

**Minutes of the WADA Foundation Board Meeting
17 November 2007
Madrid, Spain**

The meeting began at 2.00 p.m.

1. Welcome, Roll Call and Observers

THE CHAIRMAN welcomed the members to the second and final Foundation Board meeting for 2007; there were a number of things that had to be done as part of the Foundation Board's normal duties, and then there would be the unusual portion of the meeting, which involved some elections for executive positions on WADA. He circulated an attendance sheet for all of the Foundation Board members and staff members to sign, and those observers wishing to be noted as part of the proceedings also had an opportunity to sign.

The following members attended the meeting: Mr Richard Pound, President and Chairman of WADA; Professor Arne Ljungqvist, IOC Member and Chairman of the WADA Health, Medical and Research Committee; Professor Jiri Dvorak, representing Mr Joseph Blatter, IOC Member and President of FIFA; Ms Rania Elwani, Member of the IOC and Member of the IOC Athletes' Commission; Ms Beckie Scott, Member of the IOC and Member of the IOC Athletes' Commission; Mr Ser Miang Ng, representing Mr Saku Koivu, Member of the IOC and Member of the IOC Athletes' Commission; Mr Alexander Popov, Member of the IOC and Member of the IOC Athletes' Commission; Mr Kenshiro Matsunami, Senior Vice Minister of Education, Culture, Sports, Science and Technology, Japan; Mr Vyacheslav Fetisov, Chairman of the WADA Athlete Committee and the State Committee of the Russian Federation for Physical Culture and Sport; Mr Scott Burns, Deputy Director of the ONDCP; Sir Craig Reedie, IOC Member; Mr Makhenkesi Stofile, Minister of Sport and Recreation, South Africa; Mr Gian Franco Kasper, IOC Member and President of the FIS; Mr Christophe De Kepper, representing Mr Mustapha Larfaoui, IOC Member and President of FINA; Mr René Bouchard, representing Ms Helena Guergis, Secretary of State (Foreign Affairs and International Trade) (Sport), Canada; Sir Phil Craven, President of the International Paralympic Committee; Mr Willi Kaltschmitt Lujan, Member of the IOC and Member of the IOC Press Commission; Mr Rich Young, Representative of the ANOC; Dr Patrick Schamasch, representing Dr Robin Mitchell, Member of the IOC, President of the NOC of Fiji; Mr Patrick Chamunda, Member of the IOC; Professor Eduardo Henrique de Rose, President of the PASO Medical Commission; Dr Tamas Aján, Member of the IOC; Mr Francesco Ricci Bitti, President of the International Tennis Federation; Mr Anders Besseberg, President of the International Biathlon Union; Dr Christophe Bergner, Vice Minister of the Interior, Germany; Mr Laurentino Dias, Secretary of State for Youth and Sport, Portugal; Mr Zoran Verovnik, representing Mr Milan Zver, Minister of Education and Sport, Republic of Slovenia; Mrs Maud de Boer-Buquicchio, representing Mr Terry Davis, Secretary General, Council of Europe; Mr Ali Rezgui, representing Mr Hachemi Dijar, Minister of Youth and Sports, Algeria; Mr Sylvio Tang Wah Hing, Minister of Youth and Sports, Mauritius; Prof Claudio Morresi, President of CONSUDE; Dr Adrian Lorde, representing Mr Anthony Wood, Minister of Education, Youth Affairs and Sports, Barbados; Ms Datuk Azalina Othman Said, Minister, Youth and Sports, Malaysia; Mr Duan Shije, Vice Minister, State Sport General Administration, China; Mr Clayton Cosgrove, Minister for Sport and Recreation, New Zealand; Mr Bill Rowe,, representing Mr George Brandis, Minister for the Arts and Sport, Australia; Mr David Howman, WADA Director General; Mr Rune Andersen,

Standards and Harmonisation Director, WADA; Mr Jean-Pierre Moser, Director of the WADA European Regional Office; Mr Rodney Swigelaar, Director of the WADA African Regional Office; Mr Diego Torres Villegas, Director of the WADA Latin American Regional Office; Mr Kazuhiro Hayashi, Director of the WADA Asian/Oceanian Regional Office; Ms Elizabeth Hunter, Communications Director, WADA; Dr Alain Garnier, WADA Medical Director; Dr Olivier Rabin, Science Director, WADA; Ms Julie Carter, Education Director, WADA; and Mr Olivier Niggli, Legal Director and CFO, WADA.

The following observers signed the roll call: Rob Koehler; Hajira Mashego; Robyn Cubie; Alfons Roebben; Andrew Fieldsend; David Gerrard; Michael Gottlieb; François Kaiser; Stanislas Frossard; Liri Di Michele; Julien Sieveking; John Fahey; Ramlan Abd Aziz; Friedrich Wilhelm Moog; Klaus Pöhle; Matthias Schmidt; José Eduardo Vieira; Luis Horta; Neil Murrell; Peter Schønning; Torben Hoffeldt; Sojeong Park; Sangil Woo; Mary Warren; Tomas Johansson; Doug MacQuarrie; Koichi Miura; Mikael Lindman; Alberto Cutillo; Shin Asakawa; Ichiro Kono; Jean-Pierre Lefebvre; Idee Idyangudor; Dmitry Tugarin; Mikio Hibino; Natsuki Omi; Kazumi Shindo; Javier Odriozola; Luis Saladie; Hiroyuki Nishizaka; Fouad Belkessam.

2. Minutes of the meeting on 13 May 2007 in Montreal

THE CHAIRMAN asked whether the members had any comments regarding the minutes of the Foundation Board meeting on 13 May 2007 in Montreal. As far as he knew, there had been no comments or objections in relation to those. Unless any comments or corrections were made by the end of that meeting, he would assume that the members were satisfied with the minutes as distributed and would sign them accordingly.

DECISION

Minutes of the meeting of the Foundation Board on 13 May 2007 approved and duly signed.

3. Director General's Report

– 3.1 Executive Committee Meeting Update

THE DIRECTOR GENERAL said that the first part of his report was to advise the Foundation Board members of the decisions taken by the Executive Committee on 14 November.

The budget had been recommended by the Executive Committee for approval by the Foundation Board. There had been some discussion about Interpol, as WADA had been expecting a memorandum of understanding to be signed by Interpol at the conference. WADA and Interpol management had been in close contact after many months drafting the memorandum of understanding but, at the last minute, during the Interpol general assembly in Morocco, the Interpol executive committee had decided that the signature was premature and wanted to postpone it. The Executive Committee had been very disappointed at this late decision and took the opportunity to ensure that all of the members who represented governments could urge the appropriate authorities in their countries to encourage Interpol to work. This might require a review of national legislation to ensure that there were appropriate laws dealing with trafficking in prohibited substances, and that those laws were accompanied by strong penalties so that the enforcement agencies could be encouraged to act and enforce the laws.

The Canadian and Quebec governments had exercised the option that they had pursuant to the contract under which WADA operated in Montreal and he and the President had been directed to complete the required documentation to ensure that the option was cemented appropriately, and he had been reminded by the Executive Committee to ensure that the funding supplied under this contract was appropriately indexed to ensure that it would increase on the basis of inflation.

The Executive Committee had agreed to accept the generous offer by the OCA to have a sub-regional office available to WADA at the OCA's new headquarters in Kuwait, to be opened in November 2008. The sub-regional office would operate under the auspices of the WADA regional office in Tokyo. WADA would not commit human resources to the office at present, but it was free space available accompanied by generous provisions should WADA have staff in Kuwait, and accompanied by the generous provision of meeting space to allow WADA to engage in that part of the world and hold conferences and meetings at no expense.

The compliance plan prepared by Mr Andersen and the Standards and Harmonisation Department had been approved and noted so that it would be put into place to ensure that, over the coming months, all of the signatories subject to a compliance report (to be tabled at the Foundation Board meeting the following November) would be given as much assistance and help to ensure that the signatories were in compliance and avoid any negative connotations by the time of the November meeting.

The Executive Committee had agreed that the International Standard for Testing, the whereabouts standard, would be deferred for further consultation until May 2008, when the Executive Committee would determine the standard.

The International Standard for TUE, out for its second round of consultation, would be before the Executive Committee in May 2008 for approval.

There had been five education social science projects approved with a total commitment of US\$ 196,000 showing the advance being made and continued commitment in respect of educational projects.

The Executive Committee had directed that WADA undertake the management of an out-of-competition testing programme in 2008.

Finally, approval had been given to the International Standard for Laboratories, which would come into effect on 1 January 2008, and he made it clear that the standard was not dependent on the revision of the Code but more dependent on practical matters that needed to be dealt with to ensure that the quality standards required of the laboratories were kept at the appropriate level and that WADA was keeping pace with the developments required for those laboratories.

His report was before the members in writing; he had attached to his November report the September report given to the Executive Committee at the meeting in Montreal and he wished to cover a couple of matters within it.

There would be a memorandum of understanding discussed and finalised with CONFEJES when it met in Montreal for its meeting in December. He was very pleased with the progress made in that regard and the assistance from the regional office in Africa.

The very important work regarding investigations had continued. There was a draft paper dealing with protocols that needed to be looked at when enforcement agencies were involved, and investigations and enquiries and evidence that might be helpful to sport could be gathered during the course of such enquiries. He was circulating that paper among the experts who had attended the two symposia, and he hoped that this

would be considered and that WADA would receive expert responses, and WADA would then convene another symposium in early 2008 to present a final paper of best practice and protocol to the Foundation Board and Executive Committee in May.

The President would comment on the recent visit that he had paid to China along with the WADA management team, and the positive results that had come from that particular visit. Building on that, the WADA management had made a visit to India, where there was significant need for assistance in the preparation and operation of a national anti-doping agency and the conduct of an anti-doping programme. In that regard, WADA had already had discussions with UK Sport, which had offered to partner WADA on the basis of providing training to people who would be necessarily engaged by the new Indian NADO.

It was important to look at other countries in this regard. WADA had been asked by Korea to provide expertise and information to the new Korean national anti-doping agency, and had noted with interest that Nigeria and Brazil were looking at opening national agencies and seeking guidance, so WADA would look to visit those countries in 2008 as part of the WADA development programme, bearing in mind that WADA had a duty to look at organisations regionally (under the RADO project), but also had to recognise that some of the bigger countries, in which a national programme would be in place, would not be part of a regional programme but would also require a lot of assistance and expertise in their operations.

The summit on cycling had been convened and hosted by the French minister. Considerable positive progress had been made. There was a report in the members' files from the Medical Director on what would happen with the progress of the Athlete Passport project and Dr Garnier would be available to provide further information during the course of the meeting.

He thought that the difficulty in Brussels had been resolved; WADA had known that there was a gap in the laws in Belgium that had precluded anti-doping testing in Brussels itself. Legislation had been tabled; WADA had not yet had the opportunity to fully peruse it and determine whether it was totally Code-compliant but he was optimistic, and he took the opportunity to thank the Danish colleagues for their considerable assistance in resolving this particular issue.

The WADA management was very alert to the issue of bribery and corruption, and knew that this would eventually come into the area of anti-doping. WADA would form a small group made up of individuals from sports and governments that had already had to deal with this issue in the conduct of their work with sport so that they could give guidance on how to combat it in anti-doping.

Those were the matters that he wished to exemplify from his report; he would be happy to answer any questions.

THE CHAIRMAN responded to the Director General's invitation to talk about the team visit to China earlier that year. He had reported the previous year that there had been a visit to Beijing in 2006, during the course of which he had met with the responsible authorities in China on anti-doping, and had identified areas that were being well covered and some other areas on which there was room for improvement. China had invited the team to go back a year later to assess the progress against the goals, and WADA had been tremendously impressed with the progress made in the course of only one year. The number of tests and the smartness of the tests had been greatly improved; there was an internal mechanism established between the central government and various provincial governments for exchange of information and other material that was important in the fight against doping in sport; the central government had set up an

interdepartmental interministerial committee involving 11 or 12 different ministries, chaired by the ministry of sport, and the vice-chairman was the WADA Foundation Board member and friend; there was a state of the art laboratory in Beijing that would be used in the lead-up to the Olympic Games, during the Olympic Games and thereafter; the quality of the educational material being produced for athletes at various stages of their careers and for coaches and support personnel was excellent; the degree of independence of the national anti-doping organisation had improved enormously; and he thought, working together with the General Sports Administration, there had been some impact on the Beijing Organising Committee to make sure that there would be a real legacy in terms of equipment and expertise following the Olympic Games. China was one of the first 30 countries to have approved and ratified the UNESCO convention and had served on the Foundation Board pretty much since the beginning, so he wanted everybody to know that the assessment was that there had been fabulous progress there and, looking at all the activities and efforts undertaken by the Chinese authorities, very few (if any) countries in the world could say that they were doing more in this fight against doping in sport. He congratulated the Chinese authorities. He looked forward to successful Olympic Games in Beijing the following year and an ongoing and positive relationship in the fight against doping in sport.

DR SCHAMASCH asked whether the Chairman could explain why Interpol had not agreed to sign the memorandum of understanding. The success of the fight against doping in sport involved the full cooperation of the customs and police organisations, and it would therefore be useful to find out why Interpol had rejected the signature of an important agreement.

THE CHAIRMAN said that he shared Dr Schamasch's concern; the Executive Committee had already resolved to try and find out what had happened. WADA had been expecting to sign the protocol and the memorandum of understanding in Madrid; it had been drafted by Interpol itself, so something had gone wrong at that end and everybody would be interested to discover what had happened, and WADA would do its best to make sure that it found out. It was a rather embarrassing failure for WADA not to have had that memorandum of understanding signed in Madrid.

DECISION

Report by the Director General and Executive Committee meeting update noted.

4. Operations/Management

- **4.1 Election of WADA Chair – *This item was deferred until the end of all other business. Refer to Item 9 – Other Business***
- **4.2 Election of WADA Vice-Chair – *This item was deferred until the end of all other business. Refer to Item 9 – Other Business***
- **4.3 Appointment of Executive Committee - 2008**

THE DIRECTOR GENERAL said that this dealt with the appointment of the Executive Committee for 2008; the members would see in their files the proposed composition of the Executive Committee for 2008 following nominations from the Olympic Movement and the regions relating to public authorities.

THE CHAIRMAN asked whether the members were content with the list as proposed.

DECISION

Proposed Executive Committee composition for 2008 approved.

– **4.4 Appointment of Foundation Board - 2008**

THE DIRECTOR GENERAL noted that the members would see in their papers some Foundation Board memberships that would fall on 31 December 2007. The majority of nominations for those particular positions had been received, but he was waiting for one or two and understood that some meetings were still required in some of the regions to complete the full Foundation Board membership. As soon as those nominations were received, the full Foundation Board list for 2008 and onwards would be published on the WADA website and circulated to all members.

THE CHAIRMAN said that these nominations were not for the members' approval; they were submitted more for information as they were positions designated by the particular stakeholders.

DECISION

Foundation Board members for 2008 to be published on the WADA website and circulated to all members upon confirmation.

– **4.5 Standing Committee Memberships - 2008**

THE DIRECTOR GENERAL said that the members would see the four working groups and their composition with the terms contained within. The process for the selection of individuals for these groups was conducted pursuant to the constitution. WADA sought nominations, the WADA management then discussed the nominations with the chair of the committee and the President of WADA. Taking into consideration the requirements of the constitution, which were to ensure appropriate regional representation, division between government and sport nominations, and consideration of gender, the management had come up with the proposals for the committees for 2008. Again, these were for the members' information, as they had been put into place through the process he had described in accordance with the constitution. He added that there was a need for rotation to ensure that WADA would not be stuck in concrete with regard to these particular groups and that WADA engaged the expertise of as many people in as many parts of the world and from as many sports as possible; so, like the Code, they were living compositions and not ones that were etched on the wall. They were now in place and he thanked the chairs of the respective committees for their consideration and assistance.

DECISION

Standing committee memberships for 2008 noted.

– **4.6 Strategic Plan**

4.6.1 Performance Indicators

THE DIRECTOR GENERAL said that the first part of this item showed the report that the WADA management had made regarding the Performance Indicators, illustrating the way in which work had progressed as against the Strategic Plan. That was for the members' information and, if there were any questions in relation to it, he would be happy to respond.

4.6.2 Strategic Plan 2007-2012

THE DIRECTOR GENERAL informed the members that the second part of the item was the Strategic Plan itself, and the members would recall that, in May, the Executive Committee had approved a five-year Strategic Plan prepared with the assistance of outside expertise. It had been approved as a provisional plan under which WADA was to operate for that year; WADA had done so and the financial planning and budget had been undertaken on the basis of the provisional plan. It had then been submitted for further discussion at the Executive Committee meeting in September; no submissions had been received as to any alteration that ought to be made to the Strategic Plan and the Executive Committee had advised that it be approved, so it was a plan that would be in full operation and not provisional operation for 2008.

THE CHAIRMAN asked whether there were any observations or comments on the Strategic Plan. There had been some interest expressed at the meeting in May. It had since been reviewed and approved by the Executive Committee. It was a fairly self-explanatory document but any recommendations would be helpful to the management.

DECISION

Strategic Plan 2007-2012 and Performance Indicators approved.

5. Legal

– 5.1 Legal Update

MR NIGGLI said that the members would be able to see his legal report in their folders; he did not intend to comment on it, but would be happy to answer any questions.

There was another document concerning a housekeeping matter following the resignation of Mr Lamour from his position as vice-chair of WADA. It was necessary to withdraw his signature authority from the Swiss Trade Register, and he asked the Foundation Board to formally approve it so that he had it recorded in the minutes.

THE CHAIRMAN asked whether the members were in favour of such removal in the circumstances.

Were there any questions for Mr Niggli on his very complete report?

MS DE BOER-BUQUICCHIO wished to make a brief comment on the issue of data protection; she had previously announced the commitment that she had taken to transmit this issue to the Committee of the Personal Data Protection Convention that operated within the framework of the Council of Europe. The committee had worked on this issue, and there had been two meetings in 2007. She was grateful to those WADA staff members and advisers who had participated in the meeting. The Committee of the Personal Data Protection Convention had adopted a formal opinion on data protection in anti-doping and the conclusion was that it was not appropriate to focus exclusively on ADAMS, as several issues that had been raised while considering ADAMS were general issues and relevant to most anti-doping systems managing personal data. She was very happy that the World Anti-Doping Code had now adopted the standard on this, and this was a major step forward but, in this process, the committee had identified issues to be further considered, in particular the issue as to whether consent to abide by anti-doping regulations including those restricting personal rights expressed implicitly by athletes by becoming members of a sports organisation could be considered as free and informed. The feeling had been that further work would have to be done to examine this matter,

and she offered Council of Europe availability to provide support and assist in these matters. In conclusion, her position was that it would be a bad excuse not to consider switching to ADAMS for personal data protection reasons. From that point of view, she gave a full green light, whilst reiterating that the development and management of ADAMS had taken into consideration many data protection issues and the fact that WADA was committed to continue to do so was sufficient reason to make the statement.

THE CHAIRMAN said that WADA appreciated any help to find a workable system that responded to privacy requirements and he looked forward to the continued help of the Council of Europe in finding solutions rather than simply identifying problems.

DECISIONS

1. Legal update noted.
2. Proposal to withdraw Mr Lamour's signature authority from the Swiss Trade Register approved.

6. Finance

– 6.1 Finance Update

THE CHAIRMAN reminded the members that the policy at these meetings was to credit them with the intelligence and dedication to have read all of the reports before they arrived at the meeting, and the WADA management would not insult the members' intelligence by reading out the reports. The directors and other chairs of committees were ready and able and willing to answer questions, but would not waste time by reading out reports.

MR REEDIE said that the first item summarised the issues that had been dealt with at the beginning of the conference; he would not go any further into the currency issues, as everybody was quite clear about the issue that WADA faced, and he had not checked the rate of the Canadian dollar to the US dollar that morning.

He briefly referred to some of the other papers in the members' files: the minutes of the Finance and Administration Committee meeting held in Lausanne in August, and the absolutely up to date contributions record, amended almost on a daily basis.

DECISION

Finance update noted.

– 6.2 Government/IOC Contributions Update

MR REEDIE said that there was extremely good news with regard to funds collection. The initial assumption had been that WADA would collect 93% of the contributions from the public authorities and the Olympic Movement, and it looked as if WADA might collect about 97%.

DECISION

Government/IOC contributions update noted.

– 6.3 2007 Quarterly Accounts (Quarter 3)

MR REEDIE said that this document covered the quarterly accounts to 30 September 2007, showing assets, liabilities, and a detailed breakdown of all income and expenditure which, at the end of the day, revealed as he had reported that WADA had at that stage around US\$ 8.7 million of uncommitted cash. An attachment also described the system of comparing the actual expenditure with the budget, which the Foundation Board had

approved the previous year, and this was done on a monthly basis so as to know the financial situation of the agency at any time. It was a very simple but very effective set of management accounts.

DECISION

2007 quarterly accounts (quarter 3) noted.

– **6.4 Budget 2008**

MR REEDIE said that the Finance and Administration Committee had attempted to make sure that it did its future budgeting on the basis of the Strategic Plan, which had been approved by the Foundation Board. The committee had extended this a little bit by adding operational plans; strategic plans tended to be fairly broad-brush exercises, and one could make finance fit a broad strategic plan pretty easily. It was much better to sit down and try and work out the operational requirements. The committee had tried to do that, which led him on to attachment 2, which was the actual budget presentation for 2008.

He would be happy to take questions but, on behalf of the Executive Committee, he submitted the 2008 budget for approval.

MR DIAS made some comments about the budgets. He expressed support for the development of a five-year plan on condition that only the annual budget would be binding. He also noted that other international organisations and most governments were facing strong budget constraints and that, in principle, efficiency savings had to be made to reallocate the resources to new priorities; this should also apply to WADA. He stressed that an increase in the budget should be adequately motivated with regard to the priorities set out in the Strategic Plan and the presentation of possible budget reallocation, including the efficiency savings made to cover needs. He reiterated concern about the lack of feedback on the long-term costs and achievements on ADAMS as promised at the previous Foundation Board meeting.

MR REEDIE noted that the Finance and Administration Committee had been asked to look at a five-year plan. The Finance and Administration Committee would look at it certainly in 2009 and annually thereafter, so he hoped that satisfied that part of the exercise. Looking at the minutes of the Finance and Administration Committee held in Lausanne in August, the Finance and Administration Committee had gone through the actual expenditure for 2007 with a fine toothcomb and had removed out of the budget approved the previous year what had appeared to be some items that might be described as slack, on the grounds that, if WADA was going to ask stakeholders to contribute more, it should put its house in order first, and it had tried to introduce the efficiencies and decent management to which Mr Dias had alluded. The Finance and Administration Committee was very happy to budget on the basis of priorities and would continue to do so as long as people said regularly what the priorities were.

The long-term costing of ADAMS had been done and was available; in general terms, ADAMS had been developed at rather less money than initially anticipated. The first attempt to put together a web-based system had proved to be an administrative disaster, and WADA had been heading down a road of very high costs indeed. Bringing it in-house and using consultancy advice had turned out to be very good thing to do. The additional costs were now in developing use, actually selling the service to the stakeholders, and then, of necessity, providing the back-up that the system needed to provide a good service to those who signed up to it. If Mr Dias needed further figures on the long-term financial picture of ADAMS, he would be very happy to get these.

THE CHAIRMAN stated that the only portion of all of this that was binding was the annual budgets approved year by year. The forecast was WADA's effort to indicate what the future might look like under certain assumptions. The Foundation Board members should receive a compulsory course on the use of ADAMS, which would take even the dumbest about 15 minutes to master, so that they could go out and become disciples to say that, if they could do it, with their level of inexperience, anybody born after 1980 could use it very easily. It was important to take advantage of the system, which was very easy to use and far better than having to kill yet another Brazilian rainforest to provide all the information.

MR REEDIE supported what the Chairman had just said. After a presentation to the IFs in Beijing, one federation in particular had suggested that the system was difficult to use. He had been given a 20-minute presentation by Mr Moser in the Lausanne office and had gone to the IF and proved that, if he could do it, the IF could do it.

PROFESSOR DE ROSE agreed with the Chairman. An attempt had been made to use ADAMS at the Pan American Games and the main problem encountered was that the physicians of the countries did not know how to use it. The problem had not been related to the central command of the games, but the team physicians, so WADA should find a way of increasing the knowledge of the team physicians to use ADAMS, as they were very reluctant to learn something new, and this was very bad because it would be very difficult to comply if TUEs could not be processed.

DECISION

2008 budget approved.

– **6.5 Five Year Budget Plan and Way Forward**

MR REEDIE referred the members to attachment 1, which showed the five assumptions made when drawing up the 2008 budget and the assumptions made rolling it forward to 2012 as requested. The committee had assumed an exchange rate of 1.08 to the Canadian dollar, which was wrong (how wrong, he did not know, but it would be bad news). The committee had assumed an inflation rate of between 2% to 3% (and he suspected that that was about right), and had assumed that WADA would renew the contract with Montreal International (as reported, that assumption was correct, and the committee had charged the Director General with renewing that under the most favourable terms). The committee had assumed interest rates at a level similar to the current one (he thought that this was about right for 2008, but he would not like to be held to that all the way through to 2012), and had assumed a collection rate for 2008 of 93% of the total possible contributions (and that looked as though it might be wrong, but that would be good news). The problem with making these assumptions and producing a budget with variables such as collection and exchange rates was that the actual budget changed almost every day. However, going back to attachment two, members would see that the Finance and Administration Committee had predicted, in the budget figures, a deficit. The committee had assumed that it would have to subsidise the operations of the agency out of its uncommitted cash to the tune of just over US\$ 2.3 million; the cash was there, and this was what the committee thought would happen, but it did assume an increase in contributions for 2008 of 4%. He would be prepared to try to answer questions in detail.

The committee had been asked by the public authorities in particular to try to have a look at what it thought that the contribution obligations would be on a five-year term through to 2012. The committee had made its assumptions and had then looked at the activities it anticipated would be the priorities of the various departments and showed, in attachment two, those projections through a five-year basis. The assumptions made on

a five-year basis were that the 2008 projections would go up by 4%; for 2009, because WADA was simply eating into cash pretty quickly, there would be an increase of 5.5%; and then a 6% per annum increase had been assumed thereafter. The Olympic Movement had stated that it would be happy enough to operate on the 2008 and 2009 figures, but not particularly happy to assume an ongoing increase of 6% thereafter, and he had given President Rogge and would equally give the public authorities the comfort (hopefully) that, when sitting down to look at what had happened in 2009, the committee would review the figures, so people should understand that the Finance and Administration Committee was planning ahead on 4% for 2008, 5.5% for 2009, and the assumption was 6% thereafter, but that would be subject to review.

The very last piece of paper was a cash flow projection, which showed the cash that WADA currently had and how it would be eliminated over the years.

From the interventions made and statements made individually to him, also at the conference, there seemed to be a clear understanding that WADA's activities were likely to increase and that there was a will to fund those increases, but only when WADA could go with exact and costed programmes that needed funding. He thought that this was a pretty reasonable point for members to make and, taking that on board, it was up to the Finance and Administration Committee to manage its affairs properly and plan properly, and come and say what it wanted to do or what it had been told was wanted. In 2007, on the balance sheet, he would create a litigation reserve of US\$ 1.5 million. The members would see the number of cases in which WADA would have to appear; this was becoming a major exercise.

DECISION

Five-year budget plan and way forward noted.

7. World Anti-Doping Code

THE CHAIRMAN thanked everybody involved for making approval of the Code possible, noting particular thanks to Professor Dvorak, who had been very helpful during the media conference after that morning's session and had said that FIFA had approved the Code as drafted and that it would participate in whatever working group was established to deal with the implications of a sanction with respect to continued training and participation out of competition.

8. Department/Area reports

– 8.1 Science

8.1.1 Health, Medical and Research Committee Chair Report

THE CHAIRMAN complimented the committee; it was a very hard-working committee at the top of a complex pyramid of issues that had to be dealt with in the fight against doping in sport; he was very grateful to the leadership of the committee and the sub-committees and also to the many expert volunteers WADA was able to recruit and who were happy to help on a free basis.

8.1.2 Athlete Passport/Blood Parameters

DR GARNIER said that he would give a brief overview of the situation. As the members new, things had happened quickly over the past few weeks regarding the Athlete Passport. Since March 2006, WADA had held several meetings of an expert group to plan the project. The group was made up of experts in the field and IF

representatives who had been involved in the process for several years. In April, the group had drawn a number of scientific conclusions and made various recommendations. It was therefore time to move to a larger scale phase to implement the recommendations made. This was why, in the framework of the summit held by the French authorities in Paris the previous month, WADA had proposed the project, which had been approved. A working group was currently working on the implementation, to take place the following year. The project formed part of the continuity of the work carried out and was based on the scientific conclusions and recommendations of the expert group. The biological passport proposed to the UCI for the following year formed part of the anti-doping efforts and this would make it possible to issue sanctions to athletes if necessary. It would apply to a pool of some 800 cyclists, including Pro tour riders or riders likely to be invited to a major tour. There would be in- and out-of-competition tests for 50% of the athletes. All of the results would be considered by an independent committee made up of experts appointed by the UCI and WADA which would make recommendations to the UCI, which remained, of course, the ultimate decision-making body. The project would be monitored by an evaluation committee, which would submit its conclusions at the end of 2008, and he hoped that the results would benefit all those involved in this kind of approach. He would be happy to answer any questions on the matter, but stressed that a working group was currently implementing the practicalities of the project for 2008.

THE CHAIRMAN said that it was a huge step forward to have this done in a pilot fashion by the UCI, and the UCI was to be congratulated on undertaking it; however, the members should not get overly confident about this, as it was just a tool, and not a solution to the problem of anti-doping. It could be a very good and useful tool, and could be used for the health aspects of conditions, as well as for anti-doping purposes, but WADA would have to see how it worked out.

DECISION

Athlete Passport/blood parameters update noted.

– **8.2 Education**

8.2.1 Education Committee Chair Report

MR BOUCHARD said that WADA's Education Committee had held its most recent meeting on 11-12 October 2007. The members had discussed the latest education initiatives in the countries represented on the committee, and looked at the continued efforts of WADA's Education Department in the development and dissemination of its education activities and education materials (particularly its tool kits). The importance of education had been looked at, and the committee had noted that it could be very low-cost while offering significant potent long-term benefits. The committee noted the growth of interest in WADA's Social Science Research Grant Programme, and had made recommendations on a number of projects; the Executive Committee had agreed on five projects.

WADA's Education Department had started taking steps towards the systematic monitoring and evaluation of its activities and the use of its material. In the short-term, this process was quantitative, consisting of the monitoring of numbers (for example, materials received, attendance at activities, etc.) but, in the longer run, would involve the qualitative process of monitoring and evaluating changes in attitudes and behaviours. This would be a difficult task, but would be completed through the use of surveys within 6, 12 and 24 months of an activity or the use of a particular education tool, etc.

The committee members had also felt that it was important to recognise the key role that stakeholders could play in promoting values-based anti-doping education, starting with children as of the earliest possible age. Stakeholders could be instrumental in the education component of the fight against doping by taking all necessary steps to support the inclusion, in their respective countries, of values-based education initiatives aimed at promoting a widespread and deeply-rooted culture of respect and fair-play, whether within society at large, or specifically within sport.

THE CHAIRMAN said that education had to play an increasingly important role in the fight against doping in sport, and this committee would assume increasing importance over the years and WADA needed the support of the stakeholders.

DECISION

Education Committee chair report noted.

– **8.3 Communications**

MS HUNTER said that all of the information was provided in the materials.

DECISION

Communications report noted.

8.3.1 Athlete Committee Chair Report

MR FETISOV informed the members that the Athlete Committee was continuing to do a very good job.

DECISION

Athlete Committee chair report noted.

– **8.4 Governments**

THE CHAIRMAN noted that this item had been covered by the Director General.

– **8.5 Standards and Harmonisation**

MR ANDERSEN said the report was before the members and he had no further comments to make.

DECISION

Standards and Harmonisation update noted.

– **8.6 ADAMS**

MR NIGGLI said that he had no further comments to make; the interpretation issue had already been discussed. The management was continuing efforts to get more people to use ADAMS, and was achieving great success, with more and more organisations using ADAMS, which made the whole system useful to those already using it. That was a good trend.

THE CHAIRMAN said that he hoped that, at the next meeting in May, at least all of the stakeholders represented at the Foundation Board table would be able to come back and say that their group was using ADAMS; perhaps that should be put on the agenda to see whether everybody was, in fact, doing that, as the Foundation Board members should be the missionaries for the system.

DECISION

ADAMS update noted; use of ADAMS by Foundation Board members to be verified at the next meeting of the Foundation Board.

– **8.7 International Federations**

MR MOSER said that he had nothing to add to his report but would be happy to answer any questions.

DECISION

International Federations update noted.

– **8.8 Regional Offices**

THE CHAIRMAN said that all of the directors of the regional offices were present and would be happy to answer any questions.

DECISION

Regional Offices update noted.

9. Other Business/Future Meetings

– **4.1 Election of WADA Chair**

THE CHAIRMAN said that those who had been present throughout would recall that the principle of alternation of the chairmanship between the Olympic Movement and the public authorities had been established as a result of the need to demonstrate that WADA was an equal partnership between sport and government. A process for that had been established so that, at the end of the mandate that he was serving, the next chair would come from the governments. As had been the case in the past, the governments' mandate had been to select a candidate who would then be approved by the Olympic Movement and the others. The Olympic Movement would propose a candidate for the vice-chair and the governments would support that choice. The process established had been that nominations would be submitted for both positions by 20 September 2007 prior to the Executive Committee meeting in Montreal. Two candidates had been nominated for the position of chairman, one from Europe, the other from Oceania, and one candidate had been nominated by the Olympic Movement for the position of vice-chair. The decision was to be made in Madrid. In the interim, the candidate nominated by Europe had withdrawn from the process for reasons nobody was entirely certain about. He could understand the resultant disappointment of Europe, which had thereby been left without a candidate; however, it was important to understand that this was not a failure of process, but the result of the behaviour of that candidate. The result of that was that there was only one candidate for the position of chair.

His purpose in making these introductory remarks was to appeal on a familial basis in the best interests of WADA and the fight against doping in sport that WADA take the high road and come out strong and united. Governments were in the business of counting votes; there could not be any doubt about the eventual outcome of the process which was about to occur, and he hoped that, notwithstanding the evident disappointment on the part of Europe, a high road out of this could be found and he urged everybody, including the representatives of Europe, to be supportive in this matter so that WADA came out united. That said, this was a matter of the governments' choice. The media was very much aware of the issues; he would prefer after the meeting to be able to say that everything had been resolved amicably notwithstanding the disappointments and in

a cooperative spirit; but, if not, he would have to report what happened and that might do nobody any good in the circumstances. What was the decision of governments in this matter?

MRS DE BOER-BUQUICCHIO wished to speak on behalf of Europe.

THE CHAIRMAN stated that he was interested in knowing the decision of the governments first.

MR STOFILÉ said that, since the Montreal meeting in September, as Mr Lamour had been one of the nominees, he had chaired the government meeting and the two meetings in Madrid. He agreed that there had been no consensus on the issues, and there was great disappointment on the part of some people; but, having followed all of the processes that the governments had been asked to follow, and having been left with only one candidate by the time of their arrival in Madrid, it had not been necessary to follow the mechanism to break the impasse that had been created in Montreal when there had been two candidates. Now that there was only one candidate, the governments had decided to bring the candidate to the Foundation Board members for their decision. The governments had been unable to agree on that and, since the only democratic process had been to put the matter to the vote, the matter had been put to the vote and, by a simple majority, the governments had voted to bring the candidate to the Foundation Board. At that stage, the European representatives had walked out of the meeting. There was one candidate and, by majority vote, this was the candidate being brought to the Foundation Board meeting.

DR BERGNER interrupted and asked that Ms De Boer-Buquicchio make a proposal for the procedure.

THE CHAIRMAN thanked Dr Bergner for his assistance.

MRS DE BOER-BUQUICCHIO said that she had a mandate from the ministers of sport of the 47 member states of the Council of Europe to make a request, which would be very short. WADA had achieved a great deal since its creation and Europe took pride in this achievement as, alongside other international partners, it had played a very important role in giving life to WADA and advancing its agenda in the global fight against doping in sport. She thanked the Chairman for referring to Europe; his qualification was one of disappointment. She felt that it was very unfortunate indeed that the process of the nomination of the candidate from the public authorities for the chairmanship of WADA had been overshadowed by procedures that lacked consensus among all public authorities and did not comply with the WADA statute and principles of international law. She wished for the unity and exemplary consensus that existed in the sports movement. It was in WADA's interest to have a chair whose designation and preferably election was decided by consensus. In view of the aforementioned, she asked the Foundation Board members to postpone the election of the chair for six months to allow time to achieve the necessary consensus among the public authorities.

THE CHAIRMAN said that his decision as chairman of the meeting was that WADA would not postpone the decision. The process had been put in place and followed, *inter alia*, by the Council of Europe, which had proposed Mr Lamour in accordance with the deadlines and process that everybody had understood. This was not a failure of process; this was a failure of the candidate, and he was sorry that the authorities had ended up with a candidate who had let them down, but that was the outcome of a particular choice made, so the election would proceed.

DR BERGNER wanted to give an explanation of the voting behaviour of the European members. He had been asked to read it so that everybody would understand how the members voted and why they voted. European ministers had agreed at their informal

meeting on Thursday on the following points: they expressed their confidence that the new Code adopted by the World Conference on Doping in Sport in Madrid would support the consolidation and development of the fight against doping in sport. They reiterated the strong and dedicated involvement of European public authorities in the global fight against doping and Europe's strong contribution to the World Anti-Doping Programme since the creation of WADA in 1999, including through significant contributions to the budget. He requested that the European public authorities' position be taken into consideration when important decisions were taken in WADA. He stated that, regardless of the outcome of the Foundation Board meeting, European countries would continue to contribute in a constructive manner to the work of WADA. He expressed his conviction that the principle of consensus was key to WADA's continued success, and expressed belief that it was in WADA's strong interest to have a chair whose designation and election was decided by consensus. He regretted that the internal process among public authorities for the designation of a candidate had been ruled by procedures that had not had the prior agreement and consensus of all public authorities. He stated that the way of adopting decisions in intergovernmental meetings should be compliant with the principles of international law. He regretted that the position of the European public authorities had not been taken into consideration in the internal process of the public authorities and requested that all other public authorities' representatives demonstrate respect for states and their national organisations and official representatives. He stressed that disrespect and aggressive approaches were unacceptable working methods at intergovernmental meetings and therefore requested the establishment of consensus on the public authorities' internal procedures before the election of the chair in order to enable the statute to produce its full legal effect. The European governments wanted to underline that these issues gave reason to Europe to initiate a review of interregional cooperation among public authorities and their contribution to WADA. He stated that, for the aforementioned reasons, which mostly related to procedural issues, Europe could not support the present candidate and would therefore abstain from the vote. He made it clear that this decision was not personally directed against the present candidate. The motto for WADA should always be to play true. He would submit the declaration, which was supported by all of the European governments, to be included in the minutes of the meeting.

MS OTHMAN SAID noted that the issue of playing true applied both ways. She represented her government with the understanding that the procedure of voting would be proceeding on time. She had been very shocked that, at the meeting, an objection had been raised by the European governments. The issue here was between Europe and the representative nominated, and it should be an issue to be taken up by the European group. It was not an issue upon which all of the public authorities should decide. The public authorities had to decide on the nomination; there had been two candidates, one had withdrawn, and one was left, and the procedure should be that the candidate left should be put forward. There should not even be a discussion on postponement or even voting because, if this occurred, a precedent would be set. Government representation worked on a fine line and, if this precedent were set by WADA, all hell would break loose. With all due respect to the European countries, she agreed that it was not anybody's fault, but the governments had come to the conference with an understanding, and a six-month postponement would delay the working of WADA. The chairmanship would expire on 31 December, which was less than six weeks away. It was unfair to use the term "play true". She thought that playing true worked both ways and, if there were to be such extension, other countries would send in other nominations and chaos would ensue. Her government was very embarrassed by this last-minute statement. The countries should respect procedure and process. This was not a question of not respecting the European countries. They had to take the issue up with the representative who had

withdrawn. Europe had to express its displeasure elsewhere, not at the Foundation Board meeting. There had to be fair play.

THE CHAIRMAN sensed that very little good could come from more talk and the more people on the record the more difficulties there would be. WADA would not be present today without Europe or the other four continents. It was unfortunate to characterise this issue as not taking into consideration the issue raised by Europe. It had been taken into consideration. He did not know about the principle of consensus or where that had come from. It was clear from the report given by Mr Stofile that it had not been possible to obtain consensus and, therefore, the only way to resolve it was with a vote. There had been consensus on a process up to and including 20 September and up to and including some time late the previous month when, with no notice to anybody, the candidate had withdrawn. That did not undo the process. Europe could file the resolution if the representatives so desired; he thought that there were elements of that which were quite regrettable and, when they looked back on the resolution years later, they might wish that they had not said certain things. Unless somebody had something new to add, he would propose to proceed with the vote. This was meant to be a government choice, and the government representatives had to understand the principles that had been established way back, which were that, if the next leader was to come from government, it had to be governments that would choose the person, not the Olympic Movement. The Olympic Movement would support the ultimate decision of the governments, and that would be the view of everybody round the table.

MR COSGROVE said that, on behalf of Oceania, he wished to endorse Mr Stofile's version of events. The summary of the process by which the governments had nominated candidates was valid. Oceania had signed up to a process, during which one candidate had withdrawn. He simply wished to confirm and endorse Mr Stofile's report and advised the Foundation Board that Oceania would support, as per the process, the remaining candidate, Mr Fahey.

MR BURNS thanked Mr Stofile on behalf of the Americas region for his summary of the process, through which he had been at Mr Stofile's side. He was pleased to report that his region was satisfied with the process and had reached a consensus to nominate one candidate, Mr John Fahey, of Australia, and the Americas region supported his candidature.

THE CHAIRMAN understood that the representatives of the European governments would abstain, and he would understand. If that was the European governments' decision on principle, he was in no position to comment on it; however, he hoped that, if the European representatives took that stand on principle, once the election was completed and there was a chairman, notwithstanding that position, Europe would remain committed to WADA and its activities and would be open to establishing whatever relationships were necessary as part of that job for the new chairman.

DR BERGNER noted that he had already expressed that the European representatives wanted to continue constructive work but had wished to explain Europe's behaviour during this election.

MR VEROVNIK expressed his sincere admiration of the Chairman's management of meetings and the efficiency of WADA. It was his first time at the meetings and he really highly admired the efficiency. He proposed, on behalf of the European presidency, a secret ballot vote.

THE CHAIRMAN asked whether the speaker would care to explain why. Or was this simply a request?

MR VEROVNIK said that this was a procedural proposal.

THE CHAIRMAN replied that, as a procedural proposal, he rejected it.

There was one candidate, Mr John Fahey. All those in favour of electing Mr John Fahey as chairman of WADA for a three-year term commencing on 1 January 2008 should raise their hands. Nobody was opposed. He declared Mr John Fahey elected, but with four abstentions to be recorded on the part of the representatives of the European governments.

MR DIAS stated that a person had been elected; according to his personal experience, and he had 20 years of parliamentary and government experience, and according to the codes in his country, Europe and all over the world, he had never seen the election of a person like this. Notwithstanding, he agreed with the results of the election.

THE CHAIRMAN welcomed Mr Dias to WADA.

He was a little hampered by the resolution that had been read on behalf of the European ministers, because there were elements in it that were troubling to him, but he hoped to tell the media that the election had been discussed calmly, that there had been abstentions on behalf of the European government representatives, but a pledge to continue their support of WADA. He hoped that it would be possible to get out of Madrid alive on that basis.

On 1 January, he would hand over his Kevlar vest to Mr Fahey.

Mr Fahey was invited into the meeting, having absented himself during the voting portion of the meeting.

THE CHAIRMAN told Mr Fahey that the good news was that, as a matter of principle, four of the European governments had abstained from voting; the bad news was that, notwithstanding that, Mr Fahey had been elected! He was sure that Mr Fahey would do a fine job and that everybody would welcome the chance to work with him. He invited Mr Fahey to say a few words.

MR FAHEY thanked the President and everybody for the faith that they had placed in him and the task he had been given. He saw the task as an opportunity to win the fight against cheating in sport. There was no greater scourge in sport than cheating, and everybody believed that, unless they could win this fight, there was a risk to sport itself. He acknowledged the work achieved under the chairmanship of President Pound and recognised that there were big shoes to fill following in President Pound's footsteps and the work that many people had carried out with him. He looked forward to working with the members and facilitating outcomes, with their skills, for the objective that everybody had. He also looked forward to working with what he saw was a very professional team in the WADA administration; there was little doubt that they were gaining ever greater skills and, over the past few days, they had been given greater weaponry than ever before with the new Code. He believed that, together, the WADA members would undertake a wonderful task for the young people of the world because without sport there was a very dim future for the entire world. He thanked the members for their vote of confidence and hoped that the next three years would be as productive as previous years for this very young institution.

DECISION

Mr John Fahey elected WADA Chairman for
2008-2010 (four abstentions recorded).

– **4.2 Election of WADA Vice-Chair**

THE CHAIRMAN said that the proposal for the vice-chair had been made by the Olympic Movement. There was a single candidate: Professor Arne Ljungqvist. He noted the unanimous approval of Professor Arne Ljungqvist's nomination.

He congratulated the new chairman and vice-chairman. He really hoped that WADA could go forward as positively as possible.

PROFESSOR LJUNGOVIST expressed his gratitude to the Foundation Board for having elected him as vice-chairman of WADA. This was a great honour. He realised that the position involved a high degree of responsibility, but took the nomination as some measure of recognition of what he had tried to achieve as a member of the WADA Foundation Board and Executive Committee since the beginning of WADA. He would take on this job with great enthusiasm and hoped that he would be able to contribute in the way that was expected of him. He thanked everybody.

DECISION

Professor Arne Ljungqvist unanimously elected
Vice-Chairman of WADA.

THE CHAIRMAN said that the WADA staff had got better and better over the years because of questions asked in the past, so the management was doing its best to respond in advance to the kinds of questions that an informed Foundation Board would have. The quality had improved, and that was reflected in the low number of questions asked. WADA operated on the theory, which might border on religion, that everybody should review the material very carefully before attending the meetings, and that was a belief in which the management would persist unless the members disabused the management of the contrary.

He congratulated everybody on their conduct in this difficult period; he knew that feelings had been very high as events had developed. He sympathised with the colleagues from Europe; this was not a happy outcome with respect to their candidate and he appreciated their disappointment and the resulting angst, but he appreciated their principle in simply abstaining from the decision rather than opposing it. He thought that people would understand why the representatives had abstained, and that they would have had less understanding had the representatives opposed.

He thanked everybody for making his job as easy as it had been over the years; he had appreciated the chance to work with everybody and he wished WADA the best of success in the future.

DECISION

Executive Committee – 10 May 2008,
Montreal;
Foundation Board – 11 May 2008, Montreal;
Executive Committee – 20 September 2008,
Montreal;
Executive Committee – 22 November 2008,
Montreal;
Foundation Board – 23 November 2008,
Montreal.

The meeting adjourned at 4.00 p.m.

FOR APPROVAL

RICHARD W. POUND, QC
PRESIDENT AND CHAIRMAN OF WADA