

Minutes of the WADA Foundation Board Meeting
21 November 2003
Montreal, Canada

The meeting began at 9 a.m.

1. Welcome, Roll Call and Observers

THE CHAIRMAN welcomed everybody to the second meeting of the Foundation Board in 2003. He looked forward to bringing the members up to date with the activities and progress made by WADA since the meeting in Copenhagen and the adoption of the World Anti-Doping Code. He thought that the members would be pleased with the progress made. He asked the members to introduce themselves. His name was Dick Pound, and he was present on behalf of the IOC as the Chairman of WADA's Foundation Board; Mr Larfaoui was an IOC member and President of FINA; Ms Basser was representing the governments for the Oceania region; Mr Kasper represented GAISF; Professor Hendricks, from South Africa, was present on behalf of Minister Balfour and represented the African region; Mr Reddie was an IOC member in Great Britain and represented the Association of National Olympic Committees; Mr Niggli was WADA's Legal and Finance Director; Dr Gerrard, from New Zealand, was representing the governments and also the New Zealand Sports Drug Agency; Mr Aján was the President of the IWF, and was representing the Summer Olympic Sports Federations; Mr Kangcheng, from China, was present on behalf of Mr Li, and represented the Chinese Sports Ministry; Mr Fasulo was representing Mr Ricci Bitti, who was President of the International Tennis Federation; Mr Granda Fraga was the Director of the Anti-Doping Laboratory at the Institute of Sports Medicine, Cuba; Mr Ferrari was President of CONSUDE and General Director of the Uruguay Sports Department; Mr Besseberg was the President of the IBU and represented the Association of International Olympic Winter Sport Federations; Mr Barnes was an alternate for Dr Barthwell, and represented the US Government; Mr Kim, from Korea, was representing the Asian region on behalf of Mr Tg Kim; Mr Hayashi had been newly appointed as Director of WADA's Tokyo Regional Office; Mr Dielen was the Director of WADA's European Regional Office in Lausanne; Dr Garnier was WADA's Medical Director; Mr Andersen was WADA's Director of Standards and Harmonisation; Mr Wade was the Director of Education and Planning at WADA; Dr Rabin was WADA's Science Director; Ms Khadem was the Director of Communications for WADA; Professor De Rose represented ANOC; Mr Shadgan was representing Iran on behalf of Mr Mehralizadeh; Mr Ndukwe was the Acting High Commissioner and Chargé d'Affaires at the Nigerian High Commission in Ottawa, present on behalf of Colonel Musa Mohammed; Ms Crooks, IOC member in Canada, was representing the IOC Athletes' Commission; Mr Baar was representing the IOC Athletes' Commission; Mr Walker, representing the Secretary General of the Council of Europe, was one of the European governmental representatives; Mr Fetisov, Chairman of the State Committee of the Russian Federation for Physical Culture and Sport, was representing the Council of Europe; Mr Kaltschmitt was representing the IOC; Mr Mavromatis was present on behalf of the Greek Minister of Culture, representing Greece and the European Member States; Mr Pascual was representing the IPC on behalf of Mr Craven; Mr Heffernan, on behalf of the Irish Minister for Sport, Mr O'Donoghue, was representing the European Member States; Mr Mikkelsen, Minister for Sport and Culture in Denmark, was representing Europe; Dr Schamasch, IOC Medical Director, was present on behalf of Professor Ljungqvist; Mr Takasugi was representing Mr Tokai, Senior Vice-

Minister of Education, Culture, Sports, Science and Technology in Japan; Ms Elwani was a member of the IOC Athletes' Commission; Mr DeVillers was Secretary of State for Amateur Sport, Canada; and Mr Howman was Director General of WADA.

THE CHAIRMAN extended a warm welcome to Ms Pigozzi, the Director of the Division for the Promotion of Quality Education at UNESCO. WADA had invited UNESCO to the meeting as the two organisations would be very closely associated over the next couple of years as the Convention that everybody hoped would be passed developed.

He also welcomed Mr Fetisov to the meeting. It was nice to have Mr Fetisov back in Montreal without skates on, and he was delighted to have the Russian Federation represented at the table.

2. Minutes of the meeting of the Foundation Board on 5 March 2003 in Copenhagen

THE CHAIRMAN noted that no comments had been received so far regarding the minutes of the meeting of the previous Foundation Board. If no comments were received by 12 p.m. that day, he would assume that the minutes were satisfactory to the Foundation Board members, and they would be considered approved as distributed.

DECISION

Minutes of the meeting of the Foundation Board on 5 March 2003 in Copenhagen approved and duly signed. Minutes to be posted on the WADA website.

3. Director General's Report

THE DIRECTOR GENERAL referred to his full written report, which was in the members' files. There were some aspects of the report that warranted further clarification, as well as some new issues to which he wished to make reference.

With regard to cash flow, there had been an effective tightening of the money belt as a result of the revelations that had come to hand in May 2003. There had been a very strong direction from the Executive Committee at the June meeting, and the staff had responded extremely well to the challenge provided by that edict. Details were fully covered in the Finance Director's report. Some activities had suffered as a result of the problems in receiving monies, particularly research. He hoped that the problems would not continue into the future.

The staff had been almost entirely restructured. Changes had been made, and Mr Wade had been appointed Director of Education and Planning; Dr Garnier's position had been altered, and he now held the position of Medical Director, which more suitably befitted his medical qualifications; and Mr Koehler was now Deputy Director of Doping Control Policy and Development, in keeping with the strategic changes made at the September meeting of the Executive Committee. Mr Hayashi had been appointed Director of the Tokyo Regional Office, and Mr Swigelaar was Director of the Regional Office in Cape Town. A ceiling had been kept on the staff numbers, which were limited to 35 people. He was personally very pleased with the efforts made by the WADA staff members and congratulated them on their performance.

Many presentations had been made over the year since he had been asked to assume the role of Director General. WADA had emphasised during these presentations the importance that WADA attached to partnerships, working together with stakeholders and sharing expertise. WADA wished to be seen as working together with its stakeholders, and an example of this new approach was the symposium in Colorado Springs, held in October, which had been co-hosted by USADA and sponsored by the USOC. This had represented a very successful combination. WADA intended to use this approach to further develop other models of best practice and to further share expertise.

WADA had asked for expressions of interest regarding secondments. If anybody was interested in coming to Montreal for three to six months, WADA would be interested in an exchange of expertise. WADA had also looked at secondment possibilities from the large legal firms in Montreal, as there was a need for extra legal expertise.

With regard to THG, he commended USADA and the UCLA laboratory for their work in this area. WADA had made recommendations to the IFs and to NADOs to test currently stored samples for this substance, and was very pleased with the positive response it had received. WADA had issued a joint advisory note with the IOC, so that everybody would be aware that THG was on the 2003 List and would be on the List for 2004.

Mr Terry Madden, USADA's Chief Executive Officer, had attended the Executive Committee meeting the previous day, and had outlined the process, indicating that he was very pleased with the cooperation received by WADA from a number of stakeholders. He had confirmed that THG was a performance-enhancing substance, and that Professor Catlin would assure that that evidence would be properly received. The sanction hearings would probably be completed by the end of January 2004.

A meeting had been held with the UCI. The Independent Observer report tabled following the Tour de France had caused some UCI concern. WADA had published the UCI's comments in relation to the Independent Observer report on its website. A similar thing had been done in relation to the report on the FIS World Championships held earlier that year. WADA had referred the UCI comments to the Independent Observer team members, who had declined the opportunity to make any further addenda to their report, as they were very happy with the way in which they had reported on the event.

There had been several meetings between WADA and FIFA and information had been exchanged with FIFA officials. He had delivered a paper on sanctions earlier that month in Australia. It would appear, from the comments that had been read in the media, that FIFA accepted the position outlined within that paper, which explained the way in which the Code would work in the sanction area. WADA awaited FIFA's official acceptance of the Code. There would be an Independent Observer team at the World Youth Cup in Dubai in mid-December, headed by Mr Walker and including Dr Garnier and Dr Huguot. There would also be an Independent Observer team at the Davis Cup Final as a result of an invitation from Mr Ricci Bitti. The Independent Observer team for the Athens Olympic Games and Paralympic Games would be finalised shortly.

With regard to the Jerome Young case, the IOC and WADA had formed a joint commission to investigate this matter. They had been pursuing, and would continue to pursue, USATF, to ensure that it passed on its information to the IOC and the IAAF. WADA and the IOC awaited a response.

WADA had also been asked to review the process followed by ATP in relation to the rash of nandrolone cases found earlier that year. WADA hoped to complete the report soon.

WADA asked stakeholders for resources in the form of newsletters and anti-doping material, so that WADA could remain up-to-date with activities going on.

He was attempting to make WADA's offices more personal and more WADA-like, and he had extended an invitation to members of the Executive Committee to provide WADA with memorabilia from their country or sport so that it could be hung in the Executive Committee meeting room. He wanted to make this room more personal and lighten up the WADA offices.

MR DEVILLERS presented the Director General with a Canadian Salt Lake City Olympic team windbreaker.

THE CHAIRMAN said how pleased he was with the Director General's work and how well the staff members had rallied around to support him and the difficult financial conditions that WADA faced. He thanked Mr Syväsalmi, WADA's former Director General, for his work in the early stages of organising WADA through to the acceptance of the

World Anti-Doping Code in Copenhagen. Mr Syväsalmi had submitted his resignation early in August, and would be returning to Finland the following month to resume his position in the Finnish Government's sports department. WADA owed Mr Syväsalmi, who had given good and faithful service during his time with WADA, a vote of thanks.

Continuing WADA's policy of openness and transparency, the meeting was to be open to the media, therefore there would be media present throughout the meeting. There would also be a photograph taken of the Foundation Board members before lunch.

MR LARFAOUI congratulated the Director General on his report. With regard to the meetings with FIFA, he wished for more clarification on the matter and further details. Where did WADA stand in terms of FIFA's acceptance of the Code? Many federations were asking this question.

MS BASSER also wished to have more information on the meetings with FIFA.

THE DIRECTOR GENERAL noted that the paper that had been referred to in the media was the paper that he had presented at a law conference in Australia. It was an explanation of the sanctions that were available under the Code and the processes that could be taken by tribunals when anti-doping violations were heard by them. It was simply an explanation of the Code, and the relevant sections of the Code were attached to it, with flow charts showing the way in which cases could be determined under the Code. There had been no change to the Code and no deviation from the sanctions process contained within the Code. There had been no deal done with FIFA or Team Sports, and no deviation from the Code that had been tabled and accepted in Copenhagen.

If anybody had any comments on the paper, which would be made available, he would be grateful to hear about them.

THE CHAIRMAN said that everybody came from either a politics/politics or a sports/politics background, and members would understand if, from time to time, there were strategic and tactical objectives being pursued through the media. The Code was the Code as adopted, and FIFA and all of the other IFs present in Copenhagen had indicated that they were prepared to adopt it. This had not changed, and it would not change.

DECISION

Report by the Director General approved.

4. Administration

4.1 Foundation Board Membership

THE DIRECTOR GENERAL referred to the documentation in the members' files, which explained the rotation process. This was simply a matter of information; some gaps required completion, and members or those responsible had been asked to provide WADA with updated details in order to be able to keep track of who was on the Foundation Board and contact details. This item was simply a matter for the Foundation Board members' information.

DECISION

Foundation Board membership information noted.

4.2 Executive Committee 2004

THE DIRECTOR GENERAL noted that a decision was requested for this item and referred to the documentation provided. The Foundation Board was asked to appoint the members of the Executive Committee for 2004.

THE CHAIRMAN asked the members whether they were in favour of the proposal.

MR BARNES asked about the origin of the use of the term *President of the Executive Committee*. Looking at the Constitution, he saw under Article 11 that the leader of the Executive Committee was the *Chairman*. What was the basis of the use of the word *President*?

THE CHAIRMAN replied that he expected that this was just common usage and often confusion between the two terms.

MR BARNES wished for the document to be amended before a vote was taken.

THE CHAIRMAN said that he would be happy to be elected *Chairman* in English. The term would probably be translated into French as *Président* in any event, as he did not think that *Chairman* was a term of usage.

MR NIGGLI wanted to confirm the Asian representative before voting on the proposal.

MR TAKASUGI said that, for the Asian region, Mr Tokai would continue to be the member of the Executive Committee, and this decision had been approved by the Asian region countries.

THE CHAIRMAN asked whether the members were content with the appointment of the Executive Committee, with the English and French *Chairman* and *Président*, and the representative of Asia as just confirmed by Mr Takasugi.

THE DIRECTOR GENERAL said that, when he had met the IOC President recently, he had discussed WADA and the need for strong leadership and continuity in operations until the Olympic Games in Turin in 2006, because that was the time by which implementation of the Code should be completed by all stakeholders. The IOC President had indicated that the Olympic Movement would be happy for Mr Pound to continue as WADA President until the Olympic Games in Turin to ensure proper management of the implementation of the Code. There had been no objection raised by the government members of the Executive Committee, therefore he assumed that the Foundation Board could give its approval to the continuation of the Chairman as WADA's Chairman until the Olympic Games in 2006. He asked the Foundation Board to approve the proposal that Mr Pound remain Chairman until 2006.

MR DEVILLERS said that there had been no objection to this proposal the previous day. At the government executive committee meetings, the issue had been discussed, and the group had agreed to deal with the 'one term at a time' approach and, ultimately, it was the plan that governments would have an opportunity to be in the chair at some point in time. From the governments' perspective, they would prefer to deal with the matter for the one term: 2004.

THE CHAIRMAN thought that he should go outside to let the members talk about the issue amongst themselves.

THE DIRECTOR GENERAL noted that there were two issues: the election of the Chairman of the Executive Committee, a position which was to be determined by the Executive Committee from year to year, and the election of the Chairman of the Foundation Board, which was different and could be extended. He sought for the leadership of the Foundation Board to continue, so this did not interfere with Mr DeViller's suggestion to review the Executive Committee on an annual basis. He asked the members to seriously consider the fact that WADA, and the management, needed the continuity, and he would like an expression of support in this area.

MR DEVILLERS said that the governments were actively seeking a nominee for the position of Vice-Chair, somebody who could gradually work into the position of Chair. He thought, at least from the Canadian perspective, that it would be advisable to deal with the Chair of the Foundation Board on a one-year term as well.

DR SCHAMASCH said that he would like the sports side to have the opportunity to meet and discuss the issue before reaching a decision.

THE DIRECTOR GENERAL said that the matter could be dealt with at the June meeting, which would give the members a chance to discuss.

MR MIKKELSEN said that the governments were very satisfied with Mr Pound's leadership, but this was also a matter of principles; this organisation was a combination of governments and sports bodies. Mr Pound had nothing to do with the matter; his work had been extremely satisfactory. This was a big decision. He thought that the Foundation Board members needed more time to ensure that this was the right way to go about things.

THE DIRECTOR GENERAL thought that he had gauged the mood of the meeting, which was that there was total support for the Chairman, but that the Foundation Board should look at the matter in June 2004.

MR REEDIE said that he was perfectly happy with that outcome, but the members needed to think very carefully before changing the people who had been leading WADA in a very complex process. The members should be aware of the amount of effort that this took, and the amount of work and skill with which the work had been, and was being, done.

DECISION

Executive Committee for 2004 approved and decision regarding appointment of Chairman of Foundation Board up to 2006 postponed until the Foundation Board meeting in June 2004.

4.3 Working Committee Memberships

THE DIRECTOR GENERAL noted that the document in the members' files was a matter for their information. The working committees, which had been approved by the Executive Committee, were set out. A question relating to the Statutes and the composition and rotation of these groups would be discussed later on and, once the alteration to the Statutes had been made, then the management would publish the rotation periods for the membership of these committees.

DR SCHAMASCH asked whether these working committees could have *rapporteurs* as opposed to *présidents* in French.

THE DIRECTOR GENERAL replied that the working groups had always had *chairmen*, although the proposed option could be explored, as it was a useful suggestion.

DECISION

Working Committee Memberships report approved.

4.4 Regional Office Update

THE DIRECTOR GENERAL referred to the report in the members' files. He thanked the South African government for its financial support, without which it might not have been possible to open a regional office that year. WADA would be monitoring the progress of both offices carefully, and looked forward to the efforts that they could make in those parts of the world in which presence and information-giving were necessary.

MR WALKER mentioned the slight concern expressed by the Monitoring Group earlier that month about a potential conflict of interest with regard to the Cape Town Regional Office. The office was now financed to a large extent by the South African Government, and its director was also from that country. It was essential to ensure that the independence of the office was preserved. There had been some concerns about this, although nothing had yet happened to justify any intervention in that sense. He hoped that WADA would be alert to the potential problem.

THE DIRECTOR GENERAL said that WADA had undertaken an independent audit of the office and had ensured that the proper documentation in relation to conflicts of interest and confidentiality had been signed. All the appropriate measures had been taken to avoid any conflict of interest. WADA was very happy with the arrangements made regarding security and confidentiality within the office. He had travelled to Cape Town to ensure that all of the issues had been covered, and was very satisfied that they had been covered. The issue had been looked at very carefully.

DECISION

Regional office update approved.

4.5 Athens 2004

THE DIRECTOR GENERAL referred to the report in the members' files. There would be no Foundation Board meeting in Athens, as the IOC had indicated that it would be preferable not to have too many ancillary events at Athens, although WADA would organise an informal gathering of those members in Athens for the Olympic Games.

DECISION

Athens 2004 report approved.

5. ADAMS – Anti-Doping and Administration Management System

THE CHAIRMAN said that the Foundation Board would be brought up to date with the issues with which WADA had been wrestling. As the members knew, once the World Anti-Doping Code came into full force and effect and was adopted by all of the stakeholders, WADA would have an awful lot of work to coordinate. WADA management and outside advisers had been working on a system that Mr Hoistad would present to the Foundation Board.

5.1 Information and Update

MR HOISTAD noted that, following the decision of WADA's Executive Committee in September 2003, a project team had been established to outline the requirements for ADAMS and provide a definition based on the requirements in the Code. It was being built mainly on three components: a Clearinghouse, a Whereabouts System, as well as a system for doping control.

ADAMS would be a centralised service offering functionality for assisting WADA and its stakeholders in their operations and in fulfilling their obligations under the World Anti-Doping Code.

The Clearinghouse would receive doping control data on in- and out-of-competition tests; laboratory results; approved TUEs; and information on adverse analytical findings and anti-doping rule violations. It would match received doping control data and laboratory results; make information available to relevant athletes and/or stakeholders; and publicly disclose statistical information.

The Whereabouts System would facilitate the collection of athlete whereabouts information; receive updated whereabouts information on athletes designated in national and/or international testing pools; monitor failure to provide complete whereabouts information; and make information accessible.

The Doping Control System would manage and operate a doping control programme (in- and out-of-competition testing), including test distribution planning; athlete selection; mission orders; DCO/ADO management; data entry; and results management.

The project team had been established and was working on a business plan for the ADAMS project. It had engaged CGI, an independent consulting firm.

The project team had conducted extensive workshops, several conference calls, as well as individual work in the past two months, which had resulted in the development of a new ADAMS project team. The project team comprised himself, Mr Koehler and Mr Dielen from WADA, assisted by CGI, along with two staff members from the Norwegian Olympic Committee and two staff members from the Australian Sports Drug Agency.

Based on the previous reports from CGI and the work conducted over the past few months, the project team had recommended to WADA management that, as part of the WADA lead project team, ASDA and the NIF, with their appropriate partners, seek to cooperate with WADA as equal partners representing each organisation's valuable knowledge and experience with the goal of building the most optimal solution to meet WADA's objectives and requirements based on the NAIS platform.

The combination of ASDA's experience and knowledge in anti-doping related systems and processes, and the NIF's experience in building a solid platform for multinational and multi-sport environments provided WADA with the best possible means to succeed.

CGI would, at important milestones, be engaged as external project auditors to provide an independent control of the project.

In terms of system requirements, ADAMS would receive and manage accurate, current location information on athletes; maintain coherence and the uniqueness of athlete-related information; and receive and manage in- and out-of-competition testing data from all ADOs. WADA was responsible for managing relevant test results from all accredited laboratories; making all relevant information contained in ADAMS accessible to the relevant athletes and stakeholders; and ensuring the publication, at least annually, of statistical reports summarising information managed by the system. WADA was obliged to maintain in strict confidence all non-public information contained in ADAMS; destroy information after it was no longer relevant for the purpose of ADAMS in a timely manner and in accordance with the applicable rules and regulations; and provide the ability to manage and operate a doping control programme including test distribution, mission orders, results management and report to the other ADAMS modules for stakeholders.

Other requirements were to provide the ability for stakeholders to generate reports and extract relevant data contained in ADAMS in standardised formats; receive and manage the TUEs from all the relevant ADOs; receive information on adverse analytical findings and/or anti-doping rule violations and sanctions.

In addition to the mandatory requirements for ADAMS, the project team had identified an optional requirement that would not be developed in this phase: to provide the means to support Code compliance monitoring.

WADA would prioritise the project work in the following order: finalise the project requirements and a plan; establish a solid foundation; develop the Clearinghouse; develop the Whereabouts System; and develop the Doping Control System.

A working group needed to be established to assess the legal implications and restrictions related to ownership and responsibility of information stored in ADAMS; the retrieval, storage and distribution of personal information; and the use of various encryption technologies.

Where stakeholder buy-in was concerned, this would involve selected stakeholders throughout the project as a reference group. Stakeholder involvement would be ensured, along with the commitment to submit and receive required information electronically, as this was not mandatory under the Code. There would also be education plans for stakeholders.

Other issues identified included Athlete Unique Identification: a globally unique athlete ID was being sought, to be developed in cooperation with the IOC; and interpretation of the World Anti-Doping Code requirements: the information available versus the information requested.

MR HOISTAD noted the financial implications of ADAMS. WADA had allocated US\$ 2.8 million as the maximum available funding for the ADAMS project in 2004. Through the current work performed by the project team and the negotiations to follow with the providers involved, the financial impact would be reduced. The cost for the coming four years was estimated to remain below US\$ 2 million. Additional functionality would have to be justified on a case-by-case basis, and a detailed financial analysis would be necessary to validate and confirm the cost, for the project would be performed prior to entering into any obligations.

The next steps involved finalising the business concepts and processes; performing a financial analysis of the project; negotiating agreements with the members of the project team (CGI, NIF and ASDA) for their long-term involvement; and the platform provider and associated services.

The previous day, the Executive Committee had given its approval for the WADA management to commence phase 1 of the ADAMS project (January to December 2004) in accordance with the allocated budget and the business objectives and critical success factors presented the previous day. The negotiated contracts and the detailed financial analysis would be circulated by the WADA management to the Executive Committee out of session (in January/February 2004) for final approval.

THE CHAIRMAN asked whether anybody wished to make any observations. This was a very important element of WADA's programming activities, and a great deal of thought had been given to it.

MR BAAR supported the Whereabouts System, but thought that this involved very personal information regarding the personal circumstances of the athletes, and this point should be taken into account.

THE CHAIRMAN noted that this was something that had been very carefully considered. Security and confidentiality were very important elements of the system.

He was uncomfortable about approving slides that talked about destroying records. In the slides that would be put on the website after the meeting, reflecting the approval of the Foundation Board, he would prefer to see this expressed as a records retention issue rather than a destruction of records.

DECISION

ADAMS information and update approved.

6. Finance

6.1 Finance and Legal Update

MR NIGGLI referred to the written report in the members' files, highlighting some key points.

Accounting had been brought in-house in January 2003, the result of which would be presented to the members by Mr Reddie. This represented a very substantial saving for WADA.

WADA had decided to switch its currency of reference from Swiss francs to US dollars, mainly to reduce the exchange rate exposure.

The members would also see the minutes of the Finance and Administration Committee meeting, which had taken place in August. Under item seven, members would see that the committee had decided to consider a draft budget earlier in the year, in order to be able to report to governments in June with a draft, thus facilitating the governments' budgetary processes.

In accordance with a decision taken the previous year, it had been decided to account in accordance with the international finance reporting standards as of January 2004.

From a legal point of view, WADA had renewed its liability insurance, which was always a challenging exercise, and he was very happy with the outcome. A policy was now in place until August 2004.

The research projects were going ahead well, and new contracts were being signed almost on a daily basis.

The WADA logo was being protected throughout the world. This was a pretty straightforward process in most countries, although some countries posed certain difficulties.

WADA would renew all of the agreements that it had with the IFs to ensure that its agreements were in compliance with the new rules of the World Anti-Doping Code, and would be revising some of the WADA Statutes. The Code was obviously one of WADA's priorities and, from a legal point of view, he had been busy discussing the matter with the IFs and trying to help them in this area.

A Working Committee on Positive Cases had been set up to study the cases that had occurred over the past three years. The committee had been gathering material from all of the stakeholders and would be holding a teleconference shortly.

UNESCO had begun the process for the Convention, and he had been liaising closely with UNESCO.

MS CROOKS asked about WADA's D&O insurance.

MR NIGGLI replied that WADA had two insurance covers: liability insurance, to cover the Foundation Board members, and D&O insurance. This coverage came to approximately SFr 35 million.

DECISION

Finance update approved.

6.2 2002 Audited Accounts

MR REEDIE said that Mr Roth, of PricewaterhouseCoopers, had come to Montreal to present the audited accounts. This would be the final year in which the accounts would be presented in the current form, as they were in both US dollars and Swiss francs but, in the future, the format would be different.

MR ROTH referred the members to the report of the auditors to the Foundation Board, which was in their files. In the opinion of PricewaterhouseCoopers, the accounting records and financial statements complied with the requirements of Swiss law and the foundation deed. PricewaterhouseCoopers recommended that the financial statements submitted to the members be approved.

The accounting records for 2002 were in Swiss francs, and the financial statements had been presented in Swiss francs, according to the requirements of Swiss law. There were numbers that were presented in US dollars for convenience, using the year-end exchange rates. Since a lot of the assets and liabilities and transactions of WADA were not in Swiss francs, presenting accounts in Swiss francs increased volatility due to exchange rate issues. Looking at the balance sheet, the members would see that WADA had total assets of SFr 9.8 million, to a great extent represented by cash and bank balances. Looking at the liability and equity side, members would see a remaining equity of SFr 0.7 million. In terms of the statement of income, there was a total operating revenue of SFr 20.7 million in 2002 and operating expenses of SFr 19.7 million, together with the allocation of SFr 3.4 million to the research fund in 2002, and the financial and exchange rate items, which resulted in an excess of expenditure of SFr 4.05 million for the year.

THE CHAIRMAN asked for approval of the financial statements audited by PricewaterhouseCoopers for 2002. He also asked for the approval of the audited statements of the World Anti-Doping Agency for the year ending 31 December 2002.

DECISION

2002 financial statements and audited
accounts approved; abstention by Mr Barnes
noted.

The Chairman asked if Mr Barnes wished to offer any explanation for his abstention on behalf of the United States government.

MR BARNES replied that he did not wish to offer any explanation.

6.3 Quarterly Accounts / Cash Situation

For the benefit of the new members of the Foundation Board, MR REEDIE said that the Finance Committee accurately recorded every cent raised and spent on a quarterly basis. The first document to which he wished to speak briefly showed the consolidated balance sheet for the third quarter of 2003, as well as the profit and loss statement. The *Receivables* on page 2 of the balance sheet were taxes that WADA paid to the Federal or Provincial Government in Canada. He believed that a number of these were recoverable, and was in the process of recovering them. On the third page, there were currently total assets of just over US\$ 14 million.

Starting on page 6, the consolidated profit and loss statement showed the quarter's figures, from 1 July 2003 until 30 September 2003. A comparison was given with the three quarters on a year to date basis, so that the members would begin to get some idea of the level of expenditure and how it compared with the year to date. There had been an extraordinary income in the form of a payment of US\$ 138,460. This was a donation made by a Norwegian television company, which had sadly got a programme wrong, and this was what it had cost the company. WADA had been very grateful to receive the settlement. On page 8, towards the top of the page, payments such as the Québec pension plan and employment insurance were obligations that WADA had to its staff in Canada. These seemed very modest in the third quarter, and were much higher in the year to date, the reason being that, at the beginning of that year, WADA had had some backdated payments that had had to be carried forward from 2002. On page 9, members could see a significant reduction in operating expenses; this reflected very clearly the statement made by the Director General that the management was watching costs more closely. On pages 10 and 11, the laboratory analysis for out-of-competition testing was the actual analysis of the samples in the Out-of-Competition Testing Programme that WADA had to meet, whereas the laboratory proficiency testing referred to the ongoing WADA system to check laboratory competence.

The difference in this set of accounts was the issue of the research grants. These amounts were committed in WADA's accounts and would be paid when the projects reached a certain stage. Rather than hold them in the profit and loss account, they had been put in the balance sheet.

There had been a reduction in expert service expenses due to the completion of the Code work. Following the check regarding the cost of mobile phones and internet costs, these had been reduced.

THE CHAIRMAN asked whether anybody had any questions regarding the quarterly accounts.

MR REEDIE referred to the attachment showing actual income and expenses compared to the budgeted income and expenses. This was a useful document, as it enabled the members to see how accurate the Finance Committee's budgetary projections were and whether the committee was likely to bring the year in within the target that it had had. The members would see that the *salaries, benefits and social charges* were quite high in percentage terms; this could be easily explained, as WADA collected its funds in US dollars, but it paid its staff in Canadian dollars, and the Canadian dollar had had a very good run against the US dollar, therefore costs were slightly higher. The costs under the Standards and Harmonisation heading of *department*

running costs, salaries, benefits and social charges were higher because WADA was recruiting new staff. Two new staff members had to come on board, one of which had already been appointed.

Under the *Code* heading, the end expenditure was a little higher. The budget had been reduced, and he thought that the committee had got this one marginally wrong; it was rather over budget on that item.

The *website development costs* appeared to be over budget, but that was because the committee had reduced the overall budget from US\$ 200 thousand to US\$ 100 thousand, as a clear indication that it was necessary to reduce expenditure.

He hoped that the members were satisfied that they had all of the information that was necessary.

DECISION

Quarterly Accounts / Cash Situation approved.

6.4 Government Contributions Update

MR REEDIE referred to the document in the members' files. This page was on the website and updated daily, so it was possible to see who had made their contributions and who had not.

With regard to contributions from Italy and Ukraine, he had been in touch with the Ukraine Olympic Movement representatives, and had received an assurance from them that, since the government seemed incapable of making the payment, the NOC would make that payment for Ukraine, and he expected the 2002 and 2003 contributions to be settled.

The Italian Government had had to change Italian law in order to make the payment, with the Under-Secretary of Sport, Mario Pescante, undertaking to pay the 2002 and 2003 contributions.

There were clearly issues in collecting small amounts of money in certain parts of the world. There were quite impressive percentages available for 2003, with 48% in Africa, 15% in the Americas, 84% in Asia, 85% in Europe, and 100% in Oceania, therefore the members would be able to work out in clear terms that the particular area with which WADA sought government assistance was in the Americas. He understood that a payment of US\$ 1 million was due from the USA by the end of October, and he looked forward to receiving that sum.

MR DEVILLERS referred to the issue of payment by the Americas. There had been no agreement from any country that had not paid for 2002 to do so. With regard to payment in 2003, the USA had undertaken to pay US\$ 800,000 and, with respect to any future payments, there was a partial agreement by some countries that had been present at meetings that an amended OAS formula would be used and payments would be made in accordance with it. Unfortunately, beyond that, the Americas seemed to be at a stalemate in proceeding in getting an agreement that would provide the Foundation Board with the assurance that it needed, that funds were coming in. He had been told that it was partly because of concerns by some countries regarding the budget and the operating method of WADA, and partly because of the management style of the agency. These were reasons that were being put forward to him as impediments to arriving at that agreement. It would be necessary to resolve these issues, and he undertook to continue to help, but he had felt obliged to report to the Foundation Board as to the present status.

MR KALTSCHMITT said that, at the previous ministers' meeting in the Dominican Republic, an agreement had been signed by 21 countries. The amounts had been sent to the governments concerned, and then changed. Some countries, such as Cuba and Guatemala, had based their payments on the figures agreed to at the meeting in the Dominican Republic. He believed that it would be very difficult for small countries to pay,

but he thought that the UNESCO Convention would help countries to pay. He believed that WADA should work closely with the governments, as well as with the IOC, to collect the 2004 amounts.

MR TAKASUGI referred to the situation in Asia, in which 85% of the contributions had been paid. Malaysia and Singapore also intended to contribute. There was currently no formula by which to bring representatives together, so it was hard to request payments. The new regional office in Tokyo would hopefully help to alleviate some of these problems and proceed with the efforts that were being made to pay.

MR FERRARI noted that South America was committed to working with WADA, but this was difficult in the light of the current economic situation, which included debts that the governments had to pay off. He thought that the UNESCO Convention would help, as it would be between governments and public authorities. South America could not yet pay its debts, but it would pay at least 10% of what it had committed to pay for 2003, and then the entire contribution owed for 2004. South America had accepted the Code, and in Chile the Code would soon become part of domestic legislation; this underlined the commitment of Chile and other countries in South America to WADA.

THE CHAIRMAN noted that the commitment made by the Foundation Board government representatives had been that the Americas would produce 29% of the government contributions to WADA. WADA's budgets and activities had been based upon the contributions that had been agreed upon. It was the Americas' problem if they could not organise themselves and reach an agreement on finding a total of about US\$ 3 million; this was incomprehensible. It was also unacceptable to him to hear vague concerns regarding how the budgets were arrived at and the process for that, as the process could not be clearer. He had no idea what the concerns were about management style. These concerns should be brought to the Foundation Board and not expressed as a general excuse for not honouring financial commitments. For all the countries in the world, the work that WADA did protected their athletes as well as others. He should have thought that, for the amounts of money involved, it was a bargain.

MR REEDIE said that nobody was more familiar than he was with the points made by Mr DeVillers, but the reality was that there was no agreement, which he had thought that the governments would produce.

He was grateful to Mr Kaltschmitt; he had to say that he was rather attracted to the suggestion, and thought that maybe WADA should go ahead with the OAS formula and those who did not like it would have to come and explain to WADA why they did not like it.

In response to Mr Takasugi's comments, he was aware that Asia was making substantial efforts to agree to a division of percentages, and he would have thought that the payment of contributions was one of the jobs that would certainly be handled more efficiently by the regional office.

Mr Ferrari also seemed to support the OAS formula idea, and had said quite clearly that the UNESCO Convention would help.

He suspected that, at some future date, the Executive Committee would need to take a financial view on what had happened in previous years and how best to deal with the future.

He was rather encouraged to hear that, for 2004, there should be no difficulty in achieving, certainly in South America, 100% of the funds that had been debited to the countries. What was done with the arrears was a separate financial issue.

WADA had sufficient funds at the moment to run the organisation. He believed that WADA was run quite well; that having been said, WADA could do an awful lot more with additional resources. The IOC would match payments instantly, and that was comforting. The issues should be noted and he thought that, perhaps on occasions, it would be necessary to be a little more proactive.

MR BARNES said that, to provide more specificity about the grave US concerns with respect to the budget and the management of WADA, he referred each Executive Committee and Foundation Board member to the minutes of the June Executive Committee meeting and the minutes of the September 2003 Executive Committee meeting. He would also be willing to answer any questions individually, not in the open forum. The members could rest assured that the USA was taking a leadership role in the committees and within the governments to address its concerns.

THE CHAIRMAN wished the USA every success, and would try to glean WADA's faults from the minutes referred to by Mr Barnes.

DECISION

Government contributions update approved.

6.5 Action on Unpaid Government Contributions

MR NIGGLI referred the members to the relevant document in their files. The Executive Committee had discussed the matter the previous day and recommended that the WADA Foundation Board accept the inclusion of a new paragraph under Article 6.6 of the WADA Statutes. This was a modification to deal with the issue of non-payment of contributions.

THE CHAIRMAN said that this was a recommendation from the Executive Committee. Did anybody have any questions? Were all in favour of the proposal? [All were, with the exception of the United States.] Mr Barnes' opposition, on behalf of the United States of America, would be noted.

MR NDUKWE said that he would like to go along with the majority decision but, speaking on behalf of Africa, he wanted to say that there was a need for some flexibility. The issue for the African countries was not really their commitment to the aims of WADA, but rather their inability to pay. The African region was working to persuade countries and encourage them to pay, but excluding them from participation in WADA might not be very helpful. He appealed for inclusion rather than exclusion.

THE CHAIRMAN said that the governments had tried to take into account the difficulties in Mr Ndukwe's part of the world, which was why the contribution for the entire African continent was fixed at 0.5% of the public authorities' contribution. Did Mr Ndukwe wish to be recorded as opposed to the motion? [He did not]

DECISION

Proposal to accept the inclusion of a new paragraph under Article 6.6 of the WADA Statutes approved. Opposed: Mr Barnes.

6.6 Budget 2004

MR REEDIE informed the members that there had initially been a request from the representatives of the EU for the budgets to be produced seven years in advance. The Finance and Administration Committee had done this as best as it had been able, but it had become clear fairly early on in the process that the increase automatically each year was not going to be acceptable to governments, so WADA now had to produce a new budget each year, to be approved by the Foundation Board. The Executive Committee had looked at the first draft of the budget; some governments had been unhappy with it and the Olympic Movement had been unhappy with it, so it had been redrafted to bring it back to the figures that were clearly indicated.

He referred the members to the relevant document in their files. WADA was not unaware that the figures in the document, which were the same estimates for 2003, had not been attained, so the committee had calculated WADA's anticipated expenditure at a lower figure. That having been said, if, in 2004, WADA could in fact crack the government payment problem and managed to achieve a total of US\$ 21.4 million, then

the Executive Committee would recommend allocating the additional funds in the following manner: 70% to research, 15% to out-of-competition testing and 15% to education. The budget details were well-known, and he did not want to go through them on a detailed basis.

On page 3, under the *Executive Office*, there was a figure of US\$ 85,000 for *government compliance with the Code*. It was WADA's view that quite a lot of work might be needed around the world to explain and sell to governments that were keen on adopting the Code what compliance actually meant. That might require regional symposia and the employment of people to run them.

The ADAMS project was a particular challenge in drawing up the budget, but he was reasonably satisfied that it would be possible to bring this within a limit of US\$ 2.8 million in the first year, and the Finance and Administration Committee would watch Mr Hoistad very carefully indeed.

One employee had been recruited for the Science Department, and another would be recruited early the following year. With regard to research projects, the committee believed that WADA had enough funds to meet all of the year-by-year research project commitments that the Foundation Board had approved.

This budget fitted in with the requests made by the Olympic Movement and the governments, and he submitted it for the approval of the Foundation Board.

THE CHAIRMAN said that one of the main responsibilities of the Foundation Board every year in November was to approve the budget for the forthcoming year.

MR MIKKELSEN said that the EU was satisfied with the budget. The present level represented a reasonable upper level for future budgets and in terms of staffing levels. Europe was also pleased that the full amount of revenue for 2004 was expected from governments and the Olympic Movement. He also hoped that the USA would pay for 2004. Nonetheless, it was essential that WADA establish a conservative policy in relation to expenditure. He supported the expenditure budget based on an expected income level of 81.5%. Europe sincerely hoped that the year 2004 would bring them much closer to the budgeted income. He supported the fact that research funds were much needed, and that research should be the top priority if the funds exceeded the expected income.

MR WALKER congratulated Mr Reddie and his colleagues on the preparation of a much clearer budget for 2004. It would be helpful if, in the future, the expenditure could be linked with the objectives set out in the Strategic Plan, so that it would be possible to see what the money was aimed at achieving. This would make the draft budget easier to understand. Also, would it possible to make a distinction between ordinary running operational costs and capital and investment costs?

THE CHAIRMAN said that the members had the budget for 2004 before them; they had the budget that WADA expected to get and a second one that reflected experience to date, against which WADA would manage expenditure unless it received the full amounts expected. All those in favour of the budget as proposed should raise their hands. Mr Barnes, representing the United States of America, was the only member opposed to the 2004 budget.

DECISION

Draft Budget Summary 2004 approved. Opposed:
Mr Barnes

7. Legal

7.1 Modifications to Statutes

MR NIGGLI referred to the documents in the members' files, which requested the Foundation Board to approve the recommendation of certain changes to the WADA

Statutes and the Swiss Trade Register. All of these amendments had been discussed and accepted the previous day by the Executive Committee, and were now recommended to the Foundation Board for acceptance.

THE CHAIRMAN asked whether the Foundation Board members approved the recommendations. All were in favour of the proposed amendment to Article 6; all were in favour, with the exception of Mr Barnes, of the amendments to Articles 9, 10 and 11; all were in favour of the proposed amendment to Article 12C; and how many members were in favour of the proposed amendment to Article 13?

MR WALKER said that he was not contrary to the proposed amendment, but wished to propose a small amendment to the proposed amendment, in the form of an additional line to Article 13, to put all countries on a similar footing: *the payments should be made by 30 June or six months after the beginning of the financial year of the country concerned, and in no case later than 31 December.*

THE CHAIRMAN was concerned about what would happen if a country had a fiscal year beginning on 1 November. This proposal was fine, as long as the payment would be made during the calendar year.

MR WALKER noted that his proposal took this point into account.

MR NIGGLI thought that this could work; from a practical point of view it was certainly not helpful, but it would not be impossible.

THE CHAIRMAN asked how many members favoured the proposal made by Mr Walker. Six members were in favour, whilst nine were opposed. He thought that, on that basis, the amendment failed, and therefore asked the members to vote on the main motion. All were in favour of the proposed amendment to Article 13, with the exception of Mr Barnes, representing the United States of America, and Dr Shadgan, representing Iran.

With regard to the proposed amendments to the Swiss Trade Register, was everybody in favour?

DECISIONS

1. Proposed amendments to Article 6 approved unanimously.
2. Proposed amendments to Articles 9, 10 and 11 approved, with the exception of Mr Barnes, of the United States of America.
3. Proposed amendments to Article 12C approved unanimously.
4. Proposed amendments to Article 13 approved, with the exception of Mr Barnes, of the United States of America, and Dr Shadgan, of Iran.
5. Proposed changes to the Swiss Trade Register approved unanimously.

7.2 Court of Arbitration for Sport

MR NIGGLI noted that the CAS had two divisions, one of which was ordinary, whilst the other dealt with appeals. The implementation of the Code would increase the tasks of the CAS. It would continue to be an appeals body, but it would also be an appeals body for IFs and WADA against decisions taken by independent courts on a national level. It would also have a role to play with regard to laboratory accreditation. These changes would require an amendment to the CAS rules.

With regard to TUEs, the CAS would be the body to authorise such exemptions. The corresponding rules would need to be changed and simplified in order to enable the CAS to react quickly.

The CAS would have a future role in relation to non-compliance with the Code.

Discussions were also being held regarding the decentralisation of the CAS, to enable easy access by athletes to the CAS, and regarding CAS arbitrators, to ensure separation of duties.

He had met with the CAS representatives in Montreal in September and in Lausanne in October 2003. WADA had sent its suggestions regarding the amendment of the CAS rules and Mr Reeb had informed WADA that it had recently set up a drafting committee to amend its rules. He hoped that the rules would be in place by 1 January 2004, which was when the new List would be in force.

THE CHAIRMAN said that the CAS would play a very important role in monitoring, so if the stakeholders thought that it might be useful to have more CAS outreach, then WADA would see if the CAS would be interested in holding regional seminars or something similar, so that both the public authorities and the sports movement would be familiar with these cases and how they would proceed.

DR SCHAMASCH asked whether WADA anticipated asking the arbitrators not to act as counsels. How would a division be made between counsels and arbitrators?

MR NIGGLI replied that the CAS would decide as to this issue; WADA had simply suggested the idea that doping cases be kept separate from other cases.

DR SCHAMASCH asked whether this meant that an arbitrator in a doping case could never be a counsel in another case.

MR NIGGLI replied that this was exactly what this meant.

DECISION

Report on the CAS approved.

8. Strategic Plan

THE CHAIRMAN said that the Executive Committee had asked the management to see if there was not some way to simplify the Strategic Plan, and Mr Wade had headed the group that had done this work. He thought that the members of the Foundation Board would be pleased with both the format and the content of the Strategic Plan.

8.1 Revised Strategic Plan

MR WADE referred to the document in the members' files requesting a decision by the WADA Foundation Board to endorse the revised Strategic Plan. The proposed Strategic Plan was also in the files.

He would be providing the members with an overview of the Strategic Plan, the five-year business plan and the Strategic Planning and Evaluation Working Group (SPEG) activities. He wanted the members to note that WADA had in place a good process; what WADA wanted to focus on was the content of what it was doing. The Strategic Plan represented a hybrid document, as well as a living document. WADA was a new and unique organisation, which involved Olympic Movement and government representatives, and sufficient detail had been required in the Strategic Plan to respond to emerging demands and opportunities. It had also been important to look at a comprehensive approach and recognise the partners: WADA, the Olympic Movement, the public authorities and anti-doping agencies. The WADA Strategic Plan had been approved initially in Cape Town in 2001. The vision of WADA had been to have a world that valued and fostered doping-free sport, as well as to promote and coordinate on an international basis the fight against doping in all its forms, which really represented a comprehensive approach to the conduct of WADA's business. This had been identified through a series of key goals, which included independent quality organisation; world leadership; the World Anti-Doping Code; harmonised rules and regulations; a worldwide testing

programme; a global clearinghouse; education; communication; government relations; research; and laboratory accreditation.

A Strategic Planning and Evaluation Working Group (SPEG) had been put in place, and had gathered together WADA management, a member of the WADA Finance and Administration Committee; a government representative; and an Olympic Movement representative. The purpose of the SPEG had been to review and make recommendations on the Strategic Plan and the business plan; make recommendations regarding annual operational planning; and to oversee performance measurement.

The World Anti-Doping Code had been accepted at the World Conference on Doping in Sport in Copenhagen in March 2003. In light of the new World Anti-Doping Code, it had been considered necessary to look at the changing environment and review the mission, role and overall purpose of WADA, as well as the key activities to pursue, develop and carry out. Reference had been made to WADA's emerging responsibilities with the new Code and World Anti-Doping Programme. A WADA Strategic Planning Workshop had been held earlier that year, and the approach taken had involved an overview of the World Anti-Doping Programme and the Code, as well as the Code and WADA's responsibilities and the requirements under the Code for WADA. There had then been an in-depth review of the key activities: ADAMS; testing; research; the Independent Observer Programme; education; and governments and government contributions. There had been general agreement on the vision, mission, key objectives and key activities of WADA. The key activities included the implementation of the Code; education; research; increased anti-doping capacity, including effective testing; and financial viability.

The Strategic Plan itself was a much simpler approach, with SPEG input, and a five-year business plan to continue. The structure included a foreword, the vision, mission, the core values and the five key objectives. The vision was *a world that values* (as opposed to *fosters*) *doping-free sport*, and the mission was *to promote, coordinate and monitor* (the addition here being *to monitor*, which was a key function of WADA) *on an international basis the fight against doping in all of its forms*. The Core Values were independence, an ethical approach, accountability, professionalism, best practice and innovation. The structure of the five key objectives comprised an objective statement; an outcome; strategies to be taken to achieve the outcomes; and performance indicators (which had been identified). The first objective was to oversee, support and implement, as well as monitor, compliance of the World Anti-Doping Code. The second objective was to educate and inform the signatories to the Code, governments and athletes and support personnel about the dangers and consequences of doping abuse. The third objective was to lead, coordinate and support effective, world-class anti-doping research programmes. The fourth objective was to increase the capability of ADOs, to implement anti-doping rules and programmes to ensure compliance with the Code. The fifth objective was to achieve the financial viability and resources to enable WADA to implement this Strategic Plan. WADA needed to be accountable and engage in strategies to ensure that WADA had the finances to fulfil its mandate.

THE CHAIRMAN asked whether the members had any questions or comments.

MR BESSEBERG said that he had voted in favour of the 2004 budget, despite seeing a reduction in the number of out-of-competition tests, as he had seen in the Strategic Plan that the aim was to increase out-of-competition testing in the future. He expected the costs related to ADAMS in 2004 to be one-off costs, and hoped to see an increase in out-of-competition testing in 2005. He thought that WADA should notify the IFs regarding this matter, so as to ensure that targeted testing would be well coordinated between WADA and the IFs in 2004.

MR BAAR praised Mr Wade's presentation. There had been some new measures introduced regarding doping. There had been some recent cases, particularly in the USA and, as a result of these cases, there had been a public discussion about reducing or increasing the period of exclusion from competition. This was obviously not very

reasonable, and a great deal had been achieved with the World Anti-Doping Code, but his concern was that WADA was going to go slightly too far into a defence position. He understood WADA acting as a lawyer for clean athletes but, sometimes, when he read newspapers, he got the feeling that WADA was not always in a good position, despite having a good Strategic Plan. He did not know whether this was a question of communication or a result of being too strategic, but thought that this was a good moment at which to voice his concern.

MR WADE said that it was important to understand that the Strategic Plan itself was intended to provide a strategic framework from which detailed business plans and activities would be developed. He therefore asked the members not to read into the Strategic Plan all the answers to how WADA was going to go about doing things. In the annual planning and the business plan, WADA would be effective in making decisions to achieve its objective in the most effective way. He assured Mr Baar that such matters would be more detailed in the business and operational plans that would flow from the Strategic Plan.

MR WALKER congratulated Mr Wade and his colleagues on the clearer and much tighter Strategic Plan. Under the *Vision, Mission, Values and Strategic Objectives*, he thought that the use throughout that page of expressions such as *we are* and *we will* brought a personal element to it, but also a slight amount of doubt, because who was the *we*? He wondered whether *WADA* would be a more appropriate substitute.

His second comment related to the second objective. He would bow to the opinion of Mr Baar. It did seem to him that the outcome of the second objective was rather woolly and not very precise. Of course, everybody would like more and more athletes to believe what was set out there, but he was not sure that it was a strategic objective. What he thought could be more appropriate would be an outcome whereby more and more athletes were actively contributing to anti-doping work and more actively participating in it. That meant that they also believed that they could help to deter doping in sport. He thought that some of the performance indicators could include items such as the number of athletes who had signed up to the Athletes' Passport and the number of athletes who were actively contributing in their own countries to anti-doping programmes. But if what he was suggesting was not right, he would happily bow to what Mr Baar and Ms Crooks might think about it.

MR PASCUAL commented that there was a difference between being signatories to the World Anti-Doping Code and trying to comply with the Code. It might be useful if WADA could review the codes of the different organisations and then issue some sort of letter of compliance that could be used in any future legal cases that might arise regarding compliance with the WADA Code.

MR WADE thanked Mr Walker for his comments. The *we* referred to WADA, and was representative of everybody sitting around the table. He had no objective to changing *we* to *WADA*.

With regard to the second objective, he thought that the suggestion was a good one.

WADA would clearly do things in different countries, recognising the different needs to ensure sufficient understanding, development and compliance in relation to all aspects of the Code. WADA had programmes in place, and the members would hear how WADA intended to carry these out later on that afternoon.

THE CHAIRMAN asked whether the Foundation Board endorsed the revised Strategic Plan, taking into account the comments that had been made.

DECISION

Revised Strategic Plan approved, taking into account comments made by members.

9. World Anti-Doping Code

9.1 Activity Update

THE CHAIRMAN said that the World Anti-Doping Code was a historic document; it had now been bound, and two of the signed copies were being passed around the table, whilst the third copy would go to the Olympic Museum and Studies Centre in Lausanne.

He asked Mr Andersen to make his presentation.

MR ANDERSEN gave the members a brief overview of the way in which the World Anti-Doping Code was structured. Levels 1 and 2 of the Code were mandatory for all signatories. These included the World Anti-Doping Code and the International Standards for Doping Control and Laboratory Accreditation adopted in June 2003 by the Executive Committee, and the standards regarding the List of Prohibited Substances and the TUEs, which had been adopted by the Executive Committee in September 2003. The Level 3 documents included the so-called Models of Best Practice, most of which were in the development phase.

A thorough and comprehensive process had been put in place regarding the core elements in the process of the development, acceptance and implementation of the Code. This had been closely followed and monitored by the Executive Committee, the Foundation Board and a number of committees within the WADA system. The World Anti-Doping Code had been accepted on 5 March 2003. The Code would have to have been accepted and implemented by the signatories to the Code by 13 August 2004. The Director General had done everything possible within the WADA management in order to set up the necessary resources and facilitate the meeting of the deadlines by the stakeholders.

9.2 Code Implementation Plan and Project Team

MR ANDERSEN informed the members that the Director General had appointed an Internal Code Implementation Team to oversee the WADA Code responsibilities; develop and maintain an overall plan; and ensure that the plan was properly followed up.

The timelines for the key action items could be seen in the Draft Code Implementation and Compliance Plan.

The Code Implementation and Compliance Plan aimed to develop Level 3 Model Rules; it had already finalised the Model Rules for IFs, and had drafted Model Rules for Event Organisation.

For appeals, WADA would assist the CAS in developing rules consistent with the Code and develop internal protocols for appeals on sanctions and TUEs.

ADAMS was being dealt with under a separate agenda item; however, it was a very important requirement in the Code, and was therefore covered in the overall plan.

The Code required that WADA monitor each signatory in terms of compliance every second year, and extensive and comprehensive systems needed to be in place in order to be able to do this. Such monitoring might be possible by means of ADAMS.

WADA was working closely with governments on compliance and implementation of the Code, and it was working with signatories on a day-to-day basis. WADA was also actively helping to build capacity in the vast majority of countries worldwide, as there were too few organisations with anti-doping systems in place.

With regard to the Therapeutic Use Exemptions, WADA had developed and adopted standards for these, and would need to have systems in place to deal with thousands of TUEs worldwide on an annual basis. He believed that an electronic means of dealing with TUEs would be of great benefit in this area.

DR SCHAMASCH asked for clarification. When Mr Andersen referred to 13 August, did he not perhaps mean 30 July, which was in fact the start of the Olympic Games in Athens in 2004?

THE CHAIRMAN said that he would certainly not wish to miss the Olympic Games or have any stakeholders think that they had until the end of August to implement the Code.

MS BASSER asked whether there were any time-frames in terms of when the model rules would be available for the NADOs and the NOCs.

MR FETISOV asked about the progress with professional leagues in the USA.

With regard to the issue of the translation of the Code into Russian, there was a translator ready to complete this work.

MR ANDERSEN replied that the Level 3 Model Rules would be available as soon as possible. The deadline for most of the Model Rules for NADOs and NOCs was 1 January, although WADA was dependent on its stakeholders in order to develop them.

He thanked Mr Fetisov for the offer made regarding the translation of the Code into Russian, and would have a look at the translation when it was available.

THE CHAIRMAN said that, regarding the professional leagues in the USA, he hoped that it would be possible to work with them. He thought that they had come under considerable pressure in recent weeks. It was important to remember that professional leagues did not exist only in the USA, although it was true that the US leagues were bigger and attracted more publicity than most. That said, as requested by the Foundation Board and many of those who had attended the World Conference in Copenhagen, WADA had contacted five major professional leagues in the USA to introduce WADA and say that it had a new Code that might be useful for the sport concerned. One league, that of ice hockey, had not answered; the baseball, football and basketball leagues had said first that they did not have a drug problem, secondly that they were satisfied with the way in which they were dealing with it, and thirdly that it was a matter of collective bargaining, and that that had to be taken into account; and golf had also said that it had no problem and did not see much point in meeting. WADA had not followed up the matter, as it had had a great deal of work to do, but there might be some opportunity to do so now, particularly since an increasing portion of the public was now aware of the problem. On the Foundation Board's behalf, WADA would pursue those contacts and try and have meetings of some sort to see if some progress might be made. WADA did not have the power to do anything, but governments did, and they could be very helpful. This was a work in progress, and there had not been much progress, but WADA would continue to follow it up. Getting ready for all of the obligations and responsibilities that would be required in 2004 had occupied most of the management's time and attention.

MR REEDIE informed the Foundation Board members that golf was a rather unusual international sport, in that its governance was run partly by the US Golf Association and partly by the Royal Ancient Golf Club in St Andrews in Scotland, and they were developing a rather comprehensive anti-doping policy for the sport.

DR SCHAMASCH said that the Chairman had quite rightly pointed out that professional leagues existed in other countries, and the members from those countries in which such leagues existed, in particular Japan and Korea (where there were important baseball leagues) should approach the leagues and do some preparatory work.

THE CHAIRMAN thought that Dr Schamasch's idea was a good one.

DECISION

Code Implementation Plan and Project Team
approved.

10. Department / Area Updates

10.1 Communications

MS KHADEM said that all of the objectives outlined in her initial communications strategy the previous year had been met. Her report was in the members' files, and she would be happy to take questions at the end of her presentation. She wished to highlight a number of points.

The department had undertaken a review and update of all of the content on the WADA website, which had become one of WADA's primary tools for communicating with athletes and other stakeholders.

The Communications Department had issued its first ever annual report for the 2002 fiscal year, and it would do so for 2003 the following year. This had been an important part of the strategy, as it was necessary to report on an annual basis on all of the communications activities, particularly financial activities.

With regard to the WADA Athlete Outreach Programme, she commended Ms Spletzer for all the work that she had done. The All Africa Games in October in Nigeria had been a first for WADA on this continent. They had also been the first games to be run by a regional office. Mr Swigelaar had put together a great team, which had had a great deal of success, and there would be a feature on this event in the upcoming *Play True* magazine. WADA was working on Outreach events for the following year, and would be focusing primarily on the Olympic Games in Athens. The Communications Department might call on Foundation Board members to help identify the best people from their regions to be on this team.

As for publications, there would be one more issue of the *Play True* magazine in 2003, and one more *Athletes' Passport* publication.

She had undertaken a strategy of working more and more closely with IF partners, and she and Mr Donzé had visited a number of IFs in Europe that month. These had been incredibly useful, and good suggestions had been made by IFs as to how WADA could better communicate with them.

WADA would also be doing more in terms of communication with governments. Her colleague, Ms Jansen, would be dealing with this issue.

WADA was planning to hold a symposium for journalists on 29 January at the Olympic Museum in Lausanne, and was in the process of sending out invitations to journalists as well as IFs. She was happy to report that WADA had an updated database with over 1,000 journalists who followed WADA regularly. She praised the Media Manager, Mr Donzé, and Ms Riddle, the Assistant Coordinator, for the great job they had done in dealing with the journalists.

She showed the members a short video that had been made about Outreach events.

DR SCHAMASCH asked how the twice-monthly *Athletes' Passport* issue was distributed. Was it distributed only to those who signed up to it? If so, did this not marginalise athletes?

MR KALTSCHMITT highlighted the need to educate. Education needed to be one of the pillars of WADA.

MS ELWANI congratulated Ms Khadem on her report. In Nigeria, she had had the chance to see everything that went on in the Outreach programme: the booth and its impact on the athletes. She congratulated this important work and hoped that it would continue.

MR DEVILLERS asked how much of the Outreach Programme was done in different languages.

MS KHADEM told Mr DeVillers that languages were a big priority for WADA, and one of the main reasons why she was asking the Foundation Board members for help with regard to recruiting Outreach volunteers for the Olympic Games in Athens. For the publications, she thought that these should be translated into Spanish and other languages, but WADA's resources needed to be considered.

She thanked Ms Elwani for the feedback; the booth currently outside the meeting room was the one that Ms Spletzer used on Outreach missions.

She could not agree more with regard to the comment on education made by Mr Kaltschmitt. She considered Outreach to be one of WADA's most important programmes.

In response to Dr Schamasch, the Athletes' Passport Programme was under review, as it would become the Whereabouts information and would form part of the Clearinghouse. Once the Clearinghouse was on line and there were thousands more athletes, it would be necessary to figure out how to resolve the matter. The publication was, however, on the website, and several thousand people downloaded the publication off the website in addition to the 2,000 who received it by mail.

DECISION

Communications report approved.

10.2 Education

MR WADE referred to the report in the members' files.

One objective of the proposed Strategic Plan was to educate and inform signatories to the Code, governments and athletes/support personnel about the dangers and consequences of doping abuse. The outcome would be a culture where athletes and support personnel believed the Anti-Doping Programme effectively deterred doping in sport. This would require a behavioural change and a social change approach. The primary goal was to preserve the spirit of sport and dissuade athletes from doping, thus influencing behaviours among participants. The other goal was to provide updated and accurate information regarding the Prohibited List; the health consequences; doping control procedures; and athletes' rights and responsibilities. It was essential that WADA partner with all of the signatories, the governments and the athlete support personnel. It was also important to make athlete support personnel aware of the rights of athletes and the importance of the responsibilities within the Code.

The other important area of education was coordination and cooperation, creating general awareness of anti-doping and the Code by way of joint conferences and athlete and sports events. The Education Programme related to the Code was not mandatory but it was an implied obligation. WADA was a world leader, and there were some expectations linked to this. It was important that everybody be informed as to the Code to ensure understanding, implementation and compliance. The future would hopefully be a new generation of doping-free, ethical athletes who competed in a manner consistent with the best traditions of sport.

MR WADE referred to the attachment to the report, which described the short-term education strategy. The Ethics and Education Committee had met recently and had supported the short-term education strategy, which he would briefly review. The awareness activities linked to the strategy included regional symposia in key regions of the world to raise understanding among countries, organisations and regions about the Code and their main responsibilities, as well as to conduct assessment of their capacities and build a programme or approach to assist in developing programmes and systems to assist in compliance of the Code. Five symposia would be conducted over an 18-24 month period. The extent to which these would be conducted in 2004 would be budget/resource driven. WADA would partner with its established Outreach/Awareness Programme to communicate with athletes at key events and opportunities, such as Athens. It would also partner with government awareness activities where possible. The focus for the next 18-24 months would be to educate those affected by the Code.

The Council of Europe partnership with WADA was also very important in terms of education.

Translation was very important in order to reach as many people as possible, and this had been considered in the budget.

WADA would look to identify a longer-term approach within the context of revising the Five-Year Business Plan, but this would be the focus of WADA's education activities for the coming 18-24 months.

THE CHAIRMAN asked if anybody wished to ask any questions or make any comments.

DECISION

Ethics and Education report approved.

10.3 Governments

MS JANSEN informed the members that there had been 51 signatories to the Copenhagen Declaration in Copenhagen earlier that year. A total of 89 stakeholders had signed the Copenhagen Declaration (as of November 2003). At the World Conference in Copenhagen, there had been 35 interventions made in support of the Code. There had been 38 new signatories since the World Conference, and eight new signatories since the Executive Committee meeting in September that year: Laos, Malaysia, Puerto Rico, Mozambique, San Marino, Ukraine, Liechtenstein and Iceland. Breaking down the figures regionally, a total of 17 out of 53 African countries had signed the Copenhagen Declaration; 15 out of 42 American countries had signed; and 14 out of 42 Asian countries had signed. In Europe, 36 out of 48 countries had signed; and 6 out of 14 countries in Oceania had signed the Copenhagen Declaration.

The Danish Government continued to follow up on the signatories in conjunction with the WADA government Foundation Board members and WADA staff. In March and November, there had been correspondence sent by the Danish Ministry via embassies to all of the governments, encouraging them to sign the Declaration. There had also been WADA correspondence to NOCs and IOC members, along with Foundation Board and Executive Committee member activities within regional governmental and sports forums. Presentations had been made at meetings and summits in Rio de Janeiro, Africa, Europe and Oceania. Minister Caborn would be working with the Commonwealth countries.

With regard to Code implementation by governments, some governments had begun to implement the Code. WADA had been advised on a formal and an informal basis about the work undertaken by certain governments. As for government payments, this issue had taken up a great deal of work time, with every effort made by WADA to facilitate government payments.

With regard to government communications, she thought that it would be possible to improve in this area. A strategy of effective communications with governments was being developed. Existing publications, such as the *Play True* magazine, would be used to feature government articles. WADA had a website section devoted to governments, and a newsletter would be issued. If the different regions wished to have input to that newsletter, WADA would be happy to collaborate.

With regard to UNESCO and the development of an Anti-Doping Convention, at the 33rd UNESCO General Conference (September to October 2003) governments had voted to support the drafting of a Global Convention. WADA had attended an Expert Group meeting in June and November 2003. WADA would continue to provide assistance as requested by the governments and UNESCO. The aim was to have a final draft Convention for the 34th UNESCO General Conference in October 2005

She wished to introduce Ms Pigozzi, who would provide the members with an update on the UNESCO Convention.

MS PIGOZZI thanked the Foundation Board for inviting her to Montreal; it was truly an honour to be able to attend the meeting. She was present on behalf of the Director General of UNESCO, who took the issue of the fight against drugs in sport very seriously.

She was responsible for the Convention within UNESCO, a system in which she had been involved for more than 10 years. The levels, and order, of commitment to particular issues in the UN system were, first, a declaration, followed by a recommendation, followed by a convention. UNESCO was going to create a convention in record time, going from nothing straight to a convention in two years, which was a little unusual. She thanked WADA for the help that it had given to the UN. The Copenhagen Declaration was a little bit more than a UN declaration; in fact, it was slightly closer to a UN recommendation in that it was a little more morally binding than a straight declaration in normal terms. The UN Convention would be the legal commitment of the governments, and every country would need to change its laws in order to be consistent with the Convention. WADA had also developed the World Anti-Doping Code, so UNESCO would help by putting together the legal umbrella under which the Code would operate. At UNESCO, the timeline was incredibly tight, so it would be necessary to work backwards from the essential deadlines that had been set as, if a deadline were to be missed, it would not be possible to do the Convention. UNESCO had put together an Expert Group to advise it. The experts represented neither governments nor sports organisations; they were there to help advise UNESCO. There had been two meetings of the Expert Group, and there would be a third one in December. The Expert Group was chaired by Mr Blais, who was present at the Foundation Board meeting. UNESCO would then send a draft of the Convention to the governments during the third week in December. The first of the required intergovernmental meetings would be held during the week of 19 January, 2004, in Paris, and then UNESCO would move on from there. There would definitely be another intergovernmental meeting with the Ministers of Sport and Physical Education, probably in July 2004, immediately before the Olympic Games, and this would be hosted by the Greek Government. UNESCO was ready to hold an additional intergovernmental meeting between January and the MINEPS meeting, if necessary. Again, if necessary, after the MINEPS meeting, there would be another intergovernmental meeting. By early 2005, UNESCO hoped to put in process the necessary tasks that the Director General had to undertake in order to ensure that a clean, agreed-to draft would be ready in time for the relevant countries to vote on it in October 2005. This really was a race against the clock, but WADA certainly had the commitment of UNESCO. She believed that there was extraordinary goodwill out there to make this happen.

As an international agency, UNESCO had the legitimacy to convene governments, and a Convention was a legal, binding document that was a global convention. The Expert Group had at least three international lawyers from UNESCO's side sitting quietly at the edge of the meeting. She committed to WADA the support of her division and the particular section responsible for this Convention, for which staffing had been increased by 50%. UNESCO would bring a broad vision to this, in addition to the Convention. UNESCO really believed in the ethics of sport so that, together, WADA and UNESCO could really stand strong. She looked forward to working with WADA.

THE CHAIRMAN thanked Ms Pigozzi.

DR SCHAMASCH asked about room for manoeuvre by WADA. Was it possible to envisage amendments to the Code after the implementation of the Convention?

THE CHAIRMAN thought that what the governments had undertaken to do in Copenhagen was to adopt a Convention to enable them to adhere to or accept the Code and make it part of their own domestic legislation; it was not a question of WADA changing itself or the Code.

DECISION

Government relations report approved.

10.4 International Federations

MR DIELEN referred the members to the report in their files, and gave a PowerPoint presentation on IF liaison.

The IF liaison objective was to maintain contact between the IFs and WADA for all activities defined in the WADA Strategic Plan, based on the instructions of the WADA management. The activities included follow-up on certain aspects of the Out-of-Competition Testing Programme with IFs; research into comments on the Code; assistance to the IFs upon their request to provide guidance with their rules and clarifications on the Model Rules, the Code and the Standards; liaison with the IFs on sport-specific banned substances (the 2004 List) and TUEs; follow-up with the IFs on scientific matters upon the request of the Science Department (there had been a good meeting on EPO after the report that had come out the previous year); liaison with the IFs on the ADAMS working group in the establishment of the first specifications; and various questions and requests were received from IFs and answered after consultation with the Montreal office.

The Code signatory update would concern major games organisations; IFs; NOCs; and NADAs. Regarding the IOC, some examples of the new articles in the Olympic Charter in relation to the Code were Rule 48, which stated: *The World Anti-Doping Code is obligatory for the whole Olympic Movement*; and Rule 52, which stated: *1.1.3 Only sports that adopt and implement the World Anti-Doping Code can be included and remain in the programme of the Olympic Games*. The International World Games Association, another major games organisation, had also adopted the Code, and the IPC was in the final stages of Code adoption. As for the IFs, 76% of IOC-recognised IFs had accepted the Code (19 out of 28 Olympic Summer Sports; five out of seven Olympic Winter Sports; 25 out of 28 IOC-recognised sports; 12 out of 20 non-IOC-recognised GAISF members; and all ten of the ten IFs requesting IOC recognition had accepted the Code).

With regard to NOCs, NPCs and sport confederations, 18 out of 201 NOCs had accepted the Code (but he had heard that Brazil and Japan were missing from this list, so the total should be 20). The Finnish Paralympic Committee had accepted the Code, as had the Swedish Sports Confederation. As for the National Anti-Doping Agencies, in total, 12 had accepted the Code.

This process of acceptance was the first step. Implementation was on its way. FINA and the FIS already had rules in place.

MR KALTSCHMITT noted that Guatemala had also implemented the World Anti-Doping Code, and had translated it into Spanish. A copy of this translation was being sent for review.

MR FASULO said that his impression was that the IFs were very happy with the support given by Mr Dielen and the European WADA office.

One issue that he wished to highlight was the volume of work and resources required among some of the IFs that did not normally have such work. Did Mr Dielen think that there was anything that could be done to help these federations?

MR BESSEBERG said that the IBU had also changed its anti-doping and disciplinary rules according to the Code, and these had come into effect on 1 November 2003. The IBU Congress would be confirming these changes the following summer.

PROFESSOR DE ROSE said that he had been surprised by the number of NOCs that had not signed the Copenhagen Declaration, and thought that the NOCs should be informed as to how to go about doing this.

DR SCHAMASCH said that he was rather surprised that a small number of NADOs had signed. Were the same restrictions applied to those NADOs that did not adopt the Code?

THE CHAIRMAN said that WADA had sent notices to every single NOC, but there were some NOCs that were better organised than others.

MR DIELEN replied that the work generated by the Code was an important thing to watch, not only for the IFs. WADA was trying to help as much as possible, but also had limited resources. It was clear that, for certain IFs, this would generate more work. ADAMS was also going to help reduce the additional resources required.

With regard to the NOCs, WADA would work on the problem of perception by the NOCs, but this depended on the country. There was some confusion as to what the NOCs should and should not do.

As for the NADOs, perhaps the Director General could answer the question.

THE DIRECTOR GENERAL said that all of the NADOs, along with the NOCs, had been sent a letter, in which they had been asked to sign and return the acceptance form, and WADA expected to hear back from them.

MR REEDIE said that there had been an ANOC Executive Committee meeting in Lausanne, followed by a European Olympic Committees meeting in Rome that year. There would then be an ANOC meeting in Athens in February 2004, at which the NOCs would be informed as to their obligations under the Code. He specifically drew attention to the answer that Mr Dielen had given, which was that some of them were NADOs and some of them were not, and this needed to be made a lot clearer.

DECISION

International Federation Liaison report
approved.

10.5 Independent Observers

MR WADE referred the members to the report in their files, and gave a PowerPoint presentation on the Independent Observer Programme. The fundamental objectives were to strengthen confidence among athletes and the general public; to promote independence and transparency in the doping control process; to promote equal treatment of all athletes; and to help improve the current anti-doping measures. The Independent Observer Programme served as the eyes and the ears of the world, and helped to build athlete, sport and public confidence. Its primary roles were to observe all or some of the aspects of the doping control operations prior to and during the assigned games or sporting event; and to prepare an independent, public report on the doping control activities. All roles were to be carried out independently and without bias.

The observation phases went right from athlete selection and notification through to verification of the therapeutic justification procedure and, if necessary, appeal procedures.

Major events attended by the Independent Observers included the Sydney 2000 Olympic Summer Games; the Salt Lake City 2002 Olympic Winter Games and Paralympic Games; the 2002 Commonwealth Games; and the 2002 men's and women's World Basketball Championships. Events for 2003 included the FIS Nordic World Ski Championships; the Tour de France; the FIFA World Youth Championship; and the Davis Cup Tennis. Any responses to the reports had been put on the WADA website. The activities planned for 2004 included the Independent Observer Team Leaders' Meeting and the Olympic Games in Athens.

THE CHAIRMAN said that the Independent Observer Programme was a very important validation of major events. There had been constant rumours circling regarding the suppression of test results at past editions of the Olympic Games but, with the start of the Independent Observer Programme, all of those rumours had disappeared.

DECISION

Independent Observer Programme update
approved.

10.6 Standards and Harmonisation

10.6.1 Out of Competition Testing – Update

MR KOEHLER said that he would be circulating the Athletes' Guide to the WADA Out-of-Competition Testing Programme for review. He then made a PowerPoint presentation on Standards and Harmonisation.

With regard to out-of-competition testing, for the 2002 testing programme, 4634 tests had been completed across 97 nationalities in 56 countries. There had been 464 blood samples taken, with 40 adverse analytical findings (with 17 non-sanctions; three warnings; 17 sanctioned; three result management pending).

For the 2003 testing programme, 4341 tests had been completed or were in the field awaiting confirmation; 630 blood tests had been completed or were in the field awaiting confirmation; 126 urine EPO tests had been completed or were in the field awaiting confirmation; and there had been 22 adverse analytical findings to date.

Before he went on to discuss the 2004 programme, he wished to recognise the contribution of the Drug Free Sport Consortium over the past three years to build the programme to its current status.

10.6.2 Strategy for Out of Competition Testing – 2004

MR KOEHLER said that, as for the 2004 testing programme, this would be an in-house programme, meaning the overall management of the testing. There were 2,000 urine tests and 400 blood samples planned for 2004. Obtaining whereabouts information would be a major challenge. Contracts were being negotiated with NADOs and laboratories, and federation agreements were being redrafted in order to be in accordance with the World Anti-Doping Code.

With regard to out-of-competition testing and the 2004 test distribution plan, focus would be placed on those countries that did not have anti-doping programmes; tests would be conducted on a no-notice basis where possible, with sport assessment (high, medium or low risk), and assessment as to when athletes were more likely to use a banned substance; and there would be focus on top-ranking athletes leading up to major games.

For the 2004 pre-Games testing, there would be a WADA/IOC/ATHOC taskforce, which would be responsible for coordinating pre-Games testing activities and gathering information from all of the stakeholders on the tests that they had completed. WADA would test top-ranking athletes leading up to the Olympic Games and would coordinate testing with the IOC in the weeks leading up to and during the Olympic Games.

10.6.3 Out of Competition Testing Symposium Outcomes

MR KOEHLER said that there had recently been a symposium in Colorado Springs on out-of-competition testing issues, organised by WADA, hosted by USADA and sponsored by the USOC. Seven NADAs; six IFs; three athletes; one doping control officer; two laboratories; one NOC; and WADA had been represented at the symposium. Topics discussed included no-advance notice versus short notice testing; provision of whereabouts information; and missed tests and evidence gathering. With regard to the no-notice versus short notice topic, the conclusions had been that no advance notice testing was the most effective, and it should be conducted at all levels (international and national); more emphasis should be placed on international athletes; and short notice testing might be required as a last resort (with one to two hours' notice). With regard to the provision of whereabouts information, the conclusions had been that whereabouts information was of vital importance; IFs and NFs should identify athletes to provide whereabouts information; athletes had the responsibility to provide the information, and should provide this once, to one location only (ADAMS); and information should be shared (through ADAMS). In addition, reminders or warnings should be provided for lack

of whereabouts information; there should be incentives for providing the information, such as draws, fines and on line education; the consequences needed to be in place to enforce the provision of the information (sanctions); and it should be possible to sanction NFs. With regard to the missed tests and evidence-gathering topic, the conclusions had been that the goal was to collect tests and not missed tests; the whereabouts forms should be the key source of the information; and three missed tests should result in a review and possible anti-rule violation. General comments regarding the symposium were that it had provided an excellent opportunity for a unique group to discuss basic and important doping control issues; reference groups and small symposia should continue; WADA would be assisted in assisting others when the Model Rules were produced; and joint cooperation was the key to the success of worldwide anti-doping.

The 2003 IBU results regarding the Belarus athlete should be amended to indicate a two-year sanction.

MR AJÁN commended the clear report. His federation had conducted its 1157th test that year, during which there had been 11 positive cases. He saw *no reply or refusal or no sanction* in the report; what did this mean?

MR KOEHLER replied that he would provide further information if necessary. The 2003 non-sanction had been for canoeing, as the athlete had been tested after having been retired for some time.

THE CHAIRMAN stressed that the tests that WADA financed were not meant to replace or substitute the other anti-doping programmes that were in existence.

MR WALKER had seen a recommendation that the Standards and Harmonisation Department be as flat as possible. He had known the director of that department for about 20 years, and was wondering whether WADA would use amputation.

THE DIRECTOR GENERAL replied that the department had been flattened slightly, and had been split into two divisions: the management of the Out-of-Competition Testing Programme and the Doping Control Programme Development and Policy Area, which was being headed by Mr Koehler. The problem had been solved.

DECISION

Standards and Harmonisation report approved.

10.7 Science

10.7.1 International Standards for Laboratories

DR RABIN told the members that he would provide a brief review of the standards and development process. In the harmonisation of the Code development, the goal had been to harmonise some of the practices. The International Standards were Level 2 documents; therefore they were obligatory for the stakeholders.

The process to develop the International Standards for Laboratories had been to send a first draft of each document to each area concerned. The second version prepared had been based on the comments received. Further information could be seen in the document in the members' files.

DECISION

International Standards for Laboratories report approved.

10.7.2 International Standard for the Prohibited List

DR RABIN referred the members to the document in their files for information.

DECISION

International Standards for the Prohibited List report approved.

10.7.3 International Standard for Therapeutic Use Exemptions

DR RABIN referred the members to the document in their files for information.

If anybody had any questions regarding the development process of the standards, he would be pleased to answer them.

DECISION

International Standards for TUEs report approved.

10.7.4 Research Proposals 2003

DR RABIN informed the members that 34 project applications had been submitted to WADA in May 2003, and one project had subsequently been withdrawn. The projects had been from investigators representing 21 different countries from five continents, compared with 12 countries in 2002, highlighting the universality of the programme. The projects were divided into themes: nine projects had been submitted in the category *Compounds and/or methods enhancing oxygen delivery*; six projects had been submitted in the category *Exogenous and Endogenous Anabolic Steroids*; one project had been submitted in the category *Compounds and/or methods enhancing growth*; one project had been submitted in the category *Gene and cellular technologies applied to doping*; and 16 projects had been submitted in the category *Miscellaneous projects relating to the List of Prohibited Substances*.

With regard to the process, all projects had been submitted for review by independent panels of scientific experts as well as ethical reviews (local and WADA). The research proposals had been reviewed by the Health Medical and Research Committee on 7 September, and the Health Medical and Research Committee had presented its recommendations to the Executive Committee for approval. The Executive Committee had approved these recommendations on 23 September. Nine projects had been approved for 2003, including two projects to improve the EPO urine test.

Two projects related to *Compounds and/or methods enhancing oxygen delivery* had been approved: *The improved detection of recombinant Erythropoietin in urine using immunoaffinity chromatograph* and *GASEPO2 – a software tool for the analysis of EPO images after isoelectric focusing and double blotting*.

Three projects related to *Exogenous and Endogenous Anabolic Steroids* had been approved: *The influence of changes in diet on the dynamics of 13C / 12C in selected urinary steroids*; *the detection of doping with 1-testosterone*; and *the metabolism and excretion of 3, 6, 17-androstenetrione*.

One project related to *Compounds and/or methods enhancing oxygen delivery* had been approved: *The application of microarray technology for the detection of changes in gene expression after doping with recombinant human growth hormone*.

Three projects in the category entitled *Miscellaneous projects relating to the List of Prohibited Substances* had been approved: *The dose of inhaled beta-2 agonists on athletic performance in non-asthmatic elite athletes: competitive or statistical significance?*; *Mass spectrometric characterisation and identification of endogenous and synthetic insulins*; and *The development of methods for the detection of the misuse of the aromatase inhibitors anastrozole, letrozole and vorozole in urine*.

The research funds requested for 2003 were US\$ 800,000 for the first year (2003); US\$ 170,000 for the second year (2004); and US\$ 20,000 for the third year (2005). The Health, Medical and Research Committee had decided to be extremely reasonable on budget commitment for the 2003 research projects, with the strong recommendation that the remaining budget be allocated to targeted projects identified by WADA. The Health Medical and Research Committee insisted on the need for targeted research projects (gene doping, blood doping and related substances). Since 2001, the financial resources committed by WADA to research projects had decreased significantly. The

joint will to combat doping had been prevented due to budgetary problems. This was a worrying situation for research, but the Health Medical and Research Committee was dealing with issues on a daily basis and making progress. Nevertheless, there remained a great deal of work to be done, and solid research was necessary in order to make progress.

DR SCHAMASCH noted that, without research, the fight against doping could not go on. WADA needed more collaboration on a national level. It was always frustrating to see the organisations involved in research being the last to know.

DR GERRARD echoed Dr Schamasch's views. He congratulated Dr Rabin and his team on a very good and proper report, and encouraged continued effort in the fight against doping, as the sports bodies and governments owed this to their athletes. He commended Dr Rabin on his report.

THE CHAIRMAN said that the research niche was one that WADA was particularly suited to occupying, and WADA needed to do all that it could to keep the level of research up. WADA had cut back on testing to be able to keep the research at a certain level but, if any additional funds were received, research would be one of the priority areas for funding.

MR FETISOV asked about the procedure that had to be carried out in order to obtain a research grant. There were 13 Russian institutes that were ready to carry out research work on current doping issues, and there were numerous specialists available for assistance.

MR PASCUAL said that the research funded by WADA had become particularly important. It appeared that everything that sounded like doping was being shifted towards WADA, so now WADA was one of the major funding institutions regarding doping issues.

MR FASULO asked how many of the applications had been unsolicited. Had WADA sent out tenders to the kinds of institutions it felt could carry out the research? It seemed to him that some techniques were becoming more prevalent, such as oxygen chambers, which were on the borderline of acceptability, and he wondered whether those were the kinds of things that would be in WADA's radar.

DR RABIN replied to Mr Fetisov. WADA opened the process to receive the research proposals from March to April each year on its websites, with a deadline set for the end of May. WADA was also trying to publicise the research grant process in scientific journals.

To Mr Pascual, he said that he hoped that the governments would not withdraw their commitment to anti-doping research just because WADA existed. WADA wanted to work with partners to develop programmes that were more ambitious, long-term or costly.

He told Mr Fasulo that WADA needed to increase the flexibility in its system. WADA needed to be proactive and have the means to contact the best teams in the world to address the issues that it identified. Having this flexibility would certainly allow WADA to do more in the gene doping area, and there was still plenty to be done in the blood doping area. If WADA wanted to be able to anticipate substance development, then this was an area in which it would need to advance.

THE CHAIRMAN assured the Foundation Board that Dr Rabin knew the research game very well, and worked extremely hard to try and get other matching funds into the programmes in order to get the most effective research for the investment made.

With regard to the laboratories, he congratulated WADA's Cuban friends, particularly Dr Granda Fraga, as the most recently approved laboratory was the one in Havana, the official opening of which Dr Schamasch would be attending as a representative of the IOCMC and the WADA Health, Medical and Research Committee. He looked forward to great work from the Cuban laboratory.

DR GRANDA FRAGA thanked the Chairman. He thought that the Cuban laboratory had worked in accordance with WADA and IOC regulations to obtain its accreditation. He also hoped that Cuba would be able to contribute to the WADA research projects.

DECISION

Research proposals 2003 report approved.

11. Other Business

Clarification

THE CHAIRMAN asked whether Mr Barnes would kindly confirm whether he had voted for or against the election of the Executive Committee for 2004.

MR BARNES confirmed that he had voted against.

THE CHAIRMAN observed that the he and the Director General had been talking over lunch, and he thought that there was an unsatisfactory resolution regarding the concerns expressed in such general terms by Mr DeVillers as to flaws in the budget process and the management style of WADA, and he did not think that the it would be possible to go on for the next six months without knowing what the concerns of governments were in order to be able to address them. He thought that, since all of the governments were present, and since all of the governments, with one exception, had approved the budget for 2004, it was appropriate to ask those government representatives present to state precisely the problems they saw in the budget process and management style..

MR DEVILLERS explained that the spirit in which he had brought forward the concerns was that he felt responsibility as a representative of the Americas to work towards concluding a resolution of the payment schedule that would allow the Americas to honour the commitment made to pay their percentage to the budget of WADA. He was frustrated in doing that when he was told that there could be no negotiations on alternative formula, because some countries, or, rather, a country, was not accepting the budget and was not satisfied with the spending and operation of the agency, or of its autocratic management style. Those were not his opinions, but were opinions that had been expressed to him and offered to him as explanation for not wanting to go forward in trying to find a solution to the payment problem. He thought that it was his duty to present that to the Foundation Board so that all of the members were aware of the situation. He felt at an impasse. He did not feel that it was his place to enunciate the concerns of others, but he did feel under obligation to report an impasse.

THE CHAIRMAN certainly understood that there was an impasse. He and the Director General were concerned as they did not understand the problems regarding the budget process that had been clearly accepted by every government in the room but one: nor did they understand the vague discussions of management style. If there were one or more governments that had suggestions or complaints, he would like them to be specific enough so that the management could address them. He appreciated that Mr DeVillers did not feel that it was his place to discuss the concerns of others, but it was not helpful. Would anybody like to make any specific comments?

MR FETISOV thanked the Council of Europe Committee of Ministers' support of his candidacy to the Foundation Board. He was extremely happy about Russian cooperation with the European states. Russian Federation was very pleased with what WADA had done up to that point, and was satisfied with the budget. He hoped that all of the misunderstandings would be resolved for the best interest of the athletes and coaches.

THE CHAIRMAN thanked Mr Fetisov for his comments. Did anybody else wish to make any comments? The Foundation Board members would understand his frustration. He was being told indirectly that there were some governments that were not willing to pay or contribute to WADA because of concerns of the budgetary process and management style of WADA. The 2004 budget had been acceptable to every

government but one. He asked the members to help him understand the problem that some of them had with the management style.

As nobody wished to make any comments, he took it that there was not a problem of that nature, and suggested that the Foundation Board continue with the meeting.

Protocol signing between Canada and Russian Federation

THE CHAIRMAN asked Mr DeVillers to explain the protocol signing between Canada and Russian Federation.

MR DEVILLERS informed the members that the protocol signing between Canada and Russian Federation was a follow-up to the Memorandum of Understanding signed in Moscow in December 2002, outlining measures for cooperation between Canada and Russian Federation in sport.

Paper on Sanctions

THE CHAIRMAN informed the members that the Director General had distributed the paper given to the law conference in Australia on sanctions, so that the members would be able to see for themselves how the existing Code accommodated every conceivable circumstance that allowed a sanctioning body to give anything from a no-action to a warning to a sanction of two years.

12. Future Meetings

THE DIRECTOR GENERAL said that there had been a slight correction to the proposed meeting dates, and it appeared that the next Foundation Board meeting in 2004 would be on 21 June.

DECISION

Executive Committee meeting to be held on 20 June 2004; Foundation Board meeting to be held on 21 June 2004.

Executive Committee to be held on 21 November; Foundation Board meeting to be held on 22 November 2004.

THE CHAIRMAN thanked everybody for coming to the meeting, congratulating the staff from the Director General down on an extremely well-organised meeting and carefully prepared documents. He also thanked the interpreters for their help.

The meeting adjourned at 4.30 p.m.

FOR APPROVAL

RICHARD W. POUND, QC
PRESIDENT AND CHAIRMAN OF WADA