



**Minutes of the WADA Foundation Board Meeting  
21 November 2005  
Montreal, Canada**

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The meeting began at 8.30 a.m.

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

THE CHAIRMAN welcomed everybody to the final meeting of the Foundation Board for 2005. He was delighted to have everybody present in Montreal, and sorry that he had been unable to arrange for some snow for them. In keeping with WADA's corporate policy of transparency, this was an open meeting; not only observers were present, but also journalists. This did not mean that members could not say what they thought, but simply that there would be others listening besides the Foundation Board members.

He would circulate the roll call for those who were members or attending formally, and those observers who wished to be noted as having participated were welcome to sign as well.

The following members attended the meeting: Mr Pound, President and Chairman of WADA; Mr Mikkelsen, Minister of Culture and Sport, Denmark, and Vice-Chairman of WADA; Ms Datuk Azalina Othman Said, Minister for Youth and Sports, Malaysia; Dr Tamás Aján, President of the International Weightlifting Federation and IOC Member; Mr Reginald Farley, Minister of Education, Youth Affairs and Sports, Barbados; Mr Karlheinz Demel, President of the Austrian Anti-Doping Committee, representing Mr Schweitzer, State Secretary for Sport, Austria; Mr Jari Kurri, Member of the IOC and IOC Athletes' Commission; Mr George Walker, representing the Secretary General of the Council of Europe; Mr Rich Young, representing the Association of National Olympic Committees; Ms Taeyong Jung, representing the Ministry of Culture and Tourism, Republic of Korea; Mr Kaltschmitt, representing the IOC; Ms Sue Neill, representing Mr Owen, Minister of State (Sport), Canada, and Chairman of the Ethics and Education Committee; Professor Ljungqvist, IOC Member and Chairman of the WADA Health, Medical and Research Committee; Ms Elwani, Member of the IOC Athletes' Commission; Ms Charmaine Crooks, Member of the IOC and IOC Athletes' Commission; Col. Saidu Sambawa, Minister of Sports and Social Development, Nigeria; Mr Kangcheng Shi, representing Mr Duan Shijie, Vice Minister, State Sport General Administration, China; Professor Eduardo Henrique de Rose, representing the Association of National Olympic Committees; Mr Agnelo Queiroz, President of CONSUDE and Minister of Sport, Brazil; Mr José Pascual, representing the International Paralympic Committee; Mr Richard Caborn, Minister for Sport and Tourism, UK, also holding the office of Presidency of the Council of Europe; Professor David Gerrard, Chairman of the New Zealand Sports Drug Agency, representing the Hon. Trevor Mallard, Minister for Sports, New Zealand; Mr Ali Rezgui, representing the Minister of Youth and Sports, Algeria; Mr Nishisaka, Deputy Director General of the Competitive Sports and Youth Bureau, representing Mr Hase, Senior Vice Minister of Education, Culture, Sports, Science and Technology, Japan; Mr Fetisov, Chairman of the State Committee of the Russian Federation for Physical Culture and Sport, representing the Council of Europe; Mr Robert Fasulo, Director of ASOIF, representing Mr Francesco Ricci Bitti, President of the ITF; Mr Gottlieb, representing Mr Scott Burns, White House Office of National Drug Control Policy; Mr Reddie, 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; Mr Larfaoui, IOC Member and President of FINA; Mr Hayashi, Asia/Oceania Regional Office Director; Mr Swigelaar, Africa Regional Office Director; Mr Howman, WADA Director General; Mr Andersen, Standards and Harmonisation Director, WADA; Mr Jean-Pierre Moser, who had been appointed Director of the WADA Regional Office in Lausanne and would commence employment in February 2006; Mr Diego Torres Villegas, who had been appointed Director of the WADA Regional Office in Montevideo; Ms Hunter, Communications Director, WADA; Dr Garnier, WADA Medical Director, Lausanne Regional Office; Dr Rabin, Science Director, WADA; and Mr Niggli, Finance and Legal Director, WADA.

The following observers signed the roll call: Peter Schonning, Torben Hoffeldt, C. de Kepper, Ichiro Kono, Alastair Mullin, Nikolay Durmanov, Kwanele Mashiyi, Pumla Nene, Patrick Schamasch, Valéry Genniges, Dmitry Tugarin, Damien Ressiot, Christophe Beaudufe, Fook Wong, Roger Webb, Akinwumni Amao, Amy Ward, Paul Marriott-Lloyd, Matthew Reader, Ludmila Čermáková, Shin Asakawa, Tadashi Arai, Yasuhiro Yonehara, Manuel Fonseca, Javier Odriozola, John Scout, Olufemi George, Luiz Garcia, Yuan Hong, Stanislas Frossard, Adrian Lorde, Neil Murrell, Joe Van Ryn, Joseph de Pencier, Tenille Hoogland, Jacob Schouenborg, Ramlan Abdul Aziz, David Chiam, Jean-Sébastien Fabry, Yong Seung Kim and Brian Blake.

## **2. Minutes of the Foundation Board meeting on 16 May 2005 in Montreal**

THE CHAIRMAN asked whether the members had any comments regarding the minutes of the Foundation Board meeting on 16 May 2005 in Montreal. Unless any comments or corrections were made by noon that day, he would assume that the minutes had been considered approved as circulated.

### DECISION

Minutes of the meeting of the Foundation Board on 16 May 2005 approved and duly signed.

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

### **3.1 Executive Committee Meeting Update**

THE DIRECTOR GENERAL informed the members that there were several agenda items covered in his written report, and he would not go into any detail in respect of those; briefly, he commended governments for completing the tasks they had said that they would undertake to do in Copenhagen in 2003, to introduce an international treaty to adopt the Code. This had been completed in October, and a full report would be given later in the day.

One item he knew that everybody was interested in was FIFA. WADA, under the direction of the Executive Committee from the September meeting, had lodged an application for an advisory opinion from the CAS in Lausanne. The previous Tuesday, he had learned from a presentation made by a FIFA lawyer at the Council of Europe that FIFA had also lodged an application for an advisory opinion from the CAS. Following the normal protocol adopted by WADA throughout its existence, transparency and full disclosure, WADA had sent a copy of its papers to FIFA; WADA had written to FIFA requesting a copy of its papers, and members had in front of them the correspondence that had emanated. FIFA had written back denying WADA its documents. Members would find in their files a copy of a letter from WADA's President to the FIFA President with appropriate sentiments expressed in relation to that position. WADA was in the hands of the CAS; it respected the CAS and trusted that it would deal with these matters in the best possible and most appropriate fashion. Of course, it was a matter for the CAS and not for WADA.

Regarding the Winter Olympic Games in Turin, he made it quite clear that WADA had never made any request of the Italian Government to reduce, soften or waive the national laws during the Olympic Games period. WADA had no position in relation to the way in which the Olympic Games were conducted, apart from ensuring that the doping control programme was Code-compliant. An Independent Observer team would attend the Olympic Games to observe the conduct of the doping control programme, and report on it in a public document as to the programme being conducted pursuant to the rules. WADA had already seen the rules, which were Code-compliant, and it was now a question of observing and reporting on the implementation during the period of the Olympic Games.

He wished to speak regarding an article that had appeared in *L'équipe* in late August. This had received a lot of media attention and, as a result of WADA's concern in relation to the investigation, WADA had embarked on an inquiry. WADA had inquired of those that it felt were involved; some had responded to the questions, and others had responded with a refusal to respond to the questions. WADA had all the material that it thought appropriate to prepare a report; it had engaged local counsel to guide it appropriately and, when the report was completed, it would be published in the normal way.

Regarding the professional leagues, those following matters in the USA over past months would have noted that several pieces of legislation had been raised by various congressmen and senators to deal with doping in professional leagues. The professional leagues were privately owned and run by the owners with input from the very strong players' associations. The previous week, the baseball owners had reached an agreement with the players that the doping control programme would alter; they had increased the list of banned substances to include amphetamines, they had not adopted the WADA Prohibited List, and they had imposed a series of sanctions: 50 games for a first offence (in a season, there were 162 games, followed by the post-season play-offs), 100 games for a second offence (amounting to between 5 and 6 months) and a life ban for a third offence, which could be commuted to a two-year period if players appealed successfully. There had been an advance in the attitude of those responsible for baseball in the major leagues in the USA, but this had not led to Code-compliance. WADA would continue to voice appropriate comments from time to time and meet with the appropriate people to try to advance it even further. The IBAF was, of course, Code-compliant, and those baseball players wishing to participate in international tournaments, including the Olympic Games (if baseball were to be re-included as an Olympic sport) were subject to testing under the WADA Code, which would mean that baseball players training off-season in countries that were Code-compliant would be subject to testing under the WADA regime.

To retain some concentration on the USA, WADA had been informed that the USA would meet the WADA dues in 2005 with a double payment, meaning that the USA came into line with the WADA process with a significant payment of approximately US\$ 3 million; this would mean that, from then on, USA payments would be made before the end of the previous year. This was a significant advance, and WADA was very pleased with the work that had been done by Mr Burns and his team to ensure that this was the case.

The Legal Director and he would attend the symposium run by the CAS in January, and he wished to take the opportunity to raise a couple of matters about which WADA was concerned regarding the way in which decisions were reached. Significantly, WADA was still concerned that there were some arbitrators who were, on one day, judges and, on another day, lawyers pleading the cases before judges. There were other significant issues in relation to the list of prospective arbitrators that concerned WADA, because WADA had the utmost respect for the CAS and did not wish to see any perceived conflicts or bias. The present rulings from the CAS were assisting WADA to build up a strong precedence base. The majority of the cases that WADA had either pleaded itself or supported before the CAS had returned decisions that were significant in support of the

Code, but there had been one or two that indicated that some slight changes needed to be made to the way in which WADA operated, and WADA would do that.

There were other matters in his written report, about which he would be happy to answer questions.

THE CHAIRMAN said that, with regard to the FIFA matter, the previous May, immediately before the Foundation Board meeting, the Executive Committee had concluded that FIFA was not Code-compliant. WADA had reported that to the Foundation Board, and the decision had been well supported, but WADA had said that it knew that FIFA would be having a congress in September and that FIFA had indicated that changes would be made to its rules with a view to making sure that it was compliant with the World Anti-Doping Code. Some adjustments had been made to the rules prior to and at the congress, at the end of which FIFA had said to WADA that it thought it had changed its rules to the point where they FIFA was compliant with the World Anti-Doping Code. FIFA had supplied WADA with a copy of those rules. WADA had looked at them at the Executive Committee meeting and had not thought that FIFA was Code-compliant but, rather than get into a fight, WADA had thought that the easiest thing to do would be to take it out of a potentially confrontational situation and seek an advisory opinion from the CAS. WADA had not changed its earlier decision that FIFA was not Code-compliant, but had said that it would suspend the effect of that decision until it could consider the advice from the CAS. The determination previously made by WADA that FIFA was not Code-compliant still stood. WADA was trying to make sure that it did the right thing because, if it maintained its decision that FIFA was not Code-compliant, there were many important consequences that flowed from that, not only in relation to the Olympic Games, but in relation to events such as the World Cup, actions that governments would be required to consider in dealing with a sport that was not Code-compliant (funding, the use of public facilities, etc.). It was a potentially serious situation in a sport widely recognised as the most popular or important sport in the world. WADA had been dealing with FIFA in the most transparent manner possible, explaining its concerns and that it thought that the fairest solution would be to apply to the CAS for an advisory opinion, in which process WADA hoped that FIFA would participate. WADA had made sure that FIFA had a copy of its submission to the CAS, and so it had been a matter of great surprise and considerable disappointment to find that, without advising WADA of its action, FIFA had applied to the CAS for some kind of ruling and had refused to disclose the terms of the request to it. This was an unfortunate course of conduct and WADA had expressed its disappointment. WADA's request was before the CAS and WADA was urging that the matter be considered as quickly as possible and by a panel with no connection whatsoever with football, so that it would be an entirely independent consideration of the questions.

Regarding the baseball items and professional sport generally, as the Director General had said, the proposal by Major League Baseball (which was the one that had attracted the most publicity) to suspend a player for less than a third of a season for a doping offence was far short of anything that reflected the international consensus existing around the WADA table, and this was a breach of rules that had been agreed upon amongst the players and the leagues. It was, in WADA's view, grossly insufficient. WADA would continue trying to urge a more responsible approach by the professional sport leagues and would encourage any governments prepared to act in respect of that kind of conduct to do so and use any influence to ensure that adequate sanctions and educational components were part of that programme.

MR WALKER said that, at the previous meeting, there had been a paper giving a very clear exposition of the differences between FIFA regulations and the World Anti-Doping Code, and these had covered such subjects as TUE procedures, disciplinary procedures, sanctions, appeals to the CAS, etc. Was he right in thinking, as the FIFA representative at the Council of Europe meeting had said earlier on that week, that it was now only in the field of sanctions that there remained a difference between FIFA rules and World Anti-Doping Code?

MR CABORN said that he had some disquiet about the reply received from FIFA on 18 November, and he thought that it ought to go on record that the Foundation Board supported WADA's actions to date, and it should be made clear to FIFA that WADA had some serious concerns. At the meeting of the European Union Ministers for Sport in Liverpool some weeks ago, support for WADA had been absolute in trying to resolve the issue on the basis just outlined by Mr Walker and, indeed, the ministers had believed that WADA was proceeding in that area and there was some concern about it. He understood that the national football associations could accept the Code as it stood and operate country to country and, to date, his own football association, which had been approached by UK Sport, had not objected to that. The consequences could be considerable for countries if they were not compliant, so there could well be concerns around that. His view was that the Council of European Ministers supported what was being done by WADA and wanted to make sure that FIFA understood that and, if necessary, those organisations at the national level could well take unilateral action away from FIFA to make sure that they were Code-compliant and therefore ensure that they would not be penalised by the withdrawal of public funds.

THE CHAIRMAN thought that there were more questions outstanding than simply the sanctions. The submission was a significant approach, with all of the documents and concerns, and a comparison of the FIFA and World Anti-Doping Code rules. Basically, WADA wanted the CAS to look at the World Anti-Doping Code and the FIFA rules and decide whether or not they were the same. The issues concerned the TUEs, the right of WADA to appeal against FIFA decisions, sanctions, the results management process, and other issues. The issue raised by Mr Caborn was interesting, but he did not know enough about the FIFA rules to know whether, under FIFA rules, the national federations could have different doping rules.

THE DIRECTOR GENERAL said that, in addition to the matters raised by the Chairman, there was a challenge by FIFA, which had said that the Code was not compliant with Swiss law. WADA had a significant opinion that it had obtained from a prominent Swiss jurist (a former Swiss federal court judge of high integrity) that indicated that that was not the case. That opinion would be made public in due course, but WADA did not wish to do that before the CAS had had an opportunity to consider all of the documentation.

The second matter, related to the professional leagues, was that there had been two significant advances in other professional leagues. The WTA had accepted the Code, and the ITF would work with the WTA to see if it would agree in the same way as the ATP to allow the ITF to conduct the doping control programme. In October, the ATP had signed an agreement with the ITF for the ITF to take over the programme of ATP tour events. That was a significant advance from the position earlier in the year.

The Australian Football League, similar to the National Football League in the USA, had agreed to be totally Code-compliant. This was an example of a private league in a country that had been one of the leaders in the fight against doping in sport agreeing to be Code-compliant. He hoped that that would send out an appropriate message.

## DECISION

Report by the Director General noted.

### **4. Legal**

#### **4.1 Legal Update**

MR NIGGLI said that, given the public nature of the Foundation Board, he would not comment widely on pending cases; however, regarding the Lagatt case, there had been a hearing on 2 November, and members might have read in the press a number of comments from the lawyer claiming that Lagatt had won the case. He wished to assure those present that the truth was quite different. WADA had made a transaction at the hearing, which the athlete had until 1 December to accept, so the case was not yet closed. WADA hoped that the athlete would stick to this agreement, which was fully in

accordance with what WADA would have expected and certainly did not involve money transferred to the athlete or any question about the reliability of the EPO test.

Regarding the Calle Williams case, this had been very disappointing to WADA and the IOC and, while WADA probably did not understand the reasoning behind it, WADA had to accept it. The consequences were two-fold: one would be addressed by the List Committee and related to the open list of stimulants, and WADA would have to work out a way of naming more examples of substances, because those substances on the List were not subject to challenges, as opposed to those substances that fell under the "related category". That was something that would be addressed for the 2007 List. The other issue was that, when a question was asked about whether or not a substance was a related substance, the List Committee would be consulted and would have a certain deadline to provide an answer, which would be put forward to the one asking the question. This should satisfy the other comments that had been made by the CAS relating to this decision.

In the members' folders, there were a number of contracts that were related to ADAMS; these were all of the legal documents put into place in relation with ADAMS after consultation with lawyers in Canada and Switzerland in relation to data protection. The documents were available on the website for any stakeholders wishing to use them for their direct relations with athletes. The first attachment was what would appear on the website when the athletes logged onto the ADAMS system. If anybody had any concerns regarding data protection or the contracts, he would be happy to receive the comments in written form in order to address them with the lawyers and see if any modifications were required.

MR PASCUAL said that, with regard to case number one, the fact was that the IPC had a results management procedure in which it had a double process and always went through an expert hearing with the A result but, in the case as stated in the document, the anti-doping rule violation had been decided as committed and then, in the internal appeal process, the B analysis had not been requested in that case; in fact, after the moment that the results management procedure had been used, there had been a reduced number of B analyses in more than 60% of cases, where the results of the A analysis had been automatically accepted. In any case, the appeal went through the IPC Legal Committee in an attempt to have a legal opinion that resembled what the CAS would rule. Because of the legal issue mentioned, the appeal in question had been upheld and the final decision had been that no anti-doping rule violation had been committed or that there had been a deviation from the procedure. The IPC was happy with WADA's appeal and the CAS result would have to be accepted.

Regarding the final IPC case, it had come to the IPC's attention that a lot of expertise was required from the TUE Committee, in terms of doctors with experience in medicine, but then it had been found that their hands were somewhat tied when the panel received information from the physician of the athlete requesting permission to use a determined substance. Particularly in the IPC world, where some athletes had a chronic disease and required chronic medication, there was the feeling that the International Standard for TUEs needed revision in terms of considering some occasions on which an athlete had a chronic problem. Doctors on the TUE Committee had thought, on some occasions, that a therapeutic alternative was not competing. Because of this issue, and because of the issue of considering the granting of TUEs in and out of competition and being able to admit the use of a substance out of competition but not in competition, the IPC thought that it would be convenient to review the International Standard for TUEs.

THE CHAIRMAN thought that it was important, in the light of Mr Niggli's report, to look at the progress and the evolution of the fight against doping in sport. Progress over the past six years had been quite remarkable, and the first big step had been the decision to create WADA; the next big step forward had been the development of the World Anti-Doping Code, so that same rules would apply to all sports, all athletes, in all countries; a further step had been the actions by the government stakeholders to negotiate and adopt the International Convention against Doping in Sport; the fourth

major development for the fight had been WADA's ability to allocate significant amounts of research funding in a targeted manner that had not been available before except on an ad hoc basis and on a basis of very uncertain funding, so WADA was much better prepared to deal with a lot of cases. The next step was that people would be testing the system to see whether there were weaknesses in it, and it would take the form of legal challenges. In some of the sports, a lot of money was being devoted to probing for these weaknesses and taking appeals that might or might not have any merit, but were nevertheless time-consuming and expensive, so the challenges would be on the tests, whether they had been properly performed, whether they were scientifically reliable, whether the laboratories had used the proper procedures and maintained the standards in terms of analysis, the chain of custody, etc. Challenges were being brought on the basis of proportionality: were the sanctions out of proportion to the seriousness of the offence? In all of those probings, WADA learned something. Mr Niggli had mentioned the case with respect to stimulants, and whether something was a similar or related substance. WADA had learned that the CAS arbitrators would not challenge a specific substance that was mentioned but, if WADA claimed that the substance was related or similar, then there was an onus on WADA to demonstrate such relationship or similarity. WADA had been disappointed with the specific outcome of the first application of that principle, and had learned how best to prepare for a hearing where that kind of challenge was being made. In the process of all of this testing, that became adversarial; there was somebody challenging, and it was important for all those involved in the fight not to get diverted by statements made in the media by representatives or agents of a party fighting against all of this. Part of their plan was to exaggerate and make claims in the media and in public that very often had no legal or factual basis. He advised members not to panic when reading about these issues in the paper. Underneath the water, there was quite a lot of work going on to make sure that WADA did not get led off the track. That was going to be the next phase; he would say that WADA would probably face several years of this until there was a body of jurisprudence built up, after which no responsible lawyer would take a case that was certain to be lost. In the meantime, WADA had to stay calm and focused on making sure that it did the right things. WADA had to be very active in monitoring the results management process in particular and, if it saw that the Code was not properly applied, WADA had to take cases itself to the CAS to make sure that the right decision was reached in each case. That was one of the reasons for which WADA had increased the amount of money it was likely to spend in prosecuting or defending cases.

MR WALKER said that his remark had to do with the ADAMS system. He congratulated Mr Niggli on his report and the documentation submitted regarding ADAMS. He had intervened on several occasions in the past to draw attention to questions of personal data and privacy, and he congratulated WADA management on the zeal with which it had done this. He thought that the documentation present was witness to that. However, one more step had to be taken from the point of view of anti-doping organisations and the point of view of athletes. He thought that it would be extremely helpful if WADA could issue a policy statement or position paper on its attitude to these questions, because quite a lot of the form was to do with the obligations of the athletes. There was material that could be used as the basis for such paper on the protection of personal data, and he was thinking in particular of paragraph ten of the agreement on the sharing of information. He did not think that this was a huge job, but it was more the nature of the document as a public document rather than as a legal one. Lastly, in this context, most databases of this kind would have a specific period for the destruction of the data contained within. He noticed that, in the athlete consent form and the agreement on the sharing of information, it was mentioned that the data would be stored for a minimum of eight years, which was perfectly in conformity with the provisions of the Code; however, it did not address the question of when the data would be destroyed, and he thought that this question needed to be addressed.

MR NIGGLI said that there was a minimum of eight years because there could be a pending case, making it necessary to keep data for a longer period until the case was

closed. The data would be destroyed after eight years if there were no pending matters in relation to the data concerned.

As far as the issue of a statement was concerned, this could be done based on the legal opinion received, so a simple paper could be produced to explain the rationale behind the contracts. WADA was satisfied that the contracts met the legal requirements, which was the important issue but, if there was a feeling that more information should be provided as to how WADA had reached the contracts, there should not be a problem.

THE CHAIRMAN noted that, in certain types of doping, a longitudinal study was important. He thought that the idea of having a policy out there for people to see was a good idea and WADA would incorporate whatever features should be in it.

#### DECISIONS

1. Legal update noted.
2. Proposal to draw up a policy statement in relation to athlete privacy/ADAMS approved.

#### **4.2 Constitutional Amendments – Foundation Board Membership**

THE DIRECTOR GENERAL said that this was an item that had been put on the agenda at the request of Mr Caborn and his team from the European Ministers Group to discover the mood of the meeting before going into a drafting exercise. The issue had been raised at the meeting of the Executive Committee the previous day, and the Executive Committee had recommended that WADA prepare, with the assistance of Mr Caborn and his team, a more elaborate discussion paper so that any modification in the membership could be fully considered by the Executive Committee before making a final recommendation to the Foundation Board. The Executive Committee had recommended deferring the matter to the May meetings for more detailed papers and discussion. This did not prevent a discussion from occurring during the Foundation Board meeting, and WADA would obviously benefit and welcome any comments that might be of some guidance. Every member would understand that there could not be any change to the constitution without a two-thirds majority; therefore, it was a significant step to take and one that needed careful consideration. The issue was put on the table for such discussion; the management would welcome any further comments but would act as the Executive Committee had suggested, preparing better papers for the meeting in May.

MR CABORN expressed some concern about the Executive Committee decision; in fact, it had come as a surprise, because he had believed that, in 1999, there had been a gentlemen's agreement that there would be rotation between governments and sports bodies in terms of the presidency of WADA, and that it had been agreed by the government representatives that the sports representative continue to be the president of WADA, since it was important to keep stability in the organisation. There had been discussions to find out how to continue to get government representations into the presidency of WADA and, as he had understood it, whoever took over the vice-presidency in 2006 would then take over the presidency of WADA. The concern the previous time, when the question had been asked about whether the government representative would be able to become the WADA president, had been that any active minister would find it extremely difficult to fill that position, and therefore the discussion at that time had been whether the candidature could be extended outside the Foundation Board. There had been general agreement that that seemed practical and also desirable. That had been the way in which he thought that WADA was proceeding until, obviously, for reasons unbeknown to the governments, the sports side had decided that that was not the right way forward. He believed that this had some consequences. The consequences would be that no decision would be made until May at the very earliest in 2006; nominations would be called for and discussed as to who would be filling the vice-president's position in November 2006 and, if it was somebody outside the Foundation Board, and that would not be known until May, it would be very difficult to approach people to say that it was possible (but not completely absolute) that the sports side of WADA would accept



somebody from outside the Foundation Board. He thought that it left the situation in some difficulty, and he would be interested to hear the rationale from the sports side as to why WADA could not proceed then and there with a change to the Statutes, putting into the Statutes what he believed had been the situation in 1999, and what the difference would be between November 2005 and May 2006, what circumstances were likely to change that could not be debated then and there. He understood from Mr Mikkelsen that it was the maturity of the situation. He did not quite know what that meant, and maturity was a relative term anyway. He would be pleased to know from the sports side what was meant by maturity. He thought that the maturity of the debate had already been well under way well before the Executive Committee meeting the previous day.

THE CHAIRMAN noted that this had been an Executive Committee decision, not a decision of the sports side, and the view had been that it was necessary to consider where WADA was going first and draft second. He did not know that there was any agreement as to rotation; there was certainly an understanding that the Foundation Board should choose the best person to be chairman and vice-chairman from among the available candidates by vote and not by any automatic process. One of the fundamental views or hopes of representation by the public sector on the Foundation Board was that it would be ministers wherever possible. The great concern from the sports side was that, over time, as the sexiness of the issue wore off, ministers would increasingly delegate their representation to officials and that WADA would not have the same voice and strength of purpose that came from having ministers around the table who were capable of deciding. All things considered, it had been decided to take a look at the issue, first of all, of increasing the Foundation Board by two and having a separate category for the chair and vice-chair, and looking at whether the idea of rotation (which was not necessarily a bad idea) should be built into the Statutes so that, no matter what happened and how bad the candidate might be from one side or the other, that candidate had to be selected. He thought that there had been a good deal of discomfort on everybody's part; the aim was to make sure that the person sitting where he was sitting would be the best person from whatever stakeholder group he or she might come. Neither set of stakeholders had thought that the matter was urgent, as this was not something that would happen, and no decision would have to be taken, until some time late in 2007. Unless there was a revolt from those around the table to overthrow the decision, that was the schedule upon which the Executive Committee had proposed to work.

MR CABORN thought that the Chairman had made some very interesting remarks, and he wanted to be absolutely clear, as this had been discussed by the Council of Ministers in Liverpool earlier that year. He thought that it was necessary to be absolutely clear as to the Chairman's interpretation of what people believed was a gentlemen's agreement. Was it the Chairman's understanding that there would be rotation between the sport and public representatives or not? Whether that was a statute or not was an area under active discussion. He also agreed that it was important, when talking about ministerial level (and the European Union had tried to maintain the troika, and had played its role in ensuring the highest possible level in terms of ministerial ranking over what had been a somewhat difficult period), for the discussion taking place, and he wanted to know what the ground rules really were from WADA's point of view. Was it that there had been a gentlemen's agreement and that was being discussed regarding rotation? Was it that the person following could be from outside the Foundation Board membership or not? He thought it was fundamental to discussion as to how to find a successor to Chair in the not too distant future as, if WADA were to gain somebody of the stature of Mr Pound, he did not think that it could be put together in a matter of a few months. That would be a matter of some international discussion to get the right candidate. He thought that the timescale that could ensue from a late decision could put that into difficulties. It was important for the Foundation Board to know whether a rotation was being discussed or not and whether the candidate had to come from the Foundation Board or not. There was some concern that there was a body of opinion that

was saying very clearly that there were those wishing to keep any future nomination within the family of the Foundation Board. If that was so, fine, but the members should know that.

THE CHAIRMAN said that the spirit of cooperation and partnership that had existed from the very beginning was such that he believed that the sports side would welcome a suitable person put forward by governments. When the Foundation Board had been put together, the deal had been that only members of the Foundation Board could serve in this capacity. Now this was to be changed, and at the time of putting the Foundation Board together, unanimous approval had been required to make any change of this nature. If a fundamental principle was to be changed, then it should be discussed. Hence, the matter should be thought about and he hoped that, if the governments had not started the search, which should be a broad search, they should get on with it; if they found somebody who seemed terrific but was outside Foundation Board, that was the time to consider a constitutional change. He would have thought that having two years to find the right person ought not to be that much of a challenge. Was there a gentlemen's agreement? He did not believe so, but there was a receptivity to the idea of going back and forth, because it was an equal board and, all things being equal, he thought that it would be a good idea, but not to build it into the Statutes (he was expressing a personal opinion here). This was something that the Foundation Board had to consider. It would be like saying that the Olympic Games should be held first in Europe, then America, then Asia, etc. A series of difficulties could ensue that were not worth the price.

MR MIKKELSEN said that discussion had taken place the previous day and there had been agreement to consider a discussion paper and then discuss the matter again in May. Just for the record, the governments thought that there was a gentlemen's agreement as to rotation, so there would be a governmental representative as Chairman of WADA the next time. Also for the record, the governments wanted to appoint people from outside the Foundation Board. The governments had agreed on this.

THE CHAIRMAN thought that that was fine; the governments could stake out the position that they thought was theirs. They simply had to convince two thirds of the people around the table that their view was right. This was why it was necessary to have a paper before making a constitutional amendment.

#### DECISION

Discussion paper to be prepared on the issue of constitutional amendments and Foundation Board membership for the next meeting of the Foundation Board in May 2006.

### **5. Operations / Management**

#### **5.1 2006 Activities Calendar**

THE DIRECTOR GENERAL referred members to the calendar through to June 2006. WADA wanted everybody to be aware of the activities undertaken worldwide so as to be alert to what WADA was doing, participate in what WADA was doing and be aware of the timings of events. This task had been undertaken from a management perspective to ensure that WADA did not spend any of the hard-fought money in a frivolous or careless fashion, and that the trips that WADA had to make were not just one-offs. He asked all staff that, if they were going to be travelling, the trip would not be for just one conference or one activity. If anybody had any activity, conference or national event to be included in the calendar, WADA would do that. The calendar was on the website.

THE CHAIRMAN said that it would be helpful for WADA to be advised of occasions on which somebody from WADA should be present and participate in various stakeholder events, and also for stakeholders to advise WADA of events that had taken place, so that

WADA could put together a more comprehensive outline of the activities taking place all around the world. This would be done with WADA staff; he probably did 30 conferences a year himself, and it would be very interesting for the public and the Foundation Board to know how much was going on and where, and the subject matter being dealt with. He asked members to encourage the broader group of stakeholders to do precisely that.

THE DIRECTOR GENERAL thanked the President for giving so much of his time to help WADA with presentations, as well as the Vice-President, who had delivered presentations on WADA's behalf at various conferences, and Mr Reedie, who had also given of his time. WADA was very thankful to all three for their active participation. Having such assistance took a big load off WADA's management team. If members were making presentations, WADA had a significant library of available presentations that could be obtained from Ms Hunter and her communications team.

#### DECISION

2006 activities calendar noted.

### **5.2 Turin 2006 Winter Olympic and Paralympic Games Update**

THE DIRECTOR GENERAL referred members to the selection of teams to participate in the activities of the Olympic Games in Turin. There was an Independent Observer team and an Outreach team for the Olympic Games and Paralympic Games. One mistake had been made regarding the nationality of John Miller, who was a laboratory expert; he did not come from Ireland, he was from England, although he lived in France at that time. The teams had been chosen from a broad global perspective and with the normal selection process taken into account.

#### DECISION

Turin 2006 Winter Olympic Games and Paralympic Games update noted.

### **5.3 2006 Standing Committee Memberships**

THE DIRECTOR GENERAL noted that a person had resigned from the Health, Medical and Research Committee and WADA had sought applications to consider whether to replace that member. Following a lengthy discussion with the Chair of the Health, Medical and Research Committee and the President, WADA had decided to defer any replacement for a little longer. It had been a committee of 12, which was one above the required number, and Professor Ljungqvist felt that WADA should see how things developed over the coming months before making any decision on any possible replacement for Professor Fitch.

#### DECISION

2006 standing committee memberships update noted.

### **5.4 2006 Foundation Board Memberships**

#### 5.4.1 Member Guidelines

THE DIRECTOR GENERAL hoped that there would be reports from the various regions so that WADA would have a full list of members for 2006, but he needed to indicate that, from Europe, Mr Mikkelsen had been asked to remain on the Foundation Board and was regarded for future items on this agenda as a Foundation Board member for 2006. To be vice-president of WADA, one had to be a Foundation Board member, so membership had to be considered prior to considering the issue of vice-president of WADA and in order to conduct the process of the election of the vice-chairman with full and proper jurisdictional background.

## DECISION

Member guidelines noted.

### **5.5 2006 Appointment of Executive Committee**

THE DIRECTOR GENERAL said that nominations had been received from the government and sports movement side and the proposal was that the Executive Committee comprise all of the 12 individuals who had been members of the Executive Committee in 2005: the President, the Vice-president, and the five members representing each of the regions for the governments and each of the constituents for the Olympic Movement as in 2005. A decision was needed in this respect.

THE CHAIRMAN asked whether somebody would care to move that the proposed Executive Committee be established for 2006? Mr Reddie moved that the proposed Executive Committee be established for 2006, and was seconded by Mr Gottlieb.

MR PASCUAL asked, regarding the working groups, whether there were other groups not listed in the papers.

THE DIRECTOR GENERAL said that there were standing committees, which included the Ethics and Education Committee, the Finance and Administration Committee, the Health, Medical and Research Committee, and the Standards and Harmonisation Committee.

MR PASCUAL referred to the education working group.

THE DIRECTOR GENERAL said that there were small informal sub-groups that did not require ratification or application; WADA appointed people to those for their expertise, and there was an education sub-group formed in that fashion.

## DECISION

Executive Committee as proposed for 2006  
unanimously approved.

### **5.6 2006 Election of WADA Vice-Chair**

THE CHAIRMAN announced that Mr Mikkelsen had been nominated unanimously as Vice-Chair for 2006.

MR MIKKELSEN thanked everybody for electing him again as Vice-Chair of this wonderful organisation. He had been happy to be Vice-Chair in 2005, not only because of the excellent cooperation with the Foundation Board and the WADA staff members, but also because it was satisfactory to work for a cause that could only be described as very good. It was a good cause to work for clean athletes and sport and to contribute to eliminating cheating in sport. He looked forward to new period of fruitful exchange of views with everybody.

## DECISION

Mr Mikkelsen elected as Vice-Chair of WADA for  
2006.

### **5.7 World Conference 2007 – Host City**

THE CHAIRMAN asked the members to take a very important decision. The first World Conference on Doping in Sport had been held in 1999 in Lausanne; four years after that, the second World Conference had been held in Copenhagen, a very momentous conference at which WADA had adopted the World Anti-Doping Code. WADA thought that it needed to hold a third conference, which would be held in November 2007. WADA would have had three or four years of experience with the World Anti-Doping Code; the Convention against Doping in Sport would be a reality and some experience would have been gained; therefore, it had been thought that this would be a good time for a broader assessment of where WADA was, how it had progressed and what should be done in the future. WADA had issued a call for tenders in respect of the

hosting of the conference, and the members would be voting on the selection of the candidates. He asked Mr Niggli to explain the voting procedure.

MR NIGGLI said that there were two options: a vote by hand, or a vote by ballot. The city with the least votes in each round would be eliminated until there was one city left, unless one city gained an absolute majority (50% of the vote plus 1) in any one round. The number of votes cast would count. The process was on the sheets that the members had before them.

THE CHAIRMAN noted that the members preferred to vote by way of a ballot as opposed to a show of hands.

MR NISHISAKA wished to make a comment on this election and the candidate cities. Three cities were candidates, and he thought that each city had made wonderful proposals. He believed that the conferences should take place in different regions. The first two conferences had been held in Europe; therefore, the third conference should be held in a region outside Europe. In doing so, WADA would be broadening the scope of the anti-doping movement. Holding the third conference in the Asian region would have a significant impact among all of the Asian countries involved in the anti-doping movement, and would be quite significant and powerful in the further promotion of anti-doping. Two cities in Asia were candidate cities, and he believed that both proposals were excellent. He wished to push for Malaysia, as the content of its proposal was an excellent one.

THE CHAIRMAN noted that he had rather hoped that of the all electioneering would have been done prior to the election; therefore, he did not encourage any further speeches. He thought that everybody had had an opportunity to review the candidates and consider the global impact of whatever decision might be taken. The thing to do was to vote. Joseph De Pencier from Canada and Ichiro Kono from Japan would be scrutineers.

MR NIGGLI said that ballots were being distributed for the members to write the name of the city on the sheet.

THE CHAIRMAN noted that all Foundation Board members were able to vote.

Following the voting, and on the basis of the report signed by the scrutineers, it was his pleasure to announce that the Third World Conference on Doping in Sport would be held in Madrid in November 2007.

MS NEILL thought that, as criteria for the next conference, some consideration should be given to the regional moving of the conference from one region to another. She thought that the points were well made and, if this were listed as part of the criteria, it could be used to help members with their decision-making.

THE CHAIRMAN said that it sounded like item 4 of the agenda again. The point would be noted and, as the fourth conference approached, somebody else sitting in his place would be able to wrestle with the issue.

MR MIKKELSEN supported Ms Neill in her approach. He thought that WADA should agree to a clear statement that the next World Conference on Doping in Sport should be hosted outside Europe. He thought that it was very important to send a signal.

THE CHAIRMAN thought that signals were good, but carving things in stone was not a good idea. The potential was to become a hostage to other situations. He thought the sentiment reflected around the table was good, and WADA should think very seriously about it. Europe could certainly help by not bidding. He wished to thank all three cities. WADA had been very pleased to have three excellent bids; it was a sign that the world did recognise the importance of what WADA was doing, particularly in the Asian region, which had sent a strong signal of its interest in the fight against doping in sport. He hoped that, on the next occasion, WADA might be able to respond to that interest.

## DECISIONS

World Conference on Doping in Sport 2007 to take place in Madrid, Spain.

### **6. Finance**

#### **6.1 Finance and Administration Committee Chair Report**

MR REEDIE said that the finance issues were in the members' files. He began with a very short verbal update, as the minutes of the previous Executive Committee meeting contained almost all the information needed. Since that date, he had only two things to report. At the last meeting, he had intimated that WADA might look at different vehicles in which to invest cash in the hope of achieving a slightly higher return, but had decided to wait, as advice had been that the US dollar might strengthen, and it had strengthened and, in light of the contribution from the USA, that policy would be revisited before the end of the year. Secondly, as WADA continued to develop its financial reporting system, he could now get a detailed balance sheet every month for the ten months of the year to the end of October, as well as figures showing the comparison with the budget, and he thought that the finance systems were in good shape.

#### DECISION

Finance and Administration Committee report noted.

#### **6.2 Government/IOC Contributions Update**

MR REEDIE noted that the reports in the members' files regarding this item were noticeably out of date as WADA had received the good news that the appropriations system in the US Government had moved to such an extent that the USA would be able to make its contribution for 2005 and 2006; the 2005 contribution would be matched by the IOC; he did not guarantee that the 2006 contribution would be matched by the IOC before the end of the year. Very detailed information could be seen on where contributions were made; there was little doubt that contributions were coming into WADA at earlier periods in the financial year than in previous years. If there were weak areas, and he used the word weak in the widest possible sense, there were payments due from some countries in Africa, and he knew that Mr Swigelaar and the Regional Office in Africa were working on that, and there were certainly the occasional weak areas in the Americas, and he hoped that the new office in Montevideo would help bring about increased payments and contributions to WADA from that part of the world.

#### DECISION

Government/IOC Contributions update noted.

#### **6.3 2005 Quarterly Accounts (Quarter 3)**

MR REEDIE said that the detailed balance sheet as at 30 September was in the members' files as a matter of record. He did not propose to go through the figures in any great detail. Members would see that very substantial amounts of WADA's income had been received in quarters one and two and relatively little had been received in quarter three. With the US payment, there should be sufficient funds to run WADA comfortably until 31 December 2005. Notes to the quarterly accounts had been added to the detailed balance sheet, and these were now completely out of date. Appendix one as at 30 September showed that, after the substantial amounts of money in bank were taken into account, and one deducted from those substantial holdings very roughly 13 million dollars (which were commitments to research projects which would go on over a period of four or five years), and one also deducted the capital that the agency had to hold under its status as a Swiss foundation, then the available funds had come down to just under 4 million and, projecting that forward until the end of the year, it had showed

that there might have been a small loss at the end of the year. Clearly that would not happen now as a result of the imminent US contributions.

Moving on to the comparison of the approved budget with what had happened to date, he hoped that it gave the members a feeling for the financial rhythm of agency and how well or badly WADA was doing quarter by quarter. There were no specific points he wished to raise, except on page 4, under the heading of *Information technology*, where the members would see that, as at the end of September, only 54% of the budgeted expenditure had been spent, WADA had been able to control the development costs of the ADAMS project and, due to the good work of Mr Birdi, WADA had been able to renegotiate the whole office technology system at a reduction of around 50%.

Members would also get some idea of the rhythm of meetings; on page 6, they would see that the List Committee, a very important committee, had spent 94% of its budget, which was fine, as it would not be having any more meetings before the end of the year.

Page 7 showed a cost that should always be borne in mind. The *Research grants* went all the way back to 2002 and ran through to 2008. There was somewhere around 12 to 13 million dollars committed to projects for research. The suggestions were made by Dr Rabin and Professor Ljungqvist's committee, and the Executive Committee took a view on which projects should be funded by WADA, but it was a very substantial financial commitment, and members had to understand that such commitments lasted over many years, which was why the balance sheet always looked as though it had a lot of cash in it. It had cash in it, but this cash was committed under contract to these research projects.

Moving on to page 9 of 17, he wished to mention specifically the *Out of competition testing* figure. As at 30 September, WADA had spent only 46% of the budget, but this was up to 72% by the end of October and, by the end of December, WADA would have spent 2.2 million dollars, and would have done marginally more tests than it had been asked to do by the International Federations earlier in the year.

The committee had also detailed the costs of all of the regional offices. He thought that this was an open and transparent document so that everybody knew how WADA spent its money and whether WADA was on line quarter by quarter.

#### DECISION

2005 quarterly accounts approved.

#### **6.4 2006 Budget**

MR REEDIE said that papers had been passed to the Executive Committee on a number of occasions: a provisional budget, a much fuller one after a finance meeting held in Lausanne in August, and at the Executive Committee in September. Again, rather than just throw a whole set of figures at the Foundation Board members, he had thought that he would prepare a detailed set of budget notes, taking the members through each part of the expenditure and income, so that they would know precisely on which items WADA was spending the contributions that it received. On the very first page of the notes, he wished to refer to two specific points. One was that a 3% increase over 2005 represented just over 650,000 dollars; that was 325,000 dollars between the sports movement and the public authorities. WADA was aware constantly that, particularly within governments, the question of allocation of resources and balancing budgets was a very sensitive issue, and tried hard to make sure that this was taken into account, but he hoped that that relatively modest figure would be acceptable to the Olympic Movement and the public authorities. He had highlighted four specific areas of increase over 2005. One of the areas had been mentioned by the Chairman and, as members could see in their reports, WADA was in court more often than it used to be and had to defend or prosecute more cases than it had done; he therefore thought it prudent to increase the provision for litigation by US\$ 100,000.

To run the Outreach and Independent Observer programme at the Turin Olympic Games was not a cheap exercise; the Olympic Games could be expensive places, and WADA had budgeted for it in excess of 640,000 dollars. The Montevideo Regional Office had been brought into full costings.

With regard to ADAMS, WADA expected that the costs of ADAMS would rise by 500,000 dollars, as he really did not know the cost of running the helpline and all of the technical advice that WADA might have to provide for its stakeholders as the new web-based system came to life. WADA would really have to get the world to use it after having spent so much time and money to get the system up and running, otherwise it would not have been particularly effective.

The report then covered the budget notes, the draft budget and all of the various areas: the Executive Office, the Legal area, Information and Technology, Communication, Health, Medical and Research (the one piece of really good news there on page 5 was that the contract that WADA had had with the company that had supervised the re-accreditation of laboratories had been renegotiated at acceptable rates, which meant that WADA had been able to release from the previous budget figure 400,000 dollars back into research, and that represented a good piece of work by management), Education, Standards and Harmonisation, Operations and running costs, and the European Office in Lausanne.

The budget represented a modest increase; it was balanced with the contribution coming soon from the USA and, if the payment system continued (particularly regarding the large European governments and Oceania's habit of getting 100% paid by early January), WADA should have sufficient cash flow to operate through the twelve months of 2006, and it cost roughly US\$ 1.5 million per month to run the business in which everybody was involved.

He would formally propose the adoption of the budget after any questions.

THE CHAIRMAN proposed the budget that was before the members as the budget for 2006.

MR WALKER started by congratulating Mr Reddie and Mr Niggli for the continuing improvement in the presentation of the WADA budgets; he found, as had the European Coordination Forum, that the notes that Mr Reddie had taken the members through were most helpful, especially to governments, in finding justifications for the modest increase proposed for 2006.

He had one request, which had been made before on behalf of the European governments, which was that, in future budget documents, in particular for the draft budget for 2007, there should be two small modifications in the sense of greater transparency. One was a better ventilation of the staff costs; he was not asking for what might be internal confidential information, but there should be slightly clearer indications of these expenditures, which were quite a substantial proportion of the WADA budget. The second request was that, with regard to the operational budgetary items, there should be a better explanation of the objectives for which the money was being spent. He thought that this could possibly be linked with the Strategic Plan, but he thought that the management should be able to cope with that request.

THE CHAIRMAN asked all those in favour of the budget for 2006 as proposed to so indicate by raising their hands.

#### DECISION

WADA budget for 2006 approved unanimously.



## 7. World Anti-Doping Code

### 7.1 Activity Update

MR ANDERSEN referred the members to attachment one of item 7.1, the draft project plan for how to amend the Code. WADA would try to carry out the process for amending the Code in the same manner as had been done when the Code had been created between 2001 and 2003. As members would see, there would be a four-month consultation period, beginning in March 2006. WADA would bring a first draft to the Foundation Board and the Executive Committee in November 2006, and there would be two more periods for consultation (three months and two months) prior to the Executive Committee meeting in 2007, and the final draft would be tabled for the World Conference in 2007 and would be approved by the Foundation Board. An internal project team had been put together in order to carry out the daily business related to this; it would collect contributions from WADA stakeholders in order to get a broad view on what might be the proposed amendments to the Code. There was already a database, in which WADA had collected comments during the many meetings and conferences, and these were being used when the project team was involved in the drafting. WADA was also putting a process in place in order to monitor Code-compliance and, under Article 23.4.1, WADA had to report to the Foundation Board and other stakeholders every second year. A small internal team had been formed, and a system would be used to monitor the compliance, since there would be close to 600 organisations that had accepted the Code. In terms of those 582 organisations that had accepted the Code, it had been decided during the Executive Committee meeting the previous day, on a cost recovery basis, to look into the rules of those organisations that were outside the Olympic Movement, to implement the Code and to monitor compliance with the Code. This was a short overview of the papers he had prepared, about which he would be happy to take questions.

MR CABORN said that he was delighted that the World Anti-Doping Code was under review, and he thought that it would really help the 2007 conference to get up to date information and, if there were any changes, these would be made on a well-informed basis. How would the two experts be appointed to the Code project team indicated in the notes?

MR ANDERSEN replied that two experts had been approached for the internal WADA working group; one was the person who had written the World Anti-Doping Code the previous time, Mr Richard Young; the other was Professor Ulrich Hass, from Germany, who had also been vital in the preparation of the first World Anti-Doping Code.

THE CHAIRMAN said that the process adopted to arrive at the World Anti-Doping Code was what had made the whole thing possible; it had been unprecedented in the history of sport. He highlighted the inclusive nature of the consultation, the fact that every possible identifiable group of stakeholders had been contacted for input, the fact that the process had been responsive, and that WADA had made sure in the course of putting together the drafts to answer every single substantive point raised by a stakeholder. It had enabled a consensus to emerge at the World Conference in Copenhagen in 2003; in fact, the consensus had been unanimity, which had enabled the Foundation Board to enact the Code, to take that decision in the knowledge that the document being adopted really did reflect the views of the stakeholders. If WADA was to have a similar process in place leading up to the conference in Madrid in 2007, he thought that it would be possible to arrive at that conference in the full knowledge that all of the views that had arisen out of the experience with the Code, and perhaps the International Convention, could be dealt with at the conference and, if there were any amendments that would need to be adopted by the Foundation Board, there would be a sense that they had been very soundly and widely ventilated before any action was taken. This was the progress chart; it was one of the reasons that WADA had wanted to confirm that the conference would be in November, to make sure that the consultative process was not unduly

shortened. It was certainly an example of where the process was almost as important as the eventual result.

## DECISION

World Anti-Doping Code activity update noted.

### **8. Department /Area Reports**

#### **8.1 Regional Offices**

##### 8.1.1 Strategic Approach

THE DIRECTOR GENERAL introduced the topic with a general overview and an update to make sure that the members were fully informed of the benefits and the work done in each of the Regional Offices. A paper had been prepared but, in addition to that, with the recent appointments of Jean Pierre Moser and Diego Torres as regional directors, WADA had held a regional directors meeting in Montreal so that each of the regional directors could carefully consider and develop his own regional strategic plan. There was no point in each of the regional offices working under the instructions of the head office when each of them had specific and regional matters to deal with. Each director would be preparing that strategy and reporting against it the following year, so that all of the members would be able to see the advantages of having offices in each of the regions of the world.

The second part he wished to mention was that WADA was opening the Latin American Regional Office in Montevideo on 24 November; this coincided with a meeting of South American sports ministers in Montevideo. There would be 12 ministers in attendance, offering WADA a major opportunity to engage with those ministers in an appropriate way. In opening the office, "it would not be the commencement of physical operations because, as yet, the offices leased were not yet outfitted or furnished, and Mr Torres, in partnership with the government in Uruguay, had yet to appoint his assistant". There were some steps still to be taken before the office was operational on a daily basis. WADA had equipped Mr Torres with a computer, so he would be working, but not from the office until a little later.

Unless there were questions as to the general strategy of the regional offices, he preferred to hand over to each of the directors to provide a report to the meeting.

MR SAMBAWA said that a number of decisions had been taken at the African regional meeting the previous day. A number of countries yet to sign the Code had been looked at, and discussion had been held as to how to make sure that those countries would sign as soon as possible. His president was currently the Chairman of the African Union, and he intended to see how to make use of that office to push the process forward. He believed that this would go a long way to ensuring that the continent totally complied. The educational system within the region would also be harmonised. Another issue looked at during the meeting was to see the possibility within the region as to how to rotate the WADA membership. On 29 of that month, all of those issues would be addressed. The other issue that was important to mention was that, in Africa, the agency should be congratulated for the tremendous success recorded in the adoption of the final draft of the UNESCO Convention. In his country, everything would be done to get the document ratified by Nigeria, and the African zone had also agreed to work together to get as many countries as possible ratified before 31 December. The intention was to use all avenues to ensure that the region would demonstrate this goodwill. He hoped that many more conferences could be held on the African continent. Finally, a lot of progress had been made in the establishment of the anti-doping laboratory in Nigeria, and he hoped that, before the next meeting, the one in Nigeria would also be ready, to serve the west and central African region. Africa was committed to working with the agency to ensure that the fight against doping in sport would be a success.

THE CHAIRMAN thanked Mr Sambawa for his intervention and the efforts undertaken with respect to the signing of the Code and encouragement of the ratification of the Convention. Both initiatives were very important and he was delighted to hear the news. WADA was interested in doing whatever conferences it could and supporting them. As to the representation of the African region, that was a matter that was up to Africa to decide. The WADA constitution deliberately allowed each continent to arrange its representation, and he was sure that Africa would do so in a very wise manner.

## DECISION

Regional Offices strategic approach noted.

### 8.1.2 Cape Town

MR SWIGELAAR reported on events in the African Regional Office in Cape Town. Since 2003, when the interim office had opened in Cape Town, and November 2004, when WADA had taken over the operations of that office, major advances had been made in terms of ensuring that the African continent came on board. There was definitely more interest shown in WADA and, in general, the support from the political heads in the different countries as well as intergovernmental structures was evident. The intervention from the Nigerian Foundation Board member certainly bore testimony to the type of support the office was receiving from its African governments.

One of the major initiatives undertaken had been to increase the visibility of WADA. The mandate was very important and was starting to bear significant fruit. As for communication between stakeholders, significant strides had been made in that regard, and he highlighted the support that was being received from various countries and ministers, institutions and associations; for example, in terms of the Portuguese-speaking countries on the continent, Mozambique and Angola could be relied upon to assist WADA in spreading the word. There was increased cooperation between the governments and the sports movement on the continent, so much so that it was difficult to find a forum in which there was no mention of WADA or anti-doping in general.

In terms of the Copenhagen Declaration, there were seven non-signatories, and the office was working hard to get all 53 African countries on board. There were two aspects facing some of the countries that had not yet signed the Declaration. Mauritania had been about to sign the Copenhagen Declaration when there had been a coup d'état and political change. Efforts were, nevertheless, being made to get Mauritania to sign the Declaration as soon as possible. The Somali Government was currently operating from Kenya and was not in the country; however, the office was still in touch with the government and he was positive that, once the political situation had stabilised, WADA would get Somalia on board as well. He highlighted the support of the Foundation Board members and others on the continent, who were assisting to ensure that all of the countries would sign the Copenhagen Declaration. In terms of the payments since 2003, he showed the members a slide detailing the breakdown of Africa's performance. There was a definite will from the governments to assist the process, come on board and assist WADA to implement its programmes as envisaged.

After working in the region for two years, he wished to briefly identify key areas that would form a major and significant part of the business plan alluded to by the Director General. The office would continue to lobby governments, making sure that information received was relevant and that all governments would implement the necessary systems and programmes. Of course, UNESCO was critical and the office would certainly facilitate the process through the provision of the relevant information. In terms of the NOCs, the office was working closely with them to ensure that the Code was implemented and countries were in compliance. The office was also looking at various other partnerships with the NOCs and, generally speaking, had a good relationship with them at that stage. Anti-doping capacity building was essential in the area. There were several NADOs and NOCs; whether or not they were complying with their responsibilities under the Code was questionable, but what was not questionable was that the office needed to be assisting the NADOs. The RADO process was very successful, and the RADO in zone six was up

and running. WADA was now moving towards starting testing in the region, with six countries participating, including Kenya and Ethiopia, which was very encouraging. The following year, the aim was to go a bit further south, and then West Africa was also planned for 2006.

Education was critical to ensure that the anti-doping message was sent out. The first symposium would take place in Cairo. Whilst 16 countries had been invited to participate from West Africa and North Africa, 13 of those countries had committed themselves and would be sending very senior officials to attend. The following year, the office was certainly looking at more programmes of this nature and was keen to partner with various regions, the ANOCA zones or the Supreme Council zones, to ensure that it reached out to as many countries as possible. The primary focus was the athlete, to ensure that athletes were given the necessary backup and tools to be able to deal with anti-doping and anti-doping matters. The office was looking to liaise with athletes at the various events, and was also looking at other ways and means to reach out to athletes in an African way. Promoting anti-doping in general was critical, and this would remain close to the top of the list of priorities. Upcoming opportunities included the ANOCA Sport and Olympism Forum in Tunis in 2006, at which capacity building and anti-doping development would be looked at, as well as partnerships with the African Olympic Movement; the Education Symposium in Cairo, as he had mentioned; the Francophone Games in Niamey, Niger, in December, at which an Outreach team would be at hand to assist the athletes in the village; and, for the following year, the office was looking forward to working with the African Union, which had approached WADA to assist with the anti-doping policy, which was a significant step forward for African sport, as the senior partner in the African political sphere had taken up the anti-doping fight to ensure that member countries were complying with what was expected of them.

THE CHAIRMAN asked if anybody wished to ask any questions.

MS CROOKS asked how, with the recent reliance on technology, it had been possible to meet the challenge in the region, particularly where reaching out to athletes was concerned.

MR SWIGELAAR said that improved communication in the region was making sure that he had the necessary telephone numbers to be able to speak to people, because the IT infrastructure on the continent was not up to speed. The ADAMS project team was dealing with WADA's stakeholders; the South African Institute and the Bloemfontein laboratory were on board. Certainly, the lack of an adequate IT infrastructure would pose some problems for ADAMS, but other political processes were going on to ensure that capacity in that regard was increased, that the IT infrastructure would improve, and he was hopeful that, by the time WADA was ready to roll out ADAMS completely, this could be done throughout the continent. At that stage it was very difficult, simply because of the lack of that infrastructure.

MR SAMBAWA said that, in Nigeria, there were currently over 20 million telephone lines, and the number of Internet users continued to increase substantially. This was the general trend all over Africa. He thought that, by the time the ADAMS project was to be set up in Africa, things would have improved substantially there, and this would make access and communication much easier.

## DECISION

African Regional Office update noted.

### 8.1.3 Lausanne

THE CHAIRMAN said that the European and Latin American Regional Offices were in a state of flux, and asked the Director General to inform the members.

THE DIRECTOR GENERAL did not add to the information that the members had in their papers, but took the opportunity to introduce the two new regional office directors: from Colombia, Mr Diego Torres Villegas, who would head the Latin American Regional

Office, and Jean-Pierre Moser, who was coming from the International Federation of Motorcycling to head the European Regional Office and would commence his duties with WADA in early February 2006.

#### DECISION

European Regional Office update noted.

##### 8.1.4 Montevideo

#### DECISION

Latin American Regional Office update noted.

##### 8.1.5 Tokyo

MR HAYASHI was pleased to make a progress report on the second year of the activities of the WADA Regional Office in Tokyo. He noted his appreciation for the kind support of the Foundation Board members, particularly those from China, Korea, Malaysia and Japan. The Tokyo office continued to be active to fulfil the specific objectives of WADA through liaison with all of the stakeholders, the communication of projects and the development of communications in Asia. The Asian region was characterised by its size and diversity. The cooperation with the Olympic Council of Asia was vital, and games in the region, as well as events under the OCA, were key events to promote anti-doping activities in the region.

He congratulated the governments' achievement in paying 95% of their dues to WADA for 2005. The office was encouraging all of the governments in Asia to support WADA.

With regard to Code implementation, thanks to strong support given by the Asian Foundation Board members, 37 of the 43 countries in the area had signed the Copenhagen Declaration.

As to the UNESCO International Convention against Doping in Sport, which had been adopted unanimously the previous month, 121 representatives had been present, including 40 Asian representatives. The Tokyo office was promoting government support of the Convention through ratification by the end of 2005.

The office had been working to ensure that all major games organisations and federations in the region would be compliant with the Code. The OCA had accepted the Code and implemented it in all games held under the OCA umbrella.

China had invited WADA representatives to the China National Games the previous month to observe and advise on doping control programmes in preparation for the Olympic Games in 2008 in Beijing.

There were still some countries in the region where minimal or no anti-doping programmes took place. The office encouraged all NADOs to host anti-doping symposia to improve their regional standards through capacity building.

Education was an urgent issue in the region. The first education symposium had been held in Macao the previous October, focusing on education programme planning, and a number of symposia were to follow.

Communication was carried out in the form of newsletters, presentations at major events and meetings, etc., to build a solid network.

He stressed the impact of the regional office on results, such as the establishment of an intergovernmental meeting, to be held in Thailand the following year, and the promotion of Code acceptance and compliance by key stakeholders. He asked Foundation Board members to continue to support the regional activities.

MR WALKER thanked the WADA management for the strategy paper and the addition of each office's strategic plan, which would be a very interesting work of consolidation. He wished to congratulate the directors of the African and Asian offices for their reports,

because there had been an enormous amount of progress compared to previous reports, and this fully justified the creation of these offices.

## DECISION

Asian / Oceanian Regional Office update noted.

### **8.2 Science**

#### 8.2.1 Health, Medical and Research Committee Report

PROFESSOR LJUNGQVIST referred the members to the exhaustive report on the work of the committee and the working groups under that committee. The List for 2006 had been ready by the end of September and posted on website within the time limit specified, which meant that a new List would be in place as of 1 January 2006.

He wished to highlight a few issues. One of these was the research budget. As had been mentioned by the WADA President and Mr Reddie, one of the most important aspects of WADA's work was to support research around the world to find the best possible methods for the identification of doping substances and methods. The necessary funding had not been available previously, but WADA had brought about a fundamental change in the work to fight doping, in that there was a research budget in place for scientists to come up with ways of identifying cheats and having them punished. This had meant that the scientific world was now aware of the existence of that fund. Researchers might have ideas as to what they wished to do but, if money was not available, then they went for other types of research. With the general knowledge that there was a sustainable research fund, more and more people were coming along. A very encouraging feature was the fact that an increasing number of laboratories and research centres outside the traditional anti-doping laboratories were now applying for money. In one particular area, this was very important, as the next generation of doping substances might well be genes, genetic elements and cells, known as gene doping, and the necessary competence for that was not existent; therefore, it was necessary to rely on outside laboratories specialised in genetic research. That year, some 1.8 million dollars had been allocated to research laboratories of that kind. This meant that WADA was now prepared, should the day of gene doping come along, and would hopefully have the necessary methodology in place to identify cheats. To debate that and find out the state of the art, there would be a gene doping symposium in his home city in two weeks' time, where some 40 international leaders in the field of genetic research would come together. He hoped that it would be possible to publish the outcome of the symposium very quickly and say that WADA was ready should gene doping become a reality within the near future.

One item that had been under debate was testing for EPO, which had been misinterpreted to a certain extent in the media, or not fully understood, and had led to WADA convening a recent meeting in Paris at the laboratory that had designed the current method for the detection of EPO. It had been clarified once again that the method was valid (that had been confirmed by the CAS in a previous case), but some educational procedure had had to be in place for those wishing to pick up EPO testing and develop it further. The workshop in Paris had been very fruitful and elucidated many possible pitfalls when it came to interpreting results of an EPO analysis. The EPO method as such was valid and this had not been called into question by the legal authorities. As with all methods, it could be improved; it was a normal procedure in the scientific world that even established ways of analysing substances were continuously evolving as science evolved and new technology came along. WADA was certainly working to improve already existing methods.

MR GERRARD noted that the TUE working group had expressed some concern about the issues relating to Turin and the declaration regarding beta-2 agonists, the drugs used to treat asthma. The working group had felt that it would like to register its concern over the criteria being applied for asthma diagnosis, bearing in mind that, in a cold wintry environment, there was even greater susceptibility for those athletes requiring

medication. The TUE working group and WADA were very keen to explore these issues with their IOC colleagues, but had wished to minute concern over the issue of beta-2 agonists at the Olympic Games in Turin.

As to the question raised by stakeholders requesting the possibility of a change to the abbreviated TUE process, the working group, after significant discussion, had decided that it would be inappropriate to make a change at that stage. The Code amendment process was imminent and would begin in March the following year; there would be a World Conference in 2007; there was the introduction of ADAMS; many NADOs still did not have effective working TUE committees; and some International Federations were not fully up to speed in this regard. Therefore, the group had thought that a change in the aTUE process would be ill advised, confusing to athletes, and not in the best interests of all stakeholders, and these thoughts had been communicated to those who had expressed concern. Finally, in response to many stakeholders who had been asking for some guidelines for medical diagnosis, the group had agreed to undertake the production of a WADA model of best practice to harmonise the diagnosis and appropriateness of awarding TUEs; this would be a robust and updated document that would be evidence-based, would have significant specialist input, and would be regularly reviewed and express WADA statement in that regard.

MR FASULO informed the members that his association had created a medical anti-doping consultative group that included people in the trenches, managers or directors from the International Federations, in order to come up with some common positions and some experiences in order to help WADA better work, seeing as several subjects were of daily concern for the International Federations. The group had met for the first time the previous week; it was mainly a technical group, and would provide information to WADA as far as recommendations were concerned. One of the key concerns had been the TUE process; it had come up previously and represented a significant administrative burden for the International Federations. It seemed that the overwhelming majority of TUEs came from a very small number of well-developed countries, and it raised the question as to how much the process was understood in the rest of the world. Perhaps somebody could address the issue as to whether any efforts would be made to increase the understanding. Information about the guidelines was also something that was being insisted upon in order to make the process more workable. The group fully supported that there should not be a change to the aTUE process yet, as it believed that it would be ill-advised at present, although the group would be happy to contribute to that issue in the future. Regarding the List, Dr Rabin had indicated at the previous meeting that an attempt would be made by the List Committee to provide feedback to the comments made by the various stakeholders. He wondered whether that feedback was forthcoming, since many of the stakeholders were asking about the provision of feedback.

MR DEMEL asked about the TUEs. Some International Federations had not introduced TUE commissions, and NADOs now had problems, as national TUEs could not be given for international athletes. Also, he had been informed that the IOC would not acknowledge the TUEs from International Federations or National Federations. How should this be handled?

MR AJÁN had no remarks to make about the TUEs; however, one year previously, the Director General had shown very special equipment used by some athletes at the Olympic Games in Athens. Unfortunately, according to his information, a dozen or so of these devices had been used by different athletes. His suggestion was that the science department should study how to avoid the use of such equipment during the different competitions since, according to the WADA Code, doping officers could not touch the athletes, and this was why it was necessary to find some kind of means of checking whether or not athletes used such equipment. Particular care needed to be taken with regard to female athletes. He proposed that WADA study the use of an inexpensive ultrasound system (or similar) that could be used to check whether or not athletes planned to use this kind of equipment.

MR LARFAOUI noted that TUEs were on the increase. He asked for information on the most requested products for TUEs; he knew that beta agonists were very important, but wondered about anabolic steroids.

He also wished to know the timeframe given for the use of TUEs, as it would be interesting to have this information.

Follow-up of athletes who had benefited from TUEs should also be carried out to examine their performance and see whether such TUEs were really still needed.

MR WALKER had a suggestion for future work by the Health, Medical and Research Committee or a sub-group. The problem had been discussed with the chairman of the committee and the Science Director, and had also been raised by his stakeholders in Strasbourg; it concerned blood controls. There were many variations in procedures, methods, regulations and analytical interpretations of blood controls as carried out by various International Federations. There was a startling lack of harmonisation in the field. He realised that, in many federations, blood controls were not regarded as part of the anti-doping regulations, but it was certainly the case that the blood controls could play a big role in helping to preserve the health of the athletes. His suggestion was that, under the WADA auspices, the Health, Medical and Research Committee could perhaps discuss, with the International Federations concerned and with the IOC, ways in which there could be further harmonisation in the use, purposes and interpretations of blood controls, also with a view to seeing how longitudinal blood profiles of individual athletes could be established with a view to ensuring better protection of the health of these athletes.

MR PASCUAL said that the IPC saw a gap in the harmonisation of the application of the TUE procedure between national and international level athletes if WADA did not receive a copy of national TUEs. There was a difference between national and international cases that were treated in different ways.

PROFESSOR LJUNGQVIST responded to Mr Aján; he could assure him that WADA learned by experience, and the experience in Athens had been the use of equipment that provided false urine. WADA was investigating ways to prevent this from happening again. One possibility had been highlighted, but there might be other ways of approaching that problem.

Responding to Mr Walker, he thought that, with regard to the blood controls, there was confusion. "Blood controls" was a term that was already confusing; only part of it related to doping controls. Many International Federations used blood analysis for the purpose of establishing whether or not a person should be allowed to compete, which was a totally different matter. Others were using the information obtained from blood analytical controls to follow up longitudinal profiles, to find out whether one could establish that something had happened, which could be interpreted as a possible anti-doping rule violation. This tended to be mixed up and referred to as blood testing, but three different elements were involved at least. The Health, Medical and Research Committee should look into it and see whether it could be harmonised and clarified as to what the so-called blood tests really meant and for what purpose they were being carried out. That issue would be addressed and WADA would try to reach an agreement with International Federations interested in doing that, and issue recommendations. This had caused some problems at Olympic Games, where certain International Federations had done their own blood controls and WADA had performed blood sampling in order to identify banned substances; these were two different matters. He hoped that Mr Walker was satisfied with the response and the fact that his comment would be taken on board.

DR RABIN added that, in 2001, WADA had financially supported a research group to look at elements of harmonisation of blood parameters between the different International Federations. A lot of resources had been dedicated to the project, with the result that there had been some concrete recommendations made that had been discussed at the time with Dr Schamasch. This was something that WADA had already started to do. The next element was probably to share responsibilities and see how it



would be possible to move forward in terms of the use of such information, particularly for the longitudinal follow-up and the athlete passport, which were of great interest in terms of the follow-up of the health parameters of the athletes.

The other element, following the question by Mr Fasulo, was about the letters and response following all of the good comments regarding the List during the consultation process that had taken place between May and August 2005. WADA had acknowledged all responses and had responded to the stakeholders; then, following approval of the List by the Executive Committee in September, the Director General had sent letters to all of the stakeholders again to inform them about the comments that had been retained in the List and indicated that, for any technical follow-up, people could contact him directly. Two stakeholders had come back with more specific questions. He had already responded to one of these and, for the other, he was waiting for additional technical points to be raised. The process put in place that year had been to try to answer all questions raised at an administrative and technical level.

PROFESSOR GERRARD thought that he had picked up three themes in the questions put forward. In response to Mr Gottlieb, it was the question of education, and he was pleased to say that the Medical Director had in his budget for the following year a planned programme of education for physicians, a conference planned for some time, hopefully the following year, which would bring together countries in which TUE knowledge was perhaps not quite so prevalent. He thought that the educational issue was important, and acknowledged that there was a disparity throughout the world.

To Mr Larfaoui, regarding the model of best practice and the conditions or medications commonly requested in TUEs, the proposal was that WADA would bring together a guideline to take into account the most commonly requested medications and the common conditions that were treated. These guidelines would include internationally accepted diagnostic criteria to be met, what specific medical agents were requested to be used, whether there was any alternative permitted substance, how frequently cases should be reviewed because, in some cases, lifelong TUEs created an unfortunate precedent, and WADA would like to consider that there was no such thing as a lifelong TUE, irrespective of the fact that many people had chronic conditions that would require ongoing management and treatment, but WADA would like to reserve the right to review these cases, not necessarily annually, but maybe every two or three years. Common sense should prevail. Finally, in the model of best practice, WADA would like to have the evidence and scientific reference for the diagnosis and the current accepted treatment.

The final theme that had come through was the issue of harmonisation and the recognition by the IOC, or lack of recognition, of a TUE awarded by a NADO or an IF. That was of some concern, and might be best answered by Professor Ljungqvist, so he flicked the ball back to Professor Ljungqvist.

PROFESSOR LJUNGQVIST said that, according to the rules and the Code, the IOC was not allowed to refuse a TUE, but could appeal to the CAS if it did not agree. Mr Larfaoui had not got a full answer in the sense of the most commonly used substances or commonly given TUEs. His experience was that glucocorticosteroids and beta-2 agonists were the most commonly used substances. Steroids were never authorised in a TUE, the sole exception being testosterone in men with testicular hypofunction.

THE CHAIRMAN looked forward to seeing how the ASOIF group would operate in practice. If Mr Aján had any proposals with regard to the equipment, they would be helpful. The blood profiles were sometimes, in his experience at least, a de facto doping control, and relieved an International Federation of the burden of having to prove a doping offence by telling the athlete that it would be unhealthy to compete with a certain level of a certain substance in the blood. In the TUE area, he hoped that one of the areas of investigation would relate to dosages so that, if one tested and found a substance, the quantum would be commensurate with the TUE, and there would be no blanket authority to use substances.

## DECISION

Health, Medical and Research Committee report noted. Suggestions made by Foundation Board members to be taken into account.

### **8.3 Education**

#### 8.3.1 Ethics and Education Committee Chair Report

THE CHAIRMAN informed the members that Casey Wade, WADA's Director of Ethics and Education, had tendered his resignation. His family situation was such that he had been putting in far too many kilometres on his car to travel between his place of work and his family. WADA hoped it would not lose him in the overall fight against doping in sport, but WADA had advertised the position for his replacement on the website. He encouraged applications, as the process would close mid-December.

MS NEILL noted that Mr Owen had had to leave to go back to Vancouver. He had asked her to specifically pass on his thanks to Mr Wade, who had offered tremendous support. The Ethics and Education Committee had had two face-to-face meetings over the past few months, and one conference call. The first meeting had been in July, and the second one in October. She raised a couple of points from the discussions that had taken place during the meetings. With respect to the education symposia, these were one of the cornerstones of the work of the Ethics and Education Committee, and it was quite encouraging to see the way in which the regional offices were picking up on the symposia and helping to deliver those in different regions of the world. The Nutritional Supplements Symposium had been held in Leipzig, Germany. It had been very valuable, forming an important part of the work of WADA. In terms of the education symposia, these had been held in Montevideo, Moscow and Macao, and plans for 2006 included symposia to be held in Senegal, Athens and India. The committee had been working on the development of a framework to bring together the various elements of the education programme. The elements were now being headed by the Play True Education Programme, which was an attempt to bring various disparate parts of the education programme together so that they would be coordinated and understandable, making it possible to have more of a strategic look at them.

One of the newer areas of work of the committee was the focus on youth. The Ethics and Education Committee had spent some time working out how to approach young people and communicating on a regular basis. A focus group would be set up to test some of the education materials with a group of young people to try and learn their language, pick up on the ways in which they talked and communicated, and change the educational materials in a way to make them more appealing to young people.

An important element had been the visit of Ms Hunter to the Ethics and Education Committee, which had signalled the important links between education and communication, and the Ethics and Education Committee would try to build on those links for the future.

The previous day, the Executive Committee had agreed to support five research projects, which had been put forward by the Ethics and Education Committee concerning social science, as opposed to the more technical scientific research projects that had also been approved. The projects looked into behaviour, why athletes took different substances, and the cult around the taking of substances, to try to develop a knowledge base to start with and so that it would be possible to move into future research projects in later years. A total value of approximately US\$ 100,000 had been approved for these five projects.

The Ethics and Education Committee continued to produce educational materials, which were available on the website. She encouraged all members to keep up to date with regard to the materials, which were excellent.

There would be two face-to-face meetings the following year, on 27 and 28 April and 12 and 13 October 2006.

MR FARLEY congratulated the Ethics and Education Committee on its report, noting that, whilst respecting the strict liability principle that held the athlete responsible for substances that went into the athlete's body, the educational aspect should not be minimised; it should not merely expect individual athletes to have as much information as WADA members did, for example. Two things needed to be recognised: that there was a lot of technical information that the athletes needed to have, and that, starting at a very young age, WADA needed to develop an attitude towards the principle of playing true. The Ethics and Education Committee was central to that. The other reality was that many countries were very small and would not be in a position to effectively concentrate on putting the infrastructure in place to facilitate testing and give support to national and international games, international athletes, etc., as well as to effective education programmes. Therefore, the work done at this level to produce educational material in printed and electronic format was of tremendous help, and the newly established Caribbean Regional Anti-Doping Organisation would be drawing very heavily on the work being done by the Ethics and Education Committee to try to engender a spirit and attitude in young athletes and provide specific information to international athletes to help them meet the very rigorous standards. He wanted to express very strong support and urge that WADA look at how to provide resources in this area of prevention and have a more equitable balance with that of detection.

THE CHAIRMAN noted that the Ethics and Education Committee was one of WADA's most important committees and was dedicated to the understanding that the long-range solution to doping in sport was not sanctions, but prevention. He was sure that those concerned would take those comments on board.

MR WALKER had a question on the status of the Model Education Guidelines. He saw from the report that the Ethics and Education Committee had approved them, with minor modifications, but was under the impression that the Executive Committee had also approved them as a non-mandatory standard. He asked the question because, the previous week, the Monitoring Group in Strasbourg had adopted a recommendation to the parties to the Anti-Doping Convention that these model educational guidelines should be used nationally but, if they had no official status as part of the programme, he thought that the recommendation would have to be withdrawn. What was the status of these guidelines?

THE DIRECTOR GENERAL replied that WADA would consider them in the same way that the Council of Europe had done. WADA had worked in partnership with the Council of Europe to develop them; it did not get approval from the Executive Committee on models of best practice. It developed them from a management perspective, and the very model about which Mr Walker was talking would be put into place in the appropriate manner in sync with what had been done at the Council of Europe.

With regard to the issue of dietary supplements in sport, MR CABORN asked for reassurance that WADA and the WADA-accredited laboratories would continue to undertake testing on sports supplements.

DR RABIN replied that there had been many discussions on the issue of dietary supplement testing within WADA and among some of its key stakeholders and, based on those discussions, there had been some decisions taken by the WADA Laboratory Committee and the Health, Medical and Research Committee that the anti-doping laboratory must not be involved in the testing of dietary supplements. It was a line that had been clearly taken by WADA and would be reflected in the new version of the International Standard for Laboratories, to be issued early in 2006.

#### DECISION

Ethics and Education Committee report noted.

## 8.4 Communications

MS HUNTER introduced the Chairman of the WADA Committee, Mr Fetisov.

### 8.4.1 Athlete Committee Chair Report

MR FETISOV noted that the committee had discussed some important policy issues, including the storage of samples. The committee supported the samples being kept for eight years, stating that clean athletes had nothing to hide. The committee also supported the policy being applied to other major international events, in addition to the Olympic Games. The use of the samples for research had also been discussed. The committee had fully supported this, and had stressed that all doping control forms should provide the opportunity for informed consent, and had recommended that WADA provide more education to athletes about what consent meant, highlighting that involving clean athletes could only help to advance the fight against doping in sport. The committee members had agreed to issue their position regarding sanctions to cheats, and had made a few very important statements, agreeing that leadership was important with the development of the anti-doping policy; anti-doping had been a long process and World Anti-Doping Code was a significant achievement to help to level the playing field for all athletes. It had been interesting to see how they had reacted to the suspensions of all of the former great athletes; it had been agreed that the athletes who cheated, as well as the members of the athletes' entourage who encouraged cheating, should be adequately punished to protect the clean athletes and the integrity of sport, and that the current two-year suspension for the first offence was minimal. There had been a strong push for punishment of those involved in cheating. The Athletes Committee was united in its support of a harmonised fight against doping in sport, stating that clean athletes had nothing to hide and nothing to fear. In the area of whereabouts information, the committee had stressed that any system should be easy and economical for athletes, and the athletes had suggested being allowed to nominate a representative to update their information. The committee had been pleased to see that this function had been incorporated in the ADAMS system, and there was strong momentum behind the Athletes Committee in its work with WADA, which had been very productive so far. The committee had planned to host the next meeting in late April 2006 in Moscow, and he looked forward to welcoming the committee members in his country. It would be important at the meeting, particularly after the Olympic Games in Turin, to get some work done to support what had been discussed in the Foundation Board meeting. All of the committee members would continue to work in the fight against doping in sport, and he thanked the Foundation Board members for listening to their views.

MS CROOKS wished to note that she was pleased to have some members of the IOC Athletes' Commission also attend the fruitful meeting of the WADA Athletes Committee. At the previous meeting, a lot of areas for strong cooperation had been identified. The WADA Athletes Committee also visited the IOC Athletes' Commission meetings. She applauded the formation of this committee and looked forward to working with Mr Fetisov in the future.

MR FETISOV said that there had been some concern about how the WADA Athlete Committee would work with the IOC Athletes' Commission, but the same conclusions seemed to be reached by the IOC and WADA athlete bodies, so there was joint support in the fight against doping.

### DECISION

Athlete Committee report noted.

### 8.4.2 Outreach – National and International Federation Model

MS HUNTER did not wish to go into the details of the report that the members had in their files; rather, she wished to focus on one new programme that was currently under way and would be available to stakeholders in the beginning 2006: the Athlete Outreach model. By way of background, WADA's Athlete Outreach programme was an interactive programme presented at major sporting events to educate elite level athletes and their

entourage about the dangers and consequences of doping, as well as their responsibilities under the Code. The Outreach booth was usually set up in the athletes' village and was staffed by experts in anti-doping. Athletes were engaged by playing a computer game that tested their knowledge on anti-doping. If the athletes got at least eight questions correct out of ten, they would win a prize. Athletes were also asked to sign a Play True banner, and it was impressive to see the hundreds of names of athletes on the banners, a visible demonstration of their commitment to clean sport. The Outreach programme had been presented at a number of high-level events over the past few years. A number of growing requests had been received from stakeholders to send the Outreach programme to their events and, while WADA would love to be able to accommodate those requests, it was impossible from a logistical and resource point of view. As a result, WADA had decided to develop a model programme that could be easily adopted by NADOs and International Federations to empower them to administer their own Outreach programmes. A template had been created that could be adapted by the stakeholders. A pilot programme had been run with the China National Games in October; this had been very successful. WADA was now at a point where the materials were developed. The guiding principles in devising the programme were that it had to be turnkey (easy enough for stakeholders to adapt); flexible (so that stakeholders could incorporate parts of the programme into their own ongoing programmes); customisable (in a format that enabled stakeholders to add their own logos, pictures, etc., in order to address their own particular situations and environments); and economical, bearing in mind the availability of resources available to different stakeholders. Members could see examples of the banners and programme features on the slides that were being projected. The Athlete Outreach model was in the final stages of development, and would be launched at the start of 2006. The programme was very simple to use, and a lot of effort had been put into incorporating all of the lessons that had been learnt from the Outreach programme. Hopefully, there would be many more Athlete Outreach programmes going on, making it possible to reach more athletes.

#### DECISION

Outreach National and International Federation model update noted.

### **8.5 Event Audit / Independent Observers**

THE DIRECTOR GENERAL said that a paper had been prepared as an indication of the issues that WADA saw arising from the continuation of the Independent Observer missions. WADA would undertake a review of the missions going to Turin and Melbourne early in 2006, and then convene an Independent Observer team leaders' meeting to ensure that the missions were efficient, effective and of use to those that WADA was serving in conducting those missions. WADA was the eyes and ears of world in preparing public reports on doping control programmes, but also assisting its various stakeholders, the International Federations, the major games organisations, the NADOs and the laboratories, in conducting those missions. Some of those responsibilities were vested in WADA within the Code in any event. WADA wanted to review the style and effectiveness of the missions and, in particular, the cost, as the cost of the missions was pretty high and, in terms of the amount of the WADA budget, the management wanted to make sure that each dollar was well spent. The review would be conducted in April or May 2006; whether the management could report to the Foundation Board would depend on the timeliness of the reports from the Olympic Games, the Paralympic Games and the Commonwealth Games. He would report again at the next meeting.

#### DECISION

Event audit / Independent Observers update noted.

## 8.6 Governments

MS JANSEN noted that there were 182 signatories to the Copenhagen Declaration; there had been an increase of 19 since the previous meeting. All of the new signatories from each of the regions could be seen on the screen. She gave the members a snapshot overview of the progress made since the World Conference in March 2003, highlighting the non-signatories for each region. WADA had been told that the Republic of Moldova was about to sign the declaration.

In terms of government payments, WADA had received almost the same amount as it had received in 2004, and more contributions were coming in earlier. By December 2004, approximately 95% had been received and, with the payment from the USA, a similar achievement should be made in 2005 and, with the double payment coming in, WADA would be in a stronger position financially. The next slide showed, over time, the governments that had made payments. The following slide showed new government contributions, which signified governments that had not previously made a contribution to WADA. Members would see that quite a bit of progress had been achieved, particularly in the Americas and Asia.

In terms of anti-doping programme development in the Commonwealth Secretariat, the Commonwealth Secretariat had improved internally, and WADA was aiming to have three experts in place: one in Oceania by the end of November, one in Africa by December, and one in the Caribbean at the start of 2006. That was working very well with the Commonwealth Secretariat; work was ongoing and Mr Koehler would give a more in-depth outline.

### 8.6.1 UNESCO Convention

MS JANSEN was very pleased to say that the UNESCO Convention had been adopted unanimously on 19 October, and this was a key milestone achievement for governments. In terms of what WADA was doing in conjunction with UNESCO to encourage signatory ratifications by 31 December, the WADA President had attended a press conference in Paris, at the invitation of UNESCO, in October; a copy of the adopted Convention had been sent by WADA to sports ministers and officials worldwide so that processes would not be held up; and, in November, the IOC President had sent a letter to all IOC members and NOC presidents, asking them to approach their governments to encourage them to ratify the Convention.

On behalf of the Director General of UNESCO, MR MARRIOTT-LLOYD thanked WADA for the invitation to attend the Foundation Board meeting. It was his pleasure to address the members about the realisation of an important milestone in the fight against doping in sport. On 19 October, the 33<sup>rd</sup> Session of the UNESCO General Conference had unanimously adopted the International Convention against Doping in Sport. This signified the birth of the first truly global anti-doping convention, and it was even more special, given that it had occurred during the International Year for Sport and Physical Education. At the conclusion of his address, he wished to give the WADA President a copy of the Convention on behalf of all of the governments that had worked so hard to meet their obligations under the World Anti-Doping Code and the Copenhagen Declaration. He acknowledged the contributions of WADA and the sporting community, which had also helped to achieve this objective. The completion of a convention within a two-year timeframe was virtually unheard of in the international environment. At the 33<sup>rd</sup> session, a convention had been adopted on intangible cultural heritage. That convention had been five years in the making. One of the most successful UN Conventions was the Convention on the Rights of the Child, which had taken over ten years to develop. To develop and adopt an international convention unanimously was also not common at the international level. Following the adoption of the Convention, there had been a number of process issues that UNESCO had had to manage. As an international legal instrument, it needed to be correct in all six languages, and every single copy of the Convention (approximately 300) needed to be read and individually certified by the legal advisor. UNESCO was very close to completing this process. Thirty

instruments of ratification were required to bring the Convention into force, and it would come into force on the first day of the month, one month following the deposit of the thirtieth instrument. In other words, for the Convention to come into force by the time of the Olympic Games in Turin, 30 instruments were needed by 31 December. He was confident that the Convention would come into force in 2006. There was strong desire among governments to ensure that the current momentum in anti-doping was sustained; however, the process for ratification, acceptance, approval or accession could take some time. This process needed to accord with constitutional arrangements and each individual state, and could not be hurried. Depending on the constitutional arrangements, the Convention would require presidential approval, parliamentary approval, select committee or senate approval, new legislation, and consultation across the jurisdictions. Sweden had already deposited its instrument of ratification, which had been signed, sealed and delivered by the Minister of Foreign Affairs on 27 October. To do so eight days after the Convention had been adopted was another record for UNESCO. In terms of implementation, UNESCO would be busy in 2006. After the Convention came into force, UNESCO would look to convene the Conference of the Parties, which would need to adopt rules of procedure, develop a robust monitoring framework and agree on the criteria for the expenditure of the voluntary fund. UNESCO also anticipated close cooperation with WADA, with respect to the Conference of the Parties, with WADA as an advisory organisation to that conference, and was looking to enter into partnerships with WADA in the areas of education and capacity building.

It was his pleasure to present WADA with a record-breaking convention; one that would advance the fight against doping in sport, and one that would allow all of the governments of the world to continue their anti-doping activities in a coordinated manner in support of the Code.

THE CHAIRMAN thanked Mr Marriott-Lloyd; the Convention would be a very important part of WADA's archive.

PROFESSOR DE ROSE had a question with regard to the Netherlands Antilles. It had been described as a non-compliance country of the Americas, but it had also paid its dues. How was it possible that it had paid its dues but not signed the Declaration?

He also saw that some countries had paid only part of their dues; for example, Mexico had paid only a portion of its dues. How was that considered?

MS JANSEN replied that a country did not necessarily need to have signed the Copenhagen Declaration in order to pay WADA. Some countries paid, and then signed afterwards.

As to the second question, the way in which WADA recorded payments on its website was that the country would make a payment, WADA would record what was paid and also what was invoiced.

MR REZGUI referred to what the Nigerian member had mentioned, which was that a joint meeting of the African Confederation was to be held in Algiers at the end of the month to prepare for the games in 2007. The meeting would offer an additional opportunity to make all government and sports movement representatives aware of the importance of ratification of the Convention as early as possible.

MR REEDIE said that, in terms of speedy ratification, he thought that it would be useful if WADA had a breakdown of countries that were likely to find it easier to ratify than not, as it was really quite important that the Convention be brought into force. If WADA had that information, it should act on it as a matter of urgency.

MR FARLEY informed the Foundation Board that the 14 ministers of sport of the CARICOM region had met after the UNESCO meeting in Paris to discuss the issue of implementation of the Convention, and had agreed that, as a region, it would enlist the services of the General Counsel of CARICOM to provide common legal advice to the individual member countries to speed them along the way of ratification. He hoped to get confirmation from the countries concerned as to the specific dates of ratification, but

it had been agreed at that meeting that the countries would aim for the 31 December deadline because, for all of the CARICOM countries, the ratification process was dealt with by the cabinet and was therefore subject to confirmation from the Attorney General, aided by the CARICOM General Counsel, and was relatively simple, so the countries aimed to be part of the 30 that would allow for implementation before the end of the year.

MR KALTSCHMITT said that, sometimes, ratification was slow because of the bureaucracy in certain countries. If a country was part of UNESCO and a signatory to a convention, it immediately accepted that convention; therefore, the ratification should be easier. He thought WADA had to create some type of campaign to work with the governments, and people related to governments, like he was, should just proceed in order to ratify it. It should not be that difficult.

PROFESSOR LJUNGOVIST thought it appropriate that he take the privilege of expressing gratitude to the governments and UNESCO on behalf of the Olympic Movement for the quick procedure used for the development of the Convention and its adoption. The Olympic Movement side was very happy that this had been put in place and that a new era could develop for WADA and the fight against doping. Knowing the bureaucracy in his own country, he was confident that many more countries would come along soon to get the Convention ratified.

MR FASULO referred to the commitments made to achieve Code compliance by the sport side before the Olympic Games in Athens 2004 and for the government side before the Olympic Games in Turin; obviously the time was short for the extraordinary amount of work to be realised to enable ratification. Other than the three bullet points he had seen on the presentation about what WADA was doing to speed up the process, one of which was something that the IOC was doing, so the sports movement was actually helping the governments to realise the goal, could anybody help him understand what was being done and what was planned, knowing the amount of pressure and interest that WADA had put on the sport side prior to the Olympic Games in Athens? He hoped that the same would apply to the government side.

MR CABORN said that, on 19 September, the European Union Sports Ministers meeting had taken place, at which nine out of the 22 ministers present had said that they would ratify before the end of January; four had said that they would ratify before the Olympic Games in Turin; and the others would ratify during 2006. He thought that this was a clear indication that quite a lot of work had gone on in the European Union to achieve that result.

MR MIKKELSEN said that all of the governments were doing their utmost to ratify the Convention as soon as possible. He thought that the Foundation Board should be happy that the glass was half-full and not half-empty. This was a historical moment, also a world record in terms of the implementation of a UNESCO convention; 120 countries had adopted the Convention, and nobody had been against it, which showed 100% commitment from the governments. They were very committed to carrying out the process, to ensure that the Convention would be in place before the Turin Olympic Games. Nevertheless, different systems meant different means of ratification. A number of countries would meet the deadline of February 2006; his own country would be one of them. He hoped that understanding would be shown, as all of the countries were doing their utmost to ratify, and any delay was not because of a lack of will, but simply because the constitution of the country made it necessary to involve the national parliament in a much larger process. This meant that maybe ratification by the 30 countries would not be achieved before the end of the year, but he hoped that this would be achieved before February 2006. In order to show that the governments would ratify, there would also be a process of sending a letter to UNESCO to state whether or not the governments would be able to ratify. He had proposed that all of the member states inform the Director General of UNESCO as soon as possible about the day of expected ratification, or at least about the ratification process. Several countries had already sent such a letter to UNESCO, including Spain and the UK. He urged all countries to write



such an information letter with a copy to WADA, so that all countries would demonstrate their willingness to ratify the Convention as soon as possible, and he believed that that should be acceptable also for the sports movement as demonstration of the fulfilment of the Copenhagen Declaration.

MR STOFILÉ said that he wished to remind the Foundation Board members that, in May, the government representatives had been asked to make sure that, by October, a majority of the countries could accept the Convention. They had given their word and delivered. The governments had given their word again and had explained the logistics that were inhibiting delivery earlier than the governments would have liked. He thought that, when things were done quickly by governments, they were accused of being undemocratic and autocratic, and when they did things democratically, they could not also be accused of being dilatory; this was an unfair approach. Public bodies differed from country to country. There was no way that there could be uniformity in the response to the Convention; this had been said right at the beginning, and he thought that the governments should be trusted, in good faith, as they had been trusted previously. He found this exhibition of doubt very uncomfortable. He thought that 30 countries would be delivered on time; it would certainly not be possible to deliver 100% on time. This would be virtually impossible.

THE CHAIRMAN thought that there were a number of important aspects for the Foundation Board and stakeholders represented around the table. UNESCO had acted with quite remarkable speed to accomplish the negotiation and adoption of the Convention, but the Convention as such would not come into force until it had been ratified by 30 countries, and he thought that it would be a matter of grave disappointment to the sport world if the governments were unable to find 30 countries among the 200 to ratify the Convention by 31 December. The coming into force of such a convention in time for the Olympic Games in Turin had been the governments' call, the schedule that the governments had established. They had said that this would not have been possible prior to the Olympic Games in Athens, and the sports movement had understood; it was more complex for governments to act than for sports organisations. That said, this was not a surprise; it had not been on 19 October that an international convention had first been heard of. He hoped that there had been enough preparatory work done in enough countries so that it would be possible to go to Turin and say that both sets of stakeholders had delivered on undertakings given in Copenhagen. WADA would put up a wall of fame: the first 30, or all of, the countries ratifying the Convention in time for it to be applicable in time for the Olympic Games in Turin would be on a permanent wall of fame in the headquarters. He hoped that, amongst governments, who knew the processes, a sense of urgency would be developed, so that at least 30 countries would ratify the Convention, so that it would be possible to go to the Olympic Games in Turin and say that the UNESCO Convention against Doping in Sport was in force.

He expressed WADA's thanks to the UNESCO Director General for his leadership in keeping everybody's feet to the fire. The Director General had stuck his neck out in making the commitment and had delivered on it, for which WADA was very grateful.

#### DECISION

UNESCO Convention update noted.

### **8.7 International Federations**

THE DIRECTOR GENERAL spoke in Mr Moser's absence in terms of his starting time and Mr Dielen's resignation, and the written report was available. WADA was maintaining liaison with the International Federations following Mr Dielen's departure; a group of WADA staff would go to Lausanne in December to meet with as many International Federations as possible to talk about practical issues and ensure that matters such as results management were pursued. This was being done in preparation for the annual International Federations Symposium, to be held in Lausanne towards the

end of March 2006. WADA would invite all the International Federations to send their staff members who were responsible for the anti-doping programmes to discuss matters of mutual concern and interest. He hoped that, when Mr Moser started, he would have plenty upon which to report at the main meeting.

MR REEDIE said that this symposium would be an ideal opportunity for the two groups to sit round the table and deal with the same problem.

#### DECISION

International Federations update noted.

### **8.8 ADAMS – Anti-Doping Administration and Management System**

THE CHAIRMAN said that WADA had been working assiduously to put together an exciting new system to manage many of WADA's tasks.

MR BIRDI said that his report was before the members in their files. He wished to show the members a brief slide presentation to show how easy it would be to use ADAMS. It had been easy to build ADAMS; there were challenges ahead in terms of its implementation, and some of the parts he would cover would highlight where the challenges lay. As to the use of ADAMS, it would be very easy to use, and it could be accessed anywhere in the world, as long as an Internet connection was available. It was a modular system, which would make it easy for any organisation to use whichever part it wished to use. For example, if organisations had nothing on test distribution planning, they could use that part of the system, TUEs, doping control, etc. It would also enable organisations to scan documents to attach them to ADAMS so that, if they did not have time to enter data, they could simply attach documents. Lastly, he would show that concerns about security and data security had been well covered.

There were three parts to ADAMS: the construction of the system, the legal parts of the system, and the promotional system. The first two parts had been completed. As to the basic functionality, there were four large modules within ADAMS: Whereabouts, TUE Management, Clearinghouse and Doping Control.

Whereabouts had been praised by a number of people as perhaps one of the best systems ever seen or worked with. It enabled athletes, or any people designated by the athletes, to include whereabouts in the system. Advantages included accuracy checks, notification of athletes and modification tracking. It enabled searches and the printing of reports.

TUE management enabled online submission of TUEs. There was a link between the TUEs and adverse analytical findings.

The Clearinghouse was perhaps the most important part of ADAMS, allowing users to share doping control data, enabling laboratories to enter results, and allowing the sharing of information related to ADRVs and TUEs, hearing and appeal processes, matching the doping control and laboratory results and generating statistical reports.

The Doping Control module was the final module of the system. For all registered testing pools, it was possible to have the distribution plans monthly, quarterly, annually, etc. Links to whereabouts were available. There was an athlete selection process, including a ranking of athletes. The creation and issuing of mission orders was also part of this module.

The four modules were really easy to use; as far as the security was concerned, there were three different levels. The anti-doping organisations had the custodianship of the athletes. Each athlete had to belong to an anti-doping organisation, which would enter the profile of the athlete. Then those organisations had the authority and access, and had the right to turn over custodianship to another organisation. Then there was accessibility to TUE information, ADRVs and sanctions. Athletes had a very limited accessibility to the system, which included their own demographic information, whereabouts information and information about TUEs and completed test results. Some

people had asked whether WADA had the authority to go anywhere and see anything in the system about any athlete. The whole system was based on the World Anti-Doping Code and, if the Code did not allow WADA to do something, ADAMS would not allow WADA to do it.

Some of the challenges being faced concerned technology in some countries, and languages; the system was available in English, French and Spanish. The Swiss Olympic Association had translated the guide into German. WADA would hold a conference call that afternoon with JADA to talk about Japanese translation; he had been told that Iran was trying to translate some of the agreements in order to be able to put forward agreements to government officials for authorisation of translation into Iranian. Implementing the system was not easy; WADA had established that this would have to be done stakeholder by stakeholder. WADA was working as a team to get to the stakeholders and request cooperation with WADA. The information was available on the website; a press announcement had been made some days previously, and all information related to ADAMS, including monthly updates, would be given on the website.

PROFESSOR DE ROSE asked about the end of the first page and the beginning of second page of the report. NADOs and laboratories had been mentioned as stakeholders. Theoretically, stakeholders were only members of the Foundation Board. NOCs were very important stakeholders as they were NADOs where NADOs did not exist. He proposed including NOCs as stakeholders, which felt somewhat excluded from the system.

MR BIRDI said that there had been no intention to exclude NOCs; his presentations always mentioned NOCs, but he had brought them all together here under anti-doping organisations. He would make sure that NOCs would be mentioned individually in the future.

THE CHAIRMAN said that ADAMS would be quite a breakthrough if it could be made to work.

## DECISION

ADAMS update noted.

### **8.9 Standards and Harmonisation**

#### 8.9.1 Anti-Doping Programme Development

MR ANDERSEN said that he had mentioned Code-compliance monitoring that morning, and WADA was working on a Code-compliance system through results management or a clearinghouse for all results submitted to WADA from the WADA-accredited laboratories worldwide. This meant that more than 2000 adverse analytical findings were received by WADA every year; WADA would store every single one and make sure that each was given follow-up accordingly.

WADA also worked quite comprehensively on improving quality in anti-doping organisations. WADA was working on guidelines on various topics, such as test distribution planning, whereabouts and registered testing pools. There had been a seminar in Norway at the end of May in order to make testing more efficient and effective by being preventative and detective.

MR KOEHLER said that all countries were required to have a NADO under the World Anti-Doping Code. In the absence of a NADO in each country, the NOC was responsible for taking on the anti-doping activities. Looking at the UNESCO Convention, there were several responsibilities, and he wished to focus on the issue of support for NADOs. There were two stakeholders: the Olympic Movement, or the NOCs, and the governments, which had to support national anti-doping programmes. The reality was that, globally, anti-doping programmes were limited, which was why WADA had developed programme development, to assist countries and regions in which no anti-doping programmes

existed, to ensure that all athletes in all countries were subject to the same anti-doping protocols and processes. As a result of the anti-doping programme development and the development of RADOs, WADA had developed a RADO that year in the Caribbean, in Central America, and in ANOCA zone 5 West Africa, and a pilot project in Oceania. Details regarding the countries in the regions were identified in the paper in the members' files. In 2006, WADA planned to expand its RADOs; it planned to work in South America, Southern Africa, West Africa, Central Asia and South East Asia. The remainder were to be carried out up to 2010. There were 37 NADOs at that time. As of 2005, there would be a total 37 countries through the establishment of five RADOs; by the end of 2006, WADA planned to have 37 countries engaged with five to six RADOs, resulting in a total of 113 countries engaged over a two-year period. From 2007 to 2010, all countries were to be engaged with anti-doping programmes.

The considerations for all of the regions included having anti-doping rules regionally in place, TUE committees, result management committees and appeals committees. An important aspect of the project to date was that testing was happening immediately after the DCO training, and education was happening immediately after the first meeting. The RADOs that had been created were therefore already doing things.

The project began by bringing NOCs and governments together around one table to discuss how to work together to pool resources rather than the alternative of having one large national anti-doping programme. In Africa, the six countries had been present, with NOC and government representatives, and it had been decided to have a small organisation to drive the processes. The region had therefore adopted something that was similar to a WADA approach, whereby each country would designate one representative to represent the interests of sports and governments. The RADO board in Kenya would have six representatives driving the process forward. The Doping Control Officer training process had recently been completed in Tanzania, with two DCOs per country trained and to be sent on missions with the cooperation of the South African Anti-Doping Organisation. WADA had also partnered with the IAAF in this project, which would be partnering with WADA in Southern and Western Africa. The next meeting would involve forming a TUE committee with shared resources from all of the regions, and a results management panel and an appeals mechanism were being put into place. The concept was that the expertise was limited in the region, as were the financial contributions, so the countries were being brought to pool resources and ensure effective anti-doping programmes. The other regions and partners with which WADA was working included the International Netball Federation within the Caribbean, and the International Rugby Board for the pilot project in Oceania.

WADA wanted the regions to achieve self-sustainability. A major discussion was therefore how to fund the RADO, where the money should come from and whether voluntary aid could be received. There was support already being given, and WADA intended to use its resources and leverage its contacts to try to assist with the funding and the ownership of the local regions. WADA was committed to working with these countries to make sure that the programmes were successful and self-sustainable and that athletes were being tested in all regions throughout the world.

Looking at the Olympic Movement, a similar approach had been taken. WADA was working with NOCs and governments in each country to form a regional approach. As had been mentioned previously, 10 out of 28 Summer International Federations had out of competition testing programmes. Three out of the seven Winter International Federations had out of competition testing programmes, and three out of the 29 recognised International Federations had out of competition testing programmes. A similar approach was to be taken in assisting the Olympic Movement and the International Federations with the development of programmes. WADA had met with representatives from the IOC, GAISF, ASOIF and AWOIF to discuss how to move the project forward and pool resources with International Federations. This had been a very successful meeting, and it had been determined that a questionnaire would be sent out, in order to carry out a needs assessment and, once all of the information was received,

WADA would explore opportunities to assist the International Federations in developing programmes and share resources. He wished to make a correction to his report: in the International Federations update, it had been mentioned that ASOIF would rather not send out a questionnaire; this was because ASOIF had felt that GAISF represented all of the federations. Questionnaires were to be received by the end of year to commence programme development and assistance with the International Federations in early 2006.

#### DECISION

Anti-doping programme development update noted.

##### 8.9.2 Out of Competition Testing Update

MR ANDERSEN said that WADA would reach the amount of 3,000 tests, possibly 3,200 tests, for that year, which was quite an achievement since, in May, WADA was to do 1,000 tests less. There was great cooperation with the International Federations, the national anti-doping agencies, and an independent commercial provider. There were also agreements with 16 national anti-doping agencies in order to conduct tests on WADA's behalf. WADA had recently received the signing of the agreement with the International Volleyball Federation, and was happy to have the federation on board. There had been an increase in adverse analytical findings, many due to an increased T/E recording, but there was still an increase compared to the previous year. It was very difficult to know why; it could be that the testing was more efficient, or that there was more doping out there. For 2006, WADA planned to do the same amount of testing as that year, but more efficiently, and in remote areas of the world in which no testing was currently conducted. The test distribution planning would be kept in-house, and WADA would try to let outside agencies do the rest of the work.

On behalf of the IPC, MR PASCUAL wished to congratulate WADA and encourage it to continue with its out of competition testing, which was instrumental for many organisations, particularly for the IPC, which was a major event organiser and an international federation for multiple Paralympic sports. To have cooperation with WADA concerning out of competition testing was essential for the IPC.

MR REEDIE had one slight practical issue to note. If, as he understood, WADA intended to produce model rules for NADOs, the Code stipulated that, if there was no NADO in a territory, it was the NOC that had to do the testing. It was in their interest to get a NADO established. He was aware of three occasions upon which such process had been hindered, by the fact that, when the NOC had given up responsibility and passed it to the NADO, there had been no transfer of people or information, and distinct tension had arisen in these three situations, two of which had been in Europe and one of which had been in Central America. The Code was clear on this issue and said that the organisations should cooperate; that was an easy thing to say, but quite a difficult thing to make happen. He wondered if the transition from NOC to NADO might be covered by these model rules, including some strong recommendation for information transfer to get around what appeared to be personality problems.

MR FASULO had been happy to see that the level of out of competition testing had been maintained or increased. One of the big challenges was the overlapping of testing between NADOs and International Federations; examples came back time and again of an IF testing at an event and then, the same day or the following day, somebody turned up to say that they were also testing, and sometimes samples even went to the same laboratory. Athletes were often being subjected to different procedures around the world. One other consideration was in reference to advance notice testing guidelines, and whether WADA might help to clarify what constituted a miss-test. There appeared to be a big difference of opinion among the International Federations as to what constituted a miss-test. In accordance with the guidelines, it would also be important to have an opinion from the WADA Athletes Committee on the harmonisation of these out of competition testing procedures, such as what margin of flexibility there was within the advanced notice testing guidelines, or no advanced notice versus advance notice testing.

PROFESSOR LJUNGQVIST came back stubbornly to an issue, namely, out of competition testing, or the absence of it in many countries. In the late nineties, he had been involved in research and had found out that only a dozen or less International Federations had been conducting out of competition testing. He was afraid that, after five years of WADA's existence, not much had happened. That was very important for the IOC, as it meant that more than 20 International Federations were not Code-compliant. Could this be elucidated? He would like to know what WADA was doing to rectify the matter?

MR ANDERSEN told Mr Reddie that the model rules for NADOs or NOCs were available and on the WADA website. In addition to the model rules, WADA was creating helpful guidelines on how to establish a NADO, whether the bodies were NOCs or starting from scratch, or both together. He would include the element of NOCs in the "cookbook", or help tools.

He thanked Mr Fasulo for his comment regarding the increased testing. The overlapping issue was a comment that was constantly received; he hoped and believed that ADAMS would solve this. WADA had to cooperate with the International Federations and NADOs as best as possible for the moment, since there was no electronic means to coordinate testing.

Regarding the miss-test guidelines and defining a miss-test, WADA was also working on these guidelines and revising them, based on stakeholder advice, including advice from the International Federations and International Federation workshops held in Lausanne. He also thought that it was a good idea to put this forward to the Athletes Committee to seek their point of view.

Professor Ljungqvist had mentioned the lack of testing in many International Federations. Only ten out of 28 Olympic Summer Sports currently did testing, and only three out of seven Olympic Winter Sports performed testing; that was not good enough, and Mr Koehler would touch upon the issue in his presentation.

#### DECISION

Out of competition testing update noted.

### **8.10 Strategic Plan – Performance Indicators**

THE DIRECTOR GENERAL referred the members to the documents in their files. This was a matter of information, indicating the amount of work that was done on an annual basis. A similar plan would be prepared for 2006.

#### DECISION

Strategic Plan performance indicators update noted.

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

MR CABORN referred back to an item discussed previously, the question of the Prohibited List of Methods and Substances and the three underlying principles. At the authorities' meeting that morning, he had referred to the challenge of a discussion by the European Union regarding the three principles upon which the Code was based. This had been done by sending out questionnaires to all of the 25 countries of the European Union and the two accession countries. The authorities had also consulted elite athletes through UK Sport, along with their coaches and support staff, on the whole question of the three principles on which the Code was founded. He did not wish to bore the members, other than to say that, if members wished to obtain the background information to all of the questions asked, such information would be made available. Would WADA undertake a comprehensive review of the principles of the mechanism? Moving into 2007, it was timely that the issue of the foundations on which WADA was based, and the very central principle of performance enhancing drugs, and the weight

given to that as opposed to the other two principles, was something that really was of concern, and it could serve a very useful purpose if WADA were prepared to take that lead on the consultation. The UNESCO Convention was on the way to implementation. It was timely to have an informed debate so that, in 2007, it would be possible to have an informed debate at the 2007 World Conference on Doping in Sport, in order to set the foundations for the next period of WADA's successful existence. It was against that background that he raised the question again as to whether WADA could take that under its wing to start a comprehensive and fully consultative review of the principles and mechanisms that underpinned the List of Prohibited Substances and Methods.

THE CHAIRMAN thought that this was certainly something that could fall within the very extensive consultative framework outlined by Mr Andersen earlier. Whether WADA took the lead in raising the issues or merely took the lead in making sure that they were raised and dealt with in whatever proposals came forward at the conference was debatable; however, he certainly thought that it was a timely occasion to do that. WADA would have had four years of experience with the Code and should determine whether or not it wished to alter the premises for the List.

PROFESSOR LJUNGOVIST supported the comment made on behalf of the Health, Medical and Research Committee; the List Committee had debated the matter and was awaiting input from authorities and stakeholders in order to proceed.

MR WALKER said, with great respect, that he did not share the Chairman's analysis or interpretation of the UNESCO Convention situation, neither as stated that day, nor in the Chairman's letter to the public authority members of the Foundation Board on 1 November. He very much hoped that, by the end of the year, 30 states would have ratified the Convention; but, as Mr Marriot-Lloyd and Mr Stofile had said, there were difficulties and constraints with national ratification processes that meant that it could not be guaranteed. On a more fundamental matter, he did not share the Chairman's analysis because he did not believe that governments had ever promised that the Convention would have entered into force by the opening of the Olympic Games in Turin. Indeed, he did not think that the governments could have made such a promise, because it was not until the UNESCO General Conference in October 2003, unless he was mistaken, that it had been decided by UNESCO to prepare this Convention, so governments could hardly have made a promise that something would enter into force when there had not even been a decision that there would be such a convention. What governments had promised was that they would implement their commitments under the Copenhagen Declaration by means of an international instrument. That international instrument now existed, and it was his opinion (perhaps he spoke only for himself) that governments had carried out the commitments undertaken under Copenhagen Declaration.

THE CHAIRMAN said that Mr Walker's comment had been duly noted.

There was a list of the WADA Foundation Board and Executive Committee members that had been distributed to the members to bring them up to date as far as possible at that stage.

For the peace of mind of Mr Gottlieb and the USA, there had been a lot of talk about the USA doubling up its contribution; it had not doubled its contribution, but it had accommodated WADA's request to know prior to the end of the current year whether or not the appropriation would be made. In order to help WADA in its cash-flow and budgeting, the USA had arranged to catch up by one extra year so that, in the 2005 budget process that had just gone through, the USA had included two years, in order to be ahead of the curve in terms of its budget year but right on schedule for WADA's. WADA was very grateful.

There were a couple of retiring members in the ordinary course of Foundation Board replacements. He thanked the representatives of Korea and the UK, who would be retiring as of the end of 2005. The new members came from Jordan and Finland, representing Asia and Europe respectively. He thanked the outgoing members for all of their cooperation.

There was a revised set of meeting dates, which had been distributed to the members. The aim had been to try and maximise the efficiency of a series of meetings in the case of the September Executive Committee and May Foundation Board meetings. An informal consultation had suggested that more stakeholders had an easier time getting to Canada for a weekend meeting rather than one that took place from Monday to Friday. The November meeting date proposed remained the same.

He thanked Mr Howman and his team for preparing such fine meeting material, which had enabled WADA to get through interesting issues with a minimum of wasted time, and that went hand in hand with the members' own work in preparing for the meetings. That preparation had been one of the reasons that WADA had been able to accomplish as much as it had within such a short time. He thanked the interpreters for their important work. He looked forward to seeing everybody in May 2006.

#### DECISION

Executive Committee meeting to take place on 13 May 2006; Foundation Board meeting to take place on 14 May 2006; Executive Committee meeting to take place on 16 September 2006; Executive Committee meeting to take place on 19 November 2006; Foundation Board meeting to take place on 20 November 2006.

The meeting adjourned at 3 p.m.

#### FOR APPROVAL

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