



**Minutes of the WADA Foundation Board Meeting**  
16 May 2005  
Montreal, Canada

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The meeting began at 9 a.m.

**1. Welcome, Roll Call and Observers**

THE CHAIRMAN welcomed everybody to the first meeting of the Foundation Board in 2005. He welcomed the new members: Mr Caborn from the United Kingdom; Mr Queiroz from Brazil; Mr Farley from Barbados; Mr Rezgui from Algeria; Ms Said from Malaysia; Mr Kurri from the IOC Athletes' Commission; Mr Ctvrtlik representing Alexander Popov, who had been unable to attend the meeting; Colonel Mohammed from Nigeria; and Mr Lyons from Australia, who was representing Mr Kemp.

He also welcomed some special guests, who would attend the meeting for a short time. For the first time in Montreal the Athletes' Committee would be meeting, chaired by Mr Fetisov of Russia. On behalf of the members of the Foundation Board THE CHAIRMAN congratulated him on his induction the previous week into the International Ice Hockey Hall of Fame, which was a very well-deserved recognition for the nine-time world champion, holder of two gold and one silver Olympic medals, who had also played in the National Hockey League in America and earned back-to-back Stanley Cup rings. He had been a leader in that sport for many years. In addition, THE CHAIRMAN introduced the other members of the Athletes Committee: Ms Rania Elwani, member of the Foundation Board and member of the IOC Athletes' Commission; Ms Jacqui Cooper from Australia, an aerial skier; Mr Marcus De Freire from Brazil, a volleyball player; Mr Stéphane Diagana from France, an athletics and hurdles athlete (unable to attend); Ms Janet Evans from the United States (unable to attend), a swimmer; Ms Tanja Kari from Finland, a cross-country skier; Mr Anis Lounifi from Tunisia (unable to attend), a judo player; Ms Rosa Mota, from Portugal, who was known to practically everyone in the world a marathoner; Ms Becky Scott from Canada (unable to attend), a cross-country skier; Ms Yoko Tanabe from Japan, a judo player; Sarah Ulmer from New Zealand, a cyclist. THE CHAIRMAN welcomed them to this very important committee and expressed his high hopes for it. He rectified the list of members of the Athletes' Committee, which should have included Yang Yang from China, a speed-skater who had already won two gold and two silver medals and was in training for the Olympic Games in Turin.

He asked those present to bear in mind that the Foundation Board meetings were open and that media might be present.

He would circulate the roll call for those who were members or attending formally and, for the observers, there was a special opportunity to sign.

The following members attended the meeting: Mr Mikkelsen, Vice-Chairman of WADA; Ms Neill, representing Mr Owen; Dr Mitchell, IOC Member and President of the NOC of Fiji; Ms Othman Said, representing Malaysia; Mr Besseberg, representing the AOIWF; Mr Krecké, Minister of Sport for Luxembourg; Mr Singh, IOC Member and Secretary General of the Indian Olympic Association; Mr Walker, Head of the Sport Department at the Council of Europe; Mr Young, representing ANOC; Mr Roh, Director of the International Sports Division, Ministry of Culture and Tourism, Republic of Korea, representing Mr Cho, the Director General of the Sports Bureau at the Korean Ministry of Culture and Tourism; Mr Kurri, representing the IOC Athletes' Commission; Mr Shi, General Director of the

Sports, Science and Education Department, representing Mr Shijie, Vice-Minister, State Sport General Administration, China; Mr Rezgui, representing Mr Guidom of Algeria; Mr Ctvrtlik, representing Mr Popov of the IOC Athletes' Commission; Professor Gerrard, Chairman of the New Zealand Sports Drug Agency; Dr Schamasch, representing Mr Aján, IOC Member and President of the International Weightlifting Federation; Mr Mohammed, representing the Government of Nigeria; Mr Kaltschmitt Lujan, IOC Member and Member of the IOC Press Commission; Mr Farley, representing the Government of Barbados; Professor De Rose, President of the PASO Medical Commission; Mr Queiroz, representing CONSUDE and Brazil; Mr Caborn, representing the UK Government; Mr Craven, President of the IPC; Mr Fetisov, representing Russia; Mr Ricci Bitti, President of the International Tennis Federation and ASOIF Member; Professor Ljungqvist, IOC Member and Chairman of the WADA Health, Medical and Research Committee; Ms Elwani, Member of the IOC Athletes' Commission; Mr Watanabe, Director of the Competitive Sports and Youth Bureau, representing Mr Shionoya, Senior Vice Minister of Education, Culture, Sports, Science and Technology, Japan; Mr Burns, Deputy Director of the ONDCP; Mr Wade, Education and Planning Director for WADA; Mr Reedie, IOC Member and Chairman of the National Olympic Committee of Great Britain; Mr Stofile, Minister of Sport and Recreation, South Africa; Mr Lyons, Acting Chief General Manager, Arts and Sport Division, Department of Communications, Technology and the Arts, representing Senator Rod Kemp, Minister for the Arts and Sport, Australia; Mr Kasper, IOC Member and President of FIS; and Mr Larfaoui, IOC Member and President of FINA; Mr Howman, WADA Director General; Mr Swigelaar, Africa Regional Office Director; Mr Hayashi, Asia/Oceania Regional Office Director; Mr Dielen, Europe Regional Office Director; Mr Andersen, Standards and Harmonisation Director, WADA; Ms Hunter, Communications Director, WADA; Dr Garnier, Medical Director, Lausanne Regional Office; Dr Rabin, Science Director, WADA; Mr Niggli, Finance and Legal Director, WADA.

The following observers signed the roll call: Mr Paul Marriott-Lloyd, UNESCO; Dr Babak Shadgan, Iran; Dr Elizabeth Ferris, WOA; Mr Graeme Cornell, UK; Ms Nicole Sapstead, UK; Ms Pumla Nene, South Africa; Mr Ichiro Kono, Japan; Mr Nobulali Zinganto, South Africa; and Mr Valéry Genniges, France.

### **1. Minutes of the Foundation Board meeting on 21 November 2004 in Montreal**

THE CHAIRMAN asked whether the members had any comments regarding the minutes of the Foundation Board meeting on 21 November 2004 in Montreal. Unless any comments or amendments were proposed by noon, he would assume that the minutes had been considered approved as circulated. He reminded the members that they had, in their meeting files, a hard copy of the version to be approved.

#### DECISION

Minutes of the meeting of the Foundation Board on 21 November 2004 approved and duly signed.

### **3. Director General's Report**

THE CHAIRMAN stated that the reports were in written form in the members' files and part of the report would involve bringing the members up to date with the decisions made the previous day by the Executive Committee.

THE DIRECTOR GENERAL informed the members that a number of decisions had been taken the previous day by the Executive Committee and that he would go through these in no specific order.

Firstly, the Executive Committee had decided to open a regional office in Latin America to be located in Montevideo in Uruguay.

Secondly, a subject that had been discussed at length related to FIFA. A long, detailed report analysing correspondence between FIFA and the WADA legal department had been received and discussed. The medical rules implemented by FIFA, apart from the way in which it dealt with TUEs, were deemed to be satisfactory. However, the legal rules were still unsatisfactory, despite guidance and offered assistance from WADA. At present, therefore, the FIFA legal rules were not in compliance with the Code, and the Executive Committee had determined that FIFA would be put on notice that the rules should be amended, changed or altered by the time that FIFA held its Congress in Marrakech, Morocco in September 2005.

The third matter that had received extensive discussion related to comments that had come from the ASOIF meeting in Berlin, falling into two categories: firstly, the suggestion that WADA be merely a service organisation for the International Federations. The Executive Committee had felt that this was not and had not been WADA's role, nor would it be WADA's role, and had briefed the President, who was going to meet the ASOIF and IOC Presidents in mid-June, to bear that message. The second part related to WADA's out-of-competition testing programme; there had been discussion on the strategy that had been adopted in September 2003 and implemented the previous year. The strategy was to be maintained, but there would be an increase in the number of tests conducted on the programme that year as a result of extra money being made available. The numbers would be over 3,000. The strategy, which was to help, assist and encourage the development of anti-doping programmes, both within International Federations and within nations around the world where there are no programmes at present, would continue. WADA was looking into a strategy whereby it worked with the International Federations to see what type of model it might work with them on in order to develop in a similar way in which WADA had developed the RADO (Regional Anti-Doping Organisation) concept with the help of Robin Mitchell and his working group. He looked forward to that strategy being developed.

The Executive Committee had approved the tender document to seek expressions of interest to host a World Conference on Doping in Sport in 2007. The tender document had been specified to include the possibility of hosting such a conference in either March or April of that year, or October or November. The numbers that had originally been projected, of 1,000 to 1,500, had been altered to 2,000 to 3,000 in view of the expected interest in such a conference.

The final matter that had received discussion at the Executive Committee was the issue of menu analysis and the laboratories conducting full analyses on samples received. THE DIRECTOR GENERAL stated that the Executive Committee had asked WADA management to provide it with more concrete data, which it would do, and added that this subject would be discussed further at the meeting in September.

Those were the matters arising from the Executive Committee meeting. He asked whether the Chairman would like him to proceed with the Director General's report or invite comments.

THE CHAIRMAN asked if anybody had any comments or questions relating to the decisions of the Executive Committee.

MR RICCI BITTI stated that, with regard to the comment made by the Director General about the International Federation meeting in Berlin, in order to avoid any misunderstanding, the majority at the meeting had been concerned about the out-of-competition testing. He expressed his personal view and the view of many colleagues that, without the governments, the fight against doping would not be won. He declared his strong support for WADA as a concept, as a mission to be an authority and a reference for regulatory action. He wished to clarify this point, as a representative of ASOIF in order for there not to be any misunderstanding with its partner. He believed that, without the governments and without the progress that he saw within many of the NADOs, WADA would not be successful. He strongly recommended that this point be taken as a very specific one: many IFs had not been satisfied with the reduction of the

programme of out-of-competition tests, adding that this was a very operational point rather than a philosophical one.

THE CHAIRMAN thanked Mr Ricci Bitti and asked if there were any other comments or questions.

He stated that one other decision had been made the previous day by the Executive Committee to extend the contract with the Director General for a further three years, which would take WADA through the transition at the end of his own term as Chairman of WADA and through the Beijing Olympic Games. He was delighted that the Director General would remain in Canada for a further three years.

He invited the Director General to proceed with the general portion of his report.

THE DIRECTOR GENERAL said that, in addition to the written reports that members had in their files, he thought it appropriate to highlight some of the activities and update the members on some of the activities that WADA had been undertaking over the previous few weeks. The priority in 2005 was the UNESCO Convention, as in 2004 the priorities had focused on the International Federations, the National Olympic Committees and other signatories. The UNESCO Convention, which was now published in draft form for consideration at the UNESCO General Conference to be held in Paris later that year, would receive attention on 6 October. A decision would be taken on 19 October to put it into place. WADA had been attending many regional and international meetings to present the Code and WADA's activities to those who would be considering this convention. He had gone the previous week to Mexico for the Ibero-American Sports Ministers meeting and the Americas Sports Ministers meetings, which had been held back-to-back in Mérida. Significant advances had been made in Latin America. The previous year, he had advised the members that this region had been forgotten to some extent and that specific attention had been paid to it during 2004. This awareness and information had led to beneficial partnerships and understandings, linked with the emphasis as directed by the members on the Spanish language, and ensuring that WADA's information was produced in Spanish, as well as French and English. It was important to note this, because many countries in that part of the world had very strong football backgrounds and were chiefly working under the experience of working with FIFA, unfortunately analysing many samples in non-accredited laboratories and following procedures that were not Code-compliant. WADA's educational activities had therefore been of great advantage to resolve this and it was now expected that non-accredited laboratories would approach WADA to achieve accreditation.

WADA had also attended a very important United Nations-sponsored conference in Tunis, where the President and Dr Garnier had made presentations; he thanked the Minister of Tunisia for his hospitality. It was known that, as the UNESCO Convention neared completion, various issues would have to be confronted in relation to ratification. The opening of the Olympic Winter Games in Turin would be an important day, and WADA was working very hard to help all countries be in a position to accept the Convention fully and properly in time for this day. He welcomed suggestions from anyone on how this might be done better.

THE DIRECTOR GENERAL said that WADA had completed the list of Independent Observer missions that would be undertaken in 2005; there was a clear mandate and WADA had exchanged full documentation with those federations that were also working on this mission.

Also, with the approval of the Executive Committee the previous day, a pilot programme would be run at the World Games in Duisburg, Germany, later that year. This had been called an 'audit programme', but the formality stemming from this phrase would not be extended to the programme, which would be informal. The programme would provide assistance and guidance and no formal report on it would be written. Work would be carried out with the organising committee to ensure that the Doping Programme was conducted appropriately. A report would be given to the Executive

Committee on this programme in September to see whether this was the kind of programme in which WADA should be involved in the future.

With regard to ANADO, as had been stated in the report, WADA had been hoping to hold a joint meeting with ANADO in September, but had been advised late on Friday that this would not be possible and that ANADO had requested that the meeting be held in November, which WADA would attempt to facilitate.

Many meetings were being attended and many invitations to other meetings were received. He pointed to the tireless work done by the Chairman and the many meetings he was sent to on behalf of the members. Other voluntary Foundation Board members were being sought to assist with making presentations and attending symposia on behalf of WADA. He thanked Messrs Mikkelsen and Reddie in particular for their participation at various conferences over the last few months. He assured any other members who might be willing to participate in this that all of the logistical arrangements would be made for them and that materials and presentations would be provided in order to undertake the job, adding that he looked forward to talking to the members with regard to that kind of activity.

The CAS would be holding its annual meeting in June and the WADA Chairman would make a presentation to that body. THE DIRECTOR GENERAL expressed his pleasure at the approach that the CAS had taken with the issues put before it relating to the Code. Improvements were being suggested regarding the way in which the CAS went about its business, and the President would be raising these when he met with the CAS.

With regard to major leagues, as had been seen in newspaper reports from the United States, there had been huge improvement in the approach that the US government had taken to the major leagues, including baseball, NFL, NHL and all the other leagues in the United States of America. This was of great moment to WADA, since it knew that there were more than one hundred professional leagues around the world who did not expect WADA to be able to do anything with them if WADA was unable to do anything with the major leagues in the USA. This change was therefore considered to be a significant leadership approach that could be sold to the other leagues that were resisting adoption of the Code.

In addition, THE DIRECTOR GENERAL had received news that morning that the NCAA had declared that it would mutually recognise all sanctions issued by anti-doping organisations in relation to students who participated in NCAA events. This was another significant shift in the way in which matters were working in the United States of America and he thanked Mr Scott Burns and his team for the efforts made to lead to this situation.

With regard to WADA symposia, a symposium would be held in Norway at the end of the month, co-hosted by Anti-Doping Norway, in which experts would look at the test distribution plans for doping controls. An important UN symposium would be held in Russia in early June. Educational symposia were projected for both Egypt and Russia, and WADA had been invited to co-host such events in other parts of the world. WADA would be running a significant symposium in Sweden on gene doping, just prior to the Nobel prize-giving ceremony in December that year. Mr Reddie would be giving more details on that and the way in which the budget had been altered to accommodate it. There would also be very important RADO meetings in Central America, the Caribbean, the Gulf States and Africa.

As to staffing, the Executive Committee had directed the management to ensure that a lid be put on staffing. Due to the efficiency and effectiveness of the staff, WADA had been able to cope with extra work brought about by its success. Success bred success and, over the last few months, an increasing amount of work had been received by directors and managers, particularly over e-mail. WADA was coping with that on a daily basis, ensuring that priorities were still maintained. He thanked everybody for the extra efforts made.

Members were informed that activities were now being planned for well into 2006. This was how he foresaw the need to ensure that WADA's key tasks under the Code were fully implemented. The success of WADA was not only built on its staff but on its volunteers, whom THE DIRECTOR GENERAL thanked for their assistance, support and commitment to the fight against doping in sport. WADA was always willing to talk to them and take on more work, and he encouraged them to keep in touch.

There were two innovations that were being examined in terms of staffing. With regard to secondment, IDTM had kindly offered a person to WADA for the summer period to help in the competition testing programme. Other innovative ways of ensuring that there were appropriate human resources in the office for projects such as this were being researched.

Secondly, he welcomed Elizabeth Hunter, the new Communications Director. She had been introduced to WADA activities at a very productive and interesting Executive Committee meeting the previous day and there would undoubtedly soon be evidence of the fruits of her labour.

THE DIRECTOR GENERAL concluded his report and invited questions.

THE CHAIRMAN asked if anybody had any comments or questions.

MR KALTSHMITT thanked the Chairman and the Director General for his excellent report. He asked whether the Director General foresaw any difficulties in approving the Convention document that would be tabled at the UNESCO General Conference, and asked how other countries could assist in it being approved.

MR KRECKÉ stated that, within the European Union, a Sports Ministers Meeting had been held on 28 and 29 April at which, besides the problems concerning the ministers, other issues had been raised that might mean that, in Europe, if the Constitutional Treaty were passed, there could be a Community policy. Matters related to the issue at hand would therefore be better coordinated. Until then, the European Commission had taken a back seat with regard to this issue. The person in charge at the Commission had stated that there would be more interest in contributing to doping control procedures. With regard to outreach, awareness and education, the Commission would try to focus activities.

During the meeting, there had also been major criticism of FIFA, and it was likely that the Foundation Board members would return to that point.

He commended everybody who had contributed to achieving so much within WADA and, whilst certain matters might have room for improvement, members could be pleased with progress made.

In Europe, there were still some concerns regarding the ratification of the UNESCO Convention. Many countries would almost definitely be unable to ratify the Convention in time for the Olympic Games in Turin given their internal procedures. He suggested that, after it had been adopted, and he hoped that this would happen around 18, 19 or 20 October, there be a strong political statement regarding the national federations, stating that, even if the Convention had not yet been ratified, it should be applied. The governments did do have major influence on most of their organisations, after all.

Secondly, another problem of concern was cooperation between WADA, the UNESCO Secretariat and the Council of Europe. The coordination work that was needed between these three groups was of concern. Many issues had been raised, and he hoped this would happen. He had attended several discussions around the table the previous evening, and he did not think there would be any major problems with such cooperation.

Another problem he had noted was related to the absence of information on the actual strategy and WADA's true mission. Many countries were somewhat concerned by the fact that there had been a decline in the out-of-competition testing. They had been

persuaded by arguments provided by WADA but, in terms of strategy he thought it would be better for WADA to have a clearer mission and state matters very clearly to those countries that were not around the table so that there would be no misunderstanding. In other words, if there were fewer controls, it was simply because other groups were taking this up. It would not be desirable for people to think that WADA was reducing doping control activities.

Since he had good cooperation from his friend Mr Caborn from the UK, MR KRECKÉ was sure that the UK would also move in the same direction so that WADA could rely on the total support of the 25 members of the European Union.

MR CABORN reported that the European Union Presidency would pass to the UK on 1 July. The Sports Ministers' meeting would be held in September, and this issue would be an item on the agenda. The discussion that morning had regarded how quickly it would be possible to obtain the thirty signatures for UNESCO so that the Convention could become operational before the Olympic Winter Games. The UK would make every effort to ensure that there was an impetus behind that and hopefully play its role in the European Union to make sure that that happened. He thought it was very important to keep the WADA momentum going from Athens through to the Olympic Winter Games and would do everything possible to make sure the dates were made. He had no doubt that the Director General would be attending the Sports Ministers' meeting in September and would therefore also be able to make a statement on behalf of WADA.

THE DIRECTOR GENERAL wished to answer Mr Kaltshmitt on the UNESCO issue, stating that WADA knew that many countries sent their foreign ministers or ministers of state to the UN Convention meetings, so WADA was ensuring that there was appropriate liaison between the arm of government from the sporting side and the arm of government with relation to state or foreign affairs. WADA was also seeking assistance from various National Olympic Committees, because it knew that in many countries in the world, the NOCs had greater strength in the dictation of how countries operated in the sporting sphere, to ensure that there was full awareness of the Convention and the great necessity for it to be adopted in October. He invited Mr Kaltschmitt to make any suggestions regarding the matter, which would then be put into operation.

Regarding the next item in relation to UNESCO, as both of the ministers who had spoken after Mr Kaltschmitt had mentioned, this was not automatic. Once the Convention was passed, countries would have different ways of ratifying or accepting it. Some countries had legislation that would need to be passed, which would take some time. Other countries would provide their president's signature overnight; others would need administrative procedures to put things into place; and others would need policy adopted. WADA was aware of all these differences and was trying to gather as much information as possible about every country in the world so that it could be of help if possible but, more importantly, so that it could advise its sports movement partners as to both the process and the progress in relation to the process. WADA was working very hard in that area.

To Mr Krecké, THE DIRECTOR GENERAL stated that he appreciated the issue of communication in relation to out-of-competition testing. Regrettably, this was not a matter that had come from the WADA office. The way in which it had been communicated indicated that it had come from others, but WADA was fully aware that the strategy that he had enunciated in his opening remarks was in place and would ensure that it was properly and more effectively spread. He took Mr Krecké's comments in this positive light.

Regarding coordination work with UNESCO, there was progress. WADA had at all times offered itself to UNESCO, and with the assistance of the Council of Europe, for the job of monitoring the Code. Code-compliance was WADA's task, and Convention

compliance would be UNESCO's task. There was an obvious overlap and WADA did not wish UNESCO to have to go to expense or effort in doing WADA's job, so it would work with them, with the help of the Council of Europe, to ensure that there was no duplication or extra expense. WADA had made that offer and would continue to work in that direction.

THE CHAIRMAN appreciated enormously the support that WADA had had from its government stakeholders with regard to the FIFA issue. Some federations were in the process of making sure that they were fully compliant with the Code, and WADA was working with them and helping them, and he would say that, in almost all cases, the non-compliance was an inadvertent non-compliance. The difference with FIFA was that it was deliberate non-compliance, and it was very important to resolve this and extremely important that government stakeholders in particular positions help WADA with this. He thought that members from the Olympic Movement, particularly the National Olympic Committees, should do their best in their regions to ensure that the national federation affiliated with FIFA was aware of the problem and that it must be solved. WADA had deliberately adopted a two-step strategy with this: although FIFA was not compliant with the Code at that time, WADA had not made that determination in a formal way, but was making it clear that this would happen in September if the FIFA rules were not changed. If WADA made that determination, it would advise both sets of stakeholders, and there would be consequences. There would be consequences within the Olympic Movement because the Olympic Charter set out that, if a sport was not Code-compliant, it could not be on the Olympic programme and, with regard to the public authorities, if a sport was not compliant, there were consequences such as not being able to host events or use public facilities – a whole range of things. It was a very serious issue, not only for FIFA, because it was such an important federation, but also for the others, because if FIFA did not have to be Code-compliant, other federations would question why they should be. So this was very much a WADA priority.

THE CHAIRMAN also wished to thank members for the very kind comments regarding the progress that WADA had made. A few of the members around the table had been present in Lausanne in 1999 when the first World Conference had been held. The atmosphere, he would say, had been one of mutual distrust but, if one had said in 1999 that, six years later, there would be a functioning organisation like WADA, with a uniform set of rules applicable to all athletes, sports and countries, a second World Conference and a forthcoming international convention under the aegis of UNESCO to make sure that both the public authorities and the sports authorities were applying the same rules and the same means of resolving appeals and disputes, people would have thought that it was a joke, or a hopeless dream. However, the good faith that had been exhibited around that table and elsewhere had made that a reality.

On the question of out-of-competition testing, it was important for members of the Foundation Board not to think that there had been any kind of withdrawal in terms of commitment. WADA had had to make some decisions in the autumn of 2003 that had been based on its rate of collection of monies from stakeholders and, on the basis of what had been projected at that time, it had not had enough money to continue testing at the same level. As the Director General had mentioned, WADA would be increasing that in 2005 by around 25-30% compared to the previous year, and it was important to give this sign. However, it was also important, and members should begin to think about this as the third world conference in 2007 approached, in terms of whether or not this was the best application of WADA funds and how the whole issue of out-of-competition testing should be run. Mr Ricci Bitti had already raised that point somewhat directly as well, and WADA needed to think about how to maximise the effectiveness of that. However, all things considered, WADA had accomplished a great deal of work and was continuing to do so and, in terms of where it was going, to address one of the other questions asked, it had a revolving five-year Strategic Plan, which was available to members of the Foundation Board.

THE CHAIRMAN asked if anybody had any further comments or questions.



MR MIKKELSEN thanked the Chairman and the WADA staff for their excellent work in pressurising FIFA, because he still found it of utmost importance that FIFA adapt its disciplinary procedures and sections in conformity with the Code. For this reason, the governments still had a role to play in pressurising national football associations to exert pressure on FIFA to achieve this rapidly. This showed the excellent partnership between the sports movement and the governments, and that was why he had also been happy to hear Mr Ricci Bitti speak before, because this was a partnership between the sports movement and the governments. WADA was not a service organisation for the IFs. WADA was a partnership between the governments and the sports movement to fight against doping from the governmental side and from the sports movement side. WADA would do that in cooperation and would pressure FIFA in cooperation. He also emphasised the unique coordination role of WADA for the delivery of high—quality, unannounced out-of-competition testing programmes. He was satisfied with what the Director General and the Chairman had said about increasing the number of out-of-competition tests, but it was also important to state that the IFs could not count on WADA carrying out all the necessary testing. It was his understanding that a federation should carry out the major part of the testing for itself. WADA would be there to take part of the basic testing but the IFs and NADO should talk care of most of the testing.

He expressed his full support for WADA's partnership strategy with the IFs in order to assist with the development of collective anti-doping programmes and to engage IFs to check their responsibility for establishing doping control programmes.

THE CHAIRMAN thanked Mr Mikkelsen.

MR CABORN expressed his concerns about the problems with FIFA not now fully signing off the Code. This had been discussed that morning at the ministers' meeting. As the Chairman had quite rightly said, this would have some quite profound effects in September if indeed there was non-compliance. Anything that the European Union could do to help WADA would be done; the previous Presidency had been trying to open up a dialogue with FIFA on behalf of the EU and UEFA as well, with which the EU member states had been in very close dialogue, in addition to their own national football associations, which were very concerned about their inability to sign up to the Code until their international federation actually signed up to it as well. He thought that many people knew that governments did put a considerable investment into football in many nations. His own country had a considerable investment in football and, if there was non-compliance with the Code, the decision taken at government level was not to continue to support a sport, and indeed a national governing body, that was not fully signed up to the WADA Code. So it would have some major financial implications for football, particularly at the grass-roots level, if this came about. He repeated to WADA that the EU stood ready to help WADA on anything that could be done from within the European Union to get full compliance before September because, otherwise, he thought that it would have some quite profound effects on the game right across the globe.

THE CHAIRMAN thanked Mr Caborn and stated that one possibility that had been discussed the previous day at the Executive was to provide a record of all the efforts that had been made to help FIFA to make its final conclusion and that governments might consider circulating that record plus the WADA decision to governments in each area, so that the national associations and federations could be fully briefed. WADA was not persuaded that the national associations and federations got the whole truth or all of the facts when these things were discussed in the media. He thanked Mr Caborn very much; this was an extremely important element of WADA programmes.

PROFESSOR LJUNGOVIST wished to expand upon a comment that the Chairman had made regarding the attitude that might appear amongst federations should one federation, in this case FIFA, not adopt the Code. He was speaking less on behalf of the Olympic Movement in general than on behalf of his own federation, the IAAF, which he considered to have been pioneering in anti-doping work amongst IFs for almost 30 years. The IAAF had made a major effort to be able to adopt the Code, with which it was in no way 100% happy, but a compromise had been made with the intent to accommodate

requests made by FIFA during the early stage of the production of the Code. As it now transpired that FIFA was not happy with the Code, he questioned why his own federation should be so. He thought that what the Chairman had emphasised was not just a theoretical danger but a real threat to the Code as such, which could well fall apart amongst the IFs should one major federation feel that it did not need to adopt it. The Foundation Board should be aware of this real risk.

#### DECISION

Report by the Director General approved.

### **4. Operations and Management**

#### **4.1 Athletes Working Committee**

THE DIRECTOR GENERAL said that, for the information of members, WADA had been extremely pleased with the strength and abilities of the many nominations received from many countries around the world and many sports for inclusion on this new committee. WADA was very much looking forward to the way in which this committee would work over the coming days. He thanked all those who were there present and looked forward to working with them over the next two days. Members would be aware that the way in which the final group had been reached had been in accordance with the foundation documents and constitution, and that the decision as to who would be on the committee had been made by the Chairman and Mr Fetisov, on the basis of the normal spread of geography, gender, sport and governments, in the normal way that WADA appointed working committees. Members would also be aware that between 45 and 50 people served on the working committees, of which there were now four, so that the ability that WADA had to engage more individuals from around the world on these committees was important but limited. WADA had done its best to try to involve countries, sports and so on that were not involved around that table in the composition of this working group. He wished to alert members to that process, because he knew that many athletes and nominees had been a little disappointed not to be included, but WADA would work closely with them to see if they could help WADA with some of its athlete-centred operations such as the awareness teams that Ms Spletzer led in international events, such as national events where the athletes could perhaps lead outreach programmes themselves. WADA was trying to be innovative and to spread the word as best it could, and was very much looking forward to the workings of the committee that week.

MR RICCI BITTI was curious as to whether an IOC Athletes Commission member meant all of the 15 people appointed. He asked whether it also included all of the ex-officio members.

THE DIRECTOR GENERAL replied that Ms Elwani was the representative from the IOC Athletes Committee on the Committee itself but WADA invited all of its athletes from the IOC Athletes' Commission to attend the meeting. As no votes would be taken, it did not wish to differentiate between observer and member, and many of the athletes would be staying on after the meeting to participate the following day.

#### DECISION

Athletes Working Committee Composition  
noted.

#### **4.2 Strategic Plan – Update and Revisions**

THE DIRECTOR GENERAL noted that this document had been worked on following the November meetings and had been worked on continuously. Mr Wade had been instrumental in producing a document that was simple, direct and easy to understand and follow. WADA had now projected its Strategic Plan to 2009 but, as the Chairman had mentioned earlier, this was a working document rather than something carved in stone. It was revised regularly and used to ensure that operational plans and activities

were conducted according to it. It was there for members' information and had been approved the previous day by the Executive Committee. Some small amendments would be made as a result of very astute comments made by members of the Executive Committee and, if there were any other comments or ideas on what should be included, he would be happy to receive them.

#### DECISION

Strategic Plan update and revisions noted.

### **5. Finance**

#### **5.1 Finance Update**

MR NIGGLI said that he would not deal with the accounts and budget, which would be dealt with in a moment by the auditors and Mr Reddie, but pointed out that a Finance and Administration Committee meeting would be held on 20 August in Lausanne, when about seven months of figures were available, in order to be able to better prepare the expenses budget and in time for the committee to report to the Executive Committee in September.

#### DECISION

Finance update noted.

#### **5.2 Government / IOC Contributions Update**

MR NIGGLI stated that, as was laid out in his report, as of 11 April when it had been written, collection had already been at 40%. The previous year, it had only been at 36%, which clearly showed an improvement in the timing of payment from governments. He referred the members to the attachment to item 5.2, which stated that, as of 11 May, collection already stood at 59%. This was a great improvement on previous years and he was sure that the governments' commitment to paying their dues earlier in the year was extremely helpful to WADA operations. The percentage both from the Olympic Movement and public authorities was almost exactly the same, reflecting the fact that the Olympic Movement was still paying exactly the same as the government; this was done on a routine basis and WADA received the money almost within 48 hours of having asked for it, which was absolutely fine. The members could also see from the tables that, the previous year, WADA had collected past dues. Not only had WADA managed to collect 94% of dues for 2004 but also, for 2002 and 2003, a number of regions had managed to reach their 100% target, which was very helpful. Looking at the absolute figures as opposed to the percentages, it was evident that about US\$ 6.5 million had been collected from governments as of that day, which meant that, with payment from the USA and Japan, amounting to approximately US\$ 3 million, WADA would collect at least as much it had collected the previous year. He therefore hoped that WADA would be able to match the percentage if not increase it as compared to the previous year. This was all good news and was helping the organisation.

MR REEDIE asked members if they had any questions regarding the information they had on contribution levels.

#### DECISION

Government / IOC contributions update noted.

#### **5.3 2004 Accounts**

MR REEDIE referred the members to the accounts as at 31 December 2004. He would give a brief explanation of these before handing over to Mr Roth, the auditor, who would be able to answer questions and would also present a report. The accounts were

presented under a financial accounting system called the International Financial Reporting Standards; it was a worldwide accepted standard and, in his view, was used widely by major commercial companies that had public issues of shares that allowed investors to obtain a clear view of the strength of a particular business. He remained unconvinced as to whether the IFRS actually suited an organisation like WADA, but the IFRS system was used by the IOC, which produced 50% of WADA's revenue and WADA used it as well.

The accounts were in a relatively simple form, in that there was a balance sheet on page 2, a statement of activities on page 3, a statement of cash flow on page 4, a statement of changes in fund balances on page 5, followed by thirteen pages of notes. This was an attempt to explain to the members exactly how the WADA operation fitted in to the convention of the IFRS system.

One specific issue that he had to deal with, because he had been asked to deal with it the previous day at the Executive Committee and it was only fair to deal with it at the Foundation Board, related to a separate piece of paper that had been circulated for members which was headed *Allocation of WADA Funds as of 31 December 2004*. On page 2 in the accounts was a phrase stating *Cash and equivalent value*, which was listed at a total of just over US\$ 19.1 million. WADA made no investments with money that it held; it held cash only, and this figure was in theory the total cash that WADA had. It was not possible to show any expenditure in the accounts until it had actually been made, but WADA had commitments all over the world in areas that helped the fight against doping in sport. The separate piece of paper to which he had referred the members began to give the true picture, in his view. Firstly, under WADA regulations as a foundation in Swiss law, it had to retain its capital, which stood at US\$ 4 million. The total research commitments stood at US\$ 7.2 million; further research commitments stood at US\$ 3.9 million; there were further out-of-competition testing commitments of US\$ 990,000; and deposits were made for services that WADA needed. The total cash actually allocated was therefore US\$ 16.3 million out of the apparent US\$ 19.1 million that WADA held in the accounts. That left a balance of US\$ 2,839,000 and the WADA Executive Committee had decided to allocate that in the percentages shown: 60% to research, 15% to testing, 15% to education and 10% for a contingency. In the final balance, there was a further allocation US\$ 990,000 intended for education and a balance for contingency. As the Director General had mentioned, the policy would now be that some of those figures would be changed to allow WADA to meet a higher level of out-of-competition tests.

MR REEDIE wanted to ensure that members understood that, although the accounts under the IFRS system stated that WADA held US\$ 19 million, which it had in the bank and was earning interest, it did have all of the aforementioned commitments to meet. Under a different accounting system the figures would be presented differently.

He had two additional brief comments to make. At the end of the accounts was a rather complex management letter attempting to explain the complexities of the IFRS system, but, most importantly, he pointed to the clean audit report on the first page that had been given by an internationally reputable firm of auditors. He invited Mr Roth to speak to members and answer any questions they may have.

MR ROTH expressed his pleasure at being able to present members with the accounts for 2004. As Mr Reddie had mentioned, it was indeed the first time that WADA was presenting its accounts in accordance with the IFRS. It was not a legal obligation; the obligation for WADA was to present the accounts in accordance with Swiss legal principles but, in terms of financial transparency and the information given in the accounts, he considered it very important that members did have this additional information available. The IFRS ensured that information was given on a consistent basis from year to year. Having said that, many of the complex accounting issues that related to IFRS were for companies and were not applicable to WADA, so for WADA it was less complex than for other companies.

Item 5.3 in the binder showed the annual accounts together with the auditors' report and, with regard to the latter, MR ROTH could confirm that, in the opinion of the auditors, the financial statements gave a true and fair view of the financial position of WADA, in accordance with the IFRS, and that compliance with Swiss law was also ensured. As a consequence, he recommended that the members approve these accounts as presented.

With regard to the balance sheet on page 2, as Mr Reddie had pointed out, on the assets side there was an important cash balance of CHF 21.8 million, and he was referring to Swiss francs because these were the amounts that members had to approve and that was the official currency of the foundation. Those amounts were held in current accounts and also in short-term deposits, mainly in dollars and Euros. The members would also see a relatively important sum of CHF 2.1 million, which mainly related to prepaid research grants of CHF 1.5 million and, for the first time, it was possible to see the intangible assets, which related to the capitalisation of the ADAMS system, the tracking and management of WADA's testing activities. This system would cost approximately CHF 1.5 million, out of which 1 million had already been spent. This amount would be amortised over a four-year period, as from the time when this system was brought into effect.

With regard to liabilities, total liabilities came to CHF 3.4 million, which also included advance contributions of CHF 1.5 million. The total equity of WADA stood at CHF 22.5 million at the end of 2004. On page 3, in relation to the income statement and the statement of activities, the annual contributions amounted to CHF 27 million. The accounting for these contributions was such that contributions were accounted for on a yearly basis, so contributions that were due for 2004 were accounted for in this period. However, unpaid amounts were recognised only when the amounts were paid. The CHF 1.4 million grants referred to the monies received from Montreal International, and a new *Other Income* section had been added, relating to fees from the accreditation of laboratories.

The total operating expenses of the foundation had decreased slightly from CHF 20.6 million to CHF 19.1 million in 2004 and, together with the financial income and expense items, the total excess of income over expenses for 2004 stood at CHF 10.4 million, compared to CHF 6.7 million in 2003.

MR ROTH would not go through the details of the notes; he thought that there were two important elements to highlight out of all the explanations that were there to make the accounts more transparent. There was an explanation on the reconciliation between the basis used previously – the Swiss law basis and the IFRS, and members could see the foundation's commitments to which Mr Reddie had referred previously with regard to lease commitments and also research commitments. He concluded his report and invited any questions.

THE CHAIRMAN asked if anybody had any comments or questions for the auditors of WADA.

MR CTVRTLİK asked if, in addition to this audit on the financial situation at that point, any audit had been done on the controls, systems and methods in place at that time, either the efficiency of the methods or the efficacy of the controls in place.

MR ROTH replied that the subject of the audit was the financial statement, so that was the primary objective. Of course, in terms of internal controls, whenever it was efficient for the auditors to examine the internal controls in order to achieve the audit objective, they would do so. No specific internal controls audit had been carried out, but the auditors had looked at internal controls and indeed every year issued a separate report regarding internal controls. This report also included comments made by the management on how to remedy weaknesses found and implement recommendations made. The auditors had a record of all of the recommendations made every year. Each year, the auditors looked at the previous recommendations issued and assessed whether these had been implemented.

MR REEDIE explained to Mr Ctvrtlik that, as part of the Finance and Administration Committee meeting in August, one of the important papers that the committee received was the management report from the auditors, which it examined blow-by-blow to ensure that the controls to which Mr Ctvrtlik had referred were in place.

He formally moved that the Foundation Board adopt the accounts for the year to 31 December 2004.

THE CHAIRMAN asked whether all of the members were in favour of approving the 2004 accounts. This was a responsibility of the Foundation Board to approve the annual accounts and the auditors' report thereon.

MR REEDIE noted that the third attachment under item 5.3 was the detailed working papers showing the actual expenditure and the actual income against the budgeted figure that members had approved as a budget one year previously. He referred the members to page 1, which indicated a total income of 88% of the budgeted figure in 2004; additional contributions had actually been collected after 31 December 2004, and contributions for the year had therefore grown to about 94%. He thought that this represented a considerable effort by the public authorities to meet the contributions that they had been due to meet and to do so in a more timely manner each year, which helped the cash flow operation.

The report was split into departments: the Legal and Finance Department, the Executive Office, the Information and Communication Department, and so on. Very briefly, anything running over 100% was of concern and anything less than 100% was to be smiled about. It was also important to look at the total figures involved because, if it was 110% of US\$ 5,000, it was hardly the biggest financial transaction in the world. Continuing to the end of the report, it was possible to see that, in terms of the expenditure budget, only 76% of the money that WADA had expected to spend had actually been spent. Furthermore, the million dollars mentioned by Mr Roth which referred to the capitalisation of the ADAMS project, constituted the purchase of licences that WADA needed to make the system work properly, and members would be receiving a report on the anti-doping administration system later in the meeting. The information on the situation the previous year had given the Finance Committee extremely useful information to help it to budget for the following year.

#### DECISION

2004 accounts approved unanimously.

### **5.4 2005 Quarterly Accounts (Quarter 1)**

MR REEDIE informed the members that the figures for the first quarter of the year, to 31 March 2005, could be broken down into months so that, at any given time, it was possible to pull out figures from the finance system, providing a very accurate statement of the agency's precise financial situation. He would not go into these figures in detail, but hoped that the members understood how helpful they were.

#### DECISION

2005 quarterly accounts approved  
unanimously.

### **5.5 Draft Budget 2006**

Finally, regarding the first draft budget for 2006, particularly concerning contributions on the income side, as an agency and Finance and Administration Committee they had been asked to provide this early in the year so that the public authorities would have a clear idea of the maximum figure that they would be asked to meet, which would then be matched dollar for dollar by the Olympic Movement. The expenditure figures were a very rough first impression of what the committee thought might happen in 2006 and, quite clearly, things had happened over the past two days that would change that. For

example, out-of-competition testing would probably now be a higher priority. Some rather detailed budget notes had been provided in order to reveal the thinking behind the figures and the way that the Finance and Administration Committee would draw it all together at its meeting in Lausanne in August. This would go before the Executive Committee in September and would finally come to the members of the Foundation Board at the meeting in November, when they would be asked to approve the budget. The very modest increase almost entirely represented the additional services that people wanted the agency to provide. The agency was being asked to undertake an increasing amount of work, which required an increased budget. The offices in Montreal were now fairly full and well-staffed, and he considered that the Director General and the management team had held expenses at a proper level. However, if further activities were required they would have to be funded. A small element of inflation was also included in the figures.

THE CHAIRMAN asked if anybody had any comments or questions for the Finance and Administration Committee.

MR RICCI BITTI thanked Mr Reddie for the extensive and very clear report and was confident that it made a lot of sense.

His question regarded the allocation on the additional paper that had been received that morning. WADA, as a body, did not have to make reserves which, to a certain degree, meant that it did not spend because it was not confident of its income. WADA had some money, and it was important to clarify what was meant when Mr Reddie stated that WADA had already committed US\$ 1 million to testing. He wished to know if this referred to testing that had already been committed but not carried out, and asked for clarification, because this was a very important point for his group of people.

The second point, which he thought was a matter of priority, was to thank Mr Reddie again for his sensitivity to again increase out-of-competition testing, as this was particularly relevant for all of the IFs.

MR NIGGLI stated that, the previous year, the Foundation Board had decided that, if it were to collect past dues on top of what had been expected, these would be allocated as follows: 60% on research, 15% on testing and 15% on education. The US\$ 990,000 was an extra amount allocated on top of the budget to perform testing, and the capacity to do this was reflected in the budget. This amount had been split over the present and the forthcoming year, and was an extra amount above the approved budget.

MR CABORN congratulated Mr Reddie and his colleagues for their excellent report, adding that it must be because WADA had a Scotsman as head of finance.

On a more serious note, it was common knowledge that the aims of the UNESCO Convention were to provide a legal framework so that the signatories could pay their dues towards running WADA; however, the fact that this would possibly not be in place until 2007 meant that it might be useful for some members to discuss the barriers preventing governments from making their contributions, other than the legal framework. He was certain that this point would arise in the future and thought it therefore worthwhile to pre-empt it. In terms of the 2006 draft budget, he asked Mr Reddie and his colleagues to provide a clear explanation of the real value that was intended by the increase. He fully supported the increase, but thought it necessary to demonstrate in his own country what the real value of this was, and this needed to be quantified probably slightly more effectively.

MR KRECKÉ remarked that, when looking at the figures, most of the resources were being put into research. He asked to what extent the European Union could help to make WADA a partner in research projects at the EU level. These would focus on the approximate US\$ 90 billion framework programme for 2007 onwards. He knew that discussions had taken place with the authorities at the Commission and that WADA was not fully in line with what the Commission had required regarding this framework programme. However, as the programme had to be related to social and economic

issues, WADA's work was a social issue and also a health issue. He offered his and Mr Mikkelsen's help to try and bring WADA into this new framework programme, as a lot of money was available and, in his opinion, the research carried out by WADA would certainly meet the requisites.

MR YOUNG suggested to Mr Reddie that it would be helpful for members in November to see how the surplus from 2004 and how prior contributions that had been collected had been put into the 2006 budget.

MR REEDIE expressed the deep emotion he felt as a Scotsman on being offered so much money!

He thanked Mr Ricci Bitti for his comments on out-of-competition testing. Having had a policy 18 months previously to reduce, which everybody had agreed at that time was the right thing to do, the Executive Committee had simply recognised that the world and the business model had changed and that there were demands on it to do other things, which would be done and would feature in the 2006 budget.

In answer to Mr Caborn, the committee was watching the development of the UNESCO Convention with great interest and considered it crucial. It thought that it was more crucial for the Code than for contributions; it deemed that governments were addressing the issue of contributions extremely well. However, if the Convention helped them at that stage also, anything that facilitated making contributions was welcomed by the committee. In general terms, any increase would be spent on additional things that WADA wished to undertake. For instance, the Outreach programme was under strain, since it had been such a success that more people demanded WADA activities. WADA certainly had a large number of extremely attractive research projects, and Dr Rabin, the Research Director, was always under pressure to allocate funds in increasing amounts. There was also an increased need to help IFs with a higher quality of out-of-competition testing. He hoped that those three priorities would meet with the members' own governments' feeling that money was being spent correctly.

MR REEDIE sincerely thanked Mr Krecké for his comments and pointed out that WADA had partnered the EU a number of years previously on a specific education project, which had been extremely successful. If there were substantial research funds available in the EU, he would like to discuss this with Mr Krecké and tell him what WADA's forthcoming priorities were in terms of research into the fight against doping in sport and to assess whether that fitted in with EU policies. He was very grateful for the suggestion and was sure that he would be speaking to Mr Krecké take this matter forward.

Finally, he would certainly fulfil Mr Young's request and show where extra contributions had been allocated in the 2006 budget. The Director General had asked MR REEDIE to talk about the Gene Doping Symposium planned for Stockholm in November. WADA had been able to put a budget together that was much lower than the original budget, at a figure which it was able to finance out of increased contributions from the previous year. However, with a very substantial contribution from the Swedish Government, WADA would be able to make the Gene Doping Symposium work at reasonable expense.

MR NIGGLI pointed out to Mr Young that, on pages 7 and 9 of the draft budget, one could see how the aforementioned funds had been allocated.

THE CHAIRMAN added, as to the question of possible access to pools of research funding, that this was a very exciting opportunity and WADA would consult and decide how to indicate WADA's research interests and where it put its research funding and where they might be some synergy. WADA knew that those pools were available.

For the general information of the Foundation Board on the conference that would be held in Stockholm regarding genetic issues, as was known, WADA had been behind in the fight against drug use, in that people had been out there doing it for over thirty years before WADA's involvement. Therefore, it had been and continued to be a matter of catching up. Regarding gene transfer technology, WADA had done its utmost to be



present as the science was developing. It had held a conference at the Banbury Centre on Long Island some years ago, and this conference was to be a follow-up. WADA had been working with leading scientists in this field as the science expanded in order to find out what was going on, to help in whichever way it could, to develop the protocols that would be used for research and testing, and to try to have a test that would identify whether or not genetic manipulation had occurred. This would happen about three years after the previous conference, and WADA would have the leading scientists in this area at the conference to update WADA on the situation. The Swedish Government had been very helpful in facilitating it; THE CHAIRMAN was sure it would be an enormously prestigious conference and hoped that it would be very helpful to WADA in its effort to stave off this particular aspect of doping from the very outset.

## DECISION

Draft budget 2006 approved.

## **6. Legal**

### **6.1 Legal Update**

MR NIGGLI pointed out that members would be given a full report on ADAMS, as it was the next item on the agenda, but that, from a legal perspective and in answer to a question raised at the previous meeting, progress made on ADAMS had been twofold. The first step had been to ensure that, as the programme was developed, technical requirements stipulated by law were fulfilled by the developers, and WADA's lawyers had liaised with them appropriately so that any technical requirements were undertaken. The second phase, which was currently under way, entailed building the appropriate contractual relationship between the system users, which on the one hand were the athletes and, on the other, the Anti-Doping Organisations and laboratories. The network of contracts was being developed at that time with, in particular, a contract that would appear on the screen for athletes to consent to as they provided their information. This was all in progress.

Attachment 1 referred to the results management and procedure, namely each procedure that was being followed within the agency when it received an adverse analytical finding. The result of this was analysed and a decision taken on whether or not to appeal. Regarding this procedure, in a nutshell, two situations were possible: either WADA was satisfied and the file was closed, or it was not satisfied. In the latter case, WADA either thought an appeal was not worthwhile and would liaise with the Anti-Doping Organisation appropriately, or it considered an appeal necessary and what could be called a Doping Review Board, made up of the President and Director General, would make a final decision on whether or not to appeal a case. This had been confirmed the previous day as an appropriate process by the Executive Committee.

Attachment 2 contained a number of cases that had been dealt with over previous month. As it showed, a considerable number of cases had been received, about 424 since August, a large proportion of which had been related to TUE and specific substances. Nevertheless, five to six cases were still received each week on which WADA had to decide if it should appeal.

Of the cases listed, MR NIGGLI pointed out that, in the triathlon case listed, it had not been possible for WADA to act, and it had just learned recently that the ITU had decided to ban the athlete worldwide. There had been a case in cycling against which WADA had not been able to appeal on technical grounds, but it was satisfied that the UCI had lodged an appeal. In one case related to skiing, an athlete (Knauss) had appealed against an IF decision and WADA had requested permission to intervene in the case in order to support the FIS in its defence.

The document also contained two cases before the CAS in relation to TUEs; the first related to a French rider, and WADA was satisfied with the outcome, which had upheld

the position of both WADA and the UCI. The CAS had set a good precedent, particularly in that athletes should not bring new evidence to the CAS regarding TUEs but, if they had something new that appeared from their initial TUE request, they should return and request another TUE rather than taking it to appeal level.

Additionally, there was a distinction to be made between aptitude or ability to practise a sport and the TUE process, which should be dealt with by different entities within an organisation.

Finally, and possibly most importantly, the CAS had clearly stated that its panel would consider reversing a TUE only if the request had been wrongly denied based on probative elements in the file. This meant that CAS arbitrators would not play the role of doctors. TUEs were an eminent medical issue dealt with by TUE medical experts at the IF level and TUE experts at the WADA level, all of whom were medical doctors. The CAS process was to ensure that athletes' rights had been respected rather than reopening the medical aspects in a case, and WADA deemed this very important.

There had been another TUE case related to a Paralympic horse-rider that had been heard by the CAS on 4 May and, as WADA was awaiting the outcome, he did not wish to comment any further on it.

Two decisions had also been quoted in the report; one from CAS and the other from an independent anti-doping tribunal. WADA considered that both decisions set very good precedents, in particular the CAS decision, which confirmed the fact that the two-year sanction did not violate the principle of proportionality. This had been a controversial topic for some months and WADA was satisfied with the new direction that this had taken.

It was clearly indicated in the second case, dealt with by the ITF, that WADA should not accept the fact that, every time there was a positive case, the physician was blamed for providing the substance and the athlete was therefore not sanctioned. This was not something that would be easily accepted but rather only in very specific circumstances.

Lastly, since the time of writing the report, two appeals had been launched. One regarded motorcycling and one concerned basketball and, in both cases, WADA had felt the sanctions to be inappropriate. The two cases would be heard by the appeal bodies of those federations, although not before the CAS at that stage, and both were pending.

MR BESSEBERG said that he was aware that, since the previous winter, at least two tests had had a positive A sample but negative B tests. The tests had been conducted at different laboratories and different stimulants had been concerned. As WADA was responsible for accrediting laboratories, he asked the WADA administration and experts to look into these cases and take all necessary steps to avoid such situations because they undermined confidence in both WADA's work and methods. He asked this to be taken very seriously and for it to be determined how one laboratory could find an A sample positive and a B sample negative.

THE CHAIRMAN asked Dr Rabin to answer this, as it was more of a technical than a legal question.

DR RABIN replied that WADA systematically followed such cases up and, in addition to the two that had been mentioned, there had been another two or three in that year. WADA systematically contacted the laboratory to ask for an explanation and for all the analyses relating to the A and B samples in order to attempt to shed light on what had happened. In one recent case the laboratory had been urged to perform complementary analyses in order to clarify the situation and to ascertain how this would need to feed back to the accreditation of the laboratory or the analyses performed by it.

MR RICCI BITTI raised the issue of TUEs. Who was really responsible for TUEs or for accepting the TUEs received?

MR NIGGLI replied that the IFs were responsible for delivering TUEs for the international athletes who were in their testing pool, and the national federations were

responsible for delivering TUEs to national level athletes. There was then a possibility for the IF to recognise the national TUE when an athlete moved from one category to another or to repeat the process at an international level if it so desired. That was the mechanism in the Code.

MR RICCI BITTI said that, firstly the burden of TUE was becoming too large for the IFs in terms of administration and management and, secondly, his IF's dream was to work with national agencies but, in some cases, TUEs were interpreted differently when two bodies worked together. This was another complication regarding different interpretations of the Code, and he believed that this should be considered for the future in order to avoid discrepancies and difficulties.

MR NIGGLI understood Mr Ricci Bitti's very valid point and could reply only that there had certainly been some different views on interpretation of the TUE standards, which were being clarified as case law was gathered. Some of the points would be clarified and would certainly set a clear direction as to how things needed to be interpreted, hopefully resolving some of the aforementioned complications.

MR RICCI BITTI wished to repeat what Professor Ljungqvist had said that morning: the IFs had made a major effort to sign the Code. FIFA was now being mentioned repeatedly, but WADA was disregarding what had been done in-house to accept the Code. It would now be desirable for the other parties, the governments, to make the same progress. It was necessary to discuss it further, because operationally speaking, the Code remained unclear at times.

THE CHAIRMAN noted that it was necessary to bear in mind that with power came responsibility. One of the responsibilities that came with the power of governing a sport was having to administer a TUE system at the international level. When the Code had been put together, the TUE portion of national level athletes had been pushed down to the national authorities. If that was not working, it would be necessary to consider action, but at the time it had been put into place that was the system desired by all. There were indeed probably more TUE applications than could be justified, which was why WADA had a panel to examine these on a case-by-case basis, on request, or on a statistical sample in order to ensure that the standards being applied in granting TUEs or not were consistent.

DR SCHAMASCH asked what the possibility of WADA appealing was regarding a sanction on an athlete rendered according to national law which was not deemed in compliance with the WADA Code.

MR NIGGLI clarified that the question referred to the ability to appeal a decision made by a NADO that was not in compliance with the Code. This would depend on the national legislation and how the system had been set. If it concerned an international athlete, there would most likely be no problem, and most NADOs allowed for this possibility; and if it was a national athlete, some national legislation provided for a national procedure that did not go to the CAS, and it was therefore harder for WADA to appeal. It would hence depend on the context of the case but at the international level this would not normally be an issue.

THE CHAIRMAN pointed out that one of the objectives of the Code and Convention was to have the same sport rules being applied, both by the sport stakeholders and the public authorities. Leaving aside any criminal activities, the sports sanctions were supposed to be consistent so that there would be no recourse to state courts to attempt to deal with a doping sanction.

#### DECISION

Legal update noted.

## **7. ADAMS – Anti-Doping Management Administration System**

### **7.1 Progress Report on User Acceptance Testing and Implementation Plan**

MR DIELEN said that he would update the members on the current ADAMS situation, going briefly over the purpose and functionality of ADAMS, mentioning the milestones that had been achieved, before looking quickly at ADAMS. Members would also have the opportunity during the following breaks for a personal demonstration on the computers outside, which would help them to understand it.

The purpose of ADAMS was to be a centralised service to fulfil the commitments of the stakeholders defined in the Code: the TUEs and reporting on the whereabouts system. The three basic functionalities were: the whereabouts system; the clearing house, where results from laboratories would be matched with doping control forms, TUEs and so on; and, thirdly, the doping control system, where test distribution planning, mission orders and so forth could be created.

With regard to the current situation, the specifications had been validated the previous year; test crypts had been made to ensure that the system implemented the specification; the scope of the first phase of implementation had been defined; and there had been close cooperation with certain groups of stakeholders. These stakeholders included the IPC; several federations, including a combination of winter, summer, individual and team sports, to ensure that the entire range was covered; several NADOs; and also some laboratories, in order to handle the laboratory input into the system. Over the forthcoming weeks, there would be implementation with these organisations, but this depended on their own schedules, because some of them had imminent sporting events and it was at times difficult to find a slot with them. This implementation would be in phases; some would start using the whereabouts part, others would be using the test distribution part, and others would start using the system in terms of the type of athlete involved. For instance, the UCI had indicated that it would like to start with track cycling and then expand to other disciplines.

Training had been conducted with the stakeholders both in Lausanne and Montreal. This had been scheduled for two days initially, but one and a half days had proved to be sufficient. Ample feedback on the system had been received, which would make it possible to enhance it even more. The staging server was where a new release was prepared, and it was also used for educational purposes. The production server was ready at that time but, due to security issues, it was not possible to discuss this further. The help desk was also operational and, in terms of user acceptance testing, this was approximately 70% completed.

As Mr Niggli had mentioned, the legal framework had been finalised and it was now necessary to finalise the consent forms and contracts, and having these signed by the various stakeholders.

In the near future, it would be necessary to finish the acceptance testing and bring ADAMS to life, then start preparing the second implementation phase, in August or September. Plans were underfoot to bring another 25-30 organisations into ADAMS, and priority would be given to the laboratories, as they would be putting the data into the system, and the winter sport federations in light of the Olympic Games in Turin. The purpose was not to use the system fully in coordination with TOROC and so forth, but to be of assistance to the testing programme in any way possible. Furthermore, the initial product would be improved.

Regarding the system itself, members could see the login for a typical athlete, in which he or she had access to messages that WADA could send him or her, as well as access to his whereabouts. The athlete could also see his or her TUE and could have a copy of his or her application form, so it was possible to see what had been submitted on his or her behalf. When the TUE was approved, this also allowed the athlete to print out the receipt if necessary before a doping control. In terms of the whereabouts, it was

possible to see the athlete's whereabouts in the month of May. The different sections showed by day what was planned and, if the plans were changed from competing to training for instance, the system gave a warning and displayed an 'M', which stood for 'modified'. This alerted not only the athlete, but also the testing authority, that there had been a modification. Very importantly, there was a 'notes and activities' section, and all access to this was logged. If, for instance, an athlete asked his or her agent to update his or her whereabouts, the athlete could be confident that these changes would be tracked by the system so that there could be no uncertainty as to who had made the change and when. This would, of course, be of great importance in the case of mis-tests and so on.

For NADOs, the login screen was slightly different, for instance, including an in-competition test plan, out-of-competition test plan, mission order management, and so on; all related to test distribution and so forth. Looking at the same athlete, it was possible to see that athlete's TUE and the fact that he or she had been tested on the doping control form of a test performed on a given day, showing the sample number and so forth. That sample number would be matched with a laboratory result by the system, and it also displayed if all the fields were exactly the same. For instance, in the case that was displayed on the screen, the laboratory had not reported that the test had been carried out in Canada and the system would warn the user of this difference. The results management would then determine if that difference was significant or not, which would enable results management to ensure the correct sample number when confirming an adverse analytical finding. When the match was confirmed, the system would create an adverse analytical finding, and it was then possible to proceed to the anti-doping rule violation and so forth.

Therefore, the system allowed users to track the various stages within ADAMS. It did not automatically create sanctions, but was a stage-tracking tool to ensure that no case was forgotten, which was the purpose of the clearing house.

MR DIELEN reminded members that they could see the demo outside the meeting room. It was important to stress that security was critical for ADAMS, which was hosted in two high protection data centres. The security aspect of the application had been the most difficult part to develop, because it depended on which organisation and who within the organisation was accessing it, and the content of the data itself could also have an impact on access as such.

ADAMS was therefore a secure system that would be ready for use in the second quarter of that year and would be made available in phases. It was an Internet tool and so permitted access from anywhere in the world, and as many items as possible in the system were being based on standards. For instance, the IOC had offered its sport discipline categorisation for use, and this was appreciated. In addition, in terms of lists of substances and diagnoses, standard denominations would be used, as these would also allow for translation. At the present time, the system was in English but, at the time of its implementation, it would also be in French; also, the possibility of translation had been envisaged by the use of drop-down menus rather than free text. The system was based on the Code and would allow for laboratory reports to be imported in the initial phase and certain statistics to be exported, and there would be a standardisation of certain reports in a later release. This was an overview of ADAMS at that moment and, if anybody had any questions, he would be happy to answer them.

PROFESSOR DE ROSE had noticed that a password and user code was requested on the computers, which had prevented access.

MR DIELEN ensured Professor de Rose that access would be given during the demo.

THE CHAIRMAN reminded Professor de Rose that the point of the password was precisely to prevent unauthorised access.

MS ELWANI enquired if there was a means of performing the process on paper for countries that did not have Internet access. For instance, if athletes' whereabouts could

be delivered on paper as had previously been done with FINA. Also, she wondered whether the help desk would provide the information and paperwork necessary to do this, because many countries in Africa did not have widespread Internet access.

MR BESSEBERG said that many athletes had mentioned the complexity of the whereabouts to him. ADAMS itself was not a problem, but he would propose, as Mr Fetisov was now Chairman of the new Athletes Committee and would be holding a meeting the following day, that this matter be discussed with the athletes. It was vital for them to be able to use their mobile telephones to send messages because many of them did not have Internet access in their daily training and as they moved around from place to place. The system must be made particularly functional and easy for athletes, because it was crucial to win athletes over rather than have them arguing with WADA about the system. The whereabouts system must therefore be made effective but, at the same time, convenient and easy for athletes to use.

MR KRECKÉ wished to clarify that he was completely in favour of the system, but noted that different legislation concerning the protection of nominal databases was applied in different countries and, despite a directive being ratified at the EU level, different countries had different ways of applying this. Perhaps, then, this would lead to problems, because it would be necessary to garner information on every country that had special legislation on nominal databases, and this would be a very lengthy process. He enquired whether WADA's lawyers had taken this procedure into account.

MR DIELEN stated that the purpose of ADAMS was that the data should be entered by somebody as close as possible to the athlete; ideally, the athletes themselves should do this. However, it was also possible to scan and attach documents to whereabouts so that, if an athlete was unable to enter data, he or she could still send it in a traditional way to the national federation by fax or mail. If the national federation or the NADO had access, then they could enter the data or, failing that, the IF could scan and enter the data. The idea, then, was to be as close to the athlete as possible, particularly in terms of updates, because these were harder than the initial whereabouts information. Hence, if an athlete did not have access to the Internet, he or she could enter the information through a national federation, NADO or an IF.

With regard to the help desk, an 800 number had been set up for this purpose, and an attempt would be made to make this number available in as many countries as possible in order to ensure that all of the athletes had access to the help desk.

In answer to Mr Besseberg's question on SMS messaging, one of the federations in the first phase was the FIS, which had such a system in place. SMS was being examined and was certainly an area that would be brought into ADAMS as soon as the difficulty of it being standardised could be resolved. WADA was very aware that athletes had mobile phones and that these would be ideal for updating, so this would be considered over the coming months.

MR NIGGLI commended Mr Krecké on his excellent question and noted that the issue was even more complex, because it involved the entire world rather than Europe only. Firstly, the lawyers had examined this matter and there was a European directive, but this was not applied by all countries. Some countries had their own different legislation despite the directive. To give a brief answer, the first issue related to who had the data, and master of the data bank was WADA; it would not be in Europe but in Canada, so the issue was slightly different from a legal point of view. Although some athletes would enter data from Europe, the data would not be stored there. In most cases, the problem was resolved by athletes giving their consent, provided that WADA used and stored the data in accordance with the goal of the system. It would therefore be important not to keep data for unnecessarily long periods, to ensure that athletes knew who would have access to the data, and that only limited persons would have access. All these issues had been taken into account in designing the system, and WADA had attempted to fulfil as many different legislation demands as possible. Admittedly, WADA had not studied all the legislation in the world, but it had taken all precautions possible and it would remain

to be seen when the system was implemented if a specific country had a specific issue. However, WADA was confident that, with the athletes' consent and the precautions that had been taken, the system would be legally sound.

THE CHAIRMAN reminded the members that the whole issue of whereabouts was crucial to an effective out-of-competition testing programme. It was vital to know where the athletes were so that tests could be performed. WADA appreciated that there were a few legal landmines, but it had tried to avoid as many as possible. He hoped that all of the members would try out the system, which was clearly going to be a very powerful tool to coordinate the fight once it had been put into place.

#### DECISION

ADAMS progress report on user acceptance testing and implementation plan noted.

### **8. World Anti-Doping Code**

#### **8.1 Activity Update**

MR ANDERSEN said that he would update the members on the current situation regarding the World Anti-Doping Code before mentioning some future challenges. Firstly, the good news, in terms of Code acceptance for those who were new to the Board, was that the Olympic and Paralympic Movements, with regard to National Olympic Committees, National Paralympic Committees and IFs, had accepted the Code worldwide. The situation regarding National Anti-Doping Agencies was that, through comprehensive communication with sporting organisations and governments, WADA had been made aware that there were 87 National Anti-Doping Organisations worldwide. Therefore, there were 119 countries with no NADO and, as was stated in the Code, the NOC was by default the NADO if there was no NADO in the country. Of these 87 NADOs, 54 had signed the Code and 33 had not.

In terms of Code implementation, the picture was somewhat bleaker. All IFs except for FIFA had implemented the Code and, regarding the NOCs, WADA had received rules from only 18 of the 202 NOCs. Seven of these 18 sets of rules had been approved. With regard to National Anti-Doping Agencies, rules from 27 of the 54 had been received and 8 of these had been accepted, so there was still a long way to go. The National Paralympic Committees were being dealt with by the International Paralympic Committee and WADA was grateful for the work the IPC was doing in that respect.

Code compliance involved three tiers: acceptance, implementation and monitoring of Code compliance, and WADA still had a long way to go, even on acceptance and implementation. WADA's signatories were a rather comprehensive group. To date, there were 560 signatories: 200 NOCs; approximately 160 NPCs; 10 major games organisations, such as the IPC, the IOC, the Commonwealth Games Organisation and so on; some 100 IFs; and hopefully around 100 NADOs. WADA was examining how to undertake the monitoring process and was looking into how to use the ADAMS. It had and would have comprehensive information on ADAMS and should look into the use of electronic means in order to monitor Code compliance. MR ANDERSEN's report contained some questions on monitoring Code compliance in addition to other issues on which he would be happy to comment should the members have any questions.

THE CHAIRMAN noted that it was important to understand that, when Mr Andersen mentioned a 'default', when there was no other NADO in a country, then the responsibility devolved on the NOC. This was what WADA had negotiated and intended when the Code had been drawn up, but it was also known that around half the National Olympic Committees in the world and their governments would never have the kind of capacity required to have a full-blown NADO in place. That was one of the reasons why WADA had encouraged and was encouraging the creation of regional offices, in an effort to group many of these countries together. WADA was present in Africa, Asia and

Oceania and would be present in Latin America, and he hoped that this would meet some of its requirements. WADA would focus on helping the major NADOs to achieve the capacity to discharge their duties. Another way to do this would be for IFs to give more responsibility to their national federations, if there was no independent NADO in existence. There were therefore a number of ways of reaching a satisfactory solution and these were being explored. Mr Andersen's report referred to the difficulty in dealing with the knowledge and organisational gap between the biggest developing countries and those that were in development and simply did not have the resources.

MR WALKER referred to the Code as the keystone for WADA. With regard to implementation, following the table that WADA had provided, this question had been addressed at the Monitoring Group meetings in Strasbourg the previous week. After all, NADOs were present and very well-established in many European countries, so it would be reasonable to envisage that they would be able to sign on and implement the Code relatively easily. However, it had been discovered that the obligation under the Code for NADOs to become signatories to the Code caused unexpected difficulties when the NADO was based in a governmental structure, because it was then as if the government was signing up to the Code. This entailed having clear, transparent structures for the NADO and approval from all manner of ministries besides the sports ministry, which was almost always in favour of signing the Code. However, because of the entanglement within the government structure, different and very clear structures were required. For instance, in the case of Spain or the Ukraine, their current situation did not enable them to sign the Code and they therefore could not. Of the 48 European countries in the table, 19 had not yet been able to either sign or implement the Code normally. In practice of course, many of those NADOs were implementing the Code as closely as possible, and the fact that there was no signature should not be interpreted as non-compliance.

With regard to the question of compliance, going back to points made by Mr Krecké and Mr Dielen, the delegates within the Monitoring Group and the secretariat were very conscious of the need for tripartite coordination between WADA, UNESCO and the Council of Europe on the issue of monitoring. From the delegates' perspective, this was particularly important in terms of not having to do the same work twice. There had been very useful discussions with both WADA and UNESCO on how to achieve this kind of synergy in monitoring requirements, and the group was also closely discussing with Mr Dielen how to ensure that the monitoring mechanisms put into place by the Anti-Doping Convention at the Council of Europe and the information being entered into ADAMS could be used correctly by both sides with import and export facilities. MR WALKER was confident that it would be possible to provide systems that worked together, if not in conjunction. They would certainly be compatible, in any case.

With regard to Mr Andersen's question on the frequency of monitoring, whereas ADAMS was a permanent, ongoing system; monitoring under the Council of Europe Convention took place on an annual basis; and the frequency of the UNESCO monitoring system had not yet been decided but would probably take place on a two-yearly basis, his personal feeling was that, from the WADA point of view, a two-year programme might be the most appropriate for two reasons. Firstly, there was an enormous number of stakeholders who had different types of responsibilities. Mr Andersen had estimated that there were around 500 signatories to the Code. Attempting to monitor the compliance of 500 signatories on an annual basis entailed doing more than one a day, and MR WALKER could not see how this was feasible in practical terms. From a user's point of view, even if the information could be provided on an annual basis, how was it possible to digest it and what conclusions could be drawn from it? His personal feeling was that a two-year, and possibly even a longer, cycle would be the most efficient from the perspective of staff resources and the most useful from the perspective of decision-makers at the end of the chain.

MS NEILL congratulated Mr Walker on his discussion of the complexities of monitoring. Monitoring was scheduled to begin in 2006, basically through a process of self-assessment. Her view was that it was important that whoever was designing the



instruments to be used in that process did so as quickly as possible and attempted to distribute the information to those who would be reporting as quickly as possible so that preparations could be made. She suspected that the self-assessment would not be an easy job and, the sooner preparations could be made, the better.

THE CHAIRMAN asked if there were any other questions.

MR ANDERSEN stated that the WADA was working very thoroughly at that time on the situation regarding national anti-doping systems, and members would later be given a presentation on programme development, which was about developing and establishing RADOs around the world in those parts where there was no NADO and there was no possibility to establish a NADO in every country.

In answer to Mr Walker's question regarding the difficulties for NADOs to sign when they were related to governments, WADA was aware of this and would appreciate it if those NADOs that were not in a position to report on Code acceptance could alert WADA to their problems, rather than sending nothing at all. WADA was aware of some that faced these difficulties and was looking for more.

As to compliance monitoring, as rightly pointed out by both Mr Walker and Ms Neill, this was a huge undertaking for WADA, and it was exploring how it could receive assistance from the Council of Europe, which had had good experience in this area over the past fifteen years with the running of the Council of Europe Convention. Work should not be done twice; an attempt to coordinate it should be made, and it was important to recognise that there would be an assembly in October, the outcome of which would be important.

Regarding monitoring frequency, this was performed every year at the Council of Europe, and probably every second year in UNESCO, and the Code stated very clearly that monitoring had to be carried out every two years.

THE CHAIRMAN asked Foundation Board members to bear in mind that two things were being monitored: Code compliance, which was WADA's responsibility, and compliance with the Convention, which would be UNESCO's responsibility. There would be a self-assessment process, rather like an income tax return, in which one estimated what one's income and taxes were. This might later be audited for compliance by the relevant authorities. WADA needed that self-assessment and each party needed to be conscious of the responsibility for monitoring.

Regarding the NADO issue, where there was a governmental structure, he cared little whether these signed the Code but, if the structure impeded signing the Code, another solution was necessary. He considered that those facing this problem also had the responsibility to try to find a solution.

## DECISION

World Anti-Doping Code activity update noted.

### **9. Department / Area – Decisions and Activities**

#### **9.1 Science**

DR RABIN wished to update the Foundation Board on two aspects regarding the Science Department. Firstly, on the List of Prohibited Substances and Methods for 2006, two List Committee meetings had been held, one at the end of January and another at the end of April, and he was pleased to announce that the draft 2006 List was almost ready. It was necessary to review some stimulants before the List was ready for final consultation. This should happen over the coming days, and he believed that the List would be ready towards the end of May. The committee was planning to allow key WADA stakeholders over two months for consultation on the new List. The comments received would, as usual, be compiled in August and submitted to the members of the List Committee for review at the next committee meeting to be held on 6 and 7 September,

just prior to the Health, Medical and Research Committee meeting on 8 September, with the objective of finally reviewing the list and submitting it for approval to the WADA Executive Committee on 20 September. He was pleased to announce that, in addition to acknowledging all comments received on the List, that year the committee was also planning to provide some feedback to stakeholders' comments. It would do its best to address all the issues submitted. As with every year, once the WADA Executive Committee had approved the List in September, it would be posted before 1 October for implementation on 1 January 2006.

Secondly, regarding research projects, on 23 February the annual call for research grants had been posted on the website with the forthcoming deadline of 20 May. It was hoped, as every year, that as many projects as possible would be received from the five continents and, as usual, the four main themes had been agreed with the Health, Medical and Research Committee members. That year, these had been made more detailed in order to give more guidance to the applicants. An independent scientific assessment and an ethical assessment would be conducted on each project, and projects would be submitted for review and decision by the Health, Medical and Research Committee. Final approval would be sought from the WADA Executive Committee at the meeting in September. Once projects had been approved by the Executive Committee, it was hoped that as many contracts as possible would be signed before the year end in order to ensure that teams could start their projects as quickly as possible. Delays were usually more related to ethical issues than scientific, financial or contractual aspects.

DR RABIN wished to give the floor to Professor Gerrard and Dr Garnier, who would give information on the TUE process.

PROFESSOR GERRARD reminded newer members of the function and governance of the TUE working group, which acted under the aegis of the Health, Medical and Research Committee and was made up of four clinicians. He thanked Dr Rabin for providing the PowerPoint presentation and referred members to the screen.

There would always be athletes who would require the use of prohibited substances and this was slightly ironic and a rather different objective to all other WADA activities. The TUE Committee was there to ensure that support was given to those athletes who had validated their medical conditions and, by so doing, apply a consistent international standard for therapeutic use exemption. The group of four had met in March that year and he thanked the Lausanne office staff for their cooperation and excellent assistance in the functioning of the group. He also acknowledged the good work done by the former chairman of the group, Professor Fitch, who had helped to establish the committee and get it up and running, and Dr Pipe, a former member of the group. Over the year a number of issues had been approved by the Executive Committee which had modified the working of the TUE Committee and these were summarised in the report.

He wished only to say that one of the most important issues was the development of application forms that were far more user-friendly for the athletes. Furthermore, the time taken to respond to TUEs had been cut back to 30 working days.

A review of WADA TUE activities over the previous 12 months indicated that six cases had been reviewed at athletes' request, five decisions had been confirmed, and one decision had in fact been reversed, as Mr Niggli had mentioned earlier. There was an appeal case in front of the CAS, a decision on which was still pending, and one case that was being decided whereupon the CAS had confirmed the WADA decision.

To record the workload of the Lausanne office in dealing with TUEs, it was important for the Board to understand that more than 12,000 files had been received in the period up to 30 April 2005. Of these, 7,500 of the Abbreviated TUEs had been entered in the database and all of the standard TUEs had been dealt with because they were, of course, by far the most important applications made by the athletes.

The trends related to the Abbreviated TUEs could be seen on the screen. He drew the Board's attention to the fact that insulin accounted for less than one fifth of standard TUE

applications received, and TUEs had been requested for a range of things that were listed in the presentation. Members would note that corticosteroids constituted well over a third of the total TUE applications.

WADA was now in a position to identify some common pathologies for which TUEs were applied, and these were listed in the documents alongside their relevant WHO classifications. It was also interesting to note that 70% of the standard TUEs were received from NADOs, and the remaining 30% from IFs; however, it was of some concern to the committee that almost a quarter of TUEs received were either incomplete, illegible or had been filled out in an inconsistent or unacceptable manner and had to be returned to the sender. This delayed processing and of course impacted upon the athletes.

In terms of objectives for 2005, the group was working towards delivering a more strengthened decision-making process by extending its network of specialists throughout the world. It would like to cooperate as much as possible with the incorporation of the TUE process into ADAMS, and was looking at developing internationally acceptable guidelines. The Australian Sports Drug Agency had already established some excellent guidelines, and his group hoped that, in the spirit of international collaboration, its Australian colleagues would permit the use of them so that WADA could establish a pattern of consistency in applying the TUE process internationally. PROFESSOR GERRARD would be working with his colleagues in Australia, who were holding a board meeting the following week to discuss this issue, and he hoped to be able to give a favourable report on it in the very near future.

In conclusion, his group believed that the TUE management process was at that time well-established and that it worked in compliance with the Code and its provisions. It also believed that a very robust review process was in operation and was proud of the consistency and harmony in the group's decisions. That had been confirmed by the first CAS decision noted earlier. He hoped that the group would continue to work efficiently, acknowledging the fact that the Lausanne office had limited resources to cope with the huge deluge of applications for TUEs, and again thanked Dr Garnier and his medical assistant Ms Fray. He would be happy to answer the easy questions from members and was sure that Dr Garnier would be happy to answer the more difficult questions.

THE CHAIRMAN asked Dr Garnier if he had anything to add.

DR GARNIER replied that he had nothing to say at that time but would be happy to answer any questions put to him.

MR RICCI BITTI had two comments. He wished to raise a general point on behalf of his IF and acknowledge that the TUE issue was becoming very serious. Some small IFs had complaints in terms of dealing with TUEs.

He had also been asked to raise concerns relating to HCG. A huge problem had been faced that year by his federation in relation to HCG testing.

MR CABORN referred to the wider issue of the List, noting in general the concern regarding the compilation of the List and the three areas that this referred to: performance enhancing drugs, the image of sport and the health of the athletes. There had been a small discussion that morning at the ministers' meeting as to what the core business of WADA was. He thought that the success of WADA had been its very clear and focused approach, for example, on the one hand, the strict liability of the athlete, and on the question of performance enhancing drugs. There were some concerns creeping in, particularly regarding out-of-competition testing and recreational drugs. It was necessary to simplify the List and keep it focused on what many believed was the core business of WADA, which was to stop the use of substances that helped athletes to artificially improve their performance.

The other area of concern was that of nutritional supplements, and he thought that further discussions on that were also necessary.

On both issues, he proposed that the EU host a discussion during the latter half of the year, which would hopefully be able to feed into WADA's Science Department and also inform the List for 2006.

There had been a lot of work going on in this area in the UK, which might be of interest to people on the Foundation Board. His own governmental department had initiated a consultation the previous year through UK Sport. That consultation was ongoing and would be brought to a conclusion later that year. He hoped to put that into the public domain in early 2006. The area of nutritional supplements had raised concerns on the question of contamination.

Going back to the first area that was creating concern was the question of recreational drugs, out-of-competition testing and, indeed, the core business of WADA in trying to remove performance-enhancing drugs from sport.

MR BESSEBERG referred to point 2.3 in the report. He appreciated that progress was being made with regard to EPO. He thought that the Science Department was aware that there was concern about the use of so-called 'low-dose EPO'. Was WADA group trying to do something with regard to this? Low EPO doses could not be detected by the present testing methods.

PROFESSOR LJUNGQVIST wished to speak as Chairman of the Health, Medical and Research Committee and the List Committee.

With regard to HCG, when the ban had been extended to female athletes, he had been fully aware of the difficulties referred to by Mr Ricci Bitti. This point had also been raised by Australian representatives at the Executive Committee meeting in November 2004. There were sure scientific ways of differentiating between an intake and an endogenous production of HCG. Easier ways to differentiate between the two were being sought but, for the time being, it had been felt that there was no reason to make any changes with respect to the List. Help was needed in order to obtain proper advice and the best possible instruments in place to make a proper differentiation. Of course, the philosophy was that one had to accept that there could be false negatives, but there should never be false positives.

In response to the comments made by Mr Caborn, the criteria for introducing substances on the List did not contain performance enhancement as a compulsory component. It had been decided by WADA that the following three criteria should be used: that a substance aided performance enhancement, presented health risks, or went against the spirit of sport, and that two out of the three would be sufficient in order to be able to introduce a substance on the List. The List Committee had proposed that the performance enhancement criteria be compulsory, but this proposal had been rejected by WADA. He thought that the general perception out there was that a person who was doped was a cheat but, strictly and legally, that was not the case. If a substance was put on the List, using the two criteria involving health risks and the spirit of sport, anything could be put on the List, because anything could be detrimental to health if there was no medical indication for its intake. With the present criteria, the List Committee had a big problem to deal with. Should performance enhancement be a compulsory criterion, he thought that WADA would be better off.

As to the food supplement issue, he would welcome any legislation in any part of the world to simplify matters. The current problem was that the food supplement market was not regulated sufficiently in any part of the world, and there was an obvious risk for athletes. One could only advise athletes to be careful. He welcomed any initiatives to regulate the market on an international basis.

DR RABIN noted that it was necessary to resist the perception that the current List was complex. Only a very small fraction of the pharmacopoeia was contained in the List.

He told Mr Besseberg that the issue raised was of concern to WADA, and there was currently a research project on exactly the question noted by Mr Besseberg. The project researched how small doses of EPO could maintain the haematocrit of a concentration of

haemoglobin at a given level. The first response from the research team was that it would be possible to detect the substance. That was good news but it needed to be confirmed.

MR YOUNG referred to two legal developments that had been useful in terms of the low-level EPO issue. The first was the WADA Technical Document, which had a broader list of criteria that would make it possible to find a positive based on low-level EPO, and the other was the CAS decision in Bergman, where the notion that it was necessary for 80% basic area percentage was no longer a requirement.

THE CHAIRMAN said that an enormous amount of consultation went on with regard to the List, and WADA received very little by way of response, either because nobody cared or because there was an overwhelming degree of consensus that the List was appropriate.

On the supplement issue, this was something that the public authorities had to deal with. All that the sports bodies could do was to warn athletes and their entourage that there was a danger, because the labelling requirements were not suitably regulated. One other development that might be of interest was that an athlete, who had tested positive, had recently been successful in getting several hundred thousand dollars in damages from a supplement manufacturer that had mislabelled a product.

As to the criteria for a substance or method being on the List, this was a heavily negotiated set of criteria and the consensus that had led to the adoption of the Code had been that any two of the three criteria mentioned previously would constitute a basis for putting something on the List. If this was not the right set of criteria, when WADA amended the Code, the issue could be raised. His advice had always been not to do that whilst WADA was in the process of getting the UNESCO Convention in place. The issue could be raised at the third World Conference on Doping in Sport in 2007.

MR CABORN thought that the Chairman was absolutely right. The only point that he had made was that there was some confusion, particularly regarding the recreational drugs, on out-of-competition testing as against in-competition testing. Was that useful to start a discussion? He had been asking whether WADA wanted the EU to start to discuss the matter for an informed decision in 2007, because there was confusion and concern regarding recreational drugs.

THE CHAIRMAN did not think that any disagreement would be found in this area. Every time the Health, Medical and Research Committee and the List Committee met, the issue of whether it was necessary to have two lists arose. Should WADA be in the business of good social conduct as well as sport? This was a big philosophical issue that was ventilated on a regular basis.

MR BURNS noted that this was a big issue for his country. Everybody around the table had agreed that those substances that were against the law were clearly against the spirit of sport. They were not referred to as recreational drugs or social drugs in his country. People in his country talked about the fact that drug use among adolescents had been decreased by 17% in recent years, and one of the ways that this had been done was by talking about the health risks of marijuana, for example, which was a different drug to what it had been 20 or 30 years previously. This was a big issue for his country and it was necessary to discuss this issue appropriately before taking any action.

#### DECISION

Science update noted.

### **9.2 Governments**

THE CHAIRMAN said that Ms Jansen would bring the Foundation Board up to date on government relations. She was accompanied by Mr Marriott-Lloyd, who was representing UNESCO on the instructions of the Director General.

MS JANSEN went through her PowerPoint presentation, summarising things that had been done in the government sphere and things up on which WADA was working.

With regard to the Copenhagen Declaration and the signatories, there were 163 signatories to date. There were 39 non-signatory countries and, of those 39, approximately nine were currently going through parliamentary processes.

As to government payments, this issue had been covered briefly that morning. Payments had improved greatly since 2003. The number of governments contributing had also increased: in 2002, there had been 44 governments and, in December 2004, there had been 110. In 2005, there were 120 governments making payments.

With regard to the UNESCO-led International Convention against Doping in Sport, she was pleased to say that the final draft text and the UNESCO Director General's report had been sent to all stakeholders in March. The next step, also discussed that morning, was that the Convention would go to the UNESCO General Conference in Paris for approval in October. WADA would be encouraging governments to attend the General Conference and support the final draft so that a convention would be in place. Sports ministers had also been encouraged to attend. WADA would be encouraging as many governments as possible to sign, accede, ratify and accept the Convention prior to the Turin Olympic Winter Games. It would be necessary for governments to deposit 30 instruments of ratification to bring the Convention into force.

With regard to anti-doping programme development, Mr Koehler was heading a programme to develop Regional Anti-Doping Organisations in areas or the world in which there was currently no sample collection. WADA sought government partnerships, along with sport partnerships, to support RADO development. The more developed countries could assist the developing countries in practical ways.

WADA had been working with the Commonwealth Secretariat, which would be supporting three experts in the field, in Oceania, the Caribbean and Africa.

MR FARLEY said that he looked forward to a continued spirit of cooperation with WADA. He was pleased that there was commitment for assistance in forming a RADO. He congratulated WADA and thanked everybody involved on behalf of the Caribbean and Central American region. The regional entity would enable the provision of services to some of the smaller countries that did not have the capacity to do all of the work that was necessary. The 'Play True' philosophy of WADA gave small countries a chance to participate on fair terms and on a level with the larger countries. He congratulated WADA on the excellent work being done in the Caribbean region.

MR CABORN referred to the Commonwealth issue. The Commonwealth sports ministers should also be congratulated, as they had been meeting regularly, and the issue of anti-doping was very high on the agenda. There was the realisation that the organisation had really taken this issue on board and, in partnership with WADA, was not putting into place a very efficient and, indeed, technically sound organisation that was sustainable. Sharing those experiences was very important indeed. There would be a further meeting in Melbourne the following year at the Commonwealth Games. This was a question of using the regions as well as the national organisations to be able to use their expertise in capacity-building, training and sharing the anti-doping facilities that were around. Regional experts were being funded by the Commonwealth Secretariat. Unless anti-doping work was done from the standpoint that this was a fair and level playing field for all sportspeople and that cheats would not be tolerated, then it would not work. He was very pleased by the work being done by the Commonwealth Secretariat and the Commonwealth Games Organisation. Overall, he thought that the experience had been quite successful.

THE CHAIRMAN said that WADA would be very grateful to the Commonwealth for its assistance. Members should also be aware that France was playing a role of a similar nature with CONFEJES, particularly amongst the smaller countries in Africa. WADA was benefiting greatly from the work of its government partners in this.

PROFESSOR DE ROSE was happy with regard to the progress made by Mexico. Being from the area, he was happy that it had promised to pay the fee. He hoped that the other countries remaining in the Latin American region would also pay.

MS JANSEN noted that the Mexican minister had promised publicly to make the payments, and she thought that a shift would be seen in that region.

THE CHAIRMAN asked Mr Marriott-Lloyd to convey WADA's compliments to the Director General of UNESCO for his assistance in fast-tracking the Convention. He looked forward to a successful conference in October and the sport stakeholders renewed their offer to help move the Convention forward. Although it had been negotiated, it had not yet been adopted, and that was where the rubber would meet the road.

## DECISION

Governments report noted.

### **9.3 Independent Observers**

MR WADE gave an overview of the Independent Observer programme, which continued to be a high priority for WADA and served to strengthen athlete, sport and public confidence.

There had been a leaders' meeting in February to look at the programme based on experience and the fact that, in Athens, the World Anti-Doping Code had been in place for the first time.

He wanted to look at the term 'Independent Observer' and whether observation should be expanded, because there was an emerging need at these events to provide assistance beyond observation. This had led to the concept of a potential audit programme, which Mr Dielen would explain to the members.

The Independent Observers would be very busy that summer and in 2006, with the Olympic Winter Games in Turin and the Commonwealth Games in Australia.

With regard to the report from Athens, WADA was waiting for the IOC Medical Commission report, which was an important annex to be attached to the report and would be ready by the end of the month. Once that was in place, it would be possible to proceed with the printing.

The summary notes of the meeting were attached to the report for the members to look at, and drew on some key conclusions, highlighting some of the challenges faced by the Independent Observer programme and the emerging needs.

MR DIELEN referred to the pilot programme that would be developed at the World Games in Duisberg that summer. Perhaps 'audit' might not be the best term. There was no intention whatsoever to replace or change the scope of the Independent Observer programme. The aim was to try a different approach. This would be more of a security, IT audit, rather than a financial audit. There would be interaction on site to add value to the programme as such. The auditors would not be actively doing the doping controls, but would observe and assist where necessary. There would be a report on the pilot programme in September and, based on that, a decision would be taken as to whether this was a programme with which WADA would like to move forward.

MR WALKER noted that, in the first paper on the Independent Observer Programme, he was not sure that the summary report covered the interesting policy issues sufficiently. This was a very important operation that had been in place since the Sydney 2000 Olympic Games.

Some of the questions that had been looked at during the meeting in February had not received answers. Were the Independent Observers there to observe or to intervene? If they felt the need or were asked to intervene, under what circumstances? And what were the consequences? He thought that guidelines ought to be drawn up, as the Independent Observers could not be responsible for what might happen. Did they

observe or investigate? The feeling there had been that the Independent Observers ought to point out that there might be some situations where the responsible event organiser should conduct further investigation. With the question of interpretation of rules, to what extent might the Independent Observer be a helper in helping to interpret the rules? That was not the job of the Independent Observer either. Perhaps Independent Observers could point out inconsistencies, contradictions or inadequacies in the report; however, it was not up to the Independent Observers to draft rules that would resolve those questions, although they could make comments where they felt that there should be some revision.

As to observation or policing, there had been a strong feeling at the Olympic Games and the Paralympic Games in Athens in 2004 that, for accidental reasons, the fairly continuous Independent Observer presence meant that local staff had regarded them as police, present to check up on how the tests were going. That was the responsibility of the event organisers. If the Independent Observers were being considered as the policemen, then they were not fulfilling the role that they had been asked to fulfil.

To what extent did the Independent Observer have duties or responsibilities before and after the event? This was linked to the fact that there were now fairly intensive pre-competition controls and, with the growing popularity of appeals and the length of procedures, the period of the Olympic Games could be almost double that of the pre-competition testing and could last up to a year after the Olympic Games with the pursuit of a number of legal cases. This was a practical logistic problem. It was not practical for the Independent Observer to be there at all stages of the events and procedures that would take place on the anti-doping process in connection with a particular event.

It was necessary to bear in mind the developments since the Independent Observer institution in 2000 when there had been no World Anti-Doping Code, no List, no accredited laboratories, etc. There was a possibility that there were perceptions that the independence of the Office of the Independent Observer, which was organised, managed, financed, housed and directed by WADA, was not the same as WADA would strenuously insist. This was a question that needed to be addressed, and an adequate response to it was necessary. He believed that the Office of the Independent Observer could properly function only under the auspices of WADA. He thought that a suggestion had been made that a pamphlet and more information should be provided as to how the Independent Observers operated in a manner that was independent from WADA.

The correct and proper continuing functioning of the Independent Observers was so important for the fight against doping and WADA that good answers were necessary for these kinds of questions.

THE CHAIRMAN noted that these points should be considered, but WADA should be careful not to dig up a snake just to kill it. He was not sure how widely perceived the potential conflict was, but it should be looked at.

PROFESSOR LJUNGOVIST strongly supported the principle of the Independent Observers, and he thought that the role was a very important role and was a safeguard for event organisers. He thought that the most important aspect was that the role should be clearly agreed upon between the event organisers and WADA well before the event. He was against seeing Independent Observers intervene in the control process during a competition, because then the Independent Observers would be taking over the role of being operational, as well as observing what they were doing, which would be a conflict of interest. The main point he wished to raise was that the role of the Independent Observers be clarified before a mission.

MR WADE thanked all of the speakers for their comments. He had no doubt that there was a need to look at the Independent Observer programme and reinforce its independence, as well as to communicate better the role and expectations of the Independent Observers. The questions posed did not fall within the mandate of the Independent Observer programme, and WADA was grappling with how to deal with this, hence the pilot initiative in Duisberg.



In response to Professor Ljungqvist, MR WADE appreciated his support of the programme. There were criteria, terms of reference and a scope of the activities in place well before the events, but perhaps it would be worth considering how to ensure that these would be fully understood by those involved.

The combination of improving the terms of reference and scope of the activities, along with better communication, would help all round.

#### DECISION

Independent Observer update noted.

### **9.4 Education**

THE CHAIRMAN informed the members that the Chairman of the Ethics and Education Committee was the Canadian Sports Minister, Mr Steven Owen. Those who had been following Canadian politics recently would understand why he was not present. Mr Wade would be presenting the report.

MS NEILL offered Mr Owen's apologies for not attending the Foundation Board meeting. He had attended the Executive Committee meeting the previous day, but had felt that he ought to be in Ottawa that day.

MR WADE said that it was a pleasure to give the members a brief update on the various education programme activities.

The Ethics and Education Committee, which was chaired by Mr Owen, had recently had its first teleconference, the minutes of which were on the website, and there would be a first in-person meeting in mid-July.

The umbrella approach was one in which it was necessary to coordinate all partners and consistent education information under one general approach. Partnerships were essential, and it was necessary to capitalise on good programmes that were out there. Various tools, such as coaching education, were being put together and were very much consistent with a number of activities known as the 'short-term education strategies'. There was obviously a long-term approach to change and modify attitudes and values, particularly among the youth, because that was the long-term solution to the problem.

It was important to understand that, within the Code itself, education was not mandatory, although it was an essential element because, if athletes and support personnel did not understand their basic rights and responsibilities, they could run into problems with the mandatory aspects of the Code.

As the members could see on the screen, a number of ethical and educational programmes were under way. The focus in the Education Symposia Programme was on developing countries and countries in which there were anti-doping development needs. It was important to focus on the athletes and support personnel, given that many had very little knowledge of their basic responsibilities under the Code. The aim of the programme was to ensure that information was disseminated in an effective manner throughout the world, and to offer guidance and assistance. If countries and regions were to be empowered locally, it was necessary to ensure good partnerships in those areas as well as with countries with experience that could go in and offer a follow-up mentorship programme.

The Uruguay Education Symposium that had taken place earlier that year had been of extreme importance, as WADA needed to reach out to Latin America. WADA had been well received and he thought that the people had appreciated the efforts made. There were some effective programmes in place, but work could be done to improve that.

The Resource Partnership Programme dealt with materials, and there were two parts to it. The first was putting WADA's logo and seal of approval on exiting material, and the other was a lot of organisations using WADA's material as best as they could for their athletes. WADA had partnered with FIBA, the Netherlands and, more recently, UK Sport.

WADA's logo was on their material as a sign of endorsement and support. Other organisations would also be involved.

From an organisational standpoint, the Council of Europe had been very helpful, assisting WADA in the production of the Model Guidelines, and would come to the committee meeting in July, as well as working with WADA and the Moscow organisers to host the symposium in October. UNESCO and Olympic Solidarity had been extremely helpful and supportive of WADA's programmes.

WADA was in the middle of producing the Coaching Education Programme and the Physicians' Programme and hoped to pilot both initiatives that year, launching a more formal process for the following three years. Much of the coaching and physician training was insufficient, as Ms White had observed previously.

WADA had a number of publications, all of which were geared towards athletes and support personnel. A testing video was almost finalised, along with some leaflets that would accompany it.

In terms of research, WADA was pursuing a behavioural research programme and had ten proposals that had met the requirements, which would be looked at and then presented to the Ethics and Education Committee for review. From an ethical review perspective, it was important to have this capacity in-house to look at anything and everything to do with ethics to help to make decisions on policy and programmes.

There would be a Supplement Symposium in Leipzig, Germany, on 29 and 30 September that year, in partnership with the IOC and German sporting and government authorities. Key focus would be placed on working with the industry towards establishing quality production standards to reduce the risk of contamination.

Youth programmes were very important, and a user-friendly website would be an important part of reaching out to young people and teachers.

Finally, there was a programme being looked at, called the Cultural Education Sport and Ethics Programme, which was designed to get teachers, counsellors and students from around the world engaged in discussions on competing in sport in a healthy and doping-free environment.

DR SCHAMASCH said that, after having heard Ms White's speech earlier, he was wondering whether the education messages were perhaps too soft. Perhaps a more aggressive approach was necessary, including shock photographs to make people realise the consequences of doping in sport.

MR MOHAMMED said that the WADA List was disseminated in his country, along with pamphlets on doping control for athletes and support personnel and other publications. Education and information seminars had been organised during major competitions for athletes. He hoped that WADA would concentrate on education activities to ensure that athletes like Ms White did not get involved in doping.

MR CABORN referred to the '100% Me Programme' in the UK, as well as the future launch of the Global Drugs Information Database, which was a joint collaboration between UK Sport and the CCES and aimed to help athletes to check the status of prescribed medication. If any organisation wished for access to the database, he would be more than willing to make that available. The US, Irish and French Sports Ministers had also signed onto the database.

PROFESSOR LJUNGQVIST said that it was highly interesting that an athlete at the level of Ms White, in 2003, had been unaware of the dangers of taking steroids. What did that tell WADA? There had been huge amounts of information on the matter available for decades, but the problem was making the athletes aware of the material so that they could use it.

MR WADE agreed completely with the health problems and risks. There was a document that was going to be produced on that matter. He would be meeting the athletes over the next few days to obtain more input on the issue.

In terms of the comments made by Mr Mohammed, it was important that WADA ensure information for athletes. The Outreach Programme was designed to do that, but there were other ways and means of getting information out there.

As to the global database mentioned by Mr Caborn, WADA looked to encourage NADOs to take on some responsibilities for their members.

THE CHAIRMAN said that there was one element of the education that perhaps did not come through an education programme but would address one of the issues raised by Ms White, which was the responsibility of coaches. It was very interesting to note that the criminal prosecutions in the BALCO case had all been directed at the upstream parties, the coaches, suppliers, distributors and so forth, and none had thus far been directed at the athletes. He thought that that was a very powerful message, not delivered in the form of an educational programme, but a message nonetheless.

#### DECISION

Education update noted.

### **9.5 International Federations**

MR DIELEN referred the members to the activity report in their files and also gave a PowerPoint presentation on the issue of IFs.

In terms of further projects for that year, WADA would continue with the implementation of ADAMS and assist the IFs in that matter. It was clear that another symposium the following year would be necessary, with greater involvement of the NADOs, to make sure that the trust that had started to be created at the meeting in Lausanne would continue and that there would be a real future cooperation between the NADOs and the IFs.

MR RICCI BITTI believed that the future of the fight against doping lay with the NADOs and the IFs. He thanked Mr Dielen and encouraged him to continue along this track, because the continuity of contact between NADOs and IFs were key for future success.

MR BESSEBERG fully agreed with what had been said, and believed that WADA was on the right track, with excellent cooperation between the NADOs, the IFs and WADA.

The difference between in- and out-of-competition testing was a simple matter that should be defined by the parties. He proposed focusing less on the number of out-of-competition tests and, rather, giving priority to the amount of money that WADA was willing to put into its budget for out-of-competition testing to track certain athletes and areas of the world in which little testing was carried out. WADA should try to test the right persons at the right time, and this differed from sport to sport.

In his own IF, he was somewhat irritated that WADA out-of-competition tests took place in what he defined as in-competition periods.

He advised moving away from statistics and moving towards being more effective, tracking the right athletes at the right time in the world.

MR LARFAOUI added that this cooperation would enable better coordination in terms of testing. Some athletes complained that they were tested two or three times by different groups, and he quite agreed with the idea that had been put forward by MR Besseberg.

PROFESSOR DE ROSE said that there were more doping controls in-competition than out-of-competition testing, which showed that out-of-competition testing was not properly conducted. He thought that WADA needed to look at how it paid for out-of-

competition tests because, if it paid per test, the tendency of the agencies performing the tests would be to do them all together, which meant at times when athletes were all together, during competitions for example. The structure of the testing process should be examined.

MR DIELEN thought that the members' comments would probably be best answered during the out-of-competition testing update, to be presented by Mr Andersen.

## DECISION

International Federation update noted.

### **9.6 Standards and Harmonisation**

MR ANDERSEN referred the members to the report in their files.

With regard to results management, the clearing house was an important part of the monitoring of Code compliance.

#### – 9.6.1 Out-of-Competition Testing Update

MR ANDERSEN referred the members to the information contained in their files regarding the Out-of-Competition Testing Programme, and also gave a PowerPoint presentation on the item.

As stated previously, WADA would be increasing the number of out-of-competition tests to more than 3,000, due to increased funding. The aim would be to do as many tests as possible with the resources available, and would report to the Foundation Board in November. As also discussed, it might be necessary to re-determine who should be tested for EPO.

He assured Mr Besseberg that his comments would be taken into account and that WADA would not duplicate the tests carried out by the IFs.

Whereabouts information was crucial and would improve with ADAMS, but was still the biggest challenge that WADA had in terms of carrying out effective testing.

Quality control was performed on those carrying out tests on WADA's behalf, and this was an ongoing programme.

There was also a questionnaire that was to be sent to athletes to see whether they had any comments with regard to WADA's testing programme.

MR BESSEBERG congratulated Mr Andersen's department with regard to the work, which was improving on a yearly basis. There was excellent cooperation and coordination with WADA. He would be happy for WADA to attend events and test the same athletes that had previously been tested by his federation just to confirm that the tests that his federation were carrying out were correct.

WADA was on the right track, but he thought that those carrying out the tests for WADA should be made aware that numbers of tests were irrelevant; it was pinpointing the right time and the right place that was more important. He felt that, in his sport, it would have been more valuable if WADA had tested athletes six or seven days prior to the competition and not one day before.

DR SCHAMASCH congratulated Mr Andersen and his team on the fantastic atmosphere of collaboration that existed.

The Director General had mentioned a contract with IDTM, and he wanted to know how IDTM was involved in out-of-competition testing, since IDTM sometimes wanted to bring all of the tests together in order to save money. He knew that IDTM was a high-quality organisation, but wished to know a little more about the contract.

PROFESSOR LJUNGOVIST said that concern had been expressed about the decrease in out-of-competition tests over the past year. What WADA could do was very little in

comparison to what needed to be done. When WADA had been created in 1999, 12 IFs had been conducting out-of-competition testing. The current figure was 15, which meant that two thirds of IFs did not conduct out-of-competition testing. There was a major challenge for WADA to make sure that the number of IFs performing out-of-competition testing rose.

The cost of out-of-competition testing and the budget for that was of note. It had been mentioned that 170,000 analyses were conducted every year, some of which were duplicate tests, so probably 150,000 athletes were tested in total. That was a low figure in his view, but it was a fact. His own sport conducted some 15,000 alone. At least two thirds of the tests should be out-of-competition testing. Hopefully, 100,000 out-of-competition tests should be conducted and, with an average cost of US\$ 300 per test for a standard menu, this meant a cost of US\$ 30 million to have an out-of-competition testing programme in place and, should this include EPO testing, it would increase to US\$ 60 million. WADA had a total budget of US\$ 20 million, so it was something with which WADA would never be able to cope. It was up to the IFs to make sure that out-of-competition tests and programmes were in place for the international elite, and up to the NADOs to make sure that such programmes were in place for the national elite. Therefore, it made little difference if WADA increased its tests from 2,400 to 3,000. He fully agreed with Mr Besseberg: WADA should not look at the figures, but should conduct the right tests at the right time on the right athletes. Carrying out EPO tests would automatically mean that it would not be possible to increase the number of standard menu tests. This matter needed to be put into perspective. WADA needed to send a clear message to the IFs that it was their responsibility to conduct out-of-competition testing and put the necessary money in place. He knew that some IFs expected WADA to conduct out-of-competition testing for them, which was not part of WADA's philosophy or budget.

MR RICCI BITTI noted that, unfortunately, the majority of IFs expected that WADA would solve the problem of out-of-competition testing.

He believed that the nature of out-of-competition testing was difficult, with many barriers to be overcome.

MR ANDERSEN thanked Mr Besseberg for his positive and constructive criticism, which would be noted. WADA would try to plan its testing appropriately.

WADA was not bound by having its test agencies doing ball park tests. WADA was billed per test and was ordering specific tests that would cost money and, if WADA had to travel to find an athlete in a remote part of the country, then it would do so. This implied quality rather than quantity, but the number of tests would also be increased if possible.

He thanked Mr Schamasch for his kind words. WADA was already planning for testing prior to the Olympic Games in Turin.

WADA had a contract with IDTM, which was the same contract that WADA had with any NADO. This was a commercial contract, but WADA decided where the tests were to be conducted.

He agreed with Professor Ljungqvist that WADA's testing programme was only a drop in the ocean. It was supposed to be in addition to all the other programmes that were carried out. It was necessary to develop the capacity of IFs and NADOs to perform more tests.

THE CHAIRMAN said that, if one assumed that there were 35 IFs and that the contribution made by the sports movement (out of the one third coming from the IFs) was US\$ 3.5 million, that was US\$ 100,000 dollars per sport. For any IF to think that that was an adequate response to the doping problem was outrageous. If the IFs thought that WADA was going to take care of the out-of-competition testing for the amount of money that it received, then he thought that they needed to be disabused of that, and the IF representatives around the table would, he hoped, carry that message back to their sports.

## DECISION

Out-of-competition testing update noted.

### – 9.6.2 Anti-Doping Programme Development

MR KOEHLER referred the members to the reports in their files, and provided them with a brief PowerPoint overview of the activities that were currently being carried out.

A concept that was being developed and would be further discussed with ASOIF and other members of the Olympic Movement and the IFs was to set up an organisation owned by the IFs and controlled by the IFs, to be used for planning and coordinating tests, collecting whereabouts information, the review of TUEs and the management of results. He hoped for a further update on progress once WADA had spoken to the IFs about the matter.

MR CABORN asked what role the private sector played in funding WADA. Would it be possible to approach the major drugs companies? Was there a possibility of setting up a fund that would be supported by the private sector? It was becoming obvious in many countries that the private sector increasingly saw sport as a way of delivering corporate and social responsibility. The areas being discussed might be considered sympathetically by the major drugs companies. For example, Barclay's Bank in the UK had recently invested £ 30 million through the football foundation in his country to invest in grass-roots sport.

THE CHAIRMAN believed that there was considerable potential in the private sector. When the issue had first been raised, he had wanted to make it clear that private sector money would be incremental funding. What had been found was that the two stakeholder groups had said that, if WADA went out and raised money in the private sector, then the stakeholders would reduce their contributions. This was an issue that he thought needed to be reconsidered. There was good potential there.

## DECISION

Anti-doping programme development update noted.

## **9.7 Communications**

MS HUNTER referred the members to the activities of the Communications Department which were described in full in the report in their files.

MR BURNS complemented the Chairman and Director General on their excellent selection of Communications Director and congratulated Ms Hunter on her great work so far.

PROFESSOR LJUNGOVIST congratulated WADA on the magazine issue on gene doping. This was an extremely good example of a publication on a very complicated matter, which had been easily digestible. One of the fathers of gene doping had said at the end of his interview that, if athletes and people believed that there would be no means of detecting gene doping in the future, they would be quite surprised.

## DECISION

Communications update noted.

## **9.8 Regional Offices**

### – 9.8.1 Lausanne

MR DIELEN noted that most of the activities of the European Office had been covered under other agenda items. He referred the members to the report in their files which detailed the activities in full.

## DECISION

European Regional Office update noted.

### – 9.8.2 Tokyo

MR HAYASHI briefly updated the members on the activities of the office and referred them to the report in their files which detailed the activities carried out by the Asian Regional Office in full.

MR WATANABE said that one of the main issues in Asia was to expand governmental recognition of the importance of anti-doping activities, and the Asian Regional Office had been very helpful in increasing awareness.

## DECISION

Asian/Oceanian Regional Office update noted.

### – 9.8.3 Cape Town

MR SWIGELAAR informed the members that there was a detailed report in their files regarding the activities of the African Regional Office. Liaison with all of the stakeholders on the continent and the coordination of all of WADA's activities remained the key activities of the office.

MR MOHAMMED informed the members that there was a programme in Nigeria that had reached an advanced stage. The anti-doping laboratory was almost ready, and it was expected that, very soon, an application would be made for WADA accreditation. The laboratory, when fully operational, would serve Nigeria and other countries within the African sub-region.

PROFESSOR DE ROSE recalled that there were four Portuguese-speaking countries in Africa.

MR KALTSCHMITT said that he did not wish to criticise the offices in Africa, Asia and Europe, but he did not see any great advance in what WADA was doing. Participation in sports meetings was fine, but he noted that only ten countries in Asia had paid their dues so far and in Africa, 23 out of 54 countries had paid. He thought that some engineering was needed to see how WADA could help these offices to achieve what it wanted. He could not recommend what to do, but he thought that education was very useful. The people in charge should be looking more into how the regional offices could better support WADA's programmes.

THE CHAIRMAN said that this was an issue that was studied constantly, to try to see how much could be obtained in terms of value from the regional offices. The conclusion was that WADA had to be on the ground, that, at least in the early stages with governments, NADOs, NOCs and NFs, it was necessary to be there in order to raise the level of understanding and awareness of these problems. This was why an office would be established in Latin America. It was an ongoing issue and it was good that it was raised at the Foundation Board.

PROFESSOR DE ROSE thought that the office should be known as the South American Office, rather than the Latin American Office, because Latin America involved other countries.

THE CHAIRMAN said that the office would be in Montevideo, Uruguay.

PROFESSOR DE ROSE replied that it was not right to say that it was a Latin American Office, as it did not involve Central America, the Caribbean and Mexico.

THE CHAIRMAN took Professor de Rose's point.

MR OTHMAN SAID thought that the regional office in his region had done more of its fair share of the work involved in furthering the fight against doping.

## DECISION

African Regional Office update noted.

### **10. Other Business / Future Meetings**

#### **10.1 Kelli White**

THE CHAIRMAN informed the members that there was a special opportunity that day to listen to Kelli White, an athlete who had competed for the USA in the 100-metre and 200-metre events. She had tested positive at the 2003 World Championships in Paris for a prohibited stimulant, modafanil, and, as a result, had been stripped of her 100-metre and 200-metre world championship gold medals and had received a two-year sanction. She had subsequently admitted to the use of EPO and the previously undetectable so-called 'designer steroid', THG. She had requested an opportunity to visit Montreal and speak about it. He did not know whether there were any limitations on questions, but he was sure that she would be happy to answer some at least. He thanked Ms White for coming.

MS WHITE wished to start by saying thanks to the Chairman and the Foundation Board for inviting her to participate in the meeting. She welcomed the opportunity to assist all efforts to remove doping from sport.

She had started running when she was very young, at around ten years of age. That was the time when she had met her coach, Remi Korchemny. She had gone to college and had been a very decent athlete there, and had then decided to become a professional track and field athlete. She had returned home to train with Mr Korchemny, which was when she had been introduced to Mr Victor Conte, who, as everybody knew, was the President of BALCO. She had been approached by Mr Korchemny, who had told her to start by taking supplements to help performance, and she had not realised that that would include steroids at the time. She had been given a mix of vitamins and proteins, shakes that came along with what was now known as THG in December 2000. Two weeks after she had received the package, the laboratory had explained that what it had said was flax-seed oil was actually THG and that, if she did not take the supplements properly, she could test positive for steroids. She discontinued the use of the THG then, and held on to everything that she had been given from then on. In 2001, she had competed very well; in 2002 she had been hurt multiple times and had been unsure of her performance in 2003. Along with her coach, she had made a decision to revisit Mr Conte, which was when Mr Conte and she had sat down and made a plan on the supplements that she would take to help her become the fastest woman in the world. She had decided on a mix of THG and what was known as 'the cream', which was a masking agent for the THG. She had also chosen to do EPO and, along with a pre-race packet, which was a mix of different pills, there had also been a stimulant, which would be taken right before competition. She had begun the programme in March 2003, continuing it for about four months, until the World Championships, at which she had tested positive for modafanil.

As the BALCO story unfolded, she had then admitted to using the above-mentioned supplements for performance-enhancing, and had accepted a two-year sanction for that.

She wanted to talk about why she had decided to do what she had done. Not only was it because of pressure from her coach; she had looked at other athletes around her who were competing very well but had not competed very well in the past. There was a young lady called Michelle Collins, who she knew had been on the BALCO regimen. She knew this because Mr Conte had told her himself, and she had also been sanctioned for use of drugs and her involvement in the BALCO scandal. She believed that Mr Conte had made Michelle Collins the fastest woman in the world. This had placed pressure on her to be better, since she knew that, in previous times, it had been possible to beat Michelle Collins easily, and the feats that she was doing meant that, in order to be competitive with Michelle Collins, it would be necessary to make a change. Her coach had constantly



told her that it was necessary to take these drugs and that everybody around her was doing at and that she was practically the only one not doing this and was foolish for not doing so.

In 2003, she had had 17 drug tests, in and out-of-competition, and had passed every single one without any worry because, at the time, THG had been undetectable and MR Conte had been using THG for such a long time and she had never seen any athlete testing positive for it. EPO was being tested at that time only on athletes that ran the 400-metre event or longer distances. Since she was a sprinter, she had not been concerned about the EPO test. The stimulant had come into play during that season but, even then, she had passed the test with no problems whatsoever.

To start a true fight against doping in sport, she thought that it was necessary to have other methods of detection. Speaking to different athletes who had run into the same issues as she had and were willing to aid WADA and USADA, she had noted that more information could be given on how the system worked. At lot went on to make this system work properly.

It was also necessary to have a re-evaluation of the coaches and their roles and responsibilities for keeping drugs out of sport. Many of athletes did not know how to start such a programme, and she thought that a lot of coaches approached their athletes to do such things. There were also many coaches that were well-known for doing such things. There were many rumours and speculation, and it was possible to know what certain athletes were doing.

She would love to return to track and field and was deeply remorseful about what she had done. She did take responsibility for her role in it. Nevertheless, she appeared to be running into small obstacles from NGBs in her sport that tried to discourage her return to the sport. She hoped that this was not the case as she thought that she could be a valuable asset to the fight and prove to the world that winning could be done without doping.

THE CHAIRMAN noted that the members had a unique opportunity to take advantage of Ms White's presence to ask her questions.

MR YOUNG thanked Ms White for coming to the meeting. He thought it important that the group know the role that she had played in the BALCO story. USADA had been able to get the BALCO documents (9,000 pages) through a subpoena through the US Senate by unanimous vote but these huge boxes of documents did not really tell the whole story. Cases had been brought against a number of athletes before the Olympic Games in Athens, and there had been universal denials all around. Ms White had been the first athlete to come forward and admit to taking banned substances, causing other athletes to step forward and admit to what they had done. She had testified in the Michelle Collins trial and would testify in two others that summer, so it was a major contribution on her part to the fight against doping and it was not easy, as it was not a popular thing for an athlete to do.

One of the other pieces of information that he had personally found compelling was what had happened to Ms White physically and the health effects.

MS WHITE replied that she had experienced a menstrual cycle every other week for about six weeks; she had suffered from acne across her chest, shoulders and face; her voice had changed and become more raspy, to the point where it had seemed that she was struggling to talk; and had suffered high blood pressure.

PROFESSOR LJUNGQVIST thanked Ms White for coming forward. He was the Chairman of the IAAF Anti-Doping Commission, and had been the one to find her positive with modafanil in Paris. With regard to the explanation she had given for having taken the substance in Paris, had it been true? She had referred to a medical disorder. Was the fact that she had claimed to have a medical disorder true or not?

How had she felt after winning the two events in Paris knowing what she had done? Had she been happy or had she had any other kind of feeling?

MS WHITE said that the modafanil story had been concocted by Mr Conte. She had contacted the doctor with whom Mr Conte had worked, Dr Goldman, who had written that she had seen him for narcolepsy which, of course, was not true. She had not known what modafanil was used for at the time.

As to Professor Ljungqvist's second question, after the 100-metre win, she had been happy. After the 200-metre win, beating her opponents by such a great distance, she had known that what she had done was not fair to the other women, regardless of what she had believed that they were or were not doing. She did walk off the track feeling pretty bad, and acknowledged that it was been a very terrible thing to do.

PROFESSOR LJUNGOVIST thanked Ms White for her very open and honest replies to his questions. Ms White had said that she had passed tests and had then tested positive in Paris. What had her reaction been upon testing positive?

MS WHITE said that, going into the 100-metre final, she had been on the warm-up track and had been wondering whether or not to take modafanil in Paris, since she knew that it was on the test list but had not been sure who was going to be doing the testing. She had been told that the IAAF would be doing the testing and that she was not on the IAAF list, and her coach had told her that he was 110% sure that it would be alright to take the substance. Mr Conte had guaranteed the same thing. She had trusted their advice and taken the substance. She had not needed to take it, but had felt that she needed the extra guarantee of a win. She had made a very bad decision.

MR FARLEY noted that Ms White had mentioned that there were three things to focus on in order to tackle the issue of doping in sport: better testing, focusing on the coaches, and the issue of the culture of sport. Ms White had experienced that modern sporting culture. What aspects of it would she identify in order to remove the pervasive view that everybody needed a little boost to make it in the highest level of sport?

MS WHITE responded that a lot of people had different reasons for doing this. She thought that money was the main drive. In track and field, not all athletes were evenly paid, if they were paid at all, so it was hard to make a living in that sport. Money drove a lot of people to be at the highest level.

As to punishments, she thought that two years was a good punishment, but it was really harsh when it came to a person's career and then the come-back. It was making an example of people. She knew of positive cases that past year in which the story had not come out. It was necessary to make an example of all of the people who were caught, as this would probably deter more people.

MR KRECKÉ very much appreciated the way in which Ms White had answered the questions. She said that she wanted to return to competition. Did she honestly think that she had a chance, knowing what was going on in her sport? What about motivation, knowing that there were barriers that she would never again cross?

MS WHITE replied that, in 2001 and 2002, she had been in the top ten athletes in the world in both of her events without all of the substances that she had subsequently taken. The drive to do what she had done had come mostly from people around her, whose goals for her had been bigger than she had wanted for herself. Her return to track and field would be to be competitive, not to be at the highest level. She knew of athletes who had world championship and Olympic teams without taking drugs. She had the drive and the motivation to do so just to prove that it was possible to win without performance-enhancing drugs.

MR CRAVEN noted that Ms White had been attracted or enticed to take drugs because of the people around her taking substances, and had followed the pack. How many natural cheats were there in her sport who were purely attracted by money? Was the vast majority of athletes like Ms White, following the pack, knowing that they had on

chance unless they did what everybody else was doing? What percentage of athletes would cheat at all costs because they were naturally like that? He did not believe that athletes were natural cheats; he believed that they would like the sport to be clean.

MS WHITE thought that people were born with natural integrity and were taught that. She did not think that people woke up and said that they were going to cheat. The problem was dealing with the environment. There were many factors involved, for example, once she had started running better, she had noticed things such as more money, better hotel rooms, better lanes, better airport transport, etc. Things like that did make a difference and were the motivators that pushed people to do what she had done. Winning athletes were treated much better than those who lost. It came down to small things, for example, the fact that the winning athletes were given a lift from the warm-up track to the main stadium and the other athletes were made to walk was not fair.

MR CRAVEN said that, in that environment, it seemed that there were advantages and that it was necessary to follow the pack.

MS WHITE believed that this was the case. She also thought that there were people doing things under steroids. There was a lot of stimulant use going on. The levels were really different, depending on what an athlete was trying to achieve. It also came down to the different events in sport, and there was a lot of pressure to be the fastest person in the world because the 100-metres event was a very glamorous race.

MR STOFILÉ appreciated Ms White's submission. He did not have any questions for her, but wished to note several points related to her submission. What she was saying was a confirmation of a hunch that had been expressed in Athens the previous August, which was that, by simply sanctioning athletes, WADA was just skimming the water. The real culprits were the coaches and the managers. Ms White said that she had been introduced to substances by her coach. Many youngsters got involved in the doping trap through ignorance.

Ms White had pointed out that the tests performed for the detection of substances should continue to improve. If the tests failed to detect certain substances, and the cheats knew this, it would only encourage the cheats. He knew of many people in society who got into serious trouble, as they lost out to cheats.

The intensification of education and advocacy was a must. He had reminded members the previous day of the role that they had played, as governments and IFs, in colluding with these activities. The problem had been around for decades and many decision-makers had been aware of it and had allowed it to happen. It was necessary to sharpen the detection mechanisms and not confine themselves solely to the athletes.

MS ELWANI was really happy to have Ms White at the meeting. As an athlete representative, she always welcomed admissions of mistakes. Ms White was very welcome among the athlete representatives if she was trying to help.

She thought that the trust between athletes and their coaches was a very important link in order to succeed in sport. What did Ms White think about her coach and the ethics that he had taught her? Did she have any advice to give to young athletes who were perhaps not in the top ten in the world and looked up to the top ten? Did she think that every athlete in the top ten took drugs? Or that athletes could reach the top ten only by taking drugs? What could be done about the coaches and how could the message be got through to them that they would be punished as well as the athletes?

MS WHITE replied that she and her coach were no longer talking. She had not been surprised when he had approached her about taking drugs; it had been rumoured that that was the kind of coach he was, but she also knew that he was a good coach. She had been rather hurt at first, because it had been implied that she was not talented enough and needed help. After a great deal of pressure and arguments, she had given in, and the proposal really had worked. She no longer talked to her coach because he continued to deny his involvement in the whole thing, which was disappointing, as he

continued to coach other athletes and she did not believe that he was very good for sport. Her coach had believed in winning by any means necessary, and she did not believe in that at all.

With regard to the question about lower-tier athletes, many athletes now talked openly to her about doping and many had said that they would have done what she had done if they had known how to get access to the substances. She had even had people asking where to get hold of the substances. She tried to discourage these athletes as she was aware of the price she was paying for her mistake.

The war on doping could be successful, but there was another thing, which came down to the fairness of drug testing. She believed that the USA had an effective system. Other countries' programmes were not so sophisticated and she thought that people tipped people off about the arrival of unannounced testers. It was necessary to look at the numbers in the different countries and who was tested. It was not right that lower-tier athletes were tested constantly, as she did not believe this to be a good representation of the athletes using drugs. The figures only looked good on paper.

As to the coaches, she had an issue with them. Mr Korchemny was supposed to be a coach on the 2004 world indoor team and had been removed from this position. However, there was now a coach of a world championship team and had had every person on his team test positive for something at some point. That was not at all right; what was that teaching the athletes?

DR RABIN said that Ms White had commented that she had had a list of substances from which she had been asked to choose substances. This was interesting, as it showed that there was somebody who had been in a position to establish a list based on WADA's rules and who had tried to bypass them. Did Ms White have any information on where this list had come from or how it had been brought to her attention? Had she been given any advice regarding the substances listed? He was very surprised that nobody had told her about the risks associated to the kind of drugs on the list, in particular drugs that had never been tested properly for human use.

MS WHITE responded that, once the whole ordeal had ended and she had read up about the effects of steroid use, she had been very shocked and surprised, but had never been warned about the dangers. She had always been told that her nothing would ever be done that would harm her. She had known her coach for 13 years. The only thing about which she had been warned was the use of EPO and how dangerous that could be. She had been warned to drink a lot of water, and that was about all. Such systems were extremely sophisticated, in her case involving her coach, a pharmacologist, the person who claimed to have written the prescription for modafanil, who was a doctor, and many people involved to make these kinds of organisation work. A lot of research was done and a lot of testing on athletes to see what worked and what did not work. She had been given a slew of stimulants to try. With regard to the THG dosage, all of this had been experimental, which was rather scary when she looked back.

THE CHAIRMAN thanked Ms White for coming. He appreciated her candour and thanked her for providing a glimpse of the real world. He hoped that she would be able to fight her way back and be successful, and would provide a good lesson to others as to what could be done the right way.

## **10.2 Conclusion and Future Meetings**

THE CHAIRMAN noted that the meeting had been excellent and a great deal of material had been covered. Members of the Foundation Board were thanked for their preparation and attendance. WADA was coming of age and the issue of doping in sport was now a matter of great public interest, in large measure as a result of the work of the stakeholders in bringing those issues forward. The Director General and the management team had prepared excellent materials for the meeting which had made the work of the members easier.

DECISION

Executive Committee meeting on 20 September 2005; Executive Committee meeting on 20 November 2005; Foundation Board meeting on 21 November 2005.

The meeting adjourned at 16.30 p.m.

FOR APPROVAL

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