

**Minutes of the WADA Foundation Board Meeting  
11 May 2008  
Montreal, Canada**

The meeting began at 9.00 a.m.

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

THE CHAIRMAN welcomed everybody to the Foundation Board meeting. The members should be aware that the media were present that morning and would remain throughout the meeting; this was a very public meeting, and most of the members were aware of that. At the beginning of the meeting, there would be some television footage permitted, so there would be cameras in the room. The media were requested to get on with their business as promptly as they could and then depart. Lastly, he thought that it was entirely appropriate to acknowledge that there was a celebration in most countries in the world that day. He was reminded of that particularly by one of the Foundation Board members, Ms Rania Elwani, who was in Montreal with her son, so he wished all mothers in the room a happy Mother's Day.

He called the meeting to order. He intended to circulate the roll call and asked that everybody sign it. He asked all of the members to introduce themselves, and he welcomed all of the new members to their first meeting.

The following members attended the meeting: Mr John Fahey, AC, President and Chairman of WADA; Professor Arne Ljungqvist, WADA Vice-President, IOC Member and Chairman of the WADA Health, Medical and Research Committee; Mr Jiri Dvorak, representing Mr Joseph Blatter, IOC Member and President of FIFA; Mr Richard Pound, representing the IOC; Ms Rania Elwani, Member of the IOC and Member of the IOC Athletes' Commission; Dr Patrick Schamasch, representing Mr Kaltschmitt, IOC Member; Mr Alexander Popov, Member of the IOC and Member of the IOC Athletes' Commission; Mr Tanaka, representing Mr Kenshiro Matsunami, Senior Vice Minister of Education, Culture, Sports, Science and Technology, Japan; Mr Dmitry Tugarin, representing Mr Vyacheslav Fetisov, Chairman of the WADA Athlete Committee and the State Committee of the Russian Federation for Physical Culture and Sport; Mr August Edjoa, Minister for Sport and Physical Education, Cameroon; Mr Scott Burns, Deputy Director of the ONDCP; Sir Craig Reddie, IOC Member; Mr Makhenkesi Stofile, Minister of Sport and Recreation, South Africa; Mr Clayton Cosgrove, Minister for Sport and Recreation, New Zealand; Mr Gian Franco Kasper, IOC Member and President of the FIS; Mr Mustapha Larfaoui, IOC Member and President of FINA; Ms Helena Guergis, Secretary of State (Foreign Affairs and International Trade) (Sport), Canada; Mr Toni Pascual, Chair of the IPC Anti-Doping Committee, representing Mr Phil Craven, President of the International Paralympic Committee; Mr Christophe de Kepper, IOC Chief of Staff, representing Mr Willi Kaltschmitt Lujan, Member of the IOC and Member of the IOC Press Commission; Mr Rich Young, representing ANOC; 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; Mr Vieira, representing Mr Laurentino Dias, Secretary of State for Youth and Sport, Portugal; Mr Bernard Laporte, Secretary of State for Sport, France; Mr Milan Zver, Minister of Education and Sport, Slovenia; Ms Maud de Boer-Buquicchio, Deputy Secretary General, Council of Europe,

representing Mr Terry Davis, Secretary General, Council of Europe; Mr Sylvio Tang Wah Hing, Minister of Youth and Sports, Mauritius; Professor Claudio Morresi, President of CONSUDE; Mr Carlos Manuel Hermosillo Goytortúa, President of the National Commission for Physical Culture and Sport, Mexico; Mr Aziz, representing Mr Datuk Ismail Sabri Bin Yaakob, Minister, Youth and Sports, Malaysia; Mr Kamal Al-Hadidi, President of the Jordan Anti-Doping Organisation; Mr Kangcheng Shi, General Director of the Sports, Science and Education Department, representing Mr Duan Shije, Vice Minister, State Sport General Administration, China; Senator the Hon. Kate Ellis, 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, European Regional Office; Dr Olivier Rabin, Science Director, WADA; Mr Rob Koehler, Education Director, WADA; and Mr Olivier Niggli, Finance and Legal Director, WADA.

The following observers signed the roll call: David Gerrard, Satoshi Ashidate, Mikio Hibino, Shin Asakawa, Bill Rowe, Michael McGuire, Stanislas Frossard, Markus Adelsbach, Idee Inyangudor, René Bouchard, Robert Ndjana, Andrew Ryan, Mary Warren, François Allaire, Torben Hoffeldt, Niels Henriksen, Luis Horta, Yuan Hong, Gustavo M. Del Campo, Daniel Jacobovich, Pia Ajango, Gaël Diaz de Tuesta, Simon Starček, Tomaž Kunstelj, Zoran Verovnik, Michael Gottlieb, Sibongile Rubushe, Hajira Mashego, Paul Marriott-Lloyd and Yong Seung Kim.

## **2. Minutes of previous meetings – 16 and 17 (a.m. and p.m.) November 2007 (Madrid, Spain)**

THE CHAIRMAN said that nobody had indicated, following examination of the minutes, that there were matters of concern. He sought the members' approval to sign the minutes of the Foundation Board meetings on 16 and 17 November 2007 in Madrid, Spain.

### DECISION

Minutes of the meetings of the Executive Committee on 16 and 17 November 2007 approved and duly signed.

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

THE DIRECTOR GENERAL said he would also report on the Executive Committee meeting that had taken place the previous day to include all of the issues covered by the Executive Committee, as some came directly from his report.

He reported on the investigation symposia, the third of which had been held in Sydney, Australia, hosted very kindly by the Government of Australia the previous week. As a result, through the very helpful cooperation of all those invited, including senior members of the International Olympic Committee, public authority figures and experts representing the fight against doping in sport around the world, it had been agreed that this was a very significant matter, which would lead to the gathering and sharing of evidence in doping cases between the public authorities and the sports movement, but there were several hurdles that needed to be overcome to ensure that this was timely and appropriate. A working committee chaired by Jonathan Taylor from the UK would further the protocols required to be put into place and the team would report to the Executive Committee in September. There were about three or four different models of sharing, there was evidence gathered by public agencies that under law might be shared with other public agencies, there was the issue of evidence gathered by public agencies being shared with private bodies, and then another issue where evidence was gathered

by private bodies and whether this could be shared by public bodies. All of this had to be done pursuant to the laws under which the enforcement agencies worked, and WADA needed to make sure that there were laws present in as many countries in the world as possible. WADA had embarked on a research project with UNESCO, and was gathering information on the legislation in place in every country in the world, dealing with the matters of possession, trafficking and distribution of prohibited substances. The project had just been commenced, and he hoped that it might be concluded later that year, as the findings would be of benefit generally.

The issue of statistics was one that had caused some discussion over the past few years. Under article 14.4 of the Code, every ADO should annually report to WADA on its anti-doping activities, including full result management. Only some had been doing this. WADA had a responsibility under article 14.5 of publishing annually the information given to WADA. Over the past few years, WADA had had to do this through information gathered from the laboratories, and this was always published with a caveat stating that it was only the result of analyses, but it was often projected to the public as actual figures of doping cases, and it ignored the result management process. WADA had been engaged in the project with considerable assistance from FIFA, trying to get to a situation whereby everybody was encouraged to give WADA the information under article 14.4 to allow a more accurate picture to be painted, and he thanked FIFA for its assistance. He was looking forward to publishing some sort of protocol to indicate to other IFs and NADOs that this was an easy task, but the compilation of the information received was very important for everybody.

A matter relating to Mr Landis would be considered later under the finance and legal item in the agenda, and he had wanted to make sure that members were aware of this so that their comments and questions might be saved until that item.

In 2009, WADA was planning two new forms of symposia, one involving all anti-doping organisations, trying to look at ways of achieving high quality anti-doping programmes, being cost effective, cost efficient and ensuring that ADOs were not just doing the job for the sake of quantity. The emphasis should be on quality, and he would put together a programme, to be presented to the Executive Committee in September, to ensure participation from all ADOs, and when he said participation, he meant presentations by others, not a "teach and preach" from WADA, but a general conference involving participation from all seeking best practice and high quality.

WADA would also convene, hopefully in 2009, but perhaps in 2010, a challenging symposium to challenge WADA as to whether it was doing the right thing in the right way. This was known as "thought leadership", and WADA would engage others from outside to ensure that WADA was not getting too comfortable and so obsessed with its own self importance that it was neglecting challenge. WADA would do this reasonably regularly to ensure that it listened to those who were discontent or provocative, and who might raise issues or questions of vital importance.

WADA had been engaged in a very important meeting the previous week with UNICRI, the UN Interregional Crime and Justice Research Institute, and Dr Garnier had represented WADA at the meeting, which had brought together groups interested in the trafficking and distribution of counterfeit pharmaceuticals and medical products. WADA would participate in the working party, as it dovetailed neatly into some other projects, including that with Interpol.

WADA had been delighted to be invited by the IOC to participate in working groups planning for the Youth Olympic Games. Mr Koehler and Ms Hunter had put considerable time into this project and would report further later on in the agenda. He expressed the

management's gratitude for the way in which WADA had been asked to continue involvement.

The issue of corruption in sport continued to bother everybody. He had raised this on several occasions; WADA continued to be concerned about issues such as bribery in relation to the doping control process and hoped to enhance this matter by further discussions with the sport movement in particular to see whether it might not be possible to work together rather than separately.

In relation to matters from his report, he raised the matter first raised in 2005 relating to a collective body to assist IFs that had very little resource, human or financial. In 2005, WADA had developed a model similar to that for RADOs, but for IFs, and he was very pleased to report that GAISF had picked up on this model and wished to progress it with WADA's assistance over the coming months. WADA would be pleased to give as much help as it could and look to ways and means in which it might be covered under some of the WADA project activities and budget for 2009. Those were the matters in his Director General's report that he wished to amplify. There were other items in his report, which he knew everybody had read, and he did not want to take up time by going through them item by item.

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

THE DIRECTOR GENERAL moved on to matters that had been discussed and decided by the Executive Committee the previous day, some from the Director General's report and some from items on the agenda.

The first matter related to article 7 of the constitution. He had been requested to raise the matter before the Executive Committee and, after some discussion, the management had been instructed to conduct a careful review of the article to determine whether there were any ambiguities that might require remedial attention and, if so, to propose a redrafting for discussion at the Executive Committee meeting in September.

In relation to the Athlete Passport, there was a full report on the project, which was continuing. WADA had reached a position where clear protocols had been established and published, and this project was now available to any ADO wishing to use it within its anti-doping programme subject to the agreed protocols. WADA would give guidance and assistance to any anti-doping organisation wishing to pursue the project; it had already entailed a considerable number of working hours as well as a vast amount of money to make sure that the project was heading in the right direction under the right processes and pursuant to the Code.

With regard to Interpol, the WADA President had travelled to Lyons earlier that year accompanied by WADA management, and there had been very helpful and fruitful discussions with Interpol. As a result, WADA's and Interpol's legal teams had completed an acceptable memorandum of understanding, a copy of which was among the members' papers, and the Executive Committee had approved it the previous day and authorised the President and Director General to sign it on behalf of WADA. It had to be approved by the Interpol Executive Committee, which would meet in June, and by the General Assembly, to be convened in October. The project itself would not come into being until November. During the discussions in Lyons, it had been made clear that Interpol operated under a very restricted budget (Interpol had an annual budget of just 65 million US dollars). When Interpol asked to be involved in new projects, it sought financial assistance. WADA had been asked to look at a contribution of 90,000 euros towards a project. This had been discussed by the Executive Committee and approved in principle, but with a caveat that WADA should first engage in further discussions with Interpol, and that WADA should see whether one of the public authorities might have an individual who could be seconded to Interpol at no cost to WADA, and to engage in further discussions with the Olympic Movement, which had expressed quite a strong reservation that WADA should be engaged in funding the person effectively employed by the public authorities. The Olympic Movement was, however, interested in the matter of corruption, particularly in betting in sport, and it was possible that the role in Interpol could be increased to

cover that as well. The management would undertake those tasks and report again to the Executive Committee in September.

The Executive Committee had dealt with financial matters, but he would leave those to Sir Craig Reddie to cover in his report.

The WADA management, as a result of a general discussion about result management, had been directed to review the result management processes in place in ADOs, to see whether it could achieve consistency and, most importantly, responsibility on behalf of an anti-doping organisation undertaking a testing programme, rather than leaving that responsibility (including the cost of it) to WADA. This would avoid the possibility of the lack of responsibility for the appeal processes indicated by some IFs in particular, and Mr Niggli would report further on that in his legal report.

The three standards had been submitted for consideration by the Executive Committee the previous day. The first was the new International Standard for Testing; the Foundation Board had asked WADA to engage in further consultation and discussions in respect of this document. That had been undertaken and the IST had been approved the previous day by the Executive Committee, which was the body responsible for the approval of standards. The International Standard for TUEs had been approved in principle by the Executive Committee. There was one cause about which there had been some medical debate in relation to the wording, and he hoped that the debate would be concluded in the very near future. The management had been given until 15 June to clarify it, at which time the standard could be approved and published. If this could be done earlier, WADA would do so. The third standard for consideration the previous day was the Data Protection Standard and, following submissions by many who were interested in this topic, it had been determined that it required further consultation and discussion. That would take place and the standard would be amended according to the consultation process and tabled at the September meeting of the Executive Committee.

The WADA management had been directed to prepare a paper on quality testing and engage in research to see what could be done with the information gathered over the past years to indicate best practice models. The management had been asked to report to the November meetings in that regard and, of course, the information received in respect of this task would be made available for the symposium he had referred to earlier in relation to ADOs.

This concluded the two items on which he had been mandated to report to the Foundation Board.

THE CHAIRMAN asked whether the members had any comments.

MR DVORAK thanked the Director General for mentioning the issue of statistics. FIFA had raised this issue several times and, when talking about research, the conclusions and implication had to be based on facts and figures, or scientific evidence. Implication in this case also meant the design of a future even more effective strategy in the fight against doping in sport, effective meant eradicating or preventing positive doping cases. The WADA Code provided a fantastic advantage, and thanks to Mr Pound's rigorous action, and had made the reporting system by the laboratories mandatory, with reports to the IFs with copies to WADA and the IOC. Of course, the reporting system could be improved, but this had made it possible, for the first time, to calculate the incidence of adverse analytical findings and positive cases. AAFs were not the same as positive cases. A positive case meant positive A and B samples and a sanction. In order to compare the crossover between the different IFs, it was necessary to receive this information from all IFs, which was not the case at present. Only a few IFs were reporting. Reporting was not easy, and it required some discipline and consistency in the

data management system, which required time and the support of the executives of the IFs. WADA had invited FIFA associates to compare WADA and FIFA statistics, and that had been a very enlightening exercise. Everybody was now aware of the problems. It was important for everybody, in particular the governments, when designing how to invest money in the fight against doping in sport, to understand the magnitude of the true positive cases, and all IFs had to report regularly and publish. In football, the incidence over the past three years had been approximately 0.3% for positive doping cases sanctioned and 0.01% for anabolic steroids. On behalf of President Blatter, FIFA had expressed support for the new Code in Madrid; queries had been clarified, and the majority of questions had been answered, and it had also been understood that the IST was work in progress that could be improved from year to year. FIFA also supported the UNESCO convention. Messrs Fahey and Blatter had met in Zurich in February 2008 and the way was well paved for WADA and FIFA to present recommendations to the FIFA Congress to adopt the Code officially on 30 May 2008 in Sydney, Australia. If approved by the FIFA Congress, FIFA would formally sign the Code.

MS DE BOER BUQUICCHIO thanked the Director General for his extensive report on a number of issues. She wished to address the issue of the WADA constitution and the possible revision of article 7. She welcomed the suggestion by the WADA Chairman and also the decision by the Executive Committee to ask the management of WADA to start drafting something that could be considered by the Executive Committee in September. The issue had been discussed quite extensively in Europe after the World Conference on Doping in Sport in Madrid, and she had also seized the opportunity to discuss it in Ljubljana on the occasion of the meeting convened by the ministers there, and subsequently during the Director General's trip to Strasbourg, so Europe was already very much advanced in the process of reflecting on what needed to be done. The Council of Europe was not entirely convinced that it was necessary to revise article 7, and believed that there could be room for drafting procedural regulations to accompany and govern the implementation of the statute. She did not think it was appropriate to elaborate on the ideas that had been aired, but she wanted to say that the Council of Europe was ready to play a constructive role in this respect, and make a constructive contribution whenever the Chairman saw fit.

MR POUND made two points relating to investigations; this was a very good initiative, and should be pursued, but he thought it was important that there be a seminar or working group dealing with continental Europe for a number of reasons. While there might have been civil law jurisdictions represented in some of the seminars and workshops, it was really important to get those governments on side, as there were quite different rules.

He was happy to report that the national police force of Canada, the Royal Canadian Mounted Police, would be delighted to be involved in this and of course there was an edition of the Olympic Winter Games coming up in Canada in 2010, which would help to focus the interest of the RCMP in this area. These were two opportunities to be followed up.

In relation to Interpol, which was based in Lyons, MR LAPORTE said that the French Government could provide a civil servant, which would reduce WADA's expenses. This would need to be discussed, but he believed that the French Government was willing to make somebody available for the task mentioned previously.

THE CHAIRMAN appreciated the offer. This was a matter that would be discussed with Mr Laporte later that day.

MR STOFILÉ sought clarity on the issue of the review of section 7 of the constitution. The previous day, the members had received a presentation requesting that they consider a review of that section; now there was another proposal saying that WADA did not need to develop regulations, which he agreed with. Did this withdraw the previous decision on the review of section 7, because a review was not the same thing as the development of regulations?

THE CHAIRMAN thanked Mr Stofile for raising that point. He had put this on the agenda, and had believed that it was important for an examination to occur following the conjecture that had existed in Madrid and leading up to Madrid. The Director General had indicated that the management would make an examination and, if there was to be further adjustment necessary following that examination, that would be progressed. Nevertheless, he thought that it was necessary to say first that step one was the examination, and it ought to be made within the organisation, which served WADA and supported the sport, so that was step one. Other steps might follow, but the Foundation Board should wait and see what step one produced before suggesting what other steps might be required.

MR RICCI BITTI thanked and welcomed the proposal made by the French minister. On behalf of the sport side, he would welcome this offer, because he believed that liaison with international police organisations such as Interpol was more of a government issue. He supported the proposal and he asked WADA to be the mediator and follow up. There were more problems in sport, and doping could be the beginning, but the role could be expanded, and this was the spirit of the invitation to the government side to take more direct responsibility for this problem.

MR ZVER said that, as mentioned, the WADA Chairman and European WADA Foundation Board representatives had met in Ljubljana in January that year. The initiative had been warmly welcomed in Europe and the European Foundation Board members had underlined the commitment to the global fight against doping and expressed its wish that, in order to avoid any uncertainties, article 7 of the WADA statutes be considered for review. He supported the approach to discuss this question at the next meeting in September. The participants had adopted general conclusions and special recommendations at the meeting in Slovenia, and the paper had been among the materials for the current Foundation Board meeting.

THE CHAIRMAN thanked Mr Zver again for the hospitality extended on that occasion in February.

THE DIRECTOR GENERAL said to FIFA and Professor Dvorak that WADA was grateful to be working together with FIFA on many fronts, including several partnerships relating to medicine and science, and WADA was truly grateful for the opportunity to do that.

To the Council of Europe, he said that there had been many meetings and there would continue to be many meetings to make sure that WADA used the experience and expertise of the Council of Europe, and WADA would continue to be of assistance to the Council of Europe.

He told Mr Pound that the investigation symposia to date had engaged a group of experts rather than opened up to all and sundry. The aim was to have another meeting of those experts to consider the publication of the protocols, but WADA had no difficulty expanding the invitees. There had been a number of invitees from Europe and the civil jurisdiction who had been present in Sydney; this was really an extension of those who had attended the previous symposium in London. WADA would certainly take up the offer in relation to the Canadian enforcement agencies, with particular emphasis on the Vancouver Olympic Games in 2010.

WADA was of course extremely grateful for Mr Laporte's help in relation to Interpol and would discuss the matter further with Mr Laporte.

He thought that Mr Stofile had received appropriate clarity to his query. The management team would undertake the task as directed by the Executive Committee in the way in which the President had indicated and would report in September.



To Mr Ricci Bitti, he said that he understood the interest of the sport movement in the issue of corruption, and the management had been directed to discuss that matter further, both with Interpol and the Olympic Movement, which would be done. Of course, the fact that Interpol was a public authority body meant that the public authorities were chiefly responsible.

He told Mr Zver that WADA deeply appreciated the hospitality given in Slovenia, and hoped that this would not be the last time that WADA could do so.

#### DECISION

Report by the Director General noted.

### **4. Operations/Management**

#### **4.1 Interpol Memorandum of Understanding**

THE CHAIRMAN said that there was a copy of the memorandum of understanding, which the Director General had already indicated had been approved the previous day by the Executive Committee, and the management had been authorised to execute this in the manner that would hopefully lead to conclusion by November, when Interpol had the approval. That was there to be noted.

#### DECISION

Interpol Memorandum of Understanding noted.

#### **4.2 Operational Performance Indicators 2007 and 2008**

THE CHAIRMAN said that there was a Performance Indicators update for 2007 and 2008, and the Director General might wish to comment on that.

THE DIRECTOR GENERAL said that the Performance Indicators were those that the management had been mandated to deliver on annually and, at the Foundation Board's request, this was done. He drew the document to the members' attention and would answer any questions or comments that members might have in relation to it. It was something that WADA pursued carefully and was part of the transparent process under which WADA operated.

#### DECISION

Operational Performance Indicators 2007 and 2008 noted.

#### **4.3 Foundation Board Composition**

THE CHAIRMAN said that the members had before them a page listing the Foundation Board members. He understood that, under Swiss law, a resolution was required each year acknowledging that this was in fact a correct record of the Foundation Board members, and that acknowledgement then had to be notified to the appropriate registry in Switzerland. He believed that the list was accurate and asked for the members' acknowledgement that the document accurately represented the composition of the Foundation Board. He thanked the members for their acknowledgement.

#### DECISION

Foundation Board composition formally noted.

#### **4.4 Beijing Olympic and Paralympic Games Update**

THE CHAIRMAN reported that he had had the opportunity to attend, during the course of the ANOC meeting in Beijing about three weeks previously, with Messrs Anderson and Simonetta from WADA, discussions that had taken place at ministerial and official level with a number of agencies of the Chinese Government. His conclusions were that a great effort was being made to prepare for the Olympic Games by the Chinese authorities. The team would exceed 1,000 personnel, there would in fact be, in the doping control officer



area, a number of international DCOS who would work with the DCOs of CHENADA, and there would be a number of doping control centres (about 41, if he remembered correctly), about 32 of which would be in the city of Beijing and of course the Olympic Games would be taking place in other cities. His conclusion had been that China was in an advanced state of readiness and he commended the work to date. Clearly the effort still had to be executed, and everybody wished China a success and that the Olympic Games would be clean.

THE DIRECTOR GENERAL said that WADA's presence in Beijing would include a team from the executive office, which would be engaged in the pre-Olympic Games meetings normally held at such times. There would be an Independent Observer team to be chaired by Sarah Lewis, the Secretary General of FIS, and the deputy chair would be Travis Tygart, who was the CEO of USADA. The team was smaller than it had been in the past, it would be entrusted with the same project plan that previous teams had been entrusted with, and it would report to WADA following the Olympic Games, but during the Olympic Games it would have considerable liaison with the IOC Medical Commission. The names of the team were in the members' files, as well as the names of the Independent Observer team that had been engaged to go to the Paralympic Games.

The second activity, which had been conducted over a number of editions of the Olympic Games, was the Athlete Outreach project, and there would be a team with an office in the village, to be headed by Stacy Spletzer, who had a team named within the report of the Communications Department. As usual, care had been taken to ensure a spread of ability, there had been consideration of gender and regional representation to ensure that the teams were fully representative of the WADA family. WADA was undertaking a similar outreach project at the Paralympic Games.

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

PROFESSOR LJUNGOVIST thought that it was an appropriate moment to mention the high level of expertise and knowledge provided by the Chinese to conduct the doping controls at the Beijing Olympic Games. The controls would be taking place under the responsibility of the IOC Medical Commission and thanks to the perfect facilities at their disposal, they would be able to expand the programme considerably. The number of doping controls would be increased by 90% compared to Sydney, and by 20% compared to Athens, meaning that there would be between 4,500 and 5,000 doping controls during the Olympic Games period. With some 10,000 participants, this did not necessarily mean that 50% of the athletes would be controlled as many would be controlled several times. Nevertheless, this would be a very extensive programme, and he wished to extend his gratitude on behalf of the IOC Medical Commission to the Chinese organisers, without whom it would not have been possible to expand the programme as was being planned.

#### DECISION

Beijing Olympic and Paralympic Games update  
noted.

#### **4.5 World Conference on Doping in Sport 2007**

THE CHAIRMAN noted that the papers in the members' files provided a brief update on the World Conference on Doping in Sport in Madrid.

THE DIRECTOR GENERAL said that the Foundation Board would join the WADA management in ensuring that an expression of gratitude was delivered to the Spanish Government for its very generous and helpful staging of the conference. Without the government's financial backing, this would have been impossible. Most of the money involved in hosting the conference had come from the Spanish Government, so he asked

that the Foundation Board record the expression of gratitude and that this could be passed on to the Spanish authorities.

THE CHAIRMAN told the Director General that he should proceed and formalise the matter with the Spanish authorities.

#### DECISION

World Conference on Doping in Sport 2007  
update noted.

### **5. Finance**

#### **5.1 Finance Update**

SIR CRAIG REEDIE said that he did not want to slow down the Chairman's headlong rush through the agenda. A brief update would encourage him to ask the members to remember the comments made by the Director General on the operational key indicators. The reality was now that the management and staff were working at pretty much 100% capacity. At the Executive Committee meeting the previous day, this had been discussed; despite that, the Executive Committee had loaded the management with another two or three special working group. The time would come fairly soon when WADA would not simply be able to give its staff more things to do without providing the necessary resources to do them. He had a feeling that he would have to come back to that as WADA went through the financial planning for the next few years.

2007 had been a pretty good year in many ways, mainly because WADA's ability to collect contributions, principally from the public authorities, had been enhanced, and that had been a very successful programme. The pretty robust analysis of the expense budget undertaken by the Finance and Administration Committee the previous year had actually helped to show that WADA was running the exercise on a proper and financially controlled basis and, at the end of the day, as the members would see when dealing with the accounts, there had been a cash surplus of around 1.9 million US dollars; however, the members should be aware that that figure could be changed dramatically by the speed at which the research grants to which WADA was committed were picked up by the researchers who were due the resources. If WADA spent it all in the year, which it had never done before, it would make a huge difference to these figures, and he would comment on that as he went through the next few items on the agenda.

#### DECISION

Finance update noted.

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

SIR CRAIG REEDIE said that the contributions could be seen in the files. For 2008, WADA was up to a figure of just over 87% collected by 9 May. The system operated was that the Olympic Movement met contributions from governments on a dollar-by-dollar basis. As WADA received contributions from the public authorities very regularly, almost every day, WADA had agreed with the IOC that the IOC contribution would be made in three regular tranches, with a balancing figure at the end of the year, and again, these tranches tended to be at the beginning of the year, so it was front-end loaded, and that greatly assisted the cash flow situation.

As far as contributions from governments were concerned, he remarked on the agreement between the governments of Mexico and Brazil, where there had been a clear disparity between the contributions. He was grateful to the NOC of Brazil and the Brazilian Government for agreeing that Brazil and Mexico would be equal contributors in 2008 and that had solved what had been a fairly long running issue between them.

THE DIRECTOR GENERAL noted that WADA was grateful that the governments of the Americas had reached a final decision on the share split so that, for 2009, there was a

firm commitment from the governments to pay 100% of their share. He was very grateful for the significant work done in that region.

#### DECISION

Government/IOC contributions update noted.

### **5.3 2007 Year End Accounts**

SIR CRAIG REEDIE said that these accounts were prepared with the assistance of the auditors, PricewaterhouseCoopers, and they were in the form prescribed by the International Financial Reporting Standards and showed a number of issues to which he wanted to draw the members' attention. Page 2 showed the balance sheet, and members would see that the committee had specifically created a litigation reserve of 1.5 million dollars, which the Executive Committee had decided to do. Page 3 showed the excess of income over expenses of 1.899045 (he had rounded that off to 1.9 million dollars). He had no other particular points to which he wished to speak, other than to note 5, which was on page 13 (5a, 5b and 5c) and note 19. This dealt with investments that the agency had made. A number of years previously, WADA had held surplus cash effectively in the bank, seeking the best interest rate possible. WADA had expanded its expertise somewhat and had purchased either specific structured products or bonds, all involving no risk at all to the agency, but a system that had allowed WADA to generate higher rates of interest than it would achieve simply by leaving money in the bank. The note on page 19 referred, under the USD figures, to a "price collar", a relatively unusual financial exercise, which actually saved WADA in that particular investment from currency losses as well. Overall, he thought that WADA was currently achieving a rate of somewhere just over 5% on investments, which was noticeably higher than could be achieved by keeping US dollars in a US dollar-based account. Having presented these accounts to the Executive Committee the previous day, he thought that, if there were questions, he would be happy to deal with them and, if there were no questions, he invited the Chairman to present the accounts to the Foundation Board for final approval and ratification. He asked Mr Roth, the auditor, to give his report, which he hoped would prove that the accounts swore correctly.

MR ROTH thanked the Foundation Board for giving him the opportunity to present the report of the auditors on the 2007 WADA financial statements. The report concluded that the financial statements gave a true and fair view of the financial position, the results of operations and the cash flows in accordance with the International Financial Reporting Standards and the financial statements also complied with Swiss law, and PricewaterhouseCoopers would sign the opinion in definite form as soon the Foundation Board had approved the financial statements.

He wished to make two or three more comments on the balance sheet and the income statement. There were a lot of numbers because the statements were presented in US dollars and Swiss francs. The official currency of WADA as a Swiss foundation was of course the Swiss franc; therefore, he would comment on the Swiss franc columns. The financial statements had not changed much compared to the previous year in terms of presentation, with the exception of the introduction of IFRS 7, which required additional disclosures on financial instruments. There had been no significant change in relation to the balance sheet. There were additional investments, which were classified technically as "available for sale investments" and no longer as "cash and cash equivalents" or "held to maturity investments". In terms of equity, the equity interest had remained essentially unchanged, as a result of several factors. Due to the weakening of the US dollar, there had been a translation loss of more than 2 million Swiss francs in the financial statements, which more or less compensated the excess of

income of 2.3 million Swiss francs for the year as per the statement of activities. There was also a new item, entitled "cumulative fair value gain on available for sale investments". Technically, any gains and losses on these investments went directly through the equity balance, as long as they remained unrealised. On page 3, the statement of activities, total income had moved from 30.6 million Swiss francs to 29.1, partially due to the changes in the US dollar exchange rate, so the weakening of the dollar. The members should also note that the accounting principle for recording annual contributions was that these amounts included those paid for the current year, and also those paid in the current year for prior years, and that any advance contributions paid were not recorded in the current year. In terms of expenses, these had moved from 26.7 to 29 million Swiss francs. The main increases related to research grants and project consulting fees, with some decreases in testing fees. Looking at salaries, the main impact of the variation was actually due to the change in currency exchange rates, especially with the strengthening of the Canadian dollar against the Swiss franc. In terms of financial income, this had gone up from 1.6 million to 2.1 million, mainly relating to higher income on the higher level of financial instruments available and also exchange gains.

The end result of the operations was that the net income had moved from 5.4 million Swiss francs to 2.3 million Swiss francs in 2007.

THE CHAIRMAN said that, under article 14, WADA was now required to obtain the approval of the Foundation Board for the 2007 annual financial statements, so he sought approval of the WADA 2007 audited financial statements.

He thanked Mr Roth for the work carried out by PricewaterhouseCoopers and for the support given personally by Mr Roth, particularly to the Finance and Administration Committee and the WADA finance staff.

SIR CRAIG REEDIE referred to the internal working papers that showed the actual against budgeted figures for 2007, so that the Foundation Board could see how close the team had been in the assumptions made on the budget to the actual expenditure. These working papers displayed that WADA had collected 95% of contributions; WADA had actually collected 97%, but the last 2% had come after the year-end and was not included. Looking at the items above budget, it would come as no surprise that, under "Legal and finance" on page 2, litigation had been high. WADA had been before the CAS rather more often than it would have wanted. Looking at the "Executive office", WADA was under some financial pressure on intergovernmental and sports meetings. Moving on to "Health, Medical and Research", WADA had needed to consult and employ experts on the work for the TUE exercise. Page 6 of 16 then showed the very great detail of the research commitments, and WADA was committed to just over 11 million dollars of research projects. All of that was available on a monthly basis to him so that there was almost a day-by-day idea of the financial effect of the decisions and the financial performance of the agency. It was also worth noting that, in practically every department, there was a figure that was slightly over budget for salaries, and that again represented the currency issues, whereby WADA collected its income in dollars and spent quite substantial amounts of it in Canadian dollars, and he had a salary analysis that allowed him to keep up to date with that.

#### DECISION

WADA 2007 annual financial statements approved.

#### **5.4 Appointment of Auditors for 2008**

THE CHAIRMAN proposed that the Foundation Board appoint PricewaterhouseCoopers as the auditor for the year ahead.

SIR CRAIG REEDIE said that it was standard practice for auditors to produce what was known as an internal control memorandum, which told the management of the company or institution of any mistakes or comments in relation to the policies and

practises adopted. For the first time in WADA's experience, there were no comments at all from PricewaterhouseCoopers on the internal control memorandum, and that represented a great credit to Mr Niggli and Ms Pisani in the finance team. If they could run an operation of this size and get no comments at all from PricewaterhouseCoopers, he assumed they were doing their job properly.

#### DECISION

PricewaterhouseCoopers appointed as WADA auditor for 2008.

### **5.5 2008 Quarterly Accounts (Quarter 1)**

SIR CRAIG REEDIE said that the document showed a relatively straightforward and simple set of accounts for the first quarter of 2008, which showed large amounts of income coming in and only relatively small amounts going out, as WADA was only one quarter through the year. Again, he noted, even in the first quarter, that there had been litigation costs to meet, there had been quite considerable costs involving laboratory directors and laboratory accreditation working groups, but there was nothing that he was particularly concerned about. The figures were there for the members' attention.

#### DECISION

2008 quarterly accounts noted.

#### **□ 5.5.1 Litigation Costs – Floyd Landis Case**

SIR CRAIG REEDIE referred to the costs that WADA had undertaken to defend a case in the CAS, brought in the first instance by USADA against Floyd Landis, the US cyclist. Richard Young would be able to give any particular details of the legal background to it; but, from a financial point of view, the Landis case had been referred by the UCI to the US cycling organisation, which, under US regulations, had passed it to USADA. USADA had conducted the first case and had been successful. Landis had then appealed, as he had been entitled to do, again to the CAS. USADA, a private organisation, had not given details of its own costs; nevertheless, WADA understood that these had been substantial, both in monetary terms and also as a percentage of its annual budget. USADA had found that it had no resources to conduct the appeal, so WADA had invited the international federation, which had said that it could not help, and WADA had decided, as recorded in the two papers before the members, that it was almost certainly entirely wrong that the case should not be defended because, if nobody appealed, Mr Landis would get a judgement and would be excused. He had written to the members of the Executive Committee seeking their authority. He had got one figure wrong when he had said that the 2007 accounts showed a surplus of 2.7 million; that was on the first cash statement, and he had not taken into account things such as depreciation. If he were to do it again, the figure would be 1.9 million. The Executive Committee had come back to him; one member had approached him and said that he was very reluctant because of the sheer scale of the cost. He had been delighted to get effective approval the previous day from the Executive Committee of the steps taken. The case had been defended about four or five weeks previously, and he awaited the judgement, which was due some time the following month, with great interest. WADA had gone ahead on the basis that it was not a tenable proposition for WADA to allow a very high profile case to proceed without being defended.

THE CHAIRMAN asked whether Mr Niggli wished to add anything to Sir Craig Reddie's summary.

MR NIGGLI added that this had been truly exceptional case in terms of costs for WADA, as well as the amount of work required to defend the case. The figures he had received from the lawyers were as follows: more than 400 pages of direct testimony from seven experts, 10 employees from the Paris laboratories, three additional witnesses, 6,00 pages of exhibits, more than 300 pages of pre- and post-hearing briefs, 145,000 photocopies, and five days of full hearing with lawyers and experts on site in New York defending the case. This was clearly a case that was not to be compared with the routine cases in the CAS, and it was unfortunately reflected in the costs of the case.

MR YOUNG informed the members that the hearing had taken place over both sides of the Easter weekend; the final post-hearing briefing had been submitted on 18 April, and there was no firm deadline, but he was hoping to hear something the following month.

THE CHAIRMAN said that this was an exceptional case, and there had been an extraordinary amount of expenditure, as had been pointed out, but a resolution from the Foundation Board was required, and the request was that the litigation budget for 2008 be increased by 700,000 US dollars. Could be put that resolution to the Foundation Board for its support?

SIR CRAIG REEDIE explained that, although WADA had a litigation reserve, if WADA had a surplus in cash, it seemed sensible to use the surplus to meet the costs rather than take money out of the reserve and then put money back into the reserve. The total costs over the whole period as far as WADA was concerned were in excess of 1.3 million dollars. It was a significant effort.

#### DECISION

Litigation costs update noted. Litigation budget for 2008 to be increased by 700,000 US dollars.

### **5.6 2009 Draft Budget**

SIR CRAIG REEDIE said that it had become clear, looking at the 2007 experience, that there would be a surplus. The Finance and Administration Committee had indicated to the stakeholders that that would be the case. The proposal for 2009 in budget terms was to reduce the increase in contributions from 5.5% to a figure of 4%. That had been warmly welcomed. He wished he had known about Mr Landis before being quite as generous to the public authorities and the Olympic Movement; but, on that assumption, he had shown only the first page of the budget estimate, and he really only wanted to deal with the income figure. It was meant to be helpful, particularly to the public authorities, which wanted to know what their commitments were as well in advance as possible. The other estimates under expenditure included the initial wish list from the WADA departments, and the Finance and Administration Committee would be working in Lausanne in July to produce a detailed expense budget, and that would be brought to the Executive Committee for approval in September, and then finally it would come to the Foundation Board in November. It had been pointed out the previous day by Mr Kasper that the occasional assumption made on exchange rates turned out to be mildly inaccurate. In his own defence, he noted that WADA took professional advice on what the rates should be, and he would rather blame the professionals than himself. This was a complex exercise. At the end of the day, the committee had also run forward on a long-term basis and would do that as part of the September exercise. The members would recall that, the previous year, the committee had declared the presence of an amount of unallocated cash and that WADA would eat into that over a number of years. That process would continue; the rate at which WADA diminished the unallocated cash was the question mark and that was what the Finance and Administration Committee would want to look at. Just on the simple assumptions, if 4% was the rate of increase in 2009, if that became 5%, 5.5% and 6%, and he insisted that these were only figures to allow the committee to do the sums, it would mean that, by the end of 2012, the agency would have unallocated cash of precisely one million dollars. Ultimately, to maintain the

level of activity and certainly to meet any more activities that the members wished the agency to undertake, additional contributions would be required.

THE CHAIRMAN pointed out that this was a first cut, early in the year, and there was obviously more work to be done and much more input, and it would be more accurate later in the year.

PROFESSOR LJUNGQVIST said that it might be very early to give comments, but WADA should embark along the right path. He wished to mention that the Olympic Movement was very anxious that the proper increase of the budget also reflected the health, medical and research activities. A request had been made on behalf of the IOC that the research budget should be increased at least as much as the budget in general. The percentage increase was 3.71% and the research budget increase was 2.08%, and that was not satisfactory in his view.

MR TANAKA said two things regarding the budget. First of all, regarding the 2009 budget summary, the Japanese Government had decided to promote WADA activities. It had decided to commit additional funds for WADA activities in 2009 and the government wanted this special contribution to be used primarily for the development of anti-doping programmes in Asia through the RADO. The government believed that the support would assist the continental development of the region.

In relation to litigation costs, he understood that, in the future, litigation costs would increase; however, he asked that the WADA management show the costs relating to WADA litigation activities, because there would be more and more litigation costs in the future. He currently supported WADA's decision; however, some kind of committee or expert group might try to establish criteria to work out what kind of costs should be earmarked for litigation.

THE CHAIRMAN acknowledged that the offer of the Japanese Government for a special project was welcomed by WADA and discussions were ongoing. He was confident that WADA would see the outcome of that by the time of the meeting in September.

Mr Niggli had pointed out that average litigation costs were in the 10,000-dollar bracket; the Landis cost was clearly an exceptional case, but the members should note that average litigation was far more reasonable than the Landis case would suggest.

SIR CRAIG REEDIE said that that should be noted. He thought that there were very reasonable costs, particularly in Switzerland, for routine appeals. These were going on all the time.

As to the question of criteria, he would be happy to take it back to the Finance and Administration Committee to be studied, but the reality was that there was a system whereby the President, Director General and Legal Director were empowered to decide whether to raise an action in the CAS. This happened two or three times a week, and it was actually quite difficult to set wide-ranging criteria, so he thought that WADA ought to live with that. He had written to everybody as it had seemed to him that the Landis case was so unusual that it had needed wider discussion and authority. Until WADA saw whether it was possible to produce criteria, he thought that WADA should operate on the basis that there were three people empowered and, if something exceptional came up, they would contact the Executive Committee very quickly.

He was also very grateful to the Japanese Government for the special contribution; it was quite clear that the best thing to do in budget negotiations was get one's request in early, and Professor Ljungqvist's request had been noted.



MR VIEIRA said that Europe had taken note of the explanations provided by WADA and had noted that the main reason for the increase in the budget was the exchange rate difference between the Canadian dollar and the US dollar. However, Europe wished to express its concern in relation to the continuous budget increase and, of course, expected that there would be very good reasons to justify any increase in the future. Europe also wished to express the need to know the measures that would be taken in order to contain the increase in costs. Of course, the issue had been discussed by the Council of Europe, and it had been agreed that the Council of Europe might be in a position to support the proposed increase of 4% in November. Also, he wanted to note that Europe supported the proposal to allocate the necessary funding to allow Interpol to announce the operational cooperation in the fight against trafficking.

THE CHAIRMAN said that all of the comments would be noted. The question of the budget for the following year would be discussed later in the year, so there was no need to address that any further, other than to note the comments made at that stage.

MR RICCI BITTI followed up on what Sir Craig Reddie had said. He fully supported the decision on the merits of the Landis case, but this gave WADA the opportunity to work much more to develop result management capability on both sides, the sports side and NADO side. It looked as though there was a great deal of inconsistency. He also supported the decision-making system. He still believed that there was something exceptional in the Landis case and he recommended, as he had said in Madrid, to pay a great deal of attention to this issue. WADA needed to develop result management capability if it wanted to be effective.

SIR CRAIG REEDIE responded to his colleague from Portugal. Before coming to the Foundation Board the previous year with suggested increases of 4% and 5.5%, the committee had had a very rigorous look at the expense budget, on the grounds that, before it went and asked for more money, it should put its own house in order. He had given a commitment that that process would continue at the Finance and Administration Committee meeting in July, in the hope that that would fulfil the wish to consider measures to contain any budget increase, and he thought that that was the proper and correct thing to do. Eventually, however, WADA would not be able to do everything every year with the same amount of money and the same people.

THE CHAIRMAN expressed the Foundation Board's appreciation to Sir Craig Reddie, who was both constant and very capable in the role that he played. The Foundation Board was very grateful for those skills, and he asked Sir Craig Reddie to continue in the same vein.

## DECISION

2009 draft budget update noted.

### **6. Legal**

#### **6.1 Legal Update**

MR NIGGLI highlighted a few points in his report, starting with the disappointing situation of Operación Puerto and the Valverde case. In relation to Operación Puerto, WADA had managed to be accepted as a party in Spain following a difficult process and an appeal to the appeal court. Having been admitted to the case, the Spanish judge had decided to close the enquiry. The decision had also been appealed by WADA and a number of other parties. The appeal had been won but on very limited grounds. The appeal court had ordered the judge to get a toxicology report on the way in which the blood had been used and stored, which was actually very narrow and would not enable WADA to gather the additional evidence that it had been hoping to get by reopening the enquiry, including having a look at the hard drive taken from Dr Fuentes and other elements. WADA had tried to ask a few more questions, but the judge had not allowed them. WADA was currently waiting for the expert report on the toxicology and to see what the judge's next step would be.

There was also another rather frustrating case, that of the rider Valverde, and this was linked to Operación Puerto because the evidence linked to the start of this case was the elements in the Puerto file that indicated that he might have been implicated in blood doping. The problem was that the key evidence in this case would be a comparison of his DNA with the DNA in one of the blood bags seized from Dr Fuentes' office. So far, WADA had been refused access to the blood bag. WADA had gone to the CAS. The CAS had ordered the release of the blood bag or a portion of the blood bag to enable WADA to proceed with the analysis. This request had been sent directly by the CAS to the magistrate in Spain, but the magistrate had refused the CAS request. WADA had once again appealed the decision of the magistrate at the appeal court in Spain, hoping to get another resolution. In the meantime, nothing was really moving forward with either case.

It was a matter for the Foundation Board to know that WADA had already spent a significant sum of money on the two cases, for no great progress thus far. It was also important to highlight that the Puerto case was mainly linked to cycling. Thus far, only riders had been reported as being involved in this enquiry. The Valverde case was a cycling case.

WADA had appealed the case of Petacchi without the UCI, which had not wanted to appeal, and WADA had won the case. Petacchi had been banned for one year. This was a very good precedent, as it was the first case in which an athlete with a TUE for salbutamol had exceeded the dosage, and he had been found by the CAS to be in breach of the rules.

WADA had conducted a number of interviews with athletes who had wanted to talk (all riders), and it had passed on the information gathered from the interviews to the UCI for action. At a time when people were saying that WADA was distancing itself from the UCI, in the past 16 to 24 months, about 1.7 million dollars had been spent on cycling alone. WADA had been with the UCI at the Valverde hearing just three weeks previously. WADA was actually doing quite a lot for the sport.

The report also contained a number of ongoing or resolved cases. WADA had appealed four additional cases since the report had been drafted. He referred to a recent German ice hockey case, which was another rather unfortunate case where there had been some disagreement between the German federation and NADO as to which rules were applicable and how the system worked. WADA had been caught in the middle of that, trying to understand whether it had the right to appeal and whether it could do something. Finally, WADA had tried to get the IF to exercise its authority; the player had been at the world championships, which had been under way at the time; however, unfortunately, the IF had said that it was not ready to take charge of the case as some German appeal was still ongoing. WADA was still investigating this matter. He had to highlight that this was disappointing, and it was linked to what Mr Ricci Bitti had mentioned. It had been disappointing to see that the IF had not taken responsibility in these circumstances.

Case number 15 had been resolved and the athlete had received a two-year sanction. Out of ten cases, eight had been won, one had been lost, and WADA had withdrawn from one, which was quite unusual, but it was interesting to note that, once WADA had all the elements, it had reviewed the file and had decided that it did not have enough evidence to go after the athlete, and had simply withdrawn its appeal.

THE CHAIRMAN asked whether the members had any questions on the legal report.

PROFESSOR LJUNGQVIST appreciated that WADA was continuing to put pressure on those involved in or with the possibility to make progress in the Puerto affair. It

appeared to be very difficult, but it was very embarrassing for the IFs, as they were left in the dark, they did not know which athletes might be involved, and this easily led to rumours and speculation, so the more clarification that could be obtained, the better. There was a further example of a similar situation in the USA. He was very appreciative of the very successful work conducted by USADA in the BALCO affair, which was welcomed by the sports world. Currently, a list of names had been released, featuring athletes who might be involved in doping, and some of the athletes on the list were Olympic medallists from the Sydney 2000 Olympic Games. It was very unfortunate for the IOC that full clarification was not yet available, as there was a deadline to deal with the cases from the point of view of Olympic medals. The deadline was mid-September; he had spoken to Mr Burns, who had promised to look into the matter to get the question clarified. It was another example whereby WADA needed all possible help from the public authorities to make progress with ongoing affairs and clarify outstanding issues.

MR BESSEBERG said that there had been a focus that winter on the blood bank in Vienna, especially in the European media, which had been writing about biathletes, cross country skiers and cyclists from different countries using the blood bank. He had written a letter to RD to ask for the names of those biathletes involved and also to find out who was behind these rumours. He had forwarded the reply, which consisted of two pages, apologising as the reports had not been based on any real facts. As far as he recalled, WADA had also sent a letter to the Austrian authorities to try to investigate, as the issue had also been mentioned on the occasion of the Turin Olympic Games. He wondered whether WADA had received any official reply from the Austrian authorities or the blood bank. Perhaps this was also pending?

MR NIGGLI said that WADA had written to the minister with the information available at the time, asking for Austria to conduct a full enquiry. WADA had since received correspondence from the company in question, which had obviously not agreed that it was doing anything wrong. WADA had received a letter from the minister indicating that the prosecutor was still carrying out an enquiry, and that WADA would be informed upon the conclusion of the criminal enquiry. He thought that this was still ongoing, as WADA had not received any updates.

THE CHAIRMAN thanked Mr Niggli for his report.

#### DECISION

Legal update noted.

## **6.2 Investigations Symposium**

Investigations symposium update provided in the Director General's report.

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

### **7.1 Code Compliance Status Report**

MR ANDERSEN briefly took the members through the document they had in front of them and highlighted certain points, specifically the statistics, where there were weaknesses and where WADA needed to do more in order to achieve Code compliance. WADA's obligations in relation to the Code were set forth in Article 20.7, which stated that the role of WADA was to monitor Code compliance by signatories, and further on in article 23.4, which stated that compliance would be monitored by WADA or as otherwise agreed by WADA and that WADA was to facilitate monitoring, each signatory would report to WADA on its compliance with the Code every second year and would explain reasons for non-compliance. This was the second year, and WADA would be reporting on Code compliance by the end of the year. The three-step process about which all of the members should be aware included the acceptance phase, which all of the signatories had been through, the implementation phase, where WADA asked signatories to amend their rules and policies to include articles that were in the Code, and the third element was to enforce those rules that had been amended in line with the Code.

The form on the screen included some important elements. Looking at the Olympic Movement and Code acceptance, he had mentioned that this was in good shape since all but one NOC (recently established) had accepted the Code. On anti-doping rules received from stakeholders, there were still issues in relation to receiving rules, specifically as could be seen on the lower part of the slide in terms of NADOs and NOCs. In terms of the results compliance survey, which all of the members should be well aware of, this was a survey that indicated (although it did not confirm), compliance with the Code, there were still figures out there that needed to be looked into more carefully, because, as the members would see, also for the NOCs and NADOs, there were many missing figures. The team had specifically looked at the Code compliance issue in relation to out-of-competition testing programmes. The Code stated that an organisation should have an anti-doping programme, including out-of-competition testing. WADA had carried out an assessment of this, and 20 of the summer Olympic IFs had reported back that they had out-of-competition testing programmes in place. WADA's assessment, however, was that only 12 of the 20 had implemented out-of-competition testing programmes. For winter Olympic IFs, three out of seven had implemented out-of-competition testing programmes and, for the NOCs and NADOs, the figures could be seen on the slide. The discrepancy in the figures could relate to the fact that some of the IFs could divert to the WADA out-of-competition testing programme, but the WADA out-of-competition testing programme was in addition to those established by the IFs, or rather those that the IFs were supposed to establish. The chart could be seen on the screen, and he would be happy to answer questions in relation to this later on.

How did WADA monitor signatories in terms of Code compliance? WADA had provided stakeholders (NOCs, IFs and NADOs) with model rules, and on a daily basis WADA was giving guidance and assistance to stakeholders, reviewing each and every rule word by word that it received from stakeholders and making comments to the stakeholders submitting their rules to WADA. WADA was also consulting with stakeholders in light of future amendments. In terms of Code compliance, WADA had an online survey, known as WADA logic, whereby WADA was monitoring testing activities, legal procedures and sanctions. This was also a task that should not be underestimated. It was a huge task to review all of the 200,000 tests conducted; WADA was receiving all of the laboratory adverse analytical findings (AAFs) and following up on each of those. WADA was having extensive communication with the signatories, asking for their rules, and was constantly guiding and assisting stakeholders in this respect. WADA had also attended various meetings on a regional NOC basis in Europe, Africa, Asia and so forth. Four days previously, he had received a letter from the President of the OCA encouraging and urging members to follow the process proposed by WADA. WADA was doing this work in coordination with actions of the regional offices, which played a major role coordinating the activities for those signatories residing in the continent. WADA was also cooperating with the RADOs. The RADO project was aimed at helping smaller countries with fewer resources to establish NADOs. The compliance issue was dealt with through the indication of where the organisations stood in WADA logic; again, WADA was assisting and monitoring testing activities on a daily basis. WADA was not interested in reporting on non-compliance; rather, it was interested in reporting on compliance, which was why all the necessary resources within all the WADA departments aimed to provide this assistance to the stakeholders. He had mentioned the regional offices and the RADO project. There was also an outside law firm assisting WADA in reviewing the rules and giving feedback and assistance to the stakeholders. The work to be done was precisely the work that WADA had been doing, sending out letters and providing assistance to stakeholders, so this was a repeat of what WADA had already been doing.

The procedure for declaring compliance and non-compliance was that the committee had reported to the Executive Committee the previous year, and was now reporting on Code compliance and would produce a third interim report at the September Executive Committee meeting and a final report in November to the Executive Committee and Foundation Board. The Foundation Board was the body in WADA that decided on non-compliance, and that decision could be brought before the CAS if warranted. The consequences, as also stated in the Code, could include sanctions, but that was not up to WADA to decide; it was up to the stakeholders to decide on the sanctions for non-compliance. This concluded his remarks on Code compliance.

PROFESSOR LJUNGOVIST said that compliance contained many elements, such as having the right rules in place, but how did one deal with the confusion that existed in many countries related to the fact that many NOCs did not have the power of the anti-doping activities in their country? Non-compliance of an NOC might mean that the NADO was not in compliance. Was this type of problem encountered and how was it dealt with?

MR ANDERSEN replied that the Code stated clearly that, if there was no NADO in a country, the NOC was the NADO by default, and then the NADO would have to have rules in accordance with the model rules and the Code as mentioned. If there was a NADO established in a country, that NADO would be responsible for the rules. The NOC would not be made responsible for a NADO that was not in compliance with the rules. WADA would then communicate with that specific NADO and follow up accordingly so that its rules were in accordance with the Code and the model rules for NADOs. He also mentioned that, if there was a NADO in a country, the NOC still had to have some rules in place, mainly relating to education, funding or taking funding away from athletes found to have been involved in doping practices.

THE CHAIRMAN said that this showed that there was a long way to go between then and the November deadline, and any support that could be given by any of the Foundation Board members to the responses being sought by WADA on the audit process would be very much appreciated.

#### DECISION

Code compliance status report noted.

### **7.2 Revised 2009 Code**

MR ANDERSEN noted that the final version of the revised 2009 Code had been tabled; the management had done what it had been instructed to do in Madrid, to implement the changes adopted during the Foundation Board meeting, and had additionally made small changes in relation to wording and spelling mistakes. The Code was now being sent to all of the members and it was posted on the website as well.

THE CHAIRMAN said that the members should have a copy of the Code before them. A huge effort had been undertaken on the part of many in the WADA office, and he extended his appreciation of the effort that had been made in such a timely fashion.

#### DECISION

Revised 2009 Code update noted.

### **7.3 International Standard for Testing**

Update provided in the Director General's report.

### **7.4 International Standard for Therapeutic Use Exemptions**

Update provided in the Director General's report.

### **7.5 International Standard for the Protection of Privacy**

THE CHAIRMAN said that the aim had been to conclude the matter in time for the Foundation Board meeting; however, the consultative process and work being done required a little more time, but perhaps Mr Niggli might wish to expand on that point.

MR NIGGLI noted that WADA had received comments rather late from a number of stakeholders and, given that this was the first attempt to have such a standard, and it was quite a complex matter, the management had not wished to discard any of the comments received. It had produced a new draft internally, and was still working on this. There would be a meeting on 23 May with the Council of Europe, which had initiated the process, to discuss the new draft and see whether it accommodated the concerns, and then there would be another round of consultation in June. Stakeholders would have a month during which to comment, so the comments would be received in July and a final version could be produced for approval at the Executive Committee meeting in September. The process and the work were still ongoing, but good progress was being made.

THE CHAIRMAN asked whether this was still on track to be effective as of 1 January 2009.

MR NIGGLI confirmed that there would be no change as to the implementation date.

#### DECISION

International Standard for the Protection of  
Privacy update noted.

### **8. Departments/Programme Areas – Decisions and Key Activities**

#### **8.1 Communications**

MS HUNTER said that there was a lengthy report in the members' files; she would not go into great detail, but she wanted to highlight a few areas.

Athlete Outreach continued to be a very important programme for WADA, allowing WADA to interact with athletes at elite international events. A fun learning environment was provided for athletes to ask questions of anti-doping experts and play games and learn about the dangers and consequences of doping. The Athlete Outreach programme had been launched in 2002 and, since then, WADA had delivered it at 32 major events around the world. It was quite a commitment in terms of resources and staff time, but WADA believed that it was a very strong programme that had been very successful.

An exciting announcement that she had to make concerned cooperate sponsorship of the Athlete Outreach programme. This was an in kind sponsorship by Lenovo, which was the computing equipment supplier at the Beijing Olympic Games. Lenovo would be providing USB keys and lanyards uploaded with information for athletes, such as the Prohibited List, the Athlete Guide, and a link back to the WADA website. The sponsorship was an in kind sponsorship, equivalent to about 120,000 US dollars, and she wished to acknowledge the assistance of the IOC in this regard. The USB keys and lanyards would be provided to the athletes coming to the booth in Beijing; they would play the doping quiz and receive the gifts as a reward for playing. They would also be at the booth at the Paralympic Games. The Lenovo sponsorship was highlighted in the recent issue of the Play True magazine, which had been published that week. All of WADA's supporting roles had been highlighted, including the Independent Observer and Athlete Outreach teams at the Olympic Games and Paralympic Games.

As to media relations, at the end of February, WADA had hosted a media symposium in Lausanne, providing an opportunity to introduce WADA's new leadership to the media, and also to highlight the key issues at the forefront (the revised Code, Code compliance and, of course, new strategies being developed to combat doping in sport). There had been a full house, and it had been necessary to turn several people away, but largely there had been very positive coverage on the way in which the global fight against

doping in sport was being led. WADA had also invited the communications staff from IFs, NADOs and NOCs, giving them an opportunity to observe and learn about anti-doping, and then the following day, WADA had hosted a smaller informal workshop with these communication specialists. This had also been done the previous year and, in fact, the previous year, a small group of these people had got together and formed a task force to develop suggested guidelines on handling communications issues surrounding potential doping cases. That year in Lausanne, the group had got together again and continued to work on the suggested guidelines. Recently, the group had completed the project and approved it and, while WADA played a facilitator role in the process, the bulk of the work had been performed by the IF, NADO and NOC representatives. The communications people from FIFA, FIS, International Hockey Federation, IPC and UK Sport had been involved in this undertaking. This was an internal document for these organisations. WADA would share this with the ADOs and the collective organisations so that the document could be passed on to their members. The document consisted of guidelines and basic principles to help educate the media and ensure that accurate reporting of ADVs and anti-doping programmes in general did occur.

The department was preparing for January 2009 with all of the changes that would be occurring with the revised Code and international standards, and was working on presentations. The first issue of Play True that year was on revisions to the Code, and an attempt had been made to clarify as much as possible the changes that had occurred between the previous version and the version going into force in 2009.

Looking ahead, she was keenly aware of WADA's mandate to facilitate stakeholder implementation of anti-doping programmes; the department tried to develop templates and models so that stakeholders could take them and adapt them to their own needs. These were turnkey programmes developed for the benefit of stakeholders. She wanted to highlight them to give the members an idea of how much they were being used and how they could be used. The first was the Athlete Outreach model, based on the model that WADA delivered at major events. She showed the members the European Athletics Association at the Under 23 championships in Hungary as an example of how the model was being implemented. To date, there were 33 organisations, including IFs and NADOs, using the Athlete Outreach model.

The next example was the doping quiz link programme. As part of the Athlete Outreach programme, WADA had the doping quiz, which was a fun and interactive way for athletes and officials to learn about the dangers and consequences of doping. WADA had developed a programme whereby all stakeholders could put a doping quiz link on their website. She showed the members the example of the FIS website. People could click on the link, which would take them to the quiz, so that they could play the quiz. There were 109 organisations using this.

The third programme was the content sharing programme. WADA developed publications based on best practises and communicating information about anti-doping. The IRB had taken WADA content and the WADA partnership logo, and had used its own pictures. WADA had a number of publications available and, to date, 39 organisations were using this. WADA also allowed stakeholders to translate the content into their own languages.

The *Level the Playing Field* video was a DVD programme, consisting of a two-minute video that talked about the fight against doping in sport from the clean athletes' perspective. WADA offered this video for free to stakeholders, and had had a lot of success with this. The typical stakeholders were Code signatories, but requests also came from universities and schools from around the world, and about 187 organisations had requested this thus far. The figures were quite good but could be better, and she would be working on promoting these programmes among stakeholders and ensuring that everybody had an opportunity to use the programmes. WADA could probably do a lot better in terms of getting more people to use them.



In terms of the challenges that lay ahead in communications, she referred to the new media or Web 2.0. There was rapid evolution in the way in which people consumed and created information. The caption on the screen accompanying the dogs on a hunt stated "first they do an online search". This told people that there was a total reliance on the Internet for information. Looking at the website, statistics from the month of April gave the pages that were most visited on the WADA website. Number one was the Prohibited List (about 10,000 hits), and of course the doping quiz, the information about WADA, news releases, information about the revised Code. She drew the members' attention to the third item on the list, other language documents, which was a page containing links to all of the different documents from the Code to the Prohibited List, the Athlete Guide, etc., translated into about 30 different languages. People used the website as a valuable resource to help them to comply with the Code, and then the other chief audience that WADA tried to cater to in providing information was the media. For the two major audiences, the Code signatories and media, the department tried to ensure that the issues were clear and that there was as much information available as possible. With this in mind, the department had wanted to make sure that the website was the most useful for people and find out where it needed to improve, and had had an audit performed by an outside organisation. The positive feedback was that it was very rich in content, transparency (the corporate goal) was upheld, and in fact the auditor had felt that perhaps the website contained too much information, but it was a very valuable repository of resources and a very important tool for WADA to communicate with its stakeholders. However, the site needed a lot of work, as it was structured from a corporate perspective and not really from the perspective of the different users, and so it made it very difficult for the stakeholders to find information. The department would be looking to try to improve that over the next few months.

The department was also looking at the rapidly evolving landscape of information. Where technological advances had occurred, in some cases it made it necessary for WADA to be in those spaces, or at least be very aware of what was happening there, and this related in particular to media relations. In the traditional model, one hosted press conferences, sent out press releases, sent letters to the editor, etc. That had worked very well, as there had often been a news editor deciding what was newsworthy and that professional lens could be counted on to report accurately for the most part. However, now in the world of media advocacy, the editorial role was shrinking, and the role of a citizen journalist was growing, so the public was starting to generate a lot of the news, and that determined what captured the attention of the journalists and the editors. WADA therefore had to be on the lookout not only in the traditional areas of media, but also in the blogosphere.

This also applied to athletes and youth; they were in the blogosphere, and so WADA needed to be very aware of what was going on there if it wanted to communicate and educate them about the dangers of doping and the value of clean sport. That said, WADA could not forget about traditional methods for informing audiences. The website statistics really showed that clearly: in April, the website had received over 34,000 visits, and one could see that both Europe and the Americas were using the website, but the situation was not quite the same in other parts of the world, so WADA was still very much focused on traditional methods of communicating with people. It was very important to be at meetings and giving presentations and speeches. This tied in with the importance of the regional offices in making the connection with the stakeholders.

In conclusion, the department was looking at merging both of the models, the traditional and the new, and it would continue to try to stay on top of the developments in communications, whilst at the same time recognising that WADA had a whole world to communicate with.

THE CHAIRMAN stressed the importance of stakeholders using the models that Ms Hunter had demonstrated. WADA had clearly put effort into giving turnkey solutions for anti-doping programmes, so the use of those models should be encouraged, as it would lead to a more efficient operation of the responsibilities that all of the stakeholders had.

#### DECISION

Communications report noted.

##### □ **8.1.1 Athlete Committee Chair Report**

THE CHAIRMAN noted that Mr Fetisov had been unable to attend the meeting because of political matters in Russia. In his absence, the report would be given by Ms Hunter.

MS HUNTER said that the committee had met once since the Foundation Board meeting in Madrid in November. A meeting had taken place on 3 and 4 April in Montreal, covering a number of issues, but the primary objective of the meeting had been to meet with the Code Review Team to talk about the IST. This was the fourth time that the group had met to talk about the IST. The committee had supported the proposal approved the previous day by the Executive Committee, supporting in particular the provision for mutual recognition among ADOs regarding whereabouts failures, and the daily 60-minute period for missed tests to be declared should an athlete not be present for testing. Also in relation to testing programmes, a number of the athletes had raised concerns that there was a feeling among athletes, particularly the elite level athletes, that not all ADOs were performing testing programmes that were comprehensive and of high quality, and they had wanted this feeling to be expressed to the Foundation Board.

Regarding the Athlete Passport programme, the committee had supported WADA's leadership role since the programme had been initiated in 2002, and encouraged WADA to continue with its high level monitoring and development of the programme so that, eventually, there would be universal application of the programme for all sports. Regarding ADAMS, a demonstration of the recent ADAMS updates had been done with the committee, and the committee had reiterated its position that ADAMS was user friendly. It had been very supportive of a recent addition to the ADAMS tool, which enabled athletes to update whereabouts information by SMS messaging. The committee had thought that this was a very important addition, making it easy for athletes on the move. The committee had wanted to express that all ADOs should be using ADAMS, as it was very user friendly and facilitated the reporting of information, making the athletes' lives a lot easier.

In relation to education, the committee had wanted to express its view that ADOs should be implementing the tools and resources and models developed by WADA in cooperation with the stakeholders, as it was important to have consistency in anti-doping messages delivered to athletes around the world.

Finally, the committee had expressed its desire for WADA to work with stakeholders to improve athlete buy-in for anti-doping programmes; the committee had felt that clean athletes wanted to be tested and wanted to participate and help in the fight against doping in sport, but more standardisation was necessary, as well as a consistent testing presence, because of its great deterrent effect, and finally ADOs needed to be proactive in disseminating information about the roles and responsibilities of athletes, as well as the dangers and consequences of doping. There was a more lengthy report from the committee in the members' files, but she concluded the verbal report.

THE CHAIRMAN noted the report.

#### DECISION

Athlete Committee chair report noted.

## 8.2 Science

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

PROFESSOR LJUNGQVIST referred the members to the extensive report in their files; it spoke for itself, but he wished to highlight some important issues. One was item 2.3, activities with industry. Sport was often accused of lagging behind the development of sophisticated dopers and their strategies and use of substances, and the new substances that came on the market that sport could not analyse for. That might have been the case early on, but it was not necessarily the case today. His experience from the time before WADA, however, was that it had been very difficult for sports organisations alone to approach the pharmaceutical industry to find out what it might have in the pipeline. This was information that the industry did not often willingly share. With the governments and public authorities on board in WADA, it had turned out to be less difficult for WADA than it had been for the sports organisations alone to get in contact with the pharmaceutical industry, and there were some good examples under 2.3, where cooperation had been initiated and was ongoing, for the purpose of having methods in place once new substances came on the market. SARMs (selective androgenic receptor modulators), which acted as anabolic steroids, were a good example of that type of cooperation, and he expressed the hope that the Foundation Board members from various countries representing public authorities would be helpful in promoting this type of activity for WADA's future activities.

He also wished to highlight item 4.3, the ad hoc group for laboratory accreditation and reaccreditation. WADA had a large number of countries interested in establishing anti-doping laboratories, and there was a clear need to review the strategy and criteria for laboratory accreditation. An ad hoc group had been convened and had met twice. This was ongoing work that would hopefully be finished shortly, but he advised the members that there might be a different strategy and criteria to be developed for the accreditation of laboratories.

THE CHAIRMAN was glad that Professor Ljungqvist had brought up the point of the public authorities' support in the context of support in relation to the pharmaceutical companies. In his own country, there was a huge taxpayer contribution to the pharmaceutical benefit scheme. In his past life, it had been running at an increase of 14% per annum compound until certain finance officers had managed to put the brakes on. It was a massive spend nevertheless, and that clearly meant, in his country and he was sure in all the countries represented by the public authorities, that there was a relationship with pharmaceutical companies, there was no doubt that they could be of great benefit to the work that WADA did, and he urged the members to consider that aspect. It was an area he hoped to progress and he intended to talk to the public authorities in particular in the months ahead on that issue. There was a source that should be worked on in a sensible way that would reap some dividends if the effort was made.

DR RABIN noted that, since 2002, the early identification of drugs in clinical development had been one of the high priorities of the Science Department, because it believed that the identification of drugs that had a potential to become doping agents was absolutely essential to prevent abuse of the doping agents of tomorrow. WADA had tried to use the years that a drug spent in clinical development to gather information on the pharmacological profile and toxicological profile to be able to assess their potential before they came to the market and before they were made available to the athletes. This had been achieved for some drugs. SARMs were not even commercially available but had already found their way onto the Prohibited List, because of excellent cooperation with the leading company developing those products which had shared

information with WADA and was sharing material to allow WADA to detect those substances. That was clearly a way forward. WADA had been able to do this on a case by case basis, and had had very successful cooperation with the industry for SARMS, EPO and glucocorticosteroids, and this was quite possible when WADA clearly explained what was expected in terms of information and reference material, and also signing confidential agreements, because one had to acknowledge the fact that the companies developing those products spent millions, or hundreds of millions of dollars, on development, and tried to avoid interference from any other interested parties, so WADA had found a way to work with these companies, either pharmaceutical or biotechnology companies. He also emphasised the collaboration with drug agencies. WADA had approached the European Medicine Agency, based in London, and the US Food and Drug Administration in the USA, and he thanked Mr Burns and Mr Gottlieb at the UNDCP for their support in approaching the US Food and Drug Administration. These agencies appeared to be ready to cooperate with WADA to enable WADA to gain information and identify the doping agents of tomorrow much earlier than was currently possible. WADA could not longer accept that years or decades were lost between the time the drug was developed and available on the market to allow WADA to detect it efficiently. He wanted to bring to the attention of the Foundation Board the need for support of the political authorities in WADA's cooperation with the drug agencies and pharmaceutical companies to detect much more efficiently the doping agents of tomorrow by accessing the information available in the companies and sometimes available in the drug agencies much earlier on. He thanked the members in advance for their support, particularly Europe and the USA. Also, WADA would like to establish contact with any country hosting a drug agency to see how it might be possible work together for the early identification of doping agents.

DR GARNIER said that, for some months, WADA had been in contact with the FIMS (international sport medicine federation), in order to establish cooperation in the field of education and information to sports doctors for all issues related to doping and the practice of sport medicine in the field. He was pleased to announce that, at its recent executive committee meeting in April in Hong Kong, FIMS had approved cooperation with WADA to enable exchange between the two organisations.

PROFESSOR DE ROSE appreciated the effort made to contact the drug agencies. He noted, however, that perhaps the purpose of the contact should be different according to the country. In his country, the drug administration was working with legislation that had been passed 20 years previously, before there had been doping controls. Therefore, when a sample was sent or received, it was considered as a sample to go to the laboratory for analytical purposes as an infected sample. Depending on whether or not there were strikes, the process would take one, two or three weeks to get through customs, so that created problems for the laboratories and the DCOs. Perhaps Dr Rabin might think about providing some information or putting pressure on the drug agency to say that it should follow the recommendations of the UNESCO convention signed by Brazil in December to enable the better transfer of samples through customs, otherwise there would be problems with doping control there. This was just a suggestion. For Brazil, it was very important that something come from outside.

DR SCHAMASCH pointed out that it would be useful if WADA could make contact with IATA to ensure that samples could be transported in aeroplanes, particularly since the new legislation implemented since 11 September, as problems could arise. There had been some problems in China, although a solution been found. The new security laws for the transport of liquids could pose problems related to the transport of samples.

THE DIRECTOR GENERAL replied that WADA had been aware of the transport issues for more than 18 months and had undertaken considerable work with the help of the NADOs and IDTM to ensure that sample delivery was properly undertaken according to the rules. In Europe, a lot of work had been done through the Council of Europe to ensure that rules were in place to allow the carrying of samples appropriately. WADA

would continue that work (it was really an issue for Mr Andersen and his team) and was addressing this appropriately.

#### DECISION

Health, Medical and Research Committee Chair  
report noted.

##### □ **8.2.2 Draft 2009 List Update**

PROFESSOR LJUNGQVIST informed the Foundation Board that the routine work was under way; the List Committee had met once to review the existing List, and to prepare for the List to be effective as of 1 January 2009. The routine was that a proposed draft List for the coming year would be circulated to the stakeholders, and they would have ample time to reflect upon it. A decision would be taken by the Executive Committee on the List at the September meeting, because the new List had to be published at the latest by 1 October 2008 to come into force for 2009, but it was routine work that was under way and there was nothing specific to report.

#### DECISION

Draft 2009 List update noted.

### **8.3 Education and Programme Development**

##### □ **8.3.1 Education Committee Chair Report**

MS GUERGIS began by welcoming Mr Fahey as the new President of WADA. She also welcomed her counterpart from North America, Mr Hermosillo, of Mexico, to his first Foundation Board meeting. The members would notice that they had in front of them the 2010 pins. She knew that they would see one another in China, but she reminded them and welcomed them to Canada in 2010 for the Olympic Winter Games and the Paralympic Games. As everybody knew, education played a vital role in the prevention and creation of positive values and a true anti-doping culture. This was the long-term goal that the Education Committee was helping to achieve. As chair of the Education Committee, she was very pleased to assist WADA in its mandate to eradicate doping in sport. She was also very pleased to present a brief report on recent activities, as she had tabled the report of the last meeting, held on 11 and 12 October 2007, at the meetings in November. Before she did so, she wished to take the opportunity to make three opening remarks. First, she wished to say how pleased she was with the renewed partnership between WADA, the Government of Canada, the Province of Quebec and the City of Montreal. Her government was a strong proponent of the fight against doping in sport and was particularly proud of having an organisation such as WADA based in Montreal for the foreseeable future. She thanked the Foundation Board for the confidence placed in Canada by renewing this partnership. She also wanted to encourage her fellow government representatives to consider how they could promote and encourage other governments in their regions that had not done so to accept or ratify the UNESCO Convention against Doping in Sport. It was necessary to build on the momentum behind this important document. She also highlighted that, in Canada, there had been two opportunities to discuss a motion in the House of Commons, on 8 April and 7 May respectively, to gain consensus on governmental support of the engagement in the anti-doping movement and for Canada to continue to encourage other governments to ratify the UNESCO Convention against Doping in Sport. She was pleased to report that, in both cases, there had been strong support for the Government of Canada to continue efforts in this vital field. She expressed personal satisfaction with the adoption of the new World Anti-Doping Code, particularly with respect to its reinforcement of the importance of education as a tool in the fight against doping in sport. As chair of the

Education Committee, she could only be pleased to see education as a key element in the Code.

Having said that, she focused on recent activities of the committee and the WADA Education Department. In doing so, she raised three issues that occupied most of the time, which were: sharing information on the education tools, discussing and selecting research projects, and developing monitoring and evaluation tools. With a view on the new responsibilities under the Code, the Education Department continued to roll out tool kits for coaches, teachers, medical practitioners, programme officers and DCOs to stakeholders. The content of the tools was being revised to take into account the new requirements of the Code and comments received from stakeholders. In addition, changes were being made with a view to making them better targeted to youth, especially for the teachers' and coaches' tool kits.

This was an exciting time for education as WADA moved forward. More and more stakeholders now understood the importance of disseminating basic education materials but, more importantly, realised that, if they were to get to the root of the problem of doping in sport, they needed to reach the children and youth with basic values messages that would have a long-term effect on their behaviour and decision making, should they be faced with the choice of doping.

With respect to selecting research projects, at the last meeting, the committee had discussed and selected a number of research projects. She was very pleased to see the growing interest in WADA's Social Science Research Grant Programme, including an increasing number of countries that had not previously submitted applications. At the last meeting, several aspects of this programme had been discussed to ensure that it was being administered in the most efficient and effective manner possible. This included the creation of a database that would include information on the practical outcomes and impact of research projects funded by WADA.

In terms of next steps for the 2009 programme, the call for proposals had been posted on the WADA website on 19 March 2008. Researchers would have until 11 July 2008 to submit their applications. The applications received would be discussed at the committee meeting in October and recommendations for grant approval would be tabled to the WADA Executive Committee in November 2008.

Finally, the third area she wanted to highlight was the importance of developing good monitoring and evaluation tools for education tool kits and educational seminars. In her view, it was very important to continually evaluate the appropriateness of the educational materials and activities for target audiences and adjust accordingly to ensure that they continued to be useful and effective.

In the coming months, planning would begin for the forthcoming WADA Education Committee meeting scheduled for 2 and 3 October 2008. At that meeting, the committee would welcome five new members. The newcomers would be bringing a cross-section of expertise from sport and government from various regions and she looked forward to working with them. She thanked the members of the committee who would be stepping down at that time for their valuable contribution to the work of the committee.

In closing, as leaders in the area of anti-doping, they needed to continue to promote integration of values-based anti-doping education in schools, sports clubs and to the population at large. She was convinced of the vital role that could be played in promoting values-based anti-doping education starting with children as of the earliest possible age, from the playground to the podium. It was indeed an essential part of the long-term strategy to eradicate doping in sport. She invited Mr Koehler to expand on some of the most recent activities of the Education Department, and invited the members to make any comments or ask any questions that they might have after his presentation.

MR KOEHLER said that the complete report for the education programme was in the members' documents, but he wished to focus on the youth education programme that WADA was now developing. Why did WADA focus on youth? Young people were messengers, trendsetters, economic drivers, very well informed, and decision-makers. Recognising the group, the department had realised that a programme was necessary to help fight the problem of doping in sport. The programme was being developed to captivate the leaders of tomorrow, instil values in young people groups between 14 and 18 years of age, so that they could bring back an experience and understanding of the values of sport, and have the opportunity to share the culture of sport, wellbeing, awareness and ethical values. The department had also looked at the audience and what type of effects youth could have on the population in general. Recreational athletes were the majority group participating in sport. Less and less people were involved when one moved away from youth to the high level and international level athletes. He believed that there was a cross-pollination that could bring WADA to achieve its goals of reaching the population at large. The plan as WADA moved forward was to develop a programme for the Youth Commonwealth Games, and WADA was working closely with the IOC to integrate a programme with many messages, one of which would be doping-free sport at the Youth Olympic Games in 2010 in Singapore. He wanted to make sure that a flagship programme was created, that WADA would have an important mechanism to empower young people and reinforce the values of sport, and the programme had to be built in a way that would empower others to implement, as WADA could not do everything.

He gave a brief overview of the plans for the Youth Commonwealth Games. WADA had been working closely with the Communication Department to develop the programme. WADA would create an environment whereby athletes could come into a room and learn the basic anti-doping information. Another element would be a scenario-based element, trying to let athletes think about their choices, and then a survey would be used to gain some information and help further develop the programme. By doing this, the athletes would be rewarded, and would be able to go to the WADA games room, a location that would be plastered with messages of fair play, where athletes could talk openly about the issues. This would be something fun and interactive, a place where they felt comfortable, to reinforce the messages of play true. In order to achieve this, WADA was listening to young people. WADA needed focus groups and had focus group plans and planned to listen to the young people to see what they wanted. A key element to the programme was work with partners, and a company from Atlanta, ISM Limited, would help WADA with this project. WADA could not let youth run away from the issue. Sport was too important, the values of sport were too important, and WADA needed the youth of today to be leaders of tomorrow, and he was confident that this programme would really change the focus and capture the values of doping free sport.

THE CHAIRMAN asked whether the members had any questions or comments for Ms Guergis or Mr Koehler? He indicated that Ms Guergis had said that she had a commitment elsewhere in Canada and would therefore have to leave the meeting.

#### DECISION

Education and programme development report noted.

#### □ **8.3.2 Anti-Doping Programme Development**

MR KOEHLER provided a brief overview of what WADA had been doing in relation to programme development. All countries were required to have a NADO and, given that all NOCs had accepted the Code, everybody had to have a NADO because, in the absence of a NADO, the NOC had the responsibility. However, in 2005, it had been realised that this



was not the case, which was why programme development had been introduced, because capacity was limited, and there was a need to assist other countries and regions in which there were no anti-doping programmes. WADA wanted to ensure that all athletes and countries had the same protocols and were subject to the same processes.

The issue of the RADOs would be dealt with by the regional office directors in detail, but the regional offices were instrumental in developing and assisting anti-doping programmes, but he showed the members how WADA wanted the world to look and the objectives, that every country have either an individual NADO or be involved with a RADO to ensure that anti-doping programmes were in place to protect the rights of athletes. In summary, in 2005, five RADOs had been developed involving 42 countries, four had been developed in 2006 involving 41 countries, five in 2007 had been developed involving 35 countries and in 2008, one RADO had been developed involving four countries, bringing WADA to a total of 122 countries involved with a RADO. How far had WADA come in development since 2005? He was pleased to say that basic structures were in place for all the RADOs, while they differed in terms of level of development. There were trained DCOs of high quality; the IRB was using DCOs in Oceania, the ICC had used the Caribbean RADO for testing at its world cup. WADA was also training TUE committee members, so that they would be able to review and approve TUEs. The result management committees were being developed in each of the regions, with shared resources and expertise. WADA was helping them to establish appeals committees to ensure that athletes had the right to an appeal. The most important element of education was being integrated among experts in the region, so that there was local education, and of course there was the ever-important international cooperation with the cooperation of all of the stakeholders involved. With all of these elements, they were really becoming a part of the WADA family and were moving towards Code compliance, and that was the objective. This had been done in partnership, with the CCES, the Australian Government, DFSNZ, DFSSA, the Portuguese Anti-Doping Organisation, UK Sport, JADA, Anti-Doping Norway, OCA, ANOCA, ONOC, IRB, the IAAF, CONFEJES and the Commonwealth Secretariat. A few partners had gone beyond the call of duty and had really committed to the cause. The work that the South African anti-doping organisation had done with Africa zones five and six, offering open and continual cooperation for all of the African RADOs, willing to provide assistance at all times. DFSNZ had taken its own responsibility and was working directly with the RADO on an ongoing basis, providing continued support and regional help. UK Sport was one organisation that was constantly writing to WADA to ask how it could help. It had been helping out numerous RADOs within the region. The OCA was another organisation that had facilitated and attended every single RADO meeting and had promoted the establishment of the regional anti-doping organisations and development of anti-doping programmes. It had also put a programme in place to invite all DCOs from RADOs to attend and collect samples at regional events, as well as outreach programmes. ONOC had been extremely supportive by creating education partnerships and integrating all the activities into the ONOC general activities. WADA had recently been working with CONFEJES, and was in the process of signing an annex to an existing WADA-CONFEJES agreement, whereby CONFEJES would provide financial support to French-speaking RADOs. One of the most committed partners was the Commonwealth Secretariat, which had agreed to fund four administrators in the region. It also provided yearly education grants and a yearly travel fund to ensure that the administrators had the necessary resources to develop anti-doping programmes in the Commonwealth region. WADA was in the process of extending its agreement with the Commonwealth Secretariat and hoped that this would be successful in the coming months. As the members could see, the RADO programme was not just WADA, but a group of committed organisations in the fight against doping in sport.

SIR CRAIG REEDIE asked Mr Koehler how easy it would be to ask the leading partner for each RADO to concentrate over the next six months on making sure that the individual NOCs actually adopted rules and became compliant with the Code. This must

be an administratively convenient way of doing it, rather than the Montreal office writing to all the different countries and not getting replies.

MR KOEHLER said that this was being done. Letters were coming from the headquarters, but each RADO had also been sending out letters, calling and communicating with the NOCs, and he was confident that each RADO NOC would be compliant by the end of the year.

SIR CRAIG REEDIE suggested setting a time limit.

MR KOEHLER replied that a time limit had been set for September.

#### DECISION

Anti-doping programme development update noted.

### **8.4 Standards and Harmonisation (including out-of-competition testing update)**

MR ANDERSEN said that he would be brief, since he had reported earlier on Code activities. The members had a report on out-of-competition testing activities for 2007 and the first quarter of 2008, and he would report on the main activities and challenges in that respect. For 2007, WADA had conducted almost 2,900 tests, 265 of which had been blood tests in 42 sports in 72 countries on athletes from 110 nations. WADA was continuing to conduct tests in countries in which no tests were being conducted, bearing in mind that those were the countries in which there was a need for WADA to step up its activities. WADA was seeing increasing problems in some of these countries in attempted corruption, refusals to conduct tests and threats. Border crossings and passing through customs were now increasingly a problem in testing activities worldwide. These challenges needed to be addressed and were being addressed properly, but it was necessary to work to find solutions. WADA was working closely with the IOC on the task force group, consisting of the IOC, the Beijing organising committee and WADA to conduct close to 1,500 tests prior to and during the Olympic Games. Those tests would be performed on athletes in the Olympic village, out of competition and on athletes arriving in China and other parts of Asia, so as to conduct out-of-competition testing under the jurisdiction of the IOC.

THE CHAIRMAN noted the report.

#### DECISION

Standards and Harmonisation report noted.

### **8.5 Governments (including UNESCO convention)**

THE DIRECTOR GENERAL said that he was delivering the report on behalf of Ms Jansen who had been unable to attend for personal reasons. He acknowledged the presence of Mr Marriott-Lloyd from UNESCO, in the event that any member wished to ask him a question. WADA had reached a stage whereby 83 states parties had ratified the convention, which was quite an increase over the past year, although there was still quite some way to go. The members would see a full report region by region indicating the progress and the process for each of the countries that had not yet ratified. Under the convention, there was a fund for the elimination of doping in sport. To date, UNESCO had received 1.3 million dollars. The task was to focus on education projects within the countries that had ratified. Guidelines would shortly be launched by UNESCO and WADA would be invited to advise on the requests made for project funding so as to avoid duplication of funding to the same country for similar projects. As far as monitoring was concerned, WADA had given UNESCO the benefit of its experience in monitoring, simply

to avoid the possibility of duplication, so that UNESCO could share the information that WADA had gathered and vice versa. UNESCO had sent a report to its states parties in March, so WADA was expecting a decision from UNESCO shortly as to the monitoring process that UNESCO would adopt. WADA's task was to continue to encourage ratifications. There were 81 countries making good progress in terms of ratification, and 29 countries in which it was hard to make progress, because there were some countries in which there was considerable political unrest or recent political change, leading to changes in ministers and personnel, which meant an initiation of discussion or exchange of documentation again with a new group of people. He hoped that, by the time of the Olympic Games in Beijing, he would be able to report that the number of ratifications had reached three figures. The members would see the list of actions that the government liaison team had taken to ensure that ratification was encouraged. It included considerable work from the regional directors, and he was grateful to the members of the Executive Committee and Foundation Board, who had been working on a regional basis again to encourage ratifications. If anybody had any other ideas on how to achieve faster ratification, he would be pleased to hear these. One of the issues included in the RADO programme was the encouragement of the ratification process.

#### DECISION

Governments report noted.

### **8.6 Regional Offices**

#### **□ 8.6.1 Cape Town**

MR SWIGELAAR said that there was a comprehensive report in the members' files, so he highlighted some key issues. Regarding contributions, he noted that, if they compared the slide to the one presented at the November meeting, the members would notice the steady increase throughout the years. The 2008 contribution, which was currently at about 57%, was a little less than it had been at the same time the previous year, but there were a number of reasons for that. Nigeria in the past had agreed to pay a little more in order to assist other African countries that might be unable to contribute, and that extra funding had now ceased. South Africa continued to contribute more, and he thanked South Africa for doing that. He was very confident that arrears would come in shortly. In terms of ratification of the convention, 16 countries had ratified since November the previous year; there had been six new ratifications. He mentioned a mistake in the report, in which Burundi was mentioned twice, and he had omitted to include Cameroon. He pointed out that UNESCO currently had two copies of ratifications that had to go through the system, so he was pretty confident that Zambia and Senegal would be added to the list in the very near future.

Looking at the finances and ratification of the UNESCO convention, he pointed out a number of key realities facing the region. Since December 2007 and April 2008, there had been changes in cabinets in 16 countries, as a result of presidential or parliamentary elections, political instability and war, so that had a real impact on what could be done in the region. The office was always in touch with the countries to assist where possible to make sure that it had an understanding of what was happening. The office was also aware of efforts to pay and to ratify the convention in each of the countries. He mentioned Zimbabwe by way of an example. In November 2007, the regional office had received official notification that the parliament had agreed to the ratification; unfortunately, because of the situation in the country, he was not sure when the ratification would be finalised.

In terms of key activities, he referred to the education and training aspects. Because of financial realities and to ensure that the scant resources available were used in a prudent way, the office would focus its education initiatives on RADO sessions, in order to target more countries in one single meeting and therefore reach more countries in one go. He was looking forward, in partnership with UNESCO and the South African Government, to an African conference later in the year, to encourage ratification and to discuss issues relevant to anti-doping and the African continent. In terms of RADO

development, there were six RADOs currently up and running in the region, and he used this opportunity to welcome Minister Edjoa from Cameroon, and to thank him for what he was doing by hosting the RADO office in the Africa Zone IV region. The latest RADOs to be added to the list included the one in North Africa (those involved were still deciding on a name for that RADO) and the one in the Indian Ocean. The office would be looking at English-speaking West Africa during the course of 2008 and 2009. Nigeria had indicated its commitment to lead that process and he would follow up on that. Finally, he wished to indicate and pay tribute to those structures in the continent with which WADA worked very closely. Mr Koehler had spoken about CONFES. There was also ANOCA, which would also look at even closer cooperation, especially with the RADOs, the following year, there was the African Union and the Supreme Council for Sport for Africa. The partnerships would be nurtured and expanded wherever possible, in order to progress anti-doping activities in the region.

#### DECISION

Cape Town regional office update noted.

#### □ **8.6.2 Lausanne**

Referring to contributions, MR MOSER said that 4.9 million US dollars had been collected for Europe to date, representing 86% of the total amount invoiced for the region. Compared to previous years, the pace of collection of contributions was slightly slower, but there was no concern about collections from the European public authorities.

As far as the UNESCO ratifications were concerned, most of the European governments were well advanced in the process of ratifying and implementing the convention. 31 countries in the region had ratified the convention and, although the legislative process proved to be rather complicated in Europe, the process was in progress and more ratification instruments were expected shortly.

Looking at programme development for the European continent, three was currently one RADO in Eastern Europe; the third meeting of the RADO had taken place at the invitation of the Russian Federation in March. The countries involved in the RADO were Azerbaijan, Armenia, Georgia, Belarus, Macedonia, Serbia, Montenegro and Ukraine. In addition, in March, a first exploratory meeting had taken place with central European countries to explore the creation of a RADO for central Europe. During a brief meeting of the Council of Europe that week, the countries had confirmed their interest in forming part of a RADO. The next step was to plan a first working meeting, and this would be done in the coming months.

In terms of major activities in the region, in Lausanne, two training sessions on ADAMS had been hosted. The implementation of ADAMS in the region was well under way. In terms of communications, the office continued to communicate with the organisations in the region on an ongoing basis.

The office had participated in meetings of the Council of Europe monitoring group and the CAHAMA meeting, and had made presentations on the WADA Strategic Plan, the revised Code, etc. The number of meetings taking place in Lausanne was increasing, as was workload related to these meeting.

#### DECISION

Lausanne regional office update noted.

### □ **8.6.3 Montevideo**

MR TORRES said that contributions from the Americas that year had also been very encouraging. One of the good signals from the region was that, during the recent governmental meeting, the governments had agreed on a new formula for contributions based on OAS percentages. This would enter into force in 2009 for a four-year period and would allow WADA for the first time to potentially collect 100% of the budget, which would be a very significant achievement.

For that year, Brazil and Mexico had reached an agreement, showing remarkable commitment to the fight against doping in the region, agreeing to share equally their contributions for the year. Mexico had already paid and Brazil had announced that it would pay prior to the Olympic Games in Beijing. Venezuela had paid its contributions for 2005 and 2006 and would pay the contributions for 2007 and 2008 before the Olympic Games. He also added that the Argentinean Government had announced its payment, to be made within the next two days.

As to the ratification of the UNESCO convention, 15 countries had ratified. Two extensions had been granted on behalf of the UK to Bermuda and the Cayman Islands, and Aruba had made a similar request to the Netherlands and was awaiting a response. The Government of Uruguay had already finalised the process, so the ratification should be official before the end of May. Regarding the news from the Venezuelan Government, the congress had already approved the text of the convention and hoped to have everything in place by the time of the Olympic Games. This was an ongoing process and he the office communicated with all the relevant authorities in each country, as it was important to ratify the convention to strengthen the governments' capacities in terms of the fight against doping.

Regarding the activities update, the role of regional meetings in the region was significant in order to strengthen government capacities and improve the level of knowledge, visibility of WADA and partnerships to be built for a common goal.

As to anti-doping development, there were two RADOs in the region, one for Central America and Columbia, and one in the Caribbean. The RADOs sought to develop the regional capacities to ensure sustainable local anti-doping programmes.

In relation to the Code compliance process, in coordination with the WADA headquarters, all of the correspondence had been sent to the relevant authorities in each country. Recently, a very successful workshop on anti-doping rules had been held in Mexico with the support of the Mexican Government.

Finally, education was very important in the region, and there was quite a lot of material available in Spanish, on paper and on the WADA website. The recent travelling seminars had been a great success in the region. The aim was to apply the "train the trainer" philosophy where possible, as WADA could not physically be everywhere, and to pass on the models of best practice to enable stakeholders to develop their own programmes in line with the Code.

PROFESSOR DE ROSE informed the Foundation Board that the establishment of a NADO had been a big problem in his country; the executive board had already been chosen and the foundation board was being elected, and the organisation would start work the following month.

### DECISION

Montevideo regional office update noted.

### □ **8.6.4 Tokyo**

MR HAYASHI said that the Tokyo office was focusing on three goals for 2008: contributions to WADA, Code implementation and the consolidation of anti-doping programmes.

In relation to the UNESCO convention, the office had been encouraging all of the governments to ratify and implement the convention. 21 countries in the region had already ratified, including five from Oceania. The fifth Asian region intergovernmental meeting in Seoul, Korea, in May, was expected to accelerate the ratification process.

As to Code compliance and monitoring programmes, the office was encouraging all NADOs and NOCs to establish their anti-doping rules in line with the Code.

Concerning activities in the region, there were five RADOs in the Asian region, and steady progress was being made in the field of anti-doping.

With regard to education, several travelling seminars had already been held that year in Vanuatu in Oceania, and Beijing and Shanghai in China. An education programme, in conjunction with a RADO programme, had also been held in Kuwait in April.

A WADA education and information session was to be held in May following the intergovernmental meeting in Seoul, Korea. The Malaysian Government had provided a great deal of support for the development of education in the region.

In terms of communication, since the establishment of the office, three newsletters had been published per year to facilitate the dissemination of information on anti-doping and WADA activities to all stakeholders. A newsletter would be published on a quarterly basis, as requested by stakeholders.

#### DECISION

Tokyo regional office update noted.

### **8.7 International Federations**

MR MOSER said that there had been various meetings with IFs and other Olympic Movement stakeholders, and assistance had been provided as far as the Code compliance process was concerned. On Code compliance, most IFs had accepted the Code. The office kept receiving requests from some IFs in sports not associated with GAISF or the Recognised Federations or the Olympic Movement that wished to accept the Code. These IFs were clearly told that, if they accepted the Code and asked WADA to review their rules and monitor their compliance, this would be done but at a cost to them. The office followed up with all of the recognised Olympic IFs to ensure that they replied to the WADA Logic Code compliance online questionnaire, and also provided feedback on their responses. Assistance was offered whenever appropriate and needed, and timelines had been defined with these IFs, with follow up to ensure that necessary improvements to their anti-doping programmes were implemented. The different steps would allow WADA to have valuable information and input available when the report on Code compliance was compiled and tabled at the next meeting of the Foundation Board in November.

In relation to implementation of ADAMS, the office continued to play an active role in the implementation of ADAMS together with the ADAMS team at the WADA headquarters. The office introduced ADAMS to the IFs whenever suitable and necessary, worked with the IFs that had been trained to ensure that they became active users of the system, and ensured that more ADOs signed agreements on ADAMS.

The IF/NADO symposium in Lausanne on 1 and 2 April had provided the perfect opportunity to present participants with information on the revised Code and standards, Code compliance, model rules, education, RADOs, ADAMS and education. On the first day, for IFs only, there had been 80 participants from 50 IFs, and on the second day, at the joint IF/NADO meeting, there had been 150 participants from the 50 IFs and 40 NADOs.

In terms of the immediate plan and priorities, he pointed out a few issues. First, the overall objective was to bring as many stakeholders as possible to Code compliance. The office would work with the IFs on a bilateral basis to enable their anti-doping programmes to be as robust as possible. Education activities were under way with IFs, mainly in the form of training sessions on how to use the coaches tool kit to deliver anti-doping education programmes to the coaches. More work was needed to promote ADAMS and make sure that it was implemented by as many IFs as possible. The office would continue to attend meetings and make presentations to stakeholders. At the meeting of EOC, a workshop for secretaries general and chefs de mission was being organised, and WADA would be represented there, and would also be present later on in June at the Sport Accord meeting, where he would be manning the WADA booth together with colleagues from the WADA headquarters.

Looking at longer-term objectives, the office would continue to promote the e-forum among IFs (there was more information about this in his written report). The office wanted to foster more and better communication between IFs and NADOs, and encourage more IFs to publish their testing statistics, and provide assistance to the smaller IFs that needed help to set up their anti-doping programmes as well as regarding their new responsibilities in terms of education.

#### DECISION

International Federations update noted.

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

MR NIGGLI said that ADAMS was a very practical tool for everybody to use and, when implemented and used, made the lives of the ADOs a lot simpler. The athletes gave their whereabouts on ADAMS, the information was shared by the organisations that needed it, the mission order was issued, the doping control took place, the doping control form (DCF) went back into ADAMS, the results could be matched, and the entire process made everybody's life far simpler. What was also very important was that the more users there were, the more everybody would benefit. Once everybody was on the system, the sharing of information would be greatly improved, and everybody would have much better coordination and their lives would become easier. This would also address the issue discussed that morning on statistical reporting. If organisations were all using ADAMS, statistical reporting would be very easy.

If the members looked at the figures, they would see that there had been quite a lot of progress. 31 IFs and major games organisers had implemented ADAMS, there were 22 NADOs and 11 laboratories, and numerous other bodies had committed to implement ADAMS. This was ongoing, and a lot of these organisations would be using ADAMS over the next few months. There were currently 50,000 athlete profiles in the system, 12,000 whereabouts, 6,000 TUEs, and 225 national federations using ADAMS. Sometimes, the situation arose whereby the NFs were using the system and not the IF, which created an issue, although it encouraged those IFs not using ADAMS to use it. WADA had improved the system continuously since its launch, which was clearly reflected in the accounts. WADA was spending quite a bit of money to ensure that it was meeting the needs of all of its stakeholders, and discussions had been held with the various stakeholders to make sure that WADA would modify the system when appropriate to serve them better. There was now a system to enable athletes to update their whereabouts via SMS, and the athletes had been very pleased about that. That also addressed the practical concerns raised the previous day on how to update whereabouts at the last minute. SMS was a straightforward and easy way of doing that. Special models had been developed to make it possible to use the system in an easy way. The system had been engineered so that it was possible to select only the information that one might want to share. A new category had been created for atypical findings, and a very sophisticated model had been developed for the Athlete Passport, which not only allowed for blood test reporting in ADAMS, but would also allow the independent experts to view the profile of the athletes so that they could make recommendations. That was actually being used at the moment



and he highlighted the fact that WADA was allowing the UCI to use that model in its continued work on the passport. WADA was also adapting ADAMS to meet the new requirements of the Code once it came into force.

WADA was building on the fact that more and more organisations were using ADAMS and were encouraging each other to use it; that was very good, and they all realised the benefits of sharing this information. One-on-one remote customised training had been set up to enable those interested in using ADAMS to seek assistance. This assistance was provided daily with a variety of stakeholders to ensure that they received the appropriate information and understood how ADAMS worked. In-person training was also provided.

WADA certainly promoted the use of ADAMS for major competitions. It would not be used fully in Beijing, as it had been too late to use it in the IOC protocol. He regretted this, but understood why it would not be possible; however, ADAMS would be fully used for the Olympic Games in Vancouver and all of the technicalities would be solved and discussed prior to the end of 2008 with the IOC and the organising committee for the Olympic Games.

Finally, he could only encourage everybody around the table to encourage their own and other organisations to adopt ADAMS. He thought that this was a practical tool, it was free of charge, and it would make everybody's life easier.

THE CHAIRMAN stressed that ADAMS was the heart of the organisation; if WADA were connected, it could operate so much better. There was a fundamental flaw that came with age, in that technology was something that many people of a certain age resisted a little; nevertheless, he urged everybody to encourage the use of ADAMS, as WADA would operate and work so much better if everybody was connected.

MR PASCUAL said that the IPC would use ADAMS at the forthcoming Beijing Paralympic Games, and encouraged WADA to keep track of the development of the Beijing laboratory in terms of ADAMS training so as to be able to fully use ADAMS at the time of the Paralympic Games. He knew that many laboratory directors had raised some issues regarding the way in which ADAMS was working, as there were some issues regarding encryption requirements and certification of data.

MR NIGGLI replied that ADAMS would be used for pre-Games testing in relation to the Olympic Games in Beijing, and would involve the Chinese laboratory. The person in charge of ADAMS training would be visiting the Beijing laboratory in a few weeks' time, so the laboratory would certainly be ready by the time of the Paralympic Games. A number of laboratories were already using ADAMS; there was always some resistance to change, but WADA was certainly talking to the laboratories, and would make sure that ADAMS would actually be a useful tool, as opposed to creating additional work for them. WADA was talking to all of the laboratories on a regular basis.

PROFESSOR DVORAK asked whether ADAMS also made it possible to trace the legal consequences, sanctions and the decisions taken by the disciplinary committees. If not, was this possibility foreseen?

MR NIGGLI responded that ADAMS enabled a use to enter the outcome of the disciplinary process, so it would be possible to see on ADAMS whether the process was ongoing, what the resolution of the process was, and what the sanction was. There would not be all of the paperwork on ADAMS; it would not be possible to scan and store all of the legal files in ADAMS; however, all of the steps and outcomes could be included in ADAMS.

MR DVORAK said that there were 50,000 athletes, 12,000 whereabouts and 6,000 TUEs. He was a little suspicious that WADA had such round figures.

MR NIGGLI noted that the aim had been to simplify matters for presentation purposes.

MR DVORAK retorted that the organisations were not structured in such a simple manner.

DR SCHAMASCH thanked Mr Niggli for his pugnacity. It would not be possible to use ADAMS fully at the Olympic Games in Beijing, but it would be used for the pre-Games part, particularly for athlete whereabouts. At the start of September, there would be a joint meeting between WADA and the IOC to ensure that all of the data would be studied and that ADAMS would be used fully at the Vancouver Olympic Games. He thanked Mr Niggli for his report.

THE CHAIRMAN said that the Executive Committee would recall that there had been a matter requiring some further discussion during the course of the deliberations the previous day. That discussion had occurred overnight, and he wished to report back to the Executive Committee. He requested that those adjourning leave their headsets in the room so that the Executive Committee discussion could take place. He believed that about one hour might be needed to conclude the Foundation Board agenda after lunch.

#### DECISION

ADAMS update noted.

### **9. Various Current Items**

PROFESSOR DVORAK had been surprised to note that item 7 on the International Standard for Testing had been taken off the agenda. He wished to note the collective opinion of the medical representatives of all of the team sports and the ASOIF Consultative Group, which had met in February and then later on 5 May. Those working in the field of controls were commonly faced with the issue of volume during the sampling procedures, and they had realised that, in the IST, the minimum volume in the sampling procedure had suddenly increased from 75 to 100 ml and in the latest version provided just two weeks previously, the volume had been reduced to 90 ml. This situation had a major impact on the sampling procedures (about 200 a year). He understood the arguments that might have led some of the colleagues from the Laboratory Committee to propose an increase in volume due to new substances and the situation whereby two substances were found and the laboratory needed a little bit more urine to examine. Looking at the statistical survey (and this was the argument discussed with his physician colleagues in the different IFs), two substances were tested for in one sample about twice per 10,000 sampling procedures. The substances were usually cocaine and cannabis, and there had never been a situation involving two anabolic steroids, for example. The logistics of increasing the volume or the burden on the sampling procedure, and he personally carried out the sampling procedure, and he had probably done this 1,000 times since 1994, highly outweighed the potential benefit for the laboratories. It was nice to have more urine, and he understood that; however, it was very often difficult, particularly in the endurance sports, to obtain the 75 ml, and sometimes there was a major logistical burden in terms of waiting a few hours in order to receive 90 ml. He asked the chairman to reconsider this before issuing a final decision, and his proposal was to analyse this carefully with the Laboratory Committee and to come up with sound scientific justification of the increase. He was sorry to bother the Foundation Board with the issue, but the matter had to be very carefully discussed with those who were involved before taking a final decision. He thanked the Foundation Board for allowing him to share this point of view.

THE CHAIRMAN noted that this issue had been the subject of some discussion the previous day during the Executive Committee.

MR ANDERSEN said that the issue had been raised the previous day by Professor Ljungqvist on behalf of the IOC. His response was that the revised 2009 Code clearly stated that, in order to allow for increased sanctions for doping substance use, several substances formed one of the criteria for increasing the sanctions, among other things, which was why the laboratories were clear that they needed more urine in order to be able to confirm the presence of more than one substance in urine. Currently, if athletes did not provide sufficient urine, the laboratories had to choose which substance should be analysed. Now, there was a requirement to confirm the presence of additional substances. The Standards and Harmonisation Department had been working closely with the Science Department to find a solution.

He also said that he had voiced Professor Dvorak's view that, the more the volume of urine was increased, the more time it would take to collect.

DR RABIN said that not only was there a change in the rules, as explained, with the revised Code coming into force the following year, but there were also requests from the scientists working in the laboratories. The initial request had been made by the Laboratory Committee for urine volumes of 120 ml in total, but the committee had been ready to compromise with 100 ml. A total of 90 ml had been adopted, and this would certainly put some laboratories under pressure, because some of the tests required (when talking about EPO or IRMS) required a substantial volume of urine. In addition, there would be new tests (the insulin test, for example, would require 68 ml of urine), and, with the onset of the Athlete Passport, there would be more requirements to analyse some of the parameters that would be part of the steroid profile. All this was putting more pressure on the laboratories to analyse everything requested of them. WADA had conducted a survey with the laboratories, as it had been considered important. The vast majority of the laboratories had come back saying that they could not do what was requested with only 50 ml in the A sample and only 25 ml in the B sample. Some athletes were also being advised by their coaches or physicians to provide only 75 ml of urine, as this made it very difficult for the anti-doping laboratories to detect all of the substances that they had to detect. WADA had also received feedback that 90 ml did not create more of an issue than 75 ml. A lot of information had been collected before making the proposal to increase the urine quantity from 75 ml to 90 ml in the revised version of the IST.

THE CHAIRMAN agreed that it was a difficult issue, but considerable deliberation had gone into this. There was a need to strike a balance and, of course, recognise that this was a living document and there might be a time in the future when this was discussed again.

PROFESSOR DVORAK asked whether this had been decided and would be put into operation in January 2009.

THE CHAIRMAN confirmed that this was the case.

PROFESSOR DVORAK apologised: his intervention had therefore been a waste of time. He noted that the medical representatives of the named organisations disagreed with the decision.

MR HERMOSILLO noted that certain federations did not carry out the chain of custody properly. He suggested simply that WADA take into account that everything possible was done to ensure that all athletes were healthy, and he asked FIFA in particular to cooperate to ensure greater control of the chain of custody.

PROFESSOR LJUNGVIST pointed out that he had also raised the same issue as Professor Dvorak with respect to the volume, and the decision had been taken to raise

the volume to 90 ml. He also thought that it was unfortunate decision. WADA would see in the long run what happened and the decision might be reversed as time went by. The discussion on the volume of urine had been going on as long as he could remember. At some point, a limit would be reached.

PROFESSOR DE ROSE said that the laboratories wanted one ton of urine but it was known that one could not take more urine without causing problems for the athletes. He thought that, using 75 ml, it had always been possible to identify substances. He worked as an advisor for one IF and the urine samples of the athletes in that IF were often found to have four or five anabolic steroids, and the laboratories had never had problems finding the substances. Although it was too late, he wanted to support the chairman of the Health, Medical and Research Committee and Professor Dvorak.

PROFESSOR DVORAK said it was not just football; it was all the team sports federations and all of the summer sports. He reiterated that, in his fifteen-year career and his experience with so many samples, he had never had complaints from the laboratories that there was not enough urine to analyse. He did not see why the issue was so important now and why this could not be observed carefully first, as it would have a major impact on the regulations and the procedure. He would accept the decision of the Executive Committee, which would be responsible for what happened.

PROFESSOR DR ROSE noted that the problem financial as well as logistical, as the DCO had to be paid for the time spent with the athlete. The overall costs would increase as a result of the increase in the volume of urine.

MR POUND spoke not as a scientist and certainly not as a DCO; but, if there was a strong consensus from the laboratories that they needed this in order to be able to do the analysis that would stand up to challenges, they should be given every opportunity. WADA had seen the kinds of challenge being thrown at it on the scientific front. WADA should try this out and see what happened. For 15 ml, he was having trouble getting too worked up about the difference. WADA should not have its hands tied behind its back in a very scientifically disputed field.

MR PASCUAL thought that it would probably be reasonable to at least prepare for an evaluation of the real need for those additional millilitres over a certain period of time.

MR LARFAOUI thought that there was a huge difference between the experts in the laboratories and those working in the field. He supported what had been said about the amount. Just to collect 75 ml, the athletes and DCOs wasted huge amounts of time after the competitions. There was a huge difference between those working in the laboratories and those out in the field.

THE CHAIRMAN thanked everybody. Concern had been expressed by the representatives of team sports in particular. The decision had not been taken lightly; it had occupied considerable debate within the management team. At the end of all of this, there was a need for the Foundation Board to provide a protocol that would withstand the scrutiny of those who sought to set aside the results of testing. WADA was under that sort of scrutiny in the courts on a regular basis, as the members were aware. He did not think that anybody would suggest that there was a perfect answer to the issue. In many cases, the laboratories had indicated that 120 ml was the amount that had to be provided, and it was clear that this had not been supported when the figure of 75 had gone up only to 90 ml. He asked that the members give it an opportunity to be put into play and recognise that nothing was fixed forever. If there were difficulties with the amount of 75 ml, and he believed that the case had been made, WADA had to ensure that it did not absolve cheats because it did not have enough urine for the B sample test. He did not know that unity on the subject would ever be achieved, but thought that the members should recognise that a great deal of thought and deliberation had gone into the decision. He assured the members that WADA would monitor, listen and heed advice on the practicalities of the decision that the Executive Committee had agreed to the previous day.

PROFESSOR DVORAK said that FIFA would have to change its regulations worldwide, in 208 countries. The education process for all DCOs around the world would have to be changed. This decision would have a major impact on the procedure. He proposed postponing the decision for one year; then, discussion could take place with the laboratories, a sound scientific survey could be undertaken, so as to see the potential benefit. Following this, if WADA decided to increase the quantity, FIFA would support the decision.

DR RABIN insisted that a survey had already been conducted with the laboratories. The question was, WADA knew what most of the laboratories needed for the future, and the question was whether WADA could give the laboratories the possibility to do that or whether it have to select some of the substances or parameters that would need to be tested in urine.

THE CHAIRMAN noted that he appreciated the contributions made.

PROFESSOR DE ROSE thought that it was logical to ask why so much urine was needed. The effect would be very impressive and, to be fair, WADA should ask the opinion of the NADOs, because the people doing the examinations in the field should be able to give their opinion.

THE CHAIRMAN said that it was clear from the presentation that the opinions of all those involved had been sought and a balance had been struck. He did not imagine that this was a win for the laboratories. The deliberations had taken into account the views of all sides. Ultimately, WADA had put an enormous amount of effort into this issue, a great deal of time and significant consultation, and the bottom line was the balance struck. He would hate to see one cheat slip through the net because WADA was a bit short on volume. He understood the difficulties experienced by dehydrated athletes endeavouring to provide the appropriate amount. He asked that the members be patient and he took on board the concerns expressed on the basis of the need to keep a close eye on this issue. He thanked the members for their constructive thoughts.

Moving on to another issue, THE CHAIRMAN said that the Director General had informed the Foundation Board that the Executive Committee had considered the TUE issue and had approved the recommendations put forward in principle subject to some fine-tuning. The Director General had also indicated that the management team had been instructed by the Executive Committee to resolve those outstanding matters by 15 June. Since the Executive Committee meeting the previous day, with the efforts made by a number of people, particularly Professor Ljungqvist and Professor Gerrard, the matters of apparent contention the previous day had been resolved, some drafting had been done and a document had been circulated, and he asked the Director General whether it might be possible to remove the caveat referred to that morning on the basis of final approval by the Executive Committee.

THE DIRECTOR GENERAL said that the management team had been asked to tidy up a couple of matters mentioned by several members of the Executive Committee. The management team had been very busy, with the help of the experts present, and the document before the members reflected the tidying, and his understanding was that it was now in a condition for the Executive Committee to approve rather than wait until 15 June. That would be a most happy conclusion to the weekend's activities.

PROFESSOR LJUNGQVIST noted that there was still some important wording that was wrong. He was referring to item 5 in annex 1. "In the absence of airflow limitation" should be change to "in the absence of reversible airway obstruction". It should also be mentioned, in relation to details on certain items, such as items 3 and 5 in the annex, that there would be an explanation of how to do those tests in an accompanying

explanatory note, as they were just as important for the purpose of understanding this correctly. An explanatory note would accompany the document in the future.

THE DIRECTOR GENERAL said that the intention was to publish an explanatory note to accompany the document but it would not be part of the document itself, so it would not impede the progress of the document at UNESCO.

THE CHAIRMAN asked whether the amendment proposed by Professor Ljungqvist was acceptable. Did the Executive Committee wish for the TUE standard to proceed in the form submitted with the amendment looked at that day and the caveat that a separate explanatory document would accompany the formal document? He thanked the Foundation Board for allowing the Executive Committee to leave the meeting with no unfinished business.

MR VIEIRA said that this was the last meeting that Portugal would attend due to the rotation system adopted in Europe. He wished to express his gratitude to the WADA staff members, who had been so kind, and particularly to Mr Howman. Portugal would continue to lead the fight against doping, and would cooperate closely with WADA.

#### DECISION

Proposed amendment to the International Standard on Therapeutic Use Exemptions approved. A separate explanatory document to accompany the formal document.

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

THE CHAIRMAN asked the members to note the next meeting of the Foundation Board in Montreal in November.

#### DECISIONS

Executive Committee - 20 September 2008, Montreal;  
Executive Committee - 22 November 2008, Montreal;  
Foundation Board - 23 November 2008, Montreal;  
Executive Committee - 9 May 2009, Montreal;  
Foundation Board - 10 May 2009, Montreal;  
Executive Committee - 19 September 2009, Montreal;  
Executive Committee - 21 November 2009, Montreal;  
Foundation Board - 22 November 2009, Montreal.

THE CHAIRMAN acknowledged the constructive manner in which all of the members had conducted themselves during the course of the deliberations over the past three days. He thanked all of the members for their constructive contribution, and the clear commitment that they made to the fight against doping in sport. He also thanked everybody for the goodwill present, which could only lead to a more beneficial outcome. He acknowledged the standard of the documentation submitted to each of the meetings by the management and staff of WADA. He believed that this led to a much better process and, frequently, a much quicker outcome. That quality and professionalism was very much appreciated. He acknowledged the support received again that day from the interpreters. An international organisation could only communicate when there were skilful people allowing the members to understand one another. He wished all of the participants well in their endeavours in sport and government and looked forward to

working with them at a formal level in the meetings ahead and informally in the meantime.

PROFESSOR LJUNGQVIST asked if he could take the opportunity to remind the Foundation Board that this was the first meeting led by the new Chairman and, on behalf of the Foundation Board members, he extended his gratitude to the Chairman for the friendly and efficient way in which he had conducted the meeting, letting everybody speak and yet concluding the meeting in good time.

The meeting adjourned at 3.30 p.m.

**FOR APPROVAL**

**JOHN FAHEY, AC**  
PRESIDENT AND CHAIRMAN OF WADA