems; could they then be customers? The revenue side also needed to be looked at.

MR JURITH said that he wanted to echo Mr Bouchard's observations. Clearly this concept was necessary and added to the work that WADA did. However, he was concerned that

WADA was not quite there yet on a number of issues. Would it be mandatory that the NADOs use this system once it was up and running and abandon the systems they had? That question had not been answered. It had been indicated that there would be some disclaimer that WADA would put in, in terms of information that was there, and that the responsibility would then fall back on the athletes. Right then, under the national system, the athletes relied on assurances they got from the various NADOs about systems they ran. That was a critical issue WADA needed to think about. There was a significant investment out there in other systems and WADA should think about how to build on those platforms. Looking at what was available, it would probably be possible to get this thing up and running in a shorter period of time and at less cost to the stakeholders. The overall concept was a good one, but WADA needed more thought and more recommendations back from the committee before moving forward.

DR SCHAMASCH said that, scientifically speaking, such a tool would be useful. He had been pleased to hear Prof. Ljungqvist talk about his experience in Portugal. At the time, things had been more limited in a way because the aim then had been to make available to everybody a list of authorised products; very quickly, there had been legal problems because national names used could change. There had been experience of that in Salt Lake City, so it was necessary to be careful. If, however, the Executive Committee wished to proceed towards taking a positive decision, it was important that at some point the athletes be questioned about how user-friendly this database needed to be. There had been a few problems with ADAMS and some had criticised it for not being overly user-friendly. So, if WADA offered this, it would be good to have an Internet-based system that would be user-friendly, and that the athletes be consulted because after all they were responsible. So they should be stakeholders.

MR ROWE said that there was no doubt that this tool would be useful. He fully supported Prof. Ljungqvist's comments and those of the other speakers. Australia used a tool and would not be investing in it if it did not think it was useful. The case would undoubtedly be similar in other countries. There was no doubt about the usefulness of such a tool. The question really was how it was done and some of the comments around the table had pointed to that. Notwithstanding the great deal of work that had been done, probably a bit more work was needed to answer some of those queries, due to the extent of the investment required.

THE CHAIRMAN said that he did not think there was any doubt either from the interventions that there was support for this to be a legitimate exercise WADA should undertake. He could not argue that, if WADA did not do it, nobody else would. The important thing was that it would be useful and everyone agreed it would be. He asked if he could take that as being an approval in principle of proceeding with the development of this particular programme and, if that were the case, that the Executive Committee should then proceed to see what further information would be required at the September meeting. The management needed first to examine some of those options that were there and then rule them out; for example, the possibility of getting some translation support from UNESCO, or some pharmaceutical sponsorships. It had been suggested that there was the possibility of a partnership with FIFA. Another idea was even some support from IT companies. Probably all of those options were reasonably remote, but they should be examined and ruled out, because here WADA had a proposal that suggested an initial cost of around 430,000 dollars. The previous September, the committee had spoken about and given approval to 150,000

dollars, so one started to get a little bit worried when the ante was up from 150,000 to 430,000, then there was a recurrent expenditure being locked in, and none of that had been examined by the Finance and Administration Committee or otherwise at that point. That was a legitimate exercise for the Chairman of the Finance and Administration Committee to consider and possibly to ensure that, when the budget deliberations in July that year occurred, it was built in. This was not a science project any more than a database on legal decisions would be a Legal Department process, but it was a WADA priority and the committee had given approval to that. The committee should leave it on the basis that this was supported in principle and in September there would be a further detailed paper that examined the financial aspects, and a business case established that examined the financial aspects of this with some greater degree of certainty. And that could only be done by testing the market out there a little. WADA should also examine the existing systems and the capacity to bolt on and expand those existing systems, as had been suggested by a number of countries as an alternative to the start-up programme, which was the proposal before the committee that day. That could be the end result, and nobody would argue that Martindale was not the leading source and it would be good to be with it for that purpose alone. WADA had to be sensible about this and get a platform that worked, one it could afford that contained all the details before the dotted line was signed and it proceeded with a new programme. He asked if the committee was happy to proceed along those lines.

DECISION

Worldwide Drug Information Database proposal supported in principle, but WADA Management to provide full business plan to next meeting for full discussion.

8.2 Education

8.2.1 Education Committee Chair report

MR BOUCHARD said that he would highlight some of the activities the Education Department had conducted since the Stockholm meetings. There had not been a meeting of the Education Committee since then and the committee's next meeting would be mid-October because it met once a year as opposed to twice a year. That did not mean that work had not been conducted. WADA had been very active in the education area. One of the projects had been mentioned earlier by the Director General. The "Say NO! to Doping Campaign" had been launched the previous day at the World Ice Hockey Championship in Germany in front of 76,000 people. So that green puck used had got a lot of publicity, which was good for the movement and for education. Before the games, the teams had warmed up with the green puck and spectators had had a chance to win a puck by correctly answering a quiz question. There had also been a video, which the committee would see the following day, featuring several top hockey stars including Wayne Gretzky to raise greater awareness about the issue of doping in sport. It was a very good initiative and had got WADA a lot of visibility. This campaign would also be used in other sports and he was pleased to report that it would be used by FIFA at the forthcoming World Cup so, in terms of visibility, this was a good platform.

There was a range of education products that were quite important, so WADA continued to focus on its education effort of engaging youth and the next generation of athletes. The

Play True Generation programme would be officially launched at the first Youth Olympic Games in August 2010 in Singapore. WADA would also be active at the African Youth Games in Morocco in July 2010 and also the Education Department had been active in continuing to work with ministries of education to develop models of best practice, to assist others in integrating value-based anti-doping messages in schools. It had worked with Mexico, Uganda, Singapore and the province of Quebec. There were other e-initiative activities, for which he referred the members to the report. The next day, there would be a slightly longer report. Mr Koehler would be present and would be in a better position to answer questions.

THE CHAIRMAN said that everybody was looking forward to seeing the video of the event that had taken place the previous day in Germany and hearing about the ongoing programme. The more sports that WADA could get to adopt this particular campaign, the better. Who knew, one day at Wimbledon there might be warm-up balls in green with "Say NO! To Doping" written all over them. Mr Kasper could use his imagination as to how he could use the slogan in his sport as well. It was a terrific tool to impress upon the young people of the world and the members would find out more about that the following day.

DECISION

Education Committee Chair report noted.

8.3 Communications

8.3.1 Athlete Committee Chair report

THE CHAIRMAN said that he should have acknowledged earlier in the meeting the apology from Mr Fetisov, the Chair of the Athlete Committee, so that should be noted for the record. In his absence, the report would be given by Ms Masse. Ms Bokel was a member of that committee and when, Ms Masse had concluded, Ms Bokel would be welcome to add some further comments.

MS MASSE said that the report would be brief. The committee would be meeting once that year and that meeting would be in September. In the meantime, there had been some exchange of information with and communication to the Athlete Committee members. The committee had held that past week on 5 May what it called its pre-Foundation Board telephone conference to ensure that members were aware of the ongoing matters and meetings and programmes and activities, so the Director General had provided a briefing and an overview of the Foundation Board agenda. Questions and comments had been taken and more feedback had been provided afterwards on the questions. Briefly, the main points discussed had of course been ADAMS and user-friendliness, and the work that Ms Bokel had also participated in. Many members had also raised significant interest in supporting and being involved in the next part in the process of testing, and also the enhancements. Members also supported WADA's position on the ambassador programme. They believed it was their role and wanted to partake more in being the voice of WADA. The committee was looking forward to its next meeting and, in the meantime, it continued to be involved with the Outreach events and reaching out to athletes. Some of the members of the committee were involved in the Outreach events.

MS BOKEL said that this was a good report. She wanted to highlight that those pre-Foundation Board phone calls were very valuable for the Athlete Committee. The amount of

participants and the amount of questions raised were proof that meeting more than once a year, as had been mentioned before in the Director General's report, would be of use. She thanked the Executive Committee for this possibility.

DECISION

Report by the Chair of the Athlete Committee noted.

8.4 ADAMS – Anti-Doping Administration and Management System

MR NIGGLI said that he would focus on the second part of the paper in the members' folders because that was what really mattered. This part was about the improvement WADA would hopefully be able to bring to ADAMS in the coming months. WADA had heard loud and clear the message from the athletes and also from the users about the friendliness of the system. WADA was very conscious of that. It was WADA's aim to improve it. IT projects were complicated. What one saw and what the user saw was one thing; what was behind in terms of technology was another. WADA was trying to make sure that both were improved so that it could also face the challenges of the new technologies, interface with Blackberries, iPhones, etc., and that it was robust and secure. WADA was working on it. There had been a delay for two reasons. The initial project had revealed some problems, in particular with documentation that had since been resolved. Also, it had been necessary to focus a lot of energy on the Olympic Games in Vancouver to make sure WADA would have the system in place there with the IOC requirements included in it. Now that the Olympic Games were over and WADA had solved this technical matter, the core development was about to start and hence the users should see results. It was really the number one priority in terms of IT, it was totally understood and WADA agreed with the issues and would do its best to improve it as quickly as possible.

MR LISSAVETZKY said that he did not have the data there, but it seemed there had been an increase greater than that in the ADAMS budget. If this was the case, what were the reasons?

MR RICCI BITTI noted that the impression was that ADAMS was not used enough and, instead of leading the process of networking, it was sort of running behind. He was not blaming anybody, but some effort would have to be made (because WADA invested a lot of money in this) to find out why some important organisations were not using ADAMS and how many were not using ADAMS. He did not know; his organisation used WADA, so it was not particularly the problem of his organisation. There was a problem in general. The problem was reflected in the money that had to be put up. He wanted to hear from Mr Niggli about that if possible.

MR JURITH said that ADAMS was clearly a key tool that WADA needed to keep pressing forward on. He was concerned that some other organisations and stakeholders had created other systems (in the case of USADA, the SIMON programme) and they felt that WADA needed to do a better job of linking the two. There had been some discussion between WADA and USADA staff about doing that, but this had to be part of the process. He hoped that those accommodations could be made.

PROF. LJUNGOVIST said that he agreed with what Mr Ricci Bitti had said; for the next meeting, more information was needed as to what organisations were not using ADAMS and why. Also, there would be further information with respect to the analyses that the IOC

would conduct concerning the use of ADAMS during the Olympic Games in Vancouver because that was the first time there had been full use of ADAMS for such an important event. There would be further information the next time and it would be useful to have some information added with respect to the use or non-use by the other organisations.

THE CHAIRMAN said that it was a clear indication that more information was required on the next occasion, and he was sure that this would not be a problem, but there were probably questions that could be answered now.

In response to the comment made by Mr Lissavetzky, MR NIGGLI said, that he would return to the issue of the budget. Looking at the budget, a little bit more had been spent, but it was one or two percent, 102 percent on ADAMS, for the change and the development. That was not where the difference was in the budget. The difference was from a lot of money that had been invested the previous year in the lead-up to Vancouver to make sure that the changes would be done, and they appeared under another line. It was true that there had been more costs than anticipated to ensure that everything would work the way it should and that was the special requirement that had had to be met for the Olympic Games. That was more than the development of ADAMS per se. As for the development of what he had been talking about for that year and the following, that was already planned and budgeted and, at that moment, he expected it to be on budget, but it was an IT project.

In response to Mr Ricci Bitti and Prof. Ljungqvist, he could certainly provide information on organisations that were not using ADAMS and were using other systems but, as to why, he was not sure if he could provide the answer. One would have to ask them. Some had made their choice for reasons that WADA did not understand, some for historical reasons, and some had switched. He was not sure if he knew why. The reality was that more and more were coming onto ADAMS and that made it an incentive for others to come because the more there were sharing information, the easier it would be.

In response to Mr Jurith, he said that linking the system was a possibility. It was a technical issue more than anything else, but one had to be realistic looking forward and, in the future, he did not think that this would work very well, especially relating to implementing some of the passport requirements in ADAMS and so on. The more information and the more complex it became, the more difficult it was going to be to have every system in parallel. That was the reality, but the door was never closed. WADA had spoken with USADA a lot. There were technical issues, which explained why there was no link between SIMON and ADAMS. He was not going to enter into the IT explanation, but this was not something they had not looked at. There was a possibility they would look again but, going forward, the chances of that working were getting smaller and smaller.

THE CHAIRMAN said that there would be a further report on that in September.

DECISION

ADAMS update noted.

8.5 Standards and Harmonisation

8.5.1 Anti-Doping Organisation Symposium report

THE CHAIRMAN informed the members that an anti-doping symposium had been held under the auspices of WADA in Lausanne.

MR ANDERSEN said that this was the yearly symposium that was organised by WADA for International Federations and national anti-doping organisations and, that year, it had been held in Lausanne on 13 and 14 April. The symposium had become more and more popular amongst the various anti-doping organisations because they were able to meet and to discuss common issues with each other. When he said each other, he meant the International Federations and NADOs. There had been 230 participants that year from 54 International Federations and 68 NADOs, plus other anti-doping bodies.

One of the main outcomes from the seminar was that the participants had stressed the importance of actually meeting, and WADA was using the SportAccord tool in order to accommodate the meetings between International Federations and national anti-doping organisations. They felt that there was a lack of communication in terms of registered testing pools, test distribution planning, coordination of tests and whereabouts information, and they were aware of the importance and necessity to continue to work together. The topic for the symposium that year had been intelligent or smart testing – evaluating effectiveness and ensuring efficiency. It was a very, very important topic, because WADA saw that many organisations were looking at figures – the quantity of the tests that they were doing and not the quality of what they were doing.

Another element that had come out of this was a presentation made on the possibility of doing risk assessment in each sport. One might say that the number of tests conducted in a sport such as bridge versus a sport such as body building would not match. Why would one do lots of tests in bridge compared to a sport like body building? The risk assessment, the importance of effective testing and effective programmes in various sports was one aspect that had been highlighted by the participants. ADAMS was also one important element that had been mentioned during the seminar, along with the importance of making ADAMS more user-friendly. That had been taken on board and WADA was working hard to accommodate that. Another point of discussion had been how to make testing more efficient; WADA was considering the possibility of electronic doping control systems. WADA was currently using carbon copies and producing lots of paper in doping control, and it should encourage sports organisations and specifically WADA itself to develop a system that used the electronic tools it had to produce a system that was free from the use of carbon paper. That belonged to the previous century.

Lastly, one of the conclusions of the seminar had been that the risk assessment needed further development. One aspect of this was physiological risk assessment, and there might be other elements to be added to that type of assessment, such as the importance of sport in a country, the number of sports and the physiological elements in the specific sport, and also the assistance between the various organisations on test distribution planning and the registered testing pools. Those were the main elements and outcome of the symposium.

THE CHAIRMAN said that he had heard that the symposium had been most productive, so that was good to hear.

DECISION

Anti-Doping Organisation Symposium report noted.

8.5.2 Athlete Passport/blood parameters update

MR ANDERSEN said he had failed to mention that, during the symposium, the athlete biological passport had been one very important element mentioned which needed to be advanced further. The guidelines for the athlete passport had been approved in December 2009 by the Executive Committee. Mr Kemp would give a short update on this even though there would be a more comprehensive report the next day. WADA was being advised by the national federations and the national anti-doping agencies that this was important. There was eagerness to pursue this, but also some felt they had limited resources to pursue this system. They had to collect blood samples and there were issues related to collection, transportation, storage, etc. So there were issues that needed to be resolved, but WADA was very eager to continue to pursue the system and would help any anti-doping organisation doing so.

MR KEMP said that, as Mr Andersen had indicated, a fuller report would be provided the next day. It was probably worth recalling exactly what the intention of the athlete biological passport was so that the members could understand its importance going forward. The Athlete Passport programme was currently predominantly a blood testing programme that looked at an athlete's longitudinal profile, and this was built upon a number of existing NADO and IF programmes that in the past had conducted profiling programmes. But WADA wished to make a standardised programme available to all anti-doping organisations to employ, to meet two objectives. The first was to have a viable means to pursue an anti-doping rule violation related to Article 2.2 of the Code, which was the use of a substance or method, as well as provide anti-doping organisations with a mechanism to better target their testing programmes inasmuch as they were able to look at a profile of an athlete over time and identify possible abuse of endurance doping substances at present to better target specific detection methodologies over time with very specific athletes. So, this again related to sharing of information, but also to specific test distribution planning and what athletes were usually included in a registered testing pool so the resources were well focused on the right athletes to conduct the right tests at the right time.

It was worth mentioning that the primary challenge identified in starting to employ the athlete biological passport was the issue of laboratories and the accessibility of laboratories, which Dr Rabin had already addressed that day in detail. Certainly, the decision taken that day would hopefully go a long way towards addressing some of those concerns. Some of the outstanding concerns with implementation of the passport that were currently being addressed included the transportation of blood samples. That was an extremely expensive undertaking, especially for those sport organisations that had athletes training and competing around the world where, because the blood matrix itself was so unstable, the conditions for transport that needed to be met were quite sophisticated and detailed. So, transport remained an expensive proposition and one that WADA hoped to be able to address over time.

Perhaps the most important challenge outstanding was the general issue of blood collection and a limited number of anti-doping organisations that collected blood. In this respect, he wanted to highlight that the collection of blood was not only to detect the existing methodologies such as human growth hormone, transfusion, CERA and other substances and methods, but rather that the collection of blood could make the urine testing that all anti-doping organisations currently conducted more effective. The aim was to see

the blood testing under the biological passport programme as a complementary measure, not necessarily as a stand-alone measure in an anti-doping organisation's armoury.

In terms of progress made since December, he thanked the IOC for giving WADA the opportunity in December to make a presentation on the Athlete Passport programme to the NOCs as part of a workshop they had been hosting in Vancouver. WADA also thanked the UCI, which had kindly invited it to attend a recent meeting in December in Brussels, where its expert committee had been convening to determine a number of possible violations, which had recently been announced that past week. Both of those opportunities had certainly been beneficial for WADA as it looked to assist other organisations in deploying similar programmes.

Two other issues remained outstanding. One was the issue of expertise, something that WADA would be looking to anti-doping organisations for further input on, and in particular to the UCI, which had broad experience with this programme. The issue was that there was no magical black box that interpreted the data from athletes' profiles and told one whether or not they were doping. Rather, there was a probability or a percentage of possible abnormality of these athlete profiles for which WADA needed to have the appropriate expert review to rule out all other possible explanations before deciding that this was doping. So far, there was certainly a limited number of these experts who were well equipped to make these sorts of determinations, but WADA certainly hoped to equip, either through training or the development of more advanced criteria, and assist anti-doping organisations in terms of identifying this type of individual. Of course, this was one complementary effort amongst other things such as collection capacity, as well as the elements that he had mentioned earlier that WADA hoped to build over time. Certainly, WADA did not expect anti-doping organisations to be able to implement a passport programme overnight, but the starting point was to start collecting blood, to have a laboratory network and to build up that infrastructure to the point where there was an expert committee in place. WADA would be looking to help anti-doping organisations in that respect going forward.

DECISION

Athlete Passport/blood parameters update noted.

9. Other business/future meetings

THE CHAIRMAN asked if there were any questions. He asked if there was any other business.

PROF. LJUNGOVIST said there was a matter that had been raised that morning during the Olympic Movement discussion, and it related to Article 15.3 of the Code, because of the knowledge that an increasing number of event organisers were conducting tests without the applicable rules or even being Code signatories. Mr Kasper and others around the table could confirm that this was unfortunately the case. For testing activities, about which not even the IFs were informed (although they had the responsibility for the result management of what might come up in terms of adverse analytical findings), there should at least be a mechanism by which the IFs were informed about the event, and the events should have procedural guidelines in line with the Code. There was a document from the IOC on the matter, which should be properly minuted, because it would certainly require a change to the next version of the Code. But in the meantime, he suggested that a similar kind of protocol be established like the one decided upon with reference to Article 15.1.1. Also,

perhaps WADA could consider establishing model rules for event organisations like those that already existed for NADOs, IFs and NOCs, because testing activity without rules and without information had become a problem to some, if not many, IFs. Perhaps Mr Kasper could assist. He had found that this was a problem, and he just wanted to convey that to the administration for consideration.

THE DIRECTOR GENERAL said that WADA was aware of the issue. What it would like was more particulars. WADA had sent a team to one event, a major event the previous year, the Small Nations Games in Europe, at which there had been no rules in place. WADA had in fact written the rules for the organisers so that, by the time WADA arrived, they would in place. It was an important issue. WADA understood it and wanted details of events going on at which there were no rules. There was a draft of model rules for events, so that could be pursued as well. It was a point well made, but there was no need for a protocol. The rule itself was self-explanatory, provided the organiser passed on the information to the relevant International Federation like the IOC did. That was the model that should prevail. He just wanted to make sure that everyone adhered to it.

THE CHAIRMAN thanked all of the members for their contributions. It had been a most productive meeting and good progress had been made.

DECISION

Think Tank Session – 17 September 2010, Montreal;
Executive Committee – 18 September 2010, Montreal;
Executive Committee – 20 November 2010, Montreal;
Foundation Board – 21 November 2010, Montreal;
Executive Committee – 14 May 2011, Montreal;
Foundation Board – 15 May 2011, Montreal;
Executive Committee – 24 September 2011, Montreal;
Executive Committee – 19 November 2011, Montreal;
Foundation Board – 20 November 2011, Montreal;

The meeting adjourned at 3.25 p.m.

FOR APPROVAL

JOHN FAHEY, AC
PRESIDENT AND CHAIRMAN OF WADA