WORLD ANTI-DOPING AGENCY
play true

Meeting Date: November 25, 2002

Attachment to Agenda Item #: **4**

Minutes of the WADA Foundation Board Meeting

4 June 2002, Montreal, Canada

The meeting began at 9 a.m.

1. Welcome

THE CHAIRMAN welcomed the members to the first Foundation Board meeting in Montreal, where WADA's headquarters were now located.

The size of the Foundation Board table meant that it would be difficult to have a meeting room in the WADA office which would be big enough to hold the entire Foundation Board, but the office did have facilities to hold Executive Committee meetings. The WADA members would be able to visit the headquarters that evening at the inauguration in the presence of the Canadian and Quebec ministers, as well as Dr Rogge, the IOC President.

It was with deep regret that he told the members of the death of Mr Aku. He asked the members to stand for a moment of silence.

2. Roll Call

THE CHAIRMAN informed the Foundation Board that there were some new members, as well as some representatives, present.

Mr Mikkelsen, the Minister for Culture in Denmark, was being represented by the head of the Sports Division in Denmark, Mr Riiskjaer.

Mr Gómez-Angulo, the State Secretary for Sport in Spain, had replaced Mr Anciaux, and was being represented by the Advisor to the Spanish Secretary of State for Sport, Mr Beltran.

The Minister of Sports and Social Development for Nigeria, The Honourable Ibn Akiga, who had been nominated to replace the late Mr Ecu, was being represented by the Deputy High Commissioner of Nigeria in Ottawa, Dr Aliyu.

Professor Grucza, the Chair of the Monitoring Group of the Anti-Doping Convention, would be replacing Dr Garnier as a member of the Board, although he had been unable to attend the meeting.

The Prince de Merode had been unable to attend the meeting, and Dr Schamasch, who had represented him the previous day at the Executive Committee meeting, had had to go to Budapest.

Mr Ricci Bitti had been unable to attend and was being represented by Mr Fasulo; Ms Di Centa was being represented by Ms O'Neill; Mr Uehara was representing Mr Kishida; Mr Lee was being represented by Dr Kim; Mr Li was being represented by Mr Shi; and Senator Kemp was being represented by Dr Stretton.

He welcomed as a distinguished guest the Honourable Rudolph Greenidge, Minister of Education, Youth Affairs and Sport in Barbados.

THE DIRECTOR GENERAL presented the WADA staff members who had relocated from Lausanne to the Montreal office: Mr Niggli, Legal, Finance and Administration Director; Mr Wade, Special Projects Director; Ms Withers, Human Resources and Headquarters Relocation Manager; Isabelle Tornare, Communications Manager; Ms Spletzer, Outreach Manager; Ms Ebermann, Ethics and Education Manager; and Ms Christopoulos, Standards and Harmonisation Project Assistant.

The following staff had been recruited in December 2001/January 2002 and had also relocated to Montreal: Mr Andersen, Standards and Harmonisation Director; Dr Schneider, Ethics and Education Director; Mr Koehler, Senior Manager of Standards and Harmonisation; and Mr Hoistad, Senior Manager for Technology.

The following staff had been recruited after WADA's arrival in Montreal: Ms Iannantuono, Legal and Administration Executive Assistant; Ms Asselin, Ethics and Education Assistant; Ms Beaudry, Executive Assistant; Ms Nethercott, Special Projects Assistant; Ms Riddle, Receptionist; Ms Sharko, Receptionist; Mr Schilling, Travel Manager; and Ms Barnett, Accounting Junior Manager.

The following staff worked, or would soon be starting work, at the Lausanne regional office: Dr Garnier, Government Affairs Director; Mr Dielen, Sports Affairs Director; Ms Gueissaz, Office Manager; Ms Menotti, Finance Manager; Ms Dagouret, Project Manager; and Ms Villard, Assistant.

Including the THE DIRECTOR GENERAL himself, the 26 members of WADA's staff came from ten different nationalities, thus emphasising the 'w' in WADA.

3. Minutes of the Foundation Board meeting on 3 December 2001 in Lausanne and the informal meeting of the Foundation Board in Salt Lake City on 8 February 2002

THE CHAIRMAN asked if anyone had any comments to make regarding the minutes of the Board meeting held on 3 December 2001 in Lausanne and the minutes of the informal meeting of the Foundation Board in Salt Lake City on 8 February 2002.

Unless there were any amendments that members wished to make, he proposed that the minutes be approved as distributed, with the exception of the mix-up over Australia and New Zealand on page three of the minutes of the informal meeting of the Foundation Board in Salt Lake City.

D E C I S I O N S

1. Minutes of the WADA Board meeting on 3 December 2001 in Lausanne approved and duly signed.
2. Minutes of the informal meeting of the Foundation Board on 8 February 2002 in Salt Lake City (as amended by Mr Howman at the Executive Committee meeting on 3 June 2002) approved and duly signed.

4. Observers

THE CHAIRMAN welcomed the observers and members of the media. If any of them wished their presence to be noted in the minutes, he invited them to sign the sheet that was being passed round.

Those present included: Dr Elizabeth Ferris, from the World Olympians Association; Mrs Charmaine Crooks, IOC member; Mr Timo Haukilahti, Director, Ministry of Education in Finland; Ms Suja Astala, Senior Adviser, Ministry of Education, Finland; Mr Terry Madden, CEO, United States Anti-Doping Agency; Mr John Mendoza, CEO, Australian Sport Doping Agency; Mr Victor Lachance CEO, Canadian Centre for Ethics in Sport; Ms Beckie Scott, athlete in cross-country skiing; and Mr Jeffrey G. Benz, General Counsel, United States Olympic Committee.

5. Code

THE CHAIRMAN said that a great deal of attention and resources had been concentrated on the preparation of the new World Anti-Doping Code. Everybody was aware that this was a very ambitious undertaking, and that a difficult timetable had been deliberately set, however WADA was determined to press ahead and have the Code in place in time for the Olympic Games in Athens in 2004.

He invited the Code Project Team to provide the members with an update.

5.1 Update

MR ANDERSEN said that the Code was important, as it constituted the real harmonisation of the anti-doping work. He would be providing an overview of the framework of the anti-doping programme, and then discussing the process, which had been going on and would continue until the Code was finalised.

The Code had been worked on and revised the previous night, following comments made at the Executive Committee meeting the day before. Mr Young would be presenting some parts of the Code content, but he gave the floor first to Mr Figved, who would take the members through the overall programme and the process.

MR FIGVED informed the members that he would be providing them with an update on the basic concept of the Code, followed by an explanation of the process and the plan for the coming ten months.

The main focus when working with the Code had been on three areas. The team had first of all tried to put in place an overall framework, which included a basic concept that would make it easy to develop the Code as a specific document and to develop other documents to form the World Anti-Doping Programme.

The second focus area had been, and would be, the content, namely what should be included in the anti-doping programme.

The last part was the process of developing these documents, getting acceptance and implementing the documents.

The overall structure, or basic concept, of the World Anti-Doping Programme had been organised into three levels: the Code, international standards and models of best practice. The Code was the fundamental and basic document, which presented basic principles as to how the anti-doping efforts should be conducted. It should be acceptable by and applicable to all stakeholders. Some topics needed uniformity, whilst other issues required proximity, or basic principles.

The second level concerned international standards. There were three main standards: the list of prohibited substances and methods; laboratory standards; and standards for sample collection. These were not part of the Code but were important reference standards, some of which would be mandatory for stakeholders. Some of these standards could be used as a basis for certification or accreditation by a third party, and this would also ensure harmonisation.

The final level was what was known as models of best practice, where state-of-the-art solutions within different specific areas could be presented. These would be optional for all of the stakeholders.

The focus of the work carried out over the past five months by the team had been on level one.

With regard to the process of developing the Anti-Doping Code, the team had tried to set up some fundamental precepts for how the process should be conducted. It needed to be open and transparent. It needed to be pro-active and inclusive. Consulting and cooperation with the stakeholders would also be necessary. It would be necessary to stick to time-frames and be goal-oriented throughout the process.

There were three main phases in the process. The first phase concerned the development of the overall structure and the content of each of the documents. That phase had begun in September 2001, and the plan was to finalise the development of the content of all of the documents by January/February 2003. The second phase concerned approval. By March, he hoped to obtain final WADA approval and acceptance of the documents by the stakeholders. Implementation of the Code would begin as soon as possible in January 2004 so that all of the documents would be implemented by the Olympic Movement for the 2004 Olympic Games in Athens and by governments in 2006, in time for the Olympic Games in Turin.

There had been a broad consultation process since December 2001 in the drafting of the first complete version of the Code. There had been 35 different experts from different areas of anti-doping involved in the drafting process. The team had also received comments from approximately 140 people, who had provided the team with valuable feedback and proposals. The Code had also been presented to 500 to 600 people on different occasions, including representatives of governments, IFs, the IOC, NOCs,

NADOS, CAS arbitrators and athletes. It had not been possible to incorporate all of the comments made, but an attempt had been made to incorporate all of the important issues.

The process from June until December 2002 would allow all of the stakeholders to review and provide feedback on the first draft of the Code. There would be two review periods, the first from 10 June to 9 September for the first draft, which would be revised, following which a second draft would be made. The team would also work with the different international standards, the list and the standards for sample analysis and collection, and then circulate a second draft in mid-October. All of the stakeholders would receive the second draft of the Code so that they could review it. The stakeholders would have approximately two months to provide comments, so that, by mid-December, the team would have received the comments and would be able to finalise a new draft to be presented, together with all of the standards, at the World Anti-Doping Conference scheduled for late February/early March 2003.

Final approval by the WADA Foundation Board would be required soon after the World Conference in March 2003.

How could the team ensure that the broad consultative process was functioning? The team had sent a letter to all of the stakeholders describing some expectations and responsibilities, in order to be sure that there was an active consultative process, in which stakeholders were actually involved. This meant establishing some key contacts within the various regions, motivating and encouraging the countries and sports organisations which formed the region, providing relevant feedback to WADA when requested. The role of the stakeholders was very important.

MR YOUNG said that, before pencil had been put to paper, the team had looked at the OMADC, the IOC Medical Code, the Olympic Charter against Doping in Sport, the anti-doping rules of virtually all of the IFs, government statutes and regulations, NOC policies and rules, CAS decisions and decisions from national tribunals. The team had tried to take the best of all of these and incorporate them into version one of the first draft of the Code. This first draft version had evolved into version 15, which had been presented to the Executive Committee members the previous day. Following the comments made by the Executive Committee members, a 16th version had been worked upon.

He gave the members a brief review of the Code, referring to the Executive Summary of the World Anti-Doping Code (Annex) in the members' files, which explained the principles of the OMADC that had been incorporated in the Code and where the new Code had gone above and beyond the OMADC.

The first article of the Code was the Fundamental Rationale for the World Anti-Doping Code, defining the spirit of sport in a very positive way. Article 2, the Definition of Doping, was based on the same principles as the OMADC, but the principles were put together in a more comprehensive manner.

With regard to acceptance of the Code, there would, as is the case with WADA itself, be two main groups. The sports movement would accept the Code by signing a common declaration of acceptance. This would be the same document, but each IF and sports body would go to its congress or assembly and specifically approve the Code, signing separately. As for governments, the IICGADS group was working on this. At a minimum, there would a memorandum of understanding. Eventually, there would be some kind of international instrument, but this was something that would take time. The timing for acceptance would be the Olympic Games in Athens 2004. The deadline for implementing, for everybody except governments and NADOs, would be Athens 2004, and for governments and NADOs, the deadline for implementing the Code would be the Olympic Games in Turin in 2006. The consequences of not accepting, implementing and being in compliance with the Code were very significant. Both the NOC and government of a country would have to have accepted, implemented and complied with the Code in order to be able to host an Olympic Games or world championships. In order to participate in an edition of the Olympic Games, the NOC would have to have accepted, implemented and been in compliance with the Code.

With regard to monitoring, the parties that accepted the Code would submit reports every two years on where they were as far as implementation and compliance were concerned. WADA would review these reports. Article 9 had been written to try to be broad enough to encompass the countries that were just getting into doping control, and those countries that had been doing controls for a long time.

A condition of recognition for an IF or an NOC by the IOC was the acceptance and implementation of the Code. A new provision that had been added the previous day in response to comments made by members of the Executive Committee was that, if an IF said that it wanted nothing to do with the Code and did not care whether it went to the Olympic Games, governments committed not to provide financial support to that IF or the events that it organised.

With regard to modification of the Code, a broad collaborative process would result in an amendment being adopted by two thirds of the WADA Foundation Board.

It was not possible to make people stay at the dance if they did not want to stay. Obviously, there were consequences to this. There was a withdrawal provision in the document.

How would WADA deal with professional athletes? The team, based on the discussion with the Executive Committee the previous day, had made a step in that direction. If professional athletes who were not regular members of a national federation wished to go to the Olympic Games, they would have to make themselves available for out-of-competition testing up to one year prior to that competition. The same applied to world championships.

The Code would address some of the conflicts with which everybody had lived in the testing process. One of the things about which the most complaints had been heard was that an athlete, in a single event, could be tested by several anti-doping agencies. The Code provided that, during a single event, only one agency would be responsible for testing. The agency initiating the test would be responsible for the results management.

A new clause concerned liability. If an IF or other body adopted the Code and followed it in good faith, then it should not be subject to liability and damages based on its actions.

The team had put all of the anti-doping rule violations in one place in the Code, also aiming to avoid any possible loopholes.

With regard to the list, there would be a prohibited substances and methods list, with defined criteria for how a substance got on that list. There would be only one list, with all of the substances on the same list, so any IF could consult the same list to find out what was prohibited in what sport.

Medical exemptions constituted a major area of disharmony in the current state of anti-doping, and the Code aimed to address this issue in a more uniform manner.

Areas in which the Code took the OMADC further included Article 8.1.1, a list of prohibited conduct, and Article 8.3.3, regarding how substances got on the list. There was also a new concept. The old list had included heroin, cannabis and anabolic steroids. Heroin was not a performance-enhancing substance, therefore it was not included on the list of doping substances. On the other hand, stakeholders had implied that they wanted to be able to test athletes for heroin and other substances, so these non-performance enhancing substances would be put on a separate code of conduct list, with a positive test to be addressed by the Code of Conduct and dealt with accordingly.

With regard to monitoring, a slight change had been made to the previous day's document. WADA would have the opportunity to test for substances which were not on the list of prohibited substances and methods or on the conduct list, to see whether there were potential patterns of abuse.

The issue of violations in one race meant that an athlete's results would be wiped out in prior and subsequent races during the competition.

The World Conference in Lausanne in 1999 had accepted the basic two-year sanction for a major violation such as use of steroids, and life for a second violation. The one possibility for exceptions was found in Article 8.8.9, which allowed stakeholders to adopt rules with regard to increasing sanctions. If a stakeholder, such as an NOC, did this, an athlete would still be able to compete in international events. The concept for a potential for lesser penalties for over-the-counter stimulants had been carried forward, and the concept of exceptional circumstances had also been carried forward from the OMADC. Strict liability would apply and an athlete would automatically lose the results of the competition at which a substance had been detected, but before a sanction could be applied, there was an opportunity to look at the facts and circumstances of the case. In order for exceptional circumstances to apply, the athlete would have to demonstrate how and why he or she had tested positive for a prohibited substance and that

it had not been the athlete's fault. The concept of the list of prohibited substances and methods was similar, but there would be one document for all of the different sports, all in one place.

There were specific provisions on confidentiality and reporting, which began by protecting the athletes' rights, and then dealt with the transparency issue, which had been a problem in some places.

Athlete whereabouts was a new concept. The Code would require athletes to give their whereabouts to the relevant anti-doping organisations, which would have to share this information with each other.

THE CHAIRMAN thanked the team for the presentation, noting that a tremendous amount of work had been put in by the Project team, as well as an extraordinary level of consultation. The Code had been reviewed. He wished to highlight the importance of all of the Foundation Board members to exercise their responsibility in the region or community that they were representing on the Foundation Board. Within their respective constituencies, there were people who were not familiar with anti-doping issues and did not have the expertise, so it was up to the WADA members to assist everybody from their communities in reaching a level of understanding to allow them to attend the World Anti-Doping Conference the following year with sufficient understanding of what it was that they would be asked to approve, so that they would be able to exercise an informed judgement.

Did any of the members have any questions or comments of important principle? He wished to point out that this was not a drafting session.

Because there were cases pending before the CAS dealing with the very issue identified by Mr Young in section 8.8.1 of the Code, namely the question of whether all results at a particular event such as the Olympic Games became nullified in the case of a doping offence, it was at least arguable that the OMADC in its current state contemplated that result. It should not be taken as a certainty that a new rule was needed, as the rule might be broad enough to allow for that result already.

MR SHARMA: In Article 1 of the Draft circulated there was no specific mention of the "spirit of sport" which is referred to in the definition of doping in Article 2. This may cause some legal difficulties. The point was appreciated and the Chairman directed the Secretariat to carefully examine this point.

With regard to the accreditation of laboratories, the principle of third-party certification was accepted. Once the certification was carried out by the third party, there would be further WADA accreditation. He thought that it should be either ISO or WADA accreditation, and not both.

Article 8.5 said that testing was to be performed only in the WADA-accredited laboratories. India had applied for accreditation for its laboratory and, pending this, was already testing in order to gain proficiency. WADA should make some provision that laboratories should be allowed to perform testing pending accreditation in order to gain the necessary experience.

Implementation of the Code had large financial implications. It was going to be difficult for developing countries to implement the Code, so WADA needed to think about how to finance developing countries so that they would be able to implement the Code. These countries should not be excluded from participation due to poverty.

MS O'NEILL referred to athlete whereabouts, asking whether there would be clear sanctions if athletes missed the unannounced tests.

Would the drug testing agencies be coordinated also for out-of-competition testing? The problem at the moment was that several organisations had been testing athletes over very short periods, and this affected their training.

MR AJÁN said that, on the occasion of one of the first WADA Foundation Board meetings, he had been one of the members to propose the harmonisation of the Anti-Doping Code, as the IFs and other sports bodies should not have different points of view.

Would the CAS reflect the IFs' flexibility? His IF was seriously fighting against doping, and if a federation had three or more positive anabolic steroid cases in a calendar year the entire IF could be suspended for one year. Would the CAS respect such a decision?

MR FASULO praised Mr Young and his team for the work done. A huge amount of information had been collected.

There were some concerns regarding competence and overlapping, and these would be studied together with WADA. If an IF, an NOC or the IOC did not accept the Code, this would prejudice the participation of a country or an athlete, and this crossed over into the boundaries of who was responsible for the participation of athletes, therefore he asked the team to think about this.

With regard to sanctions, there would be certain obligations. There had been an effort to protect the IFs, and Article 5.1.3 of the Code tried to address the issue of protection of IFs. This was a good step in the right direction.

With regard to testing and results management, the team had gone far to address the overlapping of responsibilities, and he encouraged further study in this regard, as this was probably one of the biggest concerns of the IFs.

With regard to limitations, what was the goal behind this? Would there not be a massive flooding of retroactive requests?

PROFESSOR DE ROSE asked for clarification regarding Article 8.3.6.

MR BELTRAN passed on the apologies of the State Secretary for Sport, who had been unable to attend the meeting, and congratulated WADA on the Code and its collaboration with the European Union.

With regard to the Code, during the Spanish presidency of the European Union, there had been huge efforts to highlight the importance of having a harmonised World Anti-Doping Code. The message of the importance of WADA had also been taken to meetings of the Mediterranean countries in Marrakech and to meetings with Latin American countries at the summit of the European Union with Latin American countries in Lima, as well as the last meeting held in Havana between countries belonging to the Latin American Sports Confederation. This was very important, as Latin America was watching WADA and expecting collaboration in order to implement the Code.

With regard to Article 4.1.3, the European Union was willing to work with WADA in order to find the best solution for an international instrument that could help European Union public authorities to implement the Code and to avoid any future problems. He was therefore eager to cooperate with WADA in order to find a solution.

During the Spanish presidency of the European Union, efforts had been made to solve the problem of financing, and the European Union was working with the Council of Europe to have a mechanism in place as soon as possible.

MR BESSEBERG referred to Article 8.3.4, which dealt with the issue of medical exemptions. The final sentence stated that *WADA **may** establish standards for approval …prohibited substances.* The main goal of the World Anti-Doping Code was harmonisation, therefore he thought that this sentence should read *WADA **should** establish*.

MR YOUNG responded to the comments.

The team would consider the observation regarding the spirit of sport.

With regard the question of whether dual ISO and WADA accreditation was necessary, he thought that the answer would be yes, as ISO played a different role. ISO did not necessarily deal with the substance of the process but, rather, practice standards in the laboratory area, WADA would want to deal with substance.

With regard to laboratories which were not yet accredited, Article 8.5 discussed accredited laboratories or laboratories as otherwise approved by WADA, which created an opportunity for laboratories to function without being accredited. The team recognised that, in the current world of anti-doping, there were many people carrying out on-site blood analysis without being IOC-accredited laboratories.

He told Ms O'Neill that the specific sanction was Article 8.8.4.3, which was a flexible sanction (ranging from three months to two years) for violating the whereabouts rules of the anti-doping agency. There would be considerable variation between the IFs. FINA had a three-strike rule, and the fourth strike would constitute an anti-doping violation, with a two-year sanction, but FINA had a sophisticated process of

keeping track of the athletes. The more sophisticated the process was, and the more the athletes had experience of the system, then the more serious sanctions could be.

The question regarding out-of-competition testing was a good one, as this was a problem. On the other hand, it was sometimes more effective to test an athlete two to three days after a test, but it was true that it made no sense to overlap. This would be a work in process, but it was covered by the Code in Article 8.10.7 in WADA's role as an information clearing-house.

MR YOUNG told Mr Aján that the rules of the IWF and FINA, among other IFs, which regarded keeping athletes out of events for a period of time, was expressly recognised in Article 8.8.10.2.

Would the CAS recognise this? The answer to this question was that one could never promise that a court would do anything, but everybody would be a great deal better off after the Code than before the Code. When WADA got the IFs and the sports community and governments to approve the Code, this would put a considerable amount of pressure on a CAS arbitrator or a judge to take note of it.

He told Mr Fasulo, with regard to the overlapping of competences, that the team had tried to address this issue in Article 5.12, and would look forward to receiving feedback on that.

The goal on the statute of limitations was quite clear. WADA wanted to send a message to the athletes that, if they cheated and WADA found out later, for example, even if ten years down the line, then it would take action.

He told Professor de Rose, who had asked about the monitoring list, that the decision made the previous day had been to get rid of one more list, but WADA could still monitor for other substances.

With regard to medical exemptions, this was an area where there was widespread disharmony, and greater harmony was necessary. WADA could appeal an exemption, as could other bodies. There were standards, and the odds were that there would be more detailed standards, but WADA would be better off seeing where the problems arose before doing that.

THE CHAIRMAN said that WADA had financial obligations to help developing countries, and would aim to give as much assistance as possible within its means.

With regard to Mr Fasulo's comment on the issue of protection of Ifs concerning sanctions, there was the draft provision in the Code, which he thought was good protection, and then WADA was insured against any risk.

The team would continue its work on the Code, and would look forward to everybody's comments on testing and results management, which was an important area.

With regard to the provision dealing with unlimited time for imposition of sanctions, he understood why the team had put it there, but he did not want anybody to be under any misapprehension as to the degree of evidentiary difficulties that would be encountered if one tried to apply a sanction ten to twenty years after a sample had been provided.

With regard to Mr Beltran's comment about an international instrument, there would be an IICGADS report, but he thanked him for his support of an eventual international instrument, whatever form it might take.

As for the discussions on the Code, it was very important that the comments on the draft be timely and responsive to issues that needed to be addressed. There would be two periods of consultation. Comments were needed by August in order to be able to get a new version out, and it was critical that WADA have something that was very close to the final draft by mid-December, so that, at the meeting in February, there would be minor discussion about principles that had already been widely agreed upon and accepted. This was vital.

MR REEDIE said that the Foundation Board should know that, in Kuala Lumpur the previous week, 198 NOCs had signed a unanimous resolution supporting almost entirely the principles of the Code, and the NOCs would be strong supporters of the consultation process.

Speaking on behalf of the Caribbean region, MR GREENIDGE commended the team on the work it had done on the Code.

He was happy that Mr Pound had commented on the financial assistance that would be necessary for areas such as the Caribbean, because the cost of implementation for countries in the Caribbean region would be immense. There were approximately 20 separate independent countries with very small economies there. He would be encouraging the countries of the Caribbean to comment on the draft. As for the funding, he was very grateful that this and the issue of technical assistance had been spoken about.

THE CHAIRMAN noted his wish for the members to decide to go forward with the version of the Code discussed at the meeting and release it on the website as the draft approved by the Foundation Board for discussion purposes, and that WADA proceed with the development of the list to apply during the interim period, which would be the calendar year 2003. This had to be approved by the Foundation Board and then enacted by the IOC, so this might have to be done by way of a mail vote in order to get the recommendation to the IOC in time for its Executive Board meeting in August 2002, in order for the Executive Board to make the changes and give them the necessary three months' notice in order to be effective by 1 January 2003.

DECISIONS

1. Foundation Board to decide to go forward with the version of the Code discussed at the meeting and release it on the website as the draft approved by the Foundation Board for discussion purposes, and WADA to proceed with the development of the list to apply during the interim period, which would be the calendar year 2003.
2. Code update approved.

5.2 IICGADS update

MR DEVILLERS referred to the IICGADS update on the meeting held in Kuala Lumpur from 24 to 26 April 2002 (Annex).

There had been 44 governments represented, and a number of items had been agreed to, one of which was to work cooperatively with WADA in the development of the Anti-Doping Code.

It had been said that the governments would need as much flexibility as possible at the ratification and implementation stages, given the different legal systems and existing legislation in the various countries.

It had also been agreed that the governments would work to develop a memorandum of understanding that would resolve the legal status with respect to the government partnership in WADA, and also the future endorsement of the Code, as well as regional representation and the funding that needed to be clarified and formalised.

The governments had also agreed, inasmuch as Canada and Australia had been the leading two countries in chairing the IICGADS group, to expand to an organising committee to take in the continental representatives from the Executive Committee of WADA so that, at the next IICGADS meeting in December 2002 in Moscow, the organising committee would be more involved.

THE CHAIRMAN noted that his impression of the meeting was that the governments remained committed to the concept of WADA, to the adoption of a Code, and to the financial support of WADA, and that they would make every effort, in their own inimitable styles, to get there as soon as possible. He thought that one tangible demonstration of the governments' interest had been the agreement to hold a meeting of IICGADS in Moscow. By that time, the governments would want to put together an integrated view of the public authorities as to the content of the Code and the related documents, which would mean that the meeting at the World Anti-Doping Conference in 2003 would not be a drafting meeting but would move towards a resolution of all of the outstanding issues.

He thanked the governments for their continued efforts in this direction, as well as the volunteer members of the governments who had taken on the responsibility of organising on a continental basis and making sure that things were moving forward.

D E C I S I O N

IICGADS update approved.

5.3 List update

MR WADE noted that there were some important level 2 standards which were mandatory. Three of these key standards were the prohibited methods and substances list, the WADA laboratory accreditation system, and the international standards for doping control.

This was obviously a dynamic process, and there had been a good discussion the previous day with the Executive Committee. Based on this discussion, a couple of issues had emerged. A game plan was needed with regard to the timing and synchronisation of the Code to these important key standards, and the modifications and timelines for the list needed to be looked at.

MR FIGVED said that he would give the members an update on the revised timelines, in an attempt to package the Code with these three key level 2 standards.

With regard to the review process, by 10 June the team would circulate the first draft, but all of the relevant Code documents would be published on the WADA website so that the members would be able to use these for their internal review processes.

The team would also try to publish all of the stakeholders' comments on the website. He asked the members to provide the team with comments via e-mail.

With regard to the game plan, the idea was to have an overall plan for all relevant Code projects. The purpose was to ensure coordination and consistency between the different documents and projects. There were at least five different kinds of projects: the Code, the prohibited substances and methods list; the laboratory standards for sample analysis; the standards for sample collection; and the World Anti-Doping Conference scheduled for February/March 2003. All five projects were linked to each other.

The time span for the Code was from June 2002 to Athens 2004. The first draft of the Code was about to be circulated. The next milestone would be to complete, by February 2003, the drafting of all those documents which would be part of the new scheme, to be introduced later. This would include the final draft of the Code; the final draft of the new WADA list which would be in force by 1 January 2004; the final draft of the laboratory standards for sample analysis; and the final draft of the standards for sample collection. This would mean that it would be necessary to develop those documents, review them, and consult with stakeholders before February 2003.

The World Anti-Doping Conference in February/March 2003 would be an arena, or forum, for the presentation of the final drafts of all of the documents mentioned.

The next milestone would be final approval of those documents, which would take place at the WADA Foundation Board meeting in March following the World Anti-Doping Conference. At the Foundation Board meeting there would be a final sign-off of the Code, the list, the standards for sample analysis and the standards for sample collection. These documents would represent a new scheme within anti-doping, which would be put into effect on 1 January 2004. This implied that, from March 2003 to January 2004, there would have to be a period of getting acceptance of the Code from the stakeholders, ensuring adoption of the Code and the standards, and to continue the transition from the existing scheme to the new scheme.

The final milestone was the final implementation of the documents and the new scheme by Athens 2004. The governments and NADOs, however, would have until Turin 2006.

On 1 January 2003, the IOC list would be in force, but it would be based on the recommendations made by WADA.

MR WADE referred the members to the Prohibited List Update document in their files (Annex).

The 2003 list would be the same, essentially, as the 2004 list. There would not be a 2003 WADA list before the Code. The change regarding the monitoring list and the reasons for that had already been given.

PROFESSOR LJUNGQVIST referred to the timing of the list. The current list, as decided by the IOC, was explicitly to be valid only until 1 January 2003, so a new decision would need to be taken, and the 2003 list would be a joint IOC and WADA list. He thought that WADA should suggest its own list to be valid as of 1 January 2003.

With regard to the references in the documents to a medical review list, this would not be a list as such; it would be a monitoring mechanism. A clause should be included in the Code which would make it possible for the laboratory to analyse beyond the list to find out what might be going on, particularly with regard to new substances on the market.

D E C I S I O N

List update approved.

5.4 Laboratory accreditation update

MR WADE said that another major initiative had been the development of WADA laboratory accreditation standards. A committee had been established to advance the development of those standards.

The Laboratory Standards Concept and Approach document in the members' files (Annex) provided an overview of the approach that was being taken. The diagram on the third page of the document explained how the system would work.

WADA would be developing its own WADA standards for the analysis of doping samples, which would be linked in many ways to ISO 17025, however this would be the quality management system used to make sure that there was consistency in the application of the standards within sport. This was why there would be a WADA review system which would give a WADA approval or accreditation. It was not an ISO 17025 accreditation by itself, but a WADA approval linked to the quality management of ISO 17025.

A project team had been put in place to accelerate the standards, which would be drafted and available towards the end of the year, and would be meeting the following week.

WADA was building on the high standards of the IOC, which had taken a good initiative to have ISO 17025 accreditation within the laboratories. One of the potential limitations with ISO 17025 in isolation was that there would be an inconsistent application of the standard. He proposed that there be an accreditation team, managed by WADA, to go to the different laboratories using the certification bodies in each country, so that there would be a consistent application of the standard developed through WADA using the ISO 17025 quality system. This was the planned approach.

With regard to timelines, the draft would be in place for the second round circulation of the draft Code in autumn.

D E C I S I O N

Laboratory accreditation update approved.

5.5 World Conference on Doping in Sport

THE DIRECTOR GENERAL said that the World Conference on Doping in Sport would be open and transparent.

WADA had sought expressions of interest to hold the conference, and had advertised on its website. The deadline for applications was 14 June 2002.

He referred the members to the documents in their files (Annex) for information on the requirements and conditions. WADA also sought endorsement from the relevant governmental and NOC authorities of the host country.

A decision was to be taken by the end of July 2002, as soon as possible after the applications had been submitted.

There was a proposal to establish a subcommittee (Annex) to decide on the host city for the conference. This would be established after the applications had been submitted in order to avoid any conflicts of interest.

THE CHAIRMAN asked the members to delegate him to appoint a subcommittee to make a decision as to where the World Conference on Doping in Sport would be held in February/March 2003.

MR FASULO had been asked to question whether a subcommittee made up of three members would be sufficient in order to make such a decision.

THE CHAIRMAN replied that he would be happy for the subcommittee to make a recommendation to the Executive Committee. If the subcommittee was unable to make a decision, it would consult with the Executive Committee.

DECISIONS

1. World Conference on Doping in Sport report approved.
2. Proposal to establish a subcommittee of three members to decide upon the host city for the World Conference on Doping in Sport, chaired by Mr Pound, with one representative from the public authorities and one representative from the Olympic Movement, approved.

6. Independent Observers

6.1 Salt Lake City Olympics report

MR HOWMAN said that it was a privilege to table the report (Annex) compiled by the team. He thanked each member of the Independent Observer team in Salt Lake City. The outcome of the work reflected the expertise and consideration given.

The report had been forwarded to the IOC and the IOCMC for their comments. No comments had been received to date. It appeared that no factual mistakes had been made, therefore the report was final, and had been posted on the WADA website accordingly. He tabled it to the members of the Foundation Board in case there were any questions or issues that they might like to raise.

The recommendations were ones that the team had felt appropriate to raise with the IOC for the Olympic Games anti-doping programme that might take place in Athens and at subsequent Olympic Games.

There were still a number of cases resulting from the results management process in Salt Lake City which were subject to appeal and pending before the CAS. The Independent Observers did have the ability to seek the permission of the CAS to attend those hearings. The previous day, the Executive Committee had entrusted him with the task of determining whether or not to attend to observe and, if so, to do so with sufficient fiscal prudence as to satisfy Mr Reedie as chairman of the WADA Finance Committee. He would be very careful before incurring any additional expenses, but felt that the Independent Observers should attend the case taken by two Olympic Committees in relation to the suggestion that medals won by athletes later disqualified from the Olympic Games might also be taken from them.

The only other issue was to advise the members that the report was being translated into French.

PROFESSOR LJUNGQVIST thought it appropriate to make some comments regarding the report since he had been appointed by the IOC as Acting Chairman of the IOCMC at the Olympic Games in Salt Lake City.

As background information, he personally supported the Independent Observer principle.

There had been very good cooperation with the Independent Observers and therefore he had been pleased.

During the Olympic Games, he had received two complaints from the Independent Observers. The Independent Observers had not been invited to a particular hearing concerning the Belarus speed-skater, who had originally been exonerated by the IOC, since it had been felt that a breach of the chain of custody had resulted in an invalidation of an otherwise positive analytical result. The athlete had then been investigated for a breach of the Olympic Charter since she had left the Olympic Village without authorisation. The Independent Observers had not been invited to the hearing. He had not been invited either, as the IOC Executive Board had considered that the matter was a non-doping one. The members of the IOCMC had decided to perform an out-of-competition test on this athlete, but had found out that the athlete had left the Olympic Village.

The second complaint concerned the Independent Observers' problems related to fulfilling their duties in the laboratory. The Independent Observers had met with complications and felt that they had not received sufficient information, etc. He had responded to the issue, and said that the IOCMC representatives had experienced similar problems in the laboratory. It should be understood that the laboratory staff had been employed by SLOC, and had thus been acting as SLOC employees.

The report was very informative, but its format invited people to seek for criticism in the report without putting into context the overall evaluation of the anti-doping activities, hence an article in the international sports press commenting on the criticism of the series of dysfunctions at the Olympic Games. He therefore asked for a revision of the format of the report. Perhaps a basic report would be better, leaving the details in an appendix. Overall, the activities in Salt Lake City had been excellent, and there had been no attempts at delays or cover-ups. The small complications had been inevitable.

He totally agreed with the report that there was confusion regarding the Code and the Guide. He thought that the Guide should take over during the Olympic Games, and it should incorporate only the important parts of the Code.

The members should be aware that the blood analysis rules referred to were not IOC regulations, but they were rules of the three IFs concerned. The IOC had made use of the samples taken by these IFs for the purposes of screening for EPO. This could have been done irrespective of the blood sampling performed by the three federations concerned, but this would have subjected the athletes to two blood sampling procedures, which would not have been fair.

He invited Professor De Rose to comment on the remark regarding the possibilities of having the power to suspend athletes after they tested positive at the Olympic Games. He was personally in favour of suspending athletes pending the final decision. The disciplinary procedures in Salt Lake City had been in place for the first time at an edition of the Olympic Games. He thought that there had been a great improvement, which had been acknowledged in the report, but the applicable committees had had to deal with matters in a very speedy manner, and had felt that disciplinary procedures needed to be completed before taking any action, which was why some athletes had competed after having had a positive result from a sample, and this was unfortunate.

He thought that what had happened in Salt Lake City, when cheats using new substances on the market had been identified, had been a great step forward. The problem was how to interpret the analytical data that was received back, but this had been achieved. The message this sent out to the athletes was: don't even try the latest doping substances.

In conclusion, PROFESSOR LJUNGQVIST had no major objections concerning the report, and he welcomed the proposals on behalf of the IOCMC.

PROFESSOR DE ROSE said that the Independent Observer team had done an excellent job in Salt Lake City. He had been responsible for the supervision of the collection process.

He agreed that there had been problems in Salt Lake City, as there had been in all of the previous editions of the Olympic Games. However, Salt Lake City had caused additional problems as the IOCMC usually prepared doping control operations six months prior to the Olympic Games, but this meeting, scheduled for September 2001, had been cancelled, therefore no preparations had been possible. This had not been the fault of the IOCMC.

On page 32, item 3 of the report stated that *the IOCMC contends that the pre-event blood testing was of a health/medical nature. No member from the IOCMC attended the sample collection process nor the*

subsequent analysis and decision-making process. A team had gone to Salt Lake City ten days prior to the Olympic Games and had gone to almost all of the sample collection processes for health purposes. This had not been an IOC operation, therefore nothing had been formally signed, but the group had gone just to check that the rights of the athletes were being observed and if their treatment was correct, etc.

On page 53, it was stated that *the IOCMC member was not present to sign the document indicating the resealing of the bag.* Although this information was correct, he wished to note that the IOCMC member had been there, and had signed the initial sealing of the bag. The member had then gone out, and the station officer had then discovered that a particular document was not in the bag, therefore the officer had opened the bag, and had then tried to re-seal the bag, finding that the bag could not be re-sealed. The IOCMC member had fulfilled his obligations and had left after what he believed to have been the end of the operation.

With regard to recommendation 16 in the report, he noted that the IOCMC included members with more than 30 years of experience in doping control, and thought that there was no time during doping control for education.

He did agree that the problems faced in Salt Lake City had been difficult, although most of the problems had been solved.

The Prince de Merode had not shown up for health reasons, therefore there had been no initial leadership, although an excellent chairman, in the person of Prof. Ljungqvist had taken over at the last minute.

He praised the work carried out by the Independent Observer team, as it was important to have total transparency of operations.

MR FASULO said that he strongly supported the first seven or so recommendations, specifically regarding the issue of blood testing and the need to standardise this. The IFs looked to WADA for clear and definitive guidance, and he hoped that these recommendations would be incorporated into discussions, not only in the Standards and Harmonisation Committee but also regarding the Code.

MR BESSEBERG referred to page 29 of the report, which stated that *the Independent Observer team observed one haemoglobin finding in a male biathlete of 17.5 g/dl. It was decided by two IBU officials that no further measurements had to be done*. According to the IBU rules, an athlete was allowed to start with a level of 17.5 g/dl or below.

Also, the end of the paragraph, which stated that *the official rules of IBU do not deal with haemoglobin but hematocrit*, was completely wrong. The rules dealt with haemoglobin and not hematocrit.

MR BELTRAN noted that the report stressed the necessity for the public bodies and the sports movement to work together because of the political implications that a doping case might have in one country. The public should be informed about doping and how the organisation was working. This was a good report and was very important.

MR HOWMAN responded to the comments. He told Professor Ljungqvist that the task of the Independent Observers was to observe and report. The laboratory and the laboratory director had been contracted – the opening paragraph on page 36 of the report stated that the Independent Observers had known that this was the case, and had not wanted to infer otherwise.

The issue in relation to suspension was a new one, and this was recognised, but the by-laws clearly indicated that the Inquiry Commission, as well as the IOC Disciplinary Committee, had the right to suspend an athlete pending investigation. The report had observed that the rule existed but had not been used.

With regard to page 53 of the report, the Independent Observers had stated that the IOCMC representative had not signed the *resealing* document.

He took on board the comment concerning page 32 of the report, and would check that this was properly conveyed within the final report.

With regard to the IOCMC report, which had been tabled, the Independent Observers would include their comments on the report in the final document.

MR HOWMAN took on board what Mr Besseberg had said, noting that the doctors concerned might have had the wrong set of rules. This would be remedied if necessary.

He noted that the matters raised by Mr Fasulo were policy issues for WADA.

DR STRETTON thanked the Independent Observers for their thoroughness in compiling the report. Detail and transparency were essential to WADA's credibility.

DECISION

Salt Lake City Olympic Games Independent Observer report received.

6.2 Salt Lake City Paralympics report

THE CHAIRMAN said that the final report was not quite ready for publication, although Mr De Pencier, who had headed the mission, was in a position to provide the members with an interim report.

MR DE PENCIER regretted that the Foundation Board members did not have the report in front of them, but he was pleased to report that the Independent Observer mission had been highly successful, because the Independent Observer team had observed doping controls which had been performed very well, and because of the excellent cooperation the team had received from the IPC, its medical commission and SLOC.

The report discussed the anomalies that the Independent Observers had observed, all of which could be addressed, none of which had cast doubt on the controls. Indeed, the only complaints were that there had not been enough tests performed and there had been no blood sampling.

The report also discussed aspects of doping control particular to the Paralympic movement and its elite athletes. He hoped that the report would serve an educational purpose within the WADA community so that everybody would have a better understanding of the Paralympic movement and its elite athletes.

His view was that the mission provided a very solid foundation for future cooperation between WADA and the IPC, and represented a further step in the worldwide recognition of Paralympic athletes as elite athletes.

DECISION

Interim Salt Lake City Paralympics Independent Observer report received.

6.3 Mediterranean Games report

DR GARNIER said that the Independent Observer mission had experienced a number of difficulties. He thanked the team members for their work and competence.

The implementation of the mission had been somewhat chaotic, despite the official invitation, and access to results management had been refused by the International Mediterranean Games Office and its president until the IOC President, Dr Rogge, had intervened to enable the mission to go ahead.

He wished to underscore the total support of the Tunisian authorities and the local games organising committee. With regard to the collection and analysis of the samples, this was satisfactory, however the treatment of cases and the juridical management of the cases had not been so successful, due to the absence of legal reference texts.

He hoped that the report would be read in a positive spirit, and that it would be useful to future organising committees.

THE CHAIRMAN thanked Dr Garnier and his team for carrying out a particularly difficult Independent Observer mission. The Executive Committee had been of the view that the report would be extremely helpful indeed for future competitions.

D E C I S I O N

Mediterranean Games Independent Observer report received.

6.4 General update

THE DIRECTOR GENERAL felt that the Independent Observer mission was a very important part of the anti-doping activities, and was increasing the credibility of controls in the eyes of the athletes and the public. It was hoped that the reports would help future organising committees to better organise doping controls, and benefit the athletes, the public and the organisers.

WADA had a pool of over 50 experienced doping control experts and intended to hold a workshop with them and train them in order to maintain and improve the quality of the Independent Observers.

It was good to have agreements with the organising committees before going to the events, as excellent cooperation with the organisers was a necessity if the missions were to be successful.

He thanked FINA, the UCI and the IAAF for their excellent cooperation with the Independent Observers. There had been a rather bumpy road for WADA with FIBA in Turkey but, as a result, FIBA had invited the Independent Observers to both the men's and women's championships that year.

WADA had also been invited to attend the Commonwealth Games in Manchester as Independent Observers, and this would give WADA an excellent opportunity to meet the athletes and increase awareness.

WADA had tried to obtain an invitation from FIFA to the World Cup, but had not succeeded. The secretary general of FIFA had written to WADA and said that there would be no need for Independent Observers at the FIFA World Cup. On the other hand, FIFA would be visiting the WADA headquarters in August to sign a contract on cooperation in the field of education, research and out-of-competition testing, and WADA would propose the inclusion of Independent Observers at that stage.

MS O'NEILL asked if Independent Observers went to every event to which they were invited. Why had the Independent Observers gone to the European Curling Championships?

THE DIRECTOR GENERAL replied that, up until then, WADA Independent Observers had gone wherever they had been invited, but it might be necessary to set a limit in the future. The main criteria had been to send a team of the size needed for the event in question. The European Union had funded the Independent Observer mission together with WADA, although it was true that WADA might need to start introducing priorities. Multi-disciplinary games should probably be on the priority list, if such a list were to be introduced.

THE CHAIRMAN wished to echo Dr Garnier's comments on the support from the IOC President with regard to the Independent Observer missions. The IOC President had been very firm in order to diminish the level of institutional testosterone displayed, and had been extremely helpful. He thanked all of the Independent Observer teams for the great work carried out and for having increased the profile of the fight against doping in sport. This certainly encouraged best practices and it was reassuring to be able to report that the procedures had been carried out in accordance with the rules.

D E C I S I O N

General update approved.

7. Legal

7.1 General update

MR HOWMAN referred the members to the report in their files (Annex).

D E C I S I O N

General update approved.

7.2 Foundation Board renewal

MR HOWMAN referred the members to the document in their files (Annex) regarding the rotation system for Foundation Board members. The Legal Committee proposed an amendment to the constitution. The Executive Committee had discussed the matter the previous day and recommended the adoption of this process provided that the members discuss, within their constituencies, the way in which they might suggest to the Foundation Board the allocation of the various terms under the three categories.I If that were done prior to the Foundation Board meeting the following year, then it would be adopted rather than a draw taking place. He therefore asked the members to discuss the matter and make a decision in relation to it so that the constitution could be appropriately changed.

THE CHAIRMAN asked whether it was the wish of the Foundation Board that the various constituencies first try to agree amongst themselves how to handle the staggered terms, and only if they were unable to do so would there be some kind of a draw.

D E C I S I O N

Constituencies to agree amongst themselves as to how to handle the staggered terms of Foundation Board renewal. A draw to take place failing an agreement.

7.3 Exclusion / sanction for default of contribution

MR HOWMAN said that the Executive Committee had determined to leave this matter to see how the collection of contributions took place. The Legal Committee would review the issue if there was a need later in the year.

THE CHAIRMAN agreed that the Foundation Board should wait and see how the payments came through in the first year of government participation in the funding of WADA before deciding whether to sanction or exclude members for default of contribution.

D E C I S I O N

Decision regarding exclusion or sanction of members for default of contribution to be taken depending on how the government payments take place in 2002.

7.4 Quebec tax agreement

MR NIGGLI referred the members to the tax agreement in their files (Annex). This agreement, between the Government of Quebec and WADA, concerned tax and courtesy privileges extended to WADA and its non-Canadian employees. It had been drawn up in accordance with the promises made by the Government of Quebec during the bidding phase for the location of the WADA headquarters and would be signed shortly.

D E C I S I O N

Quebec tax agreement approved.

7.5 Legal liability for Foundation Board and Executive Committee members

MR NIGGLI said that the issue of responsibility of Executive Committee members and the risks taken had been raised by Mrs Reding. The answer to concerns she had publicly expressed was that members were not at risk. WADA was a private foundation under Swiss law and not a commercial private foundation. There was no risk of liability on the part of members.

With regard to decisions taken by members of WADA, they would not be responsible for their decisions, unless these were totally outside of the objects and purpose of WADA. Members could not avoid legal action being taken against them, so they were insured against possible action. The risks for Foundation Board and Executive Committee members were therefore almost nil.

DECISION

Report on legal liability for Foundation Board and Executive Committee members approved.

8. Finance and administration

8.1 2001 audited accounts

MR REEDIE said that there were two presentations in the members' files concerning the 2001 accounts. The first document contained WADA's accounts presented by PricewaterhouseCoopers (Annex) in a form which complied with Swiss law. These accounts were exactly the same as the second set (Annex), which was the very full set used by WADA, setting out every item of expenditure in great detail.

WADA held substantial cash reserves in Switzerland because the interest rates tended to be slightly better than in other parts of the world.

With regard to expense figures, the committee had set out in considerable detail WADA's salaries and social charges, and then it had detailed all of the expenses on the Foundation Board, the Executive Committee and all of the individual committees. WADA contracted out quite a lot of committee work, which explained the phrase *expert services*.

For the record, and he hoped that this would not happen again, there was a figure under heading 560500, *office insurance*, which included the liability insurance costs for the year 2000, which had been paid in 2001. At the end of that column, there was another liability insurance figure which was the correct figure for 2001, so WADA had effectively paid two years' liability premiums in the same year.

MR ROTH informed the members that the report was included in their files. In conclusion, PricewaterhouseCoopers thought that the accounting records and financial statements complied with the requirements of Swiss law and the foundation deed, and recommended that the financial statements submitted to the members be approved. He also informed the members that PricewaterhouseCoopers had considered the internal control structures of WADA as part of its audit, and had made some recommendations, which he was pleased to report were being addressed by WADA.

THE CHAIRMAN suspected that the members might all be more comfortable if PricewaterhouseCoopers could opine that the WADA financial statements were consistent with the best practices of international organisations. Would it be difficult to expand the scope of the report?

MR ROTH said that the accounts had to be in accordance with Swiss law since WADA was a Swiss foundation. The accounts could certainly be extended to include all requirements of international accounting standards and then, as a consequence, PricewaterhouseCoopers could issue a report that would confirm compliance with international accounting standards.

DECISIONS

1. 2001 audited accounts and the report of the auditors approved.
2. Mr Reedie and PricewaterhouseCoopers to discuss the issue of expanding the scope of the PricewaterhouseCoopers report to include confirmation of compliance with international accounting standards.

8.2 2002 quarterly accounts / budget update

MR REEDIE said that the quarter to 31 March 2002 had been most unusual, as WADA had had relatively little income and relatively little activity, so the figures would be developed over the year. The figures shown in the report were the most recent figures.

The Executive Committee had had a full and frank exchange of views on future income trends, and there was no point in going over that again, but the budget update was rather different. He thought that there were some questions regarding the total income of WADA until the end of 2002. He actually thought that the staff costs and salaries would be lower than originally budgeted, as would the committee costs and the cost of the Banbury Conference.

The Independent Observer programme was funded principally by the European Union and the out-of-competition testing programme was running routinely with the contracted suppliers. There would be some additional expenditure as WADA had faced increased costs in order to provide the necessary IT equipment, although the figure had been pulled back to a more affordable level.

There would also probably be costs for the registration of the WADA logo.

For the record, the substantial assistance received from the government authorities in Canada, particularly the Government of Quebec, for the cost of fitting-out the offices had been achieved entirely within the allocated budget and on time, so he thought that WADA should be grateful as it had an outstanding base from which its work could continue.

D E C I S I O N

2002 quarterly accounts / budget update approved.

8.3 IICGADS / government funding

MR REEDIE said that the report (Annex) showed where WADA was with regard to income. There were clearly issues with the public authorities on when contributions could be made; there were problems regarding fiscal years; there were difficulties within the European continent in particular; and there were mechanisms which had to be put in place. This was a complex exercise, but he thought that the Chairman had been encouraged by the government commitment to WADA. As far as he was concerned, it was a question of that commitment being transferred into dollars, which would allow WADA to operate.

The cash-flow situation meant that, quite quickly after the meeting, he would have to sit down with the finance people around the table and estimate the likely income and payment dates, and then reconcile the existing programmes to the resources that would be available in 2002. He would then identify programmes which might have to be amended or reduced because of the cash-flow situation and apply strict discipline to WADA's own expenditure, such as committee meetings. This was a straightforward duty and he would undertake it if the Foundation Board agreed.

THE DIRECTOR GENERAL remarked, with regard to the cash-flow issue, that the Danish delegate had informed him that Denmark had paid its share to WADA.

MR KOSS offered his congratulations to Mr Reedie on a job well done. He did think that the report should correspond with the budget, and it would be easier to follow the report with the budget written in on it.

MR FASULO said that the first line on the budget said *IOC contributions*, however it should say *Olympic Movement contributions*.

THE CHAIRMAN agreed that this contribution referred to the IOC, the 199 NOCs and the 35 IFs.

DR KIM asked whether there were any other sources of funding.

THE CHAIRMAN replied that, to date, there had not been any approaches to private corporations, as WADA felt that it needed to show that the stakeholders were committed before it went out and asked third parties to contribute.

DR KIM asked whether there was any other way of obtaining funding in order to complement WADA's funds.

THE CHAIRMAN thought that he had already answered this question. Once WADA had got its own act together internally, and all the stakeholders were contributing funds, WADA would be able to look to outside investors.

MR BELTRAN clarified Europe's situation: a new Council of Europe system had been needed, and this had been approved on 27 February. All of the member states had then begun the budgetary procedure, which was very complex due to budget constraints, but most were following the procedure and negotiating with their finance ministers in order to obtain the funds. At the last ministers' meeting in Almeria, two of the big European countries had said publicly that they would provide the funds, so the fifteen European Union states would contribute the funds to WADA in 2002, but there was a slight delay due to the budgetary procedure.

MR SWIGELAAR congratulated Mr Reedie and his team on an excellent job. Africa had met prior to the IICGADS meeting in Kuala Lumpur, and had decided how to transfer the funds (in one cheque). At this stage, Africa was simply trying to put that mechanism in place. This would be completed, hopefully, in the next few weeks.

MR WALKER added his congratulations to Mr Reedie and his team for the excellent and clear accounts.

He referred to the issue of future budgets. The Committee of Ministers of the Council of Europe had thought that it would be helpful if WADA's future budget proposals could be clearer and more specific. There was indeed a slight contradiction between the extreme detail of the accounts and the fact that one year's budget, if he remembered rightly, had been on three pages at the Foundation Board meeting in December 2001. The accounts should correspond with the budget for that year and, in future years, it would be very helpful if the budget proposals could correspond, perhaps not necessarily with each single accounting entry, but certainly with more detail than was the case at present. If that procedure could be projected on a rolling planning basis for the future budgets that had been discussed up until 2005 and 2006, this would certainly be very helpful for governments. He appreciated the uncertainty regarding the level of contributions, but this should be much easier in the future. More specific details were needed as to the estimate for the costs.

He also proposed that WADA give the governments more time to make payments. Could the new budget presentation for 2003 be prepared for the Executive Committee meeting in early October? This would certainly be of great help to the governments and enormously facilitate the task of the European governments in making the necessary arrangements.

MR CTVRTLIK asked what the timing would be with regard to the report that might be issued by Mr Reedie. Was there any estimate regarding when Mr Reedie expected the contributions from the government side? Would there be any ramifications if the payments were not made? There were some very serious policy implications. Committees were meeting and coming up with significant plans, but if WADA did not have the money, the wagon could come to a stop very shortly.

MR UEHARA said that, in Japan and in many other Asian countries, the end of August was the deadline for any budgetary requests, so he requested a more specific budgetary amount for 2003 at an early enough time to allow budgetary requests to be made before the deadline. He also urged WADA not to increase the amounts beyond the current levels.

MR REEDIE responded to the comments. With regard to additional finance, there was a substantial European Union contribution, as well as a very substantial contribution from the Canadian Government, and WADA earned interest by clever and intelligent use of its money.

He was very grateful to Mr Beltran, and very well aware of the efforts that were being made within the European ministers' group to work through the complex processes that they had, whereby they made contributions perhaps to a separate account run by the Council of Europe, and he was aware of the complexities that the Council of Europe then had in delivering these contributions to WADA.

He was also grateful to Mr Swigelaar for his comment regarding South Africa.

The reality was that WADA would need the funds at the earliest possible date.

With regard to the comments made by Mr Walker, yes, it was possible to expand on the budgetary process, and it could be made more detailed. He would make this available to the Executive Committee on 1 October. He did hope that, having done all of that, it would take less time to deliver the funds in

2003. He understood the difficulties that the governments had, but thought that, once the problem was resolved, payments should be less problematic thereafter.

He told Mr Ctvrtlik that perhaps Mr Beltran would be able to provide estimates of dates of payments. WADA would simply need to work out what the cash-flow situation was, and that would form the basis of how WADA planned its budget calculations for 2003.

He told Mr Uehara that WADA would try to make the budget more specific. It would be available to the Executive Committee in October 2002. He noted the comment that, despite the policy exercise in which WADA had become involved the previous year, whereby it had given maximum budgets upon the request of the governments, the governments were, for some reason, experiencing difficulties.

MRS MALLIARAKIS said that she respected WADA's need for a deadline for the governments to pay the money, however WADA should realise that the governments of differing fiscal years would never make that possible, therefore WADA needed adjust to that and perhaps institute some kind of rolling deadline rather than consistently chastise the governments.

THE CHAIRMAN said that WADA could live with a rolling deadline, but he pointed out that all of the governments had signed on to a statute that had specified when the payment was due.

He underlined that WADA would not spend more than it took in so, if there were no funds, WADA would have to cut back on its programme activities and therefore cut back on the fight against doping.

The longer WADA went in its fiscal year of 2002, the closer 2003 would become, and so the governments might find themselves dealing with two years at roughly the same time.

The magnificent facilities at the headquarters really represented a joint venture between the Canadian Federal Government and the Municipal Government, and WADA was very grateful to the consortium which had put together all of the necessary financing.

D E C I S I O N

IICGADS / Government funding update noted.

8.4 WADA financial policies and procedures

MR REEDIE said that the Executive Committee had approved item 8.4 (Annex), which was a financial policy document for the operation of the office. This had been produced by Mr Niggli, and he hoped that this would help better manage WADA's affairs.

MR KOSS pointed out that there was no outline of social services or a human resources policy, and he thought that this should be outlined.

MR REEDIE said that part two of the policy would concern human resources and employment.

D E C I S I O N

WADA financial policies approved.

8.5 Staffing update

THE DIRECTOR GENERAL noted that, from a staff point of view, WADA was going through a very exciting period. WADA was also in the middle of many normal operations and had been relocating over the past six or seven months. At the same time, new staff members were being recruited. He referred the members to the reports in their files (Annex) for more details with regard to staff recruitment.

MR REEDIE noted, with regard to document 8.5 b (Annex), that the salary scales had been based on European Union project advice and a middle-market expatriate package had been investigated. He wished to thank Ms Menotti for the work that she had done. He was very grateful to her for all her help.

D E C I S I O N

Staffing update approved.

8.6 European office update

THE DIRECTOR GENERAL said that the address of the European office in Lausanne would remain the same as it had been before the move to Montreal. The office had space for WADA members to work there if they so desired.

Once the transition period was over, there would be three staff members based in Lausanne.

D E C I S I O N

European office update approved.

9. Regional offices

THE DIRECTOR GENERAL referred to the regional office report and the expression of interest document, both of which were in the members' files (Annex). The deadline for applications to host a WADA regional office was 30 June. The tender for the regional offices should be open and transparent, therefore he proposed a subcommittee of three people for evaluation purposes. He thought that the Evaluation Committee for the permanent headquarters had great expertise and had acted extremely professionally. Perhaps this point could form the basis for discussions on the subcommittee for the regional offices.

THE CHAIRMAN suggested that the Foundation Board consider acknowledging the excellent work of the previous committee members by giving them the task of evaluating the regional offices. He proposed that Mr Ctvrtlik chair the subcommittee, and that Messrs Besseberg and Howman work with him. The final decision needed to be taken by the Foundation Board by December 2002 if possible.

MR KOSS referred to the cost of the office, noting the need to allocate a budget for the subcommittee. A budget for the regional offices would also need to be prepared.

THE CHAIRMAN replied that the net budget would not be known until the bids had been made, but when there was a recommendation for the Foundation Board to approve, it would be a recommendation to which all of the budgetary figures would be attached. The process would not be nearly as costly as the headquarters selection process.

D E C I S I O N

Subcommittee for regional offices to be composed of Mr Ctvrtlik (Chairman), and Messrs Besseberg and Howman.

10. Updates and reports

10.1 Health, Medical and Research Committee report

PROFESSOR LJUNGQVIST informed the members that the documents in their files (Annex) gave an update of the situation with respect to the Health, Medical and Research Committee. The committee had been short of staff, but had since received additional help in distributing the funds that had been decided upon the previous year.

The 2001 research projects were being financed. For the present year, research applications had come in. The deadline had been set at 15 April but the committee had been flexible due to the lack of staff. There had been approximately 40 applications related to the priority areas, namely: compounds enhancing oxygen-carrying capacity; endogenous substances; factors regulating enhancing growth; gene technology, etc. All of these were aimed at finding ways of preventing and detecting the use of substances which were banned in sport.

There would be a meeting in Montreal in two weeks' time to decide on the procedure for the allocation of the 2002 grants.

With regard to the Banbury Conference on Gene Therapy, he noted that modern gene transfer technology could be foreseen to be misused for the purpose of enhancing athlete performances, and elite sport was certainly one of the risk areas.

With regard to the Salt Lake City experience, there were athletes and their entourages who were ready to try recent methods before these were legally on the market. This had been more or less confirmed by the delegates present at the Banbury Conference: those present who were involved in gene transfer science had reported that they had been approached by coaches who wished to make use of recent advances in promoting muscle growth in people who had muscle diseases, etc. He thought that WADA's research fund could be a means of being proactive rather than being reactive, and the Banbury Conference had constituted the start of the fight against the possible misuse of gene transfer technology in sport.

Other problems included the misuse of oxygen-carrying substances, including EPO, but there were other substances which could promote the production of red blood cells or replace the oxygen-carrying capacity of red blood cells (or rather the haemoglobin) in the body. There was an independent review going on regarding the misuse of EPO (Annex), and he expected a report from the independent investigators by 1 September 2002.

USADA would be staging a conference in Atlanta in October 2002, and the main topic would concern oxygen-carrying substances. He hoped that WADA would be at the front line of developments in this particular area.

He did not think that he needed to comment on the documents in the files, but he was ready to respond to any comments or observations.

DR KHASHABA hoped to cooperate with WADA in anti-doping research so that the fight against doping would be truly worldwide.

MS O'NEILL said that the EPO issue was very confusing, however she had been surprised to read that, in Salt Lake City, all of the positive EPO tests had come from the out-of-competition testing using the Sydney Olympic Protocol. She was wondering why the Sydney Olympic protocol was not used.

PROFESSOR LJUNGQVIST noted that the progress that would be made would be of importance to the entire world. There were now two accredited laboratories in Africa (South Africa and Tunisia) and this would help to spread knowledge on that continent. He looked forward to seeing further laboratories set up throughout the world. There was a concentration of laboratories in Europe. A laboratory in the USA had had to close down due to lack of funding, as had other laboratories in other parts of the world, so he hoped that soon there would be a better distribution of laboratories.

With regard to EPO testing, there was a great deal of research going on. The important research had begun in Sydney. Various proposals had been made by different research groups which had resulted in the IOC convening two scientific panels to look into the scientific validity of the tests, and the Sydney protocol had included two elements: an 'on-model', which worked by identifying certain blood parameters to detect EPO use, and an 'off-model', to see if an athlete had been using EPO prior to competition. The latter model had been rejected, as it had not been properly validated, whereas the former had been acknowledged as a possibility for the detection of EPO use, particularly if accompanied by a positive urine test. There were no sufficiently reliable ways of detecting previous EPO use, therefore the strategy for prevention and detection was based on unannounced out-of-competition testing if EPO was expected to be in use.

Scientists were steadily improving EPO detection methods, but unfortunately EPO production methods were also being steadily improved. Many different approaches were needed to solve the problem, and different laboratories were using different approaches to achieve proper identification of oxygen-carrying substances. In Salt Lake City, artificial EPO had been identified and differentiated from the body's own form of EPO.

MR SHARMA asked how long the effects of EPO lasted after EPO had left the body.

PROFESSOR LJUNGQVIST replied that the life-span of red blood cells went from 60 to 120 days. EPO left the body after a few days, so five days after having stopped the use of EPO, it would probably not be possible to detect it, however the effect would last for weeks or even months.

D E C I S I O N

Health, Medical and Research Committee report approved.

10.2 EPO report

THE CHAIRMAN noted that there had been a divergence of views with regard to EPO testing, as a result of which WADA had decided to commission an independent EPO review, consisting of knowledgeable scientists who had no connection with either of the two EPO tests.

DR GARNIER said that, as discussed by Professor Ljungqvist, the independent review had been under way since the Foundation Board's decision in Salt Lake City to ask independent experts to review the situation as to the different protocols being used to screen for EPO. He referred the members to the report in their files (Annex), which detailed the action in process. The deadline for the report was 1 September 2002.

THE CHAIRMAN asked the members if they had any questions. It was important to know what was going on as this would help WADA's members to understand the validity of the tests and also those areas in which it should be concentrating research for EPO in the future.

D E C I S I O N

EPO report approved.

10.3 Standards and Harmonisation Committee report

MR WALKER said that the issue of laboratory accreditation had already been referred to in the context of the discussion on the Code and, in the appropriate part of the meeting file, under agenda item 5.2, the members would have seen two important papers (Annex). One of these documents set out the scheme for the proposed WADA accreditation system for the laboratories, and the second set out the basis for the first proficiency testing samples that would sent to the laboratories which were accredited and those seeking accreditation under the current IOC system. This continuous quality control, which would be tested through the proficiency testing samples, was an integral part of the process. The first two batches of samples would go out in the second half of 2002. He underscored that this was something of an experimental phase, as the proficiency testing samples would be there not only to test the laboratories but also as an experiment for the WADA scheme, which would have a much more continuous set of proficiency-testing samples put into the system.

With regard to the Independent Observer programme, over which the Standards and Harmonisation Committee had a watching brief, he drew the members' attention to the fact that there were a number of Independent Observer reports on the WADA website, and these made for interesting reading. It was felt that some kind of a generic agreement should be prepared so that it was absolutely clear between WADA and the organisers what was expected, on the basis of full and total cooperation.

The Standards and Harmonisation Committee had wished to look at the issue of following up the reports. There were two elements to this follow-up: first to find out what steps the organising committee had taken, and secondly to try to promulgate the models of best practice which were to be found within these reports.

The committee would try to draw up a list of international sports events at which it thought that the presence of a WADA Independent Observer was necessary.

Other matters that had been discussed within the Standards and Harmonisation Committee included the somewhat long-running saga of text on test results management. The committee, which had met a fortnight ago in Montreal, had looked at what he hoped was the last draft, and he hoped that, at the next meeting in October, it would be possible to agree on a final text which would partly be a stand-alone text

for the benefit of event organisers, providing a guide to desirable processes, and it could also be a part of the Code, but it was still to be discussed whether this should be a level 2 or a level 3 document.

As for athlete whereabouts, the committee was at the beginning of trying to draw up practical proposals on rules and regulations. The rules had been based partly on the procedures used in the IAAF and partly on those used in the Norwegian Confederation of Sport. One of the problems would be the practical implementation of this project, and it would be necessary to bear in mind the requirements of personal data protection and the coordination of this information. It was still too early to suggest where the main responsibility would lie, as this would vary from country to country.

The Standards and Harmonisation Committee had also dealt with a number of technical issues: the committee had agreed to try to develop some kind of criteria to judge progress towards harmonisation and standardisation, as WADA would be responsible for monitoring compliance with the Code. The Standards and Harmonisation Committee would direct its efforts towards trying to develop the tools which would be necessary for monitoring compliance with the Code.

DR STRETTON wished to pass on some advice that he had received. There were a number of international global initiatives taking place, and he would like to pass on some contacts to Mr Walker which might be of use.

MR KOSS noted the need to share athlete whereabouts information with the IOC Athletes' Commission.

MR WALKER thanked Dr Stretton, and agreed that the whereabouts information would be shared with the IOC Athletes' Commission.

DECISION

Standards and Harmonisation Committee report approved.

10.4 Ethics and Education Committee report

DR SCHNEIDER said that the Ethics and Education Committee had been in transition since Dr Vereen had stepped down from his position as deputy director at ONDCP. The last committee meeting had been in October 2001. On behalf of the committee, she thanked Dr Vereen for his time and enthusiasm.

There would be a meeting of the Ethics and Education Committee on 3 July 2002 in Montreal. The document in the members' files (Annex) listed the issues and topics to be discussed by the committee. At the meeting in July, the Ethics and Education Committee would be dealing with budget issues, as well as the new proposals for the European Union coming up for the 2002-2003 year.

Also included in the reports was a brief attachment on the Tour de France (Annex), at which WADA would be represented.

She wished to thank Mr Koss for his leadership with the passport project, as well as ASDA for its services related to the passport.

She gave an overview of where the committee was with respect to the drafting of the ethics and education strategy. This was a draft strategy which the management committee had received for feedback and which would be taken to the Ethics and Education Committee meeting. It was an outgrowth of the work of the committee the previous year and a sub-group. The primary purpose for the education programme was prevention and to make information available to the athletes; to build partnerships with the athletes and other partners in education; and to provide leadership in the areas of education.

Education was an essential part of the anti-doping programmes, and built a solid foundation for WADA programming. It was a dynamic process that needed to be consistently reviewed. The context for the planning for the education strategy contained two main parts: for the longer term, the research and development side, and for the short term, to provide some client services to those needing assistance with their education planning.

There were several factors influencing the planning, such as multiple target audiences, different cultures, the WADA Strategic Plan and the development of the World Anti-Doping Code. The basic principles for the education activities were that they be evidence-based; that they involve partnerships, collaboration and stakeholder involvement; that they use best practices; that they involve a comprehensive approach to preventing doping; that there be an ethical basis for them; and that they have global and cultural adaptability. Other principles for the education activities were those of social change; target group sensitivity; the significance of the impact of the particular programme; using a positive approach; consistency with the goals and WADA directions; and evidence of independence.

Evidence-based theory meant that the programmes and projects would use sound scientific evidence, and assess for that, and if evidence was not available, the committee or a department might undertake activity to try to obtain this evidence. By partnership, the committee meant that it would like to bring in people and organisations to try and build the programmes for education. The committee hoped to rely on expertise that was already out there, so as not to reinvent the wheel. By best programme practices, the committee meant that it would like them to be cost-effective, sustainable, of a high quality, accountable and transparent, and using existing programmes and services with credible messages. The comprehensive approach meant that research, education, coordination, multiple interventions, communication and then an evaluation of the work would be used. An ethical basis meant the use of the principles of social justice and equal treatment for all. Global and cultural adaptability meant that the projects needed to be able to be presented on a global scale. The Ethics and Education Committee was using the principle of social change, which meant that there were interventions that would have to be aimed at both the individual level and the environment that affected the individual. Target-group sensitivity meant that it would be necessary to adapt to age, sport, the nation, the culture, the language and the gender, and make it user-friendly. Finally, the committee wanted to look at the significance of the impact and assess that for the resources expended, that they should be in relation to the expected outcomes of the programmes. Using a positive approach meant that the committee aimed to put educational efforts forward as positive rather than punitive, using a non-positive approach only when there was a clear and reasonable justification for doing so. The committee wanted to show evidence of independence; in other words it wanted to show that the programmes were free from real or perceived conflicts of interest.

The overall strategy was, in conjunction with relevant partners, to develop and promote education programmes that were ethically based, comprehensive and based on sound social change models.

MR SHARMA noted that, in India, there was an attempt being made to embark upon an education programme in order educate Indian athletes, and he wished to tap into the work being done by WADA.

DR SCHNEIDER noted Mr Sharma's comment.

DR STRETTON referred to the Tour de France, asking whether WADA should get involved in high-profile professional sports events unless through a comprehensive anti-doping programme or through an Independent Observer relationship. What was WADA going to get out of this presence?

DR SCHNEIDER replied that, since the brief had been prepared, the Ethics and Education Committee had discussed the matter with Mr Verbruggen, (the ICU president) and was trying to conduct a field study to understand the culture around the use of doping in the environment of cycling. Mr Verbruggen had kindly agreed to help the committee to organise interviews with athletes involved. Cycling was a professional culture about which not a great deal was known, in terms of understanding the issues surrounding doping, and was also something which, many would argue, had brought about the occurrence of WADA.

DR GARNIER noted that Dr Stretton had made a pertinent comment. After the contact made by the Director General with the Tour de France organising body, the contacts had continued and WADA had been given the opportunity to have a WADA stand in the "departure village" of the Tour de France that year. The Tour de France was the third biggest sports event in the world and it was important that WADA have a presence in such a huge event.

MR KOSS echoed Dr Stretton's concern. There would be benefits from having a WADA presence at the Tour de France, but WADA would have no impact on the testing procedures. He thought that the Tour de France might gain more benefit from this agreement than WADA.

THE DIRECTOR GENERAL said that he had spoken to the representatives of the Tour de France organising body and Mr Verbruggen, and the testing idea had never been on the table; rather there was a common understanding that something should be done together.

He had referred to the projects carried out to date. It was not in the nature of the Finns to invite themselves to an event, which was why WADA had been going where it had been invited. He did not think that the Tour de France was trying to benefit from WADA. WADA would be able to carry out a study on the riders, which was something that had never been done. Overall, this event would give WADA the opportunity to present itself as an organisation and increase WADA's global awareness. The outcome of such a mission would be evaluated.

DR GARNIER replied to Mr Koss's comment. During the discussions, independent observation had been brought up, and had not been totally excluded. This was something that was envisaged for the future, and the Tour de France organising body was not opposed to this.

THE CHAIRMAN noted that there was some risk of exposure, but if it would help to decrease doping in the event, he would not mind.

DR STRETTON said that this was a difficult call, but it would be good if the venture could lead to future Independent Observer missions.

THE CHAIRMAN thought that it was good to be able to analyse matters each time a project was being undertaken.

D E C I S I O N

Ethics and Education Committee report approved.

10.5 Athletes' passport

MR KOSS said that there had been a very successful passport launch in Salt Lake City, and he referred the members to the document in their files (Annex). He also showed the members the folder and the paper passport version which the athletes had been given.

He thanked Ms Spletzer for her assistance in implementing the project, and Mr Shakespeare from ASDA for his support with technology, as well as Mr Reedie and the EOC for their endorsement of the passport.

The issue of intellectual property was being taken care of. The project would also be introduced at the Commonwealth Games in Manchester, thus including the summer IFs.

There had been a pledge to increase the number of volunteers to help sign up athletes to the project.

A communication strategy was being worked on with the athletes who had signed up to the passport, and a letter had been sent to them. A comprehensive communication strategy would be initiated once a communications director had been employed.

With regard to first-stage evaluation, he thanked the NADOs, and USADA in particular, for their evaluation of the project in Salt Lake City. An evaluation would also be sent to the athletes who had signed up.

The group was working to include a haematological passport, particularly with regard to EPO and Human Growth Hormone.

The group was also working with the Legal Committee on a contract with the NADOs, for NADOs to sign up and partner the passport. This was to be in effect from 2003.

A comprehensive technology platform was needed, and he thanked Mr Hoistad for his assistance.

The group was on track with regard to the budget, and was following very strict guidelines.

He thanked the European Union for funding the project.

The budget for 2003 to 2005 would be prepared for the next meeting of the Foundation Board.

MS O'NEILL thought that the passport project was a great idea, however she stressed the need to follow up with the athletes and maintain communication.

MR WALKER said that, in Salt Lake City, he had spent the best part of an afternoon working with the passport group. He had gone outside the hut and tried to attract people in and, whilst doing this, had been struck by the athletes' three different attitudes. The first attitude had been an enthusiastic reception; the second had been a need for explanations; and the third had consisted of those who, as soon as the anti-doping passport was mentioned, had turned on their heels and walked in the opposite direction.

MR KOSS thanked Ms O'Neill for her comments, and said that the group would strive to follow up with the athletes and maintain communication.

He told Mr Walker that he had had the same experience, but only two out of 512 people had not signed up to the passport. There had been no advertising in the Olympic Village for the passport; the news had spread by word of mouth. This was a volunteer passport and worked by way of peer-pressure.

MR SHARMA asked how many of those athletes who had signed up had ended up with medals.

MR KOSS replied that he could find out for Mr Sharma. The majority of those who had signed up to the passport had been from Eastern European and Asian countries.

THE CHAIRMAN said that, whatever else the passport programme was, it was a huge communications opportunity and, as soon as WADA had a director for communications in place, there would be definite follow-up.

D E C I S I O N

Athletes' passport report approved.

10.6 EU projects

DR SCHNEIDER said that the E-learning project had been under the excellent management of Ms Ebermann, and great progress was being made. The programme would be ready for full pilot testing at the Commonwealth Games.

D E C I S I O N

EU projects update approved.

10.7 Youth Awareness

MS O'NEILL referred to the document in the members' files (Annex).

As Mr Pound had mentioned earlier, athletes tended to listen to athletes and not to people in suits, which was why she thought that this programme was a very positive one.

D E C I S I O N

Youth Awareness report approved.

10.8 IADA / WADA

MR ANDERSEN referred to the documents in the members' files (Annex).

The WADA Strategic Plan dealt with this topic by stating that the development of national anti-doping systems was important for WADA.

He thought that it was worth mentioning that, through the development of accredited, certified national anti-doping systems, it would be easier to coordinate on a national level.

D E C I S I O N

IADA / WADA report approved.

10.9 USATF and USOC

THE CHAIRMAN referred the members to the document in their files (Annex). He would report to the Foundation Board on the ultimate resolution of this matter.

D E C I S I O N

WADA Chairman to report to the Foundation Board on the ultimate resolution of the USATF / USOC matter.

11. Out-of-Competition Testing update

MR ANDERSEN said that the group would report on the testing activities carried out from the previous year to the present. There had been a proposal regarding testing for the forthcoming year, and this required some thought.

He referred the members to the document regarding in-competition testing (Annex).

Ms Scott had proposed that WADA play a role in developing and conducting the in- and out-of-competition testing of FIS. FIS had asked WADA to conduct all in-competition controls for both blood and urine and the paper that had been presented to the members (Annex) detailed this.

MR KOEHLER presented the out-of-competition testing summary from January 2001 to February 2002 (Annex) and from January to May 2002 (Annex).

THE CHAIRMAN asked whether the members wished to ask any questions.

MR BESSEBERG said that it was inspiring to hear that the athletes wanted more testing and for the testing to be performed by independent groups, but WADA needed to be very careful with regard to bringing the service to the IFs and being paid for this, as the athletes wanted independent testing and transparency, and WADA was mixing the two roles somewhat. WADA had been created as an independent organisation. Mr Koehler should be used as an advisor to the IFs and the IFs should make agreements directly with testing agencies.

The IFs thought that it was very important that WADA appear unexpectedly when they themselves were performing tests.

He asked WADA to remain independent but to act as an advisor and give neutral, independent advice to the IFs.

MR KOSS referred to the presentation made by Mr Koehler. How many IFs had answered the questions?

This was an encouraging report; good progress had been made.

With regard to the NADOs, had the 11 NADOs referred to also had assessments regarding testing? The testing was still not what he would classify out-of-competition; it was closer to pre-event testing. The athletes believed that there was more drug use further away from competition. There was a lower percentage of athlete satisfaction compared to IF satisfaction.

Athlete criticism of the doping procedures would jeopardise WADA's credibility. WADA needed to increase the quality of out-of-competition testing as opposed to the number of tests performed.

PROFESSOR LJUNGQVIST referred to the issue of out-of-competition testing. WADA had been created by the IOC because too many IFs and countries had not been conducting out-of-competition testing at all. WADA had been created to ensure that proper out-of-competition testing was being conducted. The athletes wanted more unannounced out-of-competition testing. He wondered how WADA ensured that the ongoing testing programme was genuinely unannounced out-of-competition testing. There had been very low figures of positive athletes in the presentation given, and the percentage of positive cases was far lower than the average figure reported by the IOC-accredited laboratories. It was necessary to try to make sure that out-of-competition testing was real unannounced out-of-competition testing, and he urged WADA to install the necessary mechanism to monitor this.

MS O'NEILL reiterated the importance of coordination with the different testing organisations in order to improve athlete confidence. There were high-profile athletes in Australia criticising the drug testing programme. The tests needed to be better coordinated.

MR REEDIE said that the statistics presented were useful. There was a slight imbalance between one set of statistics and another, but this was an essential part of WADA's work. The aim had always been to bring the control of the programme in-house and, by so doing, improve the quality of the programme. He did not have enough information as to whether WADA should do that or whether it should subcontract again. More information on the implications was needed.

Another of the initial aims had been that WADA would conduct its best random unannounced out-of-competition testing system, whilst the IFs would look after their own in-competition system. If WADA was also being asked to take on an element of in-competition testing, it would be necessary to factor that into the overall programme. While it was very tempting to respond to all of the requests, by doing that, WADA would end up doing a lot of work not very well.

A more ordered case for and against was needed, so that WADA could take a view on its priorities. The members also needed to know what they wanted to do before sitting down and working out costs. He asked for a debate on how to organise the WADA out-of-competition testing programme.

MR BESSEBERG said that WADA would always have to sub-contract in order to conduct tests, but the control and coordination should take place in-house.

DR STRETTON asked whether, with regard to coordination, the secretariat could hold discussions with some of the key IFs and NADOs and put forward some proposals as to what could be done in order to make some improvements in this area.

MR ANDERSEN replied to the comments and questions.

The in-competition testing issue was a question of money. If WADA had enough money, it would be able to respond to the pleas and develop a programme for in-competition testing. WADA had neither the money nor the resources, therefore it was obvious that a plan on how to proceed with the in- and out-of-competition testing was needed.

An urgent matter concerned the requests from the FIS and other federations for help. WADA would need to be careful in its response to the FIS.

With regard to unannounced out-of-competition testing, all of the tests were supposed to be unannounced and out-of-competition tests as far as he knew. If not, then something was wrong.

The programme needed to be credible, although clear definitions of in-competition, pre-competition and out-of-competition testing were not easy to make.

MR KOEHLER told Mr Koss that he did not have all of the IF responses, but there had been a response from 11 IFs (the surveys had not been sent to FIFA, the ITF or the FIE because these federations had no contract and had not had testing in over a year). He could recall that there had been responses from the UCI, FINA, the ITTF, the ITU, the IBU, FISA and the IWF, and there were four more which he could not recall.

With regard to the NADOs and testing, there were mechanisms in place to ensure that they met international anti-doping control standards. There was WADA coordination with the NADOs that were conducting WADA tests.

He told Ms O'Neill that he thought that coordination was key to building athlete confidence, and therefore closer to achieving drug-free sport. This was a learning process, and feedback enabled the team to better the programme.

MR ANDERSEN noted that it was essential to coordinate, but when there were different anti-doping agencies or private agencies performing tests in one country, it was impossible to do so without a central database. It was a huge task to control worldwide tests. As a result, some high-profile athletes would be tested twice or three times in a week until a coordinated system was in place.

MRS MALLIARAKIS said that there were issues other than money regarding in-competition testing. She hoped that there would be a serious discussion on the role of WADA for in-competition testing.

THE CHAIRMAN thought that this had been a good discussion.

Maybe the 'no-shows' should be discussed further at some point.

If there was a tender process for services to be provided, he hoped that it would be put in place far enough in advance so that there would be a meaningful tender process.

He did not quite agree with Mr Besseberg's opinion, and thought that a person or an organisation could be professional and independent and still be paid. It was not a complete answer to the problem, but it was a philosophical one.

As for the multiplicity of tests, the best athletes would simply have to get used to being targeted. They were going to undergo a lot of tests per year, and he was sure that the best ones would not care. Secrecy was important, otherwise the test would cease to be unannounced.

DR STRETTON said that secrecy was obviously paramount, but did the members think that WADA would not be able to make any progress in terms of better coordination until a database was set up? If not, WADA must be able to do better, sooner rather than later. How could WADA do better? He wanted to know that WADA was putting in place a process that said that, over the next few weeks or months, the members could think about this and come up with a proposal as to how to improve the situation. Did that sound unreasonable?

MR ANDERSEN replied that this request was reasonable. He could promise that WADA and the NADOs were cooperating with regard to coordination, and would improve this.

With regard to the private companies testing outside of WADA's control, it was impossible to control what they did, which was where the problem arose.

MR SHARMA said that no explanation had been forthcoming on the observation made that the percentage of detection from tests being carried out by WADA was lower than the tests being performed by the IFs themselves. Did this mean that the problem was less serious than it appeared to be? Such a conclusion should not be drawn from the results presented.

THE CHAIRMAN thought that this was a good point. More information of a statistical nature would be needed as to who was doing testing and for what. Many of the WADA tests were not performed on high-performance athletes. He thought that considerably more statistical data would be needed before becoming concerned. He had been happy with the ethics of the procedures, and the results were as illustrated.

D E C I S I O N

Out-of-competition testing update approved.

12. Other business

– **Becky Scott / cross-country skiing**

THE CHAIRMAN said that the Foundation Board had a guest: an athlete from the Salt Lake City Olympic Games who had competed in the cross-country skiing event, whose result had been affected by people who had finished ahead of her and had used doping substances.

MS SCOTT thanked the members of the WADA Foundation Board for inviting her to address them at the meeting. This really was an honour. She hoped that this would result in a better bridging of communications between organisations such as WADA and athletes.

By way of introduction, she was an eight-year veteran of the world cup circuit of cross-country ski racing and a two-time Olympian. She also happened to be one of the past winter's Olympic medallists directly affected by the prolific amount of doping that went on in her sport, as the medal she had won

originally stood to be upgraded, at least one, maybe even two, levels, as a result of doping infractions by competitors in her event.

She had become involved and begun looking at the problems with drugs in sport – specifically her own sport of cross-country skiing – the previous winter after nearly the entire Finnish team had been caught, and subsequently suspended, for doping violations. Through her team and her relationships with other athletes at the event, she had witnessed first-hand the shock, anger and feelings of utter disillusionment that had surrounded all of the athletes in the face of such a scandal. As one who had spent nearly the past ten years training approximately 700 hours a year, working every day of every week of every month towards achieving success on an international scale, knowing the phenomenal amount of time, energy, finances and personnel (all of whom put their heart and soul into their jobs) invested in supporting a team to race at world and Olympic levels, she hoped that she could effectively convey to the members the incredible frustration and discouragement that came of being bettered by cheats. This meant that, no matter how good an athlete became, however hard that athlete tried, however smart and supportive the coaches and staff, the athlete was constantly going up against and trying to compete with those aided by performance-enhancing drugs, and it was a very hard thing to accept. It was not only the honest athletes who were cheated from the medals, results, possible endorsements and financial opportunities, but also sport as a whole, and society.

Sport heroes and icons were invaluable to younger generations. There was no greater disservice to sport and all that it meant and represented to youth and culture than corruption and the unethical practices of doping. It would appear, with 14 athletes (some higher profile than others) caught for one form of doping or another in the past 12 months alone, that the sport of cross-country skiing had a problem. With statements from the chief medical officer at the FIS, who had overseen the testing in Salt Lake City, that those athletes that had been caught represented only the tip of the iceberg and had been caught only because they had been badly advised or made big mistakes, there was a major problem. She therefore appealed to WADA on behalf of the athletes in cross-country skiing for help in correcting the weaknesses in the testing procedures and policies and to help restore faith and integrity to sport.

Whilst MS SCOTT recognised and could appreciate some of the limitations that an agency such as WADA faced (she knew that cross-country skiing was not the only sport with problems), she wished to highlight some of the weaknesses in her sport's protocols and procedures and offer some potential opportunities for WADA to really help the sport by addressing and improving some inadequacies.

Very briefly, blood doping could be separated into two forms: acute and chronic, and each required a different approach. One of the biggest weaknesses in drug testing was the lack of testing for acute forms of blood doping, such as blood transfusions, cross-linked haemoglobin products, plasma expanders, RSR13 and flouro-related compounds. These required post-race blood and urine screening for detection and, to date, even though the technology had been available as recently as two years previously, had not been done. If post-race blood screening were to take place (because competition would normalise a blood profile even if pre-competition manipulation such as plasma expansion had taken place) and measures of blood dilution in a post-competition sample were compared to levels taken pre-competition, acute manipulation of blood would be easier to detect and pinpoint.

While testing for chronic forms of blood doping, such as EPO and all of its derivatives, testosterone, NESP, and Dynepo, was being conducted more frequently, the difficulties arose with the short detection life of the drug after the last injection. She thought that it was safe to say that most of the athletes who blood doped in endurance sport used this form of doping, and most did not get caught.

Chronic forms of doping could be detected though a combination of indirect and direct evidence, for example, an athlete's haematological profile could be recorded and observed for a longer period of time – a kind of "haematological" passport. By using all the information available from the newer haematology analysers, for the allowance of race starts and for the purposes of creating a haematological passport, one could reduce both false negatives and false positives in screening. Thus, fewer dopers would be allowed to start and stand on the podium, and those who were innocent would be allowed to start.

With that said, she wished to review and list off some of the changes that could be implemented to doping controls for her sport and where WADA could be of the greatest benefit in the fight against doping in her sport.

MS SCOTT read the members the accompanying letter that had been sent out with each copy of the petition initiated by the athletes at the world cup event the previous winter:

Suggested improvements to doping controls in cross-country skiing:

1) *Extensive, no-notice and targeted testing to be conducted outside of competition, throughout the year, that includes both blood and urine samples, with a particular emphasis on athletes from countries with a doping history.*

2) *Pre-race blood tests conducted on all participating athletes, with abnormal haematological profiles (i.e. high Hb) resulting in a no-start and focused follow-up testing.*

3) *Top four athletes and a random draw of five others in the top 30 of each world cup to undergo post-race blood and urine testing for EPO, its derivatives and other substances on the banned list.*

4) *The blood results obtained under the first three testing points to be collected to form a database where a "haematological" passport is created for the athlete. The passport is used to a) allow starts, and b) to focus further testing and investigations.*

5) *All testing supervised by a WADA observer who verifies the sampling procedures are correctly undertaken (eliminating possible manipulation) and ensuring the security of the sample until it is delivered for analysis.*

6) *Results management and analysis handled by FIS with all results copied to WADA. Results must be securely up-linked to remote sites, and analysed and reported in a timely manner. Results reported monthly to all FIS Council members via the FIS Medical Committee, and not just to the Secretary General.*

7) *Abnormalities with either blood or urine samples to initiate a focused investigation into possible doping, and sanctions applied to nations in which more than one positive doping test occurs in one year. Sanctions must also be applied against all involved in a doping case, including athletes, team officials, coaches, doctors and administrators.*

8) *Significant sanctions must be applied to countries and their personnel (coaches, doctors' administrators) where systematic doping activities are taking place.*

9) *Summarily, WADA should assume full responsibility for all aspects of doping control for in-competition testing of all cross-country events and major games, including, especially, results management. In this way, there is independence between the sport and the testing, so the potential for conflict of interest is reduced.*

To close, MS SCOTT thanked the members again for having given her such an opportunity, and for having listened to her. It was her sincere hope that sport, especially her sport of cross-country skiing, would enter a new era of effective discouragement and deterrence of doping. She really hoped that WADA would be able to play an important and significant role as these changes took place, and she looked forward to cleaner, fairer competition.

THE CHAIRMAN thanked Ms Scott.

MR CTVRTLIK asked what the attitude of the athletes was regarding the risk versus the reward.

MS SCOTT replied that she was not sure what the attitude was, however she thought that doping was not being effectively discouraged. There was a pervasive feeling amongst the athletes that doping was something that could be got away with.

MR KOSS asked what the level of trust was between the athletes and the FIS.

MS SCOTT replied that she had brought with her a petition to the FIS that had been circulated the previous year, in which the athletes had asked for WADA to assume all responsibility for testing. While she recognised that the FIS was making efforts, she thought that it would be less subject to conflicts of interest if an independent agency were brought in.

PROFESSOR LJUNGQVIST thanked Ms Scott for her very interesting and relevant speech. What had her reaction been to the positive results found in Salt Lake City?

MS SCOTT answered that she had been relieved and happy that the guilty athletes had been caught, as she had known that something had been amiss.

THE CHAIRMAN noted that WADA should not put all of its focus on the athletes. Some doping programmes were highly organised, staffed by officials and sports organisations that should know better. The members of the athletes' entourage were, he suspected, at least as guilty as, if not more than, the athlete. The message from this affair was that cheats on the field and off could run but they could not hide.

He thanked Ms Scott for coming to share her experience with WADA.

– **Chair of the Ethics and Education Committee**

THE CHAIRMAN noted that there was a temporary vacancy in the chair of the Ethics and Education Committee as a result of Dr Vereen's change of position. His suggestion was that, since she had been very close to the work carried out by Dr Vereen, Mrs Malliarakis be substituted for Dr Vereen until the end of the year, and then the members would go through the process at the beginning of the next year for the committees.

D E C I S I O N

Mrs Malliarakis to chair the Ethics and Education Committee until the end of 2002.

– **Foundation Board Vice-Chair**

THE CHAIRMAN noted that there had been a very desultory process towards possibly having a vice-chair of the Foundation Board, and one nomination had been put forward in the person of Mr Balfour. Nobody else had indicated that they would like the position, so could the public authorities please consider this issue and decide, so that the vice-chair could be appointed at the next meeting?

D E C I S I O N

Public authorities to consider the issue of a vice-chair for the Foundation Board for a decision to be taken at the next meeting.

– **CONI**

THE CHAIRMAN recalled the issue of the media reports of use of Human Growth Hormone by Italian athletes. Mr Howman had gone to visit CONI in Italy on WADA's behalf in order to investigate the matter, and had prepared a report.

MR HOWMAN said that it was very difficult to report briefly on the matter, as there was a considerable amount of written material that he had perused in Rome. He hoped to submit a final interim report the following day. The essential outcome was that there had been nothing in the evidence made available to him to indicate any malpractice or wrongdoing on behalf of CONI. There were two separate judicial inquiries taking place in Italy, one by the public prosecutor in Rome, who was investigating criminal libel on the part of the newspaper responsible for the publication and the journalists who had written the article, and he had been assured that, in Italy, libel of this sort was subject to criminal sanction.

The second investigation, which was also ongoing and to which Mr Pound and himself might be summoned to partake in, was being carried out by the public prosecutor in Turin, who was investigating allegations of doping infractions as a result of the publication.

The issue for the investigation that he had undertaken was that both of the public prosecutors had data to which he had not been able to have access, so there was some material to which WADA might have access in the future, which was why the present report was interim. He highlighted the total cooperation from CONI. The information made available to WADA would be tabled and published with

CONI's consent, subject to their seeing the final document, which he hoped to make available the following day.

THE CHAIRMAN said that he wanted all of the relevant information before reaching a definitive conclusion.

DECISION

All relevant information regarding the CONI case to be obtained before a definitive conclusion is to be reached.

– **IPC representative**

THE CHAIRMAN said that he would like very much to add an IPC representative to the Foundation Board. It was clear that doping affected the Paralympics as well as all other sports events, and the IPC should therefore be represented on the Foundation Board. That being said, in order to maintain the fifty-fifty balance between the sports movement and the public authorities, the public authorities would be entitled to an additional member and it was up to them to decide from which continent that member should come. He asked the public authorities to think about this, so that, at the next meeting, they could decide where that member should be located. The public authorities representatives should not come back to the next meeting without having made a decision as to the additional member.

DECISION

Public authorities representatives to come to the next meeting having made a decision as to the additional member to represent the public authorities.

– **Presentation by Mr Walker**

MR WALKER said that, in 1998, the Council of Europe had commissioned a book on doping, partly because of its active interest in the matter since 1967. By complete coincidence, the author of this book, a professor at Loughborough University, had completed his text in time for it to be launched in February 1999 at the Lausanne Conference. The success of the book had been such that a second edition had been commissioned, and this had been launched the previous Friday. The book contained many references to the setting up of WADA. It was hot off the press, and he presented the Chairman with a copy of it.

THE CHAIRMAN thanked Mr Walker and said he would add it to the WADA library.

13. Next meeting

THE CHAIRMAN said that the dates of the next WADA meetings would be 24 and 25 November at the Montreal Headquarters, immediately prior to the IOC Session in Mexico City later that week.

DECISION

WADA Executive Committee and Foundation Board meetings to be held on 24 and 25 November 2002 respectively.

THE CHAIRMAN thanked the staff members for their organisation of the meeting and all of the documents in the midst of the move to the headquarters. They had done a wonderful job.

There would be a press conference at 5 p.m., and the official opening of the headquarters would take place at 7 p.m.

He thanked all of the members for their participation. He thought that terrific progress was being made, particularly with respect to the Code, and he looked forward to making that a landmark of WADA's achievement in the fight against doping in sport.

The meeting adjourned at 4.30 p.m.

FOR APPROVAL

MR RICHARD W. POUND, QC
PRESIDENT AND CHAIRMAN OF WADA