WORLD ANTI-DOPING AGENCY
play true

Minutes of the WADA Foundation Board Meeting
9 May 2010
Montreal, Canada

The meeting began at 9.00 a.m.

1. Welcome, roll call and observers

THE CHAIRMAN welcomed the members to the Foundation Board meeting. He informed everybody that it was an open and transparent meeting and that the media were present; initially there would be a camera, which would take some footage for the first few minutes. He noted that, during the course of the day, anything members said could be used against them. That was not to suggest that the members should keep quiet, but was just to let them know that there was a capacity for what they said to be used again at some later stage.

He would not go around the table to note who was sitting where; there were a number of official deputies who had full rights to the meeting and would be accorded such rights appropriately. There were also a number of people sitting at the table, particularly from the diplomatic corps, two ambassadors, who were there as observers because the member was not present. There were two new full members. He welcomed them to their first meeting of the Foundation Board: the minister from Serbia, Ms Markovic, and also the minister from Belgium, Mr Muyters. The Foundation Board looked forward to working with them in the days ahead.

There were matters of some significance on the agenda that day. The Director General would shortly give an indication of what the Executive Committee had agreed to the previous day. He drew the members' attention to two things; one was the Interpol report. He believed that it was a significant step forward for everyone and the message that came through loud and clear from all the discussions with Interpol was that the laws of individual countries, particularly relating to trafficking, were of significant benefit to that fight if they were strong. Clearly, it was a matter for each individual country. The point was that one could influence those types of laws to assist anti-doping organisations and their investigations and in finding those cheats. He asked the members to take that message back with them.

The second matter, which was of some particular interest to him, was the decision taken the previous day by the Executive Committee to expand the pathology testing through pathology units outside or in addition to the accredited laboratories for the purposes of the Athlete Passport. Everybody would say that that was an expensive business; nobody would deny it cost money. All of those in the room would recognise that this was the price that had to be paid to ensure a doping-free world in sport. Notwithstanding the issue of whether some progress could be made in reducing that cost by expanding where the testing could in fact occur, that was a very progressive step and he was pleased to see that it had occurred.

He invited the members to sign the roll call. He would not go through the individual apologies. Some alternates were present.

The following members attended the meeting: Mr John Fahey, AC, President and Chairman of WADA; Prof. Arne Ljungqvist, WADA Vice-Chairman, IOC Member and Chairman of the WADA Health, Medical and Research Committee; Sir Phil Craven,

President, International Paralympic Committee; Mr Willi Kaltschmitt Lujan, Member of the IOC; Dr Robin Mitchell, Member of the IOC; Mr Richard Pound, Member of the IOC; Dr Patrick Schamasch, representing Mr Patrick Chamunda, Member of the IOC; Prof. Eduardo Henrique de Rose, President, PASO; Mr Richard Young, Representative, ANOC; Mr Andrew Ryan, representing Dr Tamas Ajan, Member of the IOC and President of the IWF; Mr Patrick McQuaid, Member of the IOC and President of the UCI; Mr Francesco Ricci Bitti, IOC Member and President of the ITF; Mr Gian Franco Kasper, IOC Member and President of the FIS; Mr Anders Besseberg, President of the IBU; Dr Rania Elwani, Member of the IOC; Ms Claudia Bokel, Member of the IOC; Ms Angela Ruggiero, representing Mr Alexander Popov, Member of the IOC; Mr Frank Fredericks, representing Ms Beckie Scott, Member of the IOC; Mr Philippe Muyters, Flemish Minister for Sport, Belgium; Mr Jaime Lissavetzky, Secretary of State for Sport, Spain; Mr Tomas Johansson, representing Ms Lena Adelson Liljeroth, Minister of Culture and Sport, Sweden; Ms Maud De Boer-Buquicchio, Deputy Secretary General, Council of Europe; Ms Snezana Samardzic Markovic, Minister of Youth and Sport, Republic of Serbia; H.E. Anu'a-Gheyle Solomon Azoh-Mbi, representing Mr Michel Zoah, Minister for Sport and Physical Education, Cameroon; Mr Lamex Omara Apitta, representing Mr Charles Bakkabulindi, Minister of State for Sports, Uganda; Mr Edward Jurith, General Counsel, Office of National Drug Control Policy, USA; Mr René Bouchard, representing Mr Gary Lunn, Secretary of State (Foreign Affairs and International Trade) (Sport), Canada; Prof. Claudio Morresi, President, CONSUDE; Mr Haruki Ozaki, representing Mr Kan Suzuki, Minister in charge of Sports, Japan; Mr Nishel Kumar, representing Mr Dato Ahmad Shabery Cheek, Minister, Youth and Sports, Malaysia; Mr Kamal A. Hadidi, President, Jordan Anti-Doping Committee; Ms Yuan Hong, representing Mr Duan Shijie, Vice Minister, State Sport General Administration, China; Mr Bill Rowe, representing Ms Kate Ellis, Minister for Sport, Australia; Mr David Gerrard, representing Mr Murray McCully, Minister for Sport and Recreation, New Zealand; Mr David Howman, WADA Director General; Mr Rune Andersen, Standards and Harmonisation Director, WADA; Mr Kazuhiro Hayashi, Asia/Oceania Regional Office, WADA; Mr Rodney Swigelaar, African Regional Office, WADA; Mr Diego Torres Villegas and Ms Maria José Pesce Cutri, Latin American Regional Office, WADA; Ms Julie Masse, Communications Director, WADA; Dr Olivier Rabin, Science Director, WADA; Mr Rob Koehler, Education Director, WADA; Dr Alan Vernec, Medical Director, WADA; and Mr Olivier Niggli, Finance and Legal Director, WADA.

The following observers signed the roll call: Nenad Dikic, Zakia Bartegi, Maria De Los Angeles Schacht, Edgardo Flores-Rivas, Jeanne Ngogang, Robert Ndjana, Yves Defoort, Marc Van Der Beken, Patrick Ghelen, Matilde Garcia, Javier Odriozola, Françoise Dagouret, Ole Sorensen, François Allaire, Ichiro Kono, Shin Asakawa, Satoshi Ashidate, Kaori Hoshi, Markus Adelsbach, Peter De Klerk, Mario Béland, Felix Roth and Fanny D'Ambroise.

2. Minutes of the previous meeting on 2 December 2009 (Stockholm, Sweden)

THE CHAIRMAN drew the members' attention to the minutes of the previous Foundation Board meeting, held on 2 December.

He asked that they agree they were a true and correct record of the proceedings.

MS DE BOER-BUQUICCHIO said that she wanted to comment very briefly on one issue in the minutes of the previous meeting that related to the intervention by WADA's Legal Director, Mr Niggli, and was on page six. It referred to a conversation she had had with the Director of Education, Culture and Sport, who had represented her on the previous occasion. This was a quotation of what Mr Niggli had said and she could not possibly argue that he had not said what he had said. On top of that, Ms Battaini had not contested anything during that meeting, but she had been informed after a conversation with Ms Battaini that it was not quite accurate. This interpretation or perception by Mr Niggli was not an accurate interpretation of her words. She did not ask for a change in the minutes, because that seemed to be inappropriate, but she wanted it on record that

the position of CAHAMA in that context was that there were still items that needed to be discussed together. She would bring one or two of them up later in the meeting but, at that point, she simply wanted to ask the members to take note of the fact that what had been said did not reflect the position of Europe.

THE CHAIRMAN said that Ms De Boer-Buquicchio and he had discussed the issue before the meeting and all he could do was to ask that the tapes be checked. It was not within his prerogative to alter what had actually been said. As to the veracity of what had been said, Ms De Boer-Buquicchio had now placed on record another view and it should be left at that; it was not a matter for debate. He accepted that another view could be put on record. He asked if there were any other matters relating to the minutes.

DECISION

Minutes of the meeting of the Foundation Board on 2 December 2009 approved and duly signed.

3. Director General's report

3.1 Executive Committee meeting update

THE CHAIRMAN asked the Director General to address the members.

THE DIRECTOR GENERAL said that, before he went through some items in the report, he wanted to remind the members that there were several matters in it that were the subject of separate papers. He would not go into those items in any detail. As far as UNESCO was concerned, there were now 138 countries that had ratified the convention; the addition was Rwanda. There were six further countries that had their legal documentation completed and it was either in the lawyers' office in Paris with UNESCO or on its way there. In a matter of weeks, there should be 144 ratifications. He reminded the members that more countries had ratified that convention in such a short period of time than any other convention in UNESCO's history. There were only two other conventions under UNESCO's authority that had more ratifications and both dated back to the 1970s, so they were close to 40 years old, whereas the UNESCO Convention on Doping in Sport was only about five years old. That was a credit to the governments that had taken these steps.

Members would see that there were only a few countries that had applied for funds from the voluntary fund that UNESCO managed. He took the opportunity to encourage small countries and regions to make applications. It was a large fund and was readily available for matters of education and other sorts in the fight against doping. It ought to be used, so he encouraged people to make applications.

Finally, there was a continuing project that WADA had with UNESCO in tracking legislation in countries against the trafficking and distribution of banned substances. It was hoped that this might be available by the end of the year. Members would recall that there had been a preliminary exercise with UNESCO that had lead to all the countries in the world showing whether they had legislation or not but the details of such laws had not been made available, so WADA did not know with any accuracy what was actually out there. Members would see from the report from Interpol that it was very important, for Interpol to be able to operate, that there were laws on the ground in every country dealing with this matter of trafficking and distribution.

The President had highlighted Interpol as an item of significant progress. WADA had been visited by the seconded officer from Interpol the previous week and he would be invited at the next meeting to make a presentation to the Foundation Board. The information that the officer could give was most illuminating and very important in the way in which WADA continued to operate. It was obvious from the police that the underworld was making more money in an easier fashion in trafficking and distributing

steroids, human growth hormone and EPO. In many parts of the world, it was legal, so there was no risk, and Interpol had told WADA that the money used to purchase the raw materials or the drugs was laundered money, which came from the more nefarious undertakings that the underworld was engaged in. So money laundering was involved in this very activity, as were issues of bribery and corruption. This was a world in which there was a challenge to the integrity of sport, and it was all intertwined with what WADA's exercise engaged Interpol in, which was the stopping of trafficking and distribution. What WADA had agreed with Interpol to do was engage with it initially on undertaking work with some of the developed nations that should have legislation in place but did not yet. WADA planned to partner with Interpol, therefore, in making appropriate presentations to these countries in a persuasive effort to deal with the matter.

His report indicated that he had been hoping to tell the members that day that the protocols WADA had established on investigations might be complete. Unfortunately, the activities of the volcano in Iceland had precluded a meeting from taking place, so he would have to defer that discussion until the next meeting. This again was a most important exercise – that information that could be gained from an inquiry undertaken by an enforcement agency, or another agency under governmental auspices, could be transferred in a secure and legal fashion to those in the sporting world for them to issue sporting sanctions. There were about five different ways and means in which this might occur, so it was quite complex when one had public authorities getting information under public law and transferring that information to a private body. It could be possible to transfer within a national situation to a public body but it became a little more complicated again when an international body was involved, so there were five or six scenarios that were being dealt with in this protocol. He hoped that the exercise would be completed for discussion in November.

In his report, there was an update on the way in which WADA was addressing development in countries in which a national anti-doping agency was not yet present or was barely present. Countries had been identified on the basis of their significance in sport, their regular appearance on the podium, for example, or a high placing in world events. A few countries had been identified and WADA was currently working with them. WADA had started an exercise with Nigeria, but had had to halt that because of the change of government in that country as a result of the death of the president. WADA was looking at advancing there, where there was no NADO at all. WADA would be visiting Jamaica the following week to see how progress was being made with its national anti-doping agency. It was in place, and Jamaica did have a law, but WADA wanted to see how it was operating. WADA was engaged with Norway in helping Russia; the new Russian anti-doping agency, RUSADA, was in place and WADA wanted to make sure that the quality and exercise of the laws was in accordance with the Code. WADA would be visiting India in a couple of weeks' time to check on progress there. India had a significant event coming up there at the end of the year – the Commonwealth Games – and WADA wanted to make sure that both the NADO and the way in which it was operating was Code-compliant. WADA had made significant progress with Brazil, and there would be a meeting in Lisbon on 19 May between the presidents of Brazil and Portugal, during which they would sign, along with WADA, an accord whereby Portugal would give Brazil significant assistance in the establishment of an anti-doping programme within that country. So, a lot had been done between governments in that area and WADA was very grateful for the help that Portugal was prepared to give. WADA had already made two visits to Brazil and would continue to work closely with officials on the ground both from the NOC and from the government to ensure that the anti-doping programme advanced appropriately. The last country on the list was Turkey. WADA had had an initial meeting with Turkey and intended to follow that up in the coming weeks.

The next item in the report related to the RADOs, the regional anti-doping organisations, which Mr Koehler would report on more fully later in the agenda. ADAMS was also the subject of a fuller report to be given by Mr Niggli. He emphasised the importance of ADAMS and how necessary it was to improve it as quickly as possible.

WADA was highly aware of the need to make it more user-friendly for athletes and was working on that with the highest priority. He recorded for that meeting that, at the Athlete Committee meeting held previously by way of teleconference, the athletes had regarded ADAMS as one of the highest priorities to be dealt with.

Recently, WADA had been involved with two pretty important meetings being held globally. The first was a meeting WADA had meant to attend but had been unable to because of the volcano. That was a forum held in Madrid by the Government of Spain during its EU presidency on sport. He was sure the Spanish Secretary of State for Sport would report more fully on that particular meeting. He highlighted the significance of the introduction of the Lisbon Treaty and the effect or the potential effect it had in relation to sport in Europe and the way in which WADA would continue to work closely with European governments on that development. The second meeting had been SportAccord in Dubai, which the President and he had attended with Mr Fairweather, WADA's Director of International Federations. The many meetings held with the sport movement had been significant. He had to say that the sport movement had been extremely positive and very welcoming of both WADA's attendance and the work that was being done. Again, there had been matters highlighted to WADA that it needed to attend to. One of those was ADAMS. Another significant one was the need for WADA to make sure that its projects were cost effective and cost efficient and that it must be alert at all times to the issue of finance and the ways and means in which its new rules might affect the financial situation relating to the federations. There were several other issues of course that had been raised during those meetings, but they would come up during that meeting when the directors reported on their respective areas.

The Court of Arbitration for Sport formed part of the Legal Director's report. WADA was encountering some issues with the Court of Arbitration for Sport which really meant that it was not delivering as quickly and as cheaply as it ought to. And there were some situations now as a result of the change of rule or article 65 that that meant athletes, for example, when they appealed a national decision, would need to pay a down payment of some thousands of dollars before the court door opened. That was causing WADA concern, because it was also having to pay to open the court door but it felt that it was not right for athletes. So, WADA was engaged in communication with the CAS. There would an important meeting of the ICAS, the body that ran the court, at the end of May. WADA was in dialogue with the ICAS to see if the matter could be addressed in a practical and fruitful fashion.

He had made a comment in his report about player groups and the need for WADA to continue to engage in dialogue with the player groups that were growing around the world. WADA's Athlete Committee was fully aware of the onus that was upon it and wished to be involved far more with the work of WADA. The previous day at the Executive Committee meeting, it had been agreed that the Athlete Committee ought to meet in person twice a year so that its views and opinions could be heard far and wide. WADA had been asked quite directly by the Athlete Committee to involve it more in activities. WADA did involve it in teleconferences prior to the Foundation Board meetings, but teleconferences had their limits, so in-person meetings were very vital. The Executive Committee had approved of that approach and it would be considered within the budget for 2011. The athletes had to be heard as the voices of WADA, and they could be incorporated into its work further. WADA would so engage them.

There were separate items in his report relating to doping control forms and whereabouts and Mr Andersen would report on those later in the agenda. There was a significant item related to the pharmaceutical industry and this had received the support of the Executive Committee the previous day. WADA would be signing an MOU with the International Federation of Pharmaceutical Manufacturers and Associations in June. This was the result of some significant work undertaken by WADA's Science Department to ensure that WADA got alongside the industry, and it was a welcome recognition from the industry that this was an important part of its work, so that was going to be done in June. WADA was furthering its initiatives with the pharmaceutical industry through

additional MOUs with some of the particular pharmaceutical companies. That was a very important role and an important step for WADA to take.

On the issue of laboratories, there was a laboratory in Colombia that was currently under suspension following a disciplinary hearing, and there was the laboratory in Malaysia that was presently subject to some proceedings, the outcome of which had not yet been published. The members would see his report in relation to the major leagues. He had been asked at the Executive Committee meeting to provide more detail to this report the next time and he could do that, but the report essentially spoke for itself at the moment. WADA was engaged in meetings with the respective leagues and it would continue to so engage, but it must be known by all that WADA had no jurisdiction over these private leagues. They were not subject to the jurisdiction of the US Government or the sport movement within that country. And they were not under the auspices of the Code, so the role WADA was playing with the major leagues was a persuasive role to try to encourage them to recognise the need for them to show that they were Code-compliant. WADA would continue to work in that direction.

In terms of management, WADA had a new director for Latin America, Ms Pesce, who was taking over from Mr Torres, who had served WADA for many years in Montevideo and was departing to take up a position in Montreal for 12 months. So, he asked the members to welcome Ms Pesce to her first Foundation Board meeting. WADA had done a little bit more work within its management structure to make sure it provided the right support for the fight against doping in sport and it would continue to review the way in which it operated, subject of course to the continuation of the staff ceiling that WADA had operated under since 2004.

One other update not in the report was the report on the investigation in Austria relating to the human plasma laboratory. The members had heard him talk about this before. It fell into two categories; there had been an investigation undertaken by the Austrian authorities into an allegation that the accredited laboratory in Vienna had been subjected to some form of corruption. That inquiry had been completed the previous year and no evidence had been found to support the allegation, so that was finished. The previous year, WADA had conducted a similar inquiry itself within the laboratory area to ensure that there was no substance, and WADA had been satisfied with the result of its inquiry. The second matter was a subsequent inquiry, also into the human plasma laboratory, and it had resulted in a report from the Austrian authorities of some 700-odd pages. WADA had referred that to its private lawyers in Europe and had received their report on it. It indicated that there were some Austrian athletes who might have breached anti-doping rules and those athletes were now going to be the subject of further sanction processes within Austria. There was also the suggestion that there might be some International Federation athletes involved and WADA had passed on the report to the federations concerned. It was not appropriate for him to talk any further about it other than to show that this was the way in which a public inquiry conducted by a public authority could lead to information that could be passed to the sports movement. WADA would now await any outcomes on the way in which it proceeded.

Turning to the decisions taken by the Executive Committee the previous day, he had already mentioned the support given to the initiative in relation to WADA's progress with the pharmaceutical industry. The second decision taken had been not to take any further the Ambassador programme following a paper from the management and a discussion by the Executive Committee. There were five technical documents that had been approved. These were technical documents about the laboratories. They were highly technical, but the composition of them was within the members' papers. They would come into effect later that year. As had been mentioned by the President, approval had been given for criteria for haematological laboratories to be approved under Article 6 of WADA's Code. So, the criteria had been established, and this would enable laboratories outside the area of the WADA-accredited laboratories to undertake analysis of blood for the purpose of the Athlete Biological Passport.

The previous day, the Executive Committee had in principle approved the development of a worldwide drug information database on the basis that, before it got the final go-ahead, there would be a full business plan presented to the Executive Committee for approval at the next Executive Committee meeting. That task would be undertaken by the management accordingly. The final decision taken was an approval or support for the protocol approach WADA would take when there were matters to be determined under Article 15.1 of the Code. It related to a situation whereby a national anti-doping agency wanted to do additional testing at an international event and now WADA had a procedure for that national anti-doping agency to follow to seek approval as to whether that testing ought to take place. It engaged the International Federation in some significant way to ensure proper process was followed. For the record, the same process would be followed should an International Federation wish to do testing at a national event. The converse would therefore apply. That summed up the matters he wished to raise at that time and he was available for comment and questions.

THE CHAIRMAN asked if there were questions.

MR CRAVEN said that he just had a minor point. He asked about the Director General's report on ADAMS. On page two, it said that ADAMS had been most successfully used by the IOC during the Olympic Winter Games. He drew everyone's attention the fact that, at the Paralympic Winter Games, ADAMS had been used and had been used since the Olympic Games in Turin in 2006.

MR POUND thanked the Director General for his usual complete report. He raised a point about the Court of Arbitration for Sport. As Mr Howman had mentioned, there would be a meeting at the end of the month of the International Council of Arbitration for Sport. The relationship with WADA was a very important one. He was a member of the ICAS and would be happy to carry any messages that had not already been delivered by the President. One of the things that the ICAS would be looking for was proposals from WADA as to how to deal with the issues as opposed to mere identification of problem areas. Therefore, there was an onus on those at WADA to propose solutions rather than simply make observations.

WADA needed a somewhat more strategic approach to the whole issue of player groups. His experience was that a lot of these player groups were special interest groups that had no formal role within their international federations or whatever the organisation might be. They simply asserted legitimacy and, the more people they could get to take them seriously, the more they continued to say that they were the appropriate bodies for that. It was important for WADA and the IOC and for the International Federations to identify their own properly established groups and to challenge the legitimacy, where appropriate, of these player groups. The IOC and the IFs should not be afraid to say that their groups were properly constituted, were democratically elected and appointed, and did represent the athletes. Too often, the IOC and the IFs did not say anything that challenged unsupported allegations.

He referred to the book project under item 10 – Dr Thomas Murray. That brought to mind a kind of collateral risk. WADA had a very, very high-powered Ethics Committee, which operated or had operated to date on an ad hoc basis; when there was a particular issue that should be referred to, WADA would refer that issue to the committee. It never met. It was an asset that WADA should recognise as particularly valuable and WADA should make more use of its Ethics Committee.

As to the major leagues, it was true that WADA had no formal jurisdiction there, but it had a moral jurisdiction and it should continue to push as hard as possible on all of the professional leagues, not just in the United States of America, because of the huge influence they had on the youth of their particular countries. WADA did have some leverage with golf, which was going to be on the Olympic programme for the first time in 2016. This was an opportunity to make sure that golf set an example that could be followed by other sports.

On the same line of thought, he noted that there had been a meeting with the Russian minister for sport in Vancouver. A lot of problems with Russia had been identified. WADA should use the leverage of the Sochi Olympic Games as much as possible, particularly on establishing the ability and the practical possibility of getting samples taken in Russia exported to laboratories where additional expertise might be available.

MR RICCI BITTI thanked the Director General for his usual comprehensive report. He wanted to welcome two points in the report on the sports movement. One was on Olympic Movement compliance; he welcomed this very much because it was important for WADA to cooperate with the NADOs.

The second point he wanted to welcome was the suggestion following the presentation of the Interpol report that harmonised legislation was needed to fight against the possession and trafficking of doping substances. This was another invitation to the government authorities to act. This was a very important complement to WADA's efforts in the fight against doping and corruption in sport.

MR RYAN thanked the Director General for his report. He wanted to make a point related to Mr Pound's comment concerning the player groups. From the International Federation side, it was very important that, although WADA was giving implicit recognition to these groups, it understood that many were self-appointed. He urged WADA to continue to engage with the athletes through the channels recognised at that table because the problem for WADA, which had wider implications, was that there were many groups appearing and WADA did not have verification that they were properly constituted or indeed that they represented anything other than interest groups. He asked that, before WADA engaged with them, it used the proper channels represented there around the table.

PROF. LJUNGQVIST said that he had raised the question many times related to the need for appropriate legislation in place vis-à-vis the trafficking, possession, etc. of drugs. He was pleased to note that this was now being addressed very efficiently through WADA's relations with Interpol. By way of an example, the Director General had mentioned the ongoing investigations in Austria. It was now four years since the Turin Olympic Games had taken place and this investigation was a result of what had been revealed at the Olympic Games in 2006, namely the sophisticated and quite advanced doping practices in the Austrian teams. That had been revealed solely through the legislation in Italy. Had the appropriate law not been in place in Italy, one of the most sophisticated doping practices in recent years would never have been revealed. It also showed the need for an appropriate law that included the sharing of information on relevant issues with the anti-doping organisations. That had been done in Italy and had been a major matter for discussion before the Vancouver Games and had been efficiently and successfully solved, but it was not self-evident in any law that such sharing of information would be there. That was an important factor for appropriate legislation – it also meant the sharing of information by investigative authorities with respect to relevant facts with the anti-doping organisations concerned.

MR FREDERICKS said that he wanted to thank the Director General for his report. He added on behalf of the athletes that they were thankful for the conference call made earlier in the week. The athletes supported the decision made by the Executive Board the previous day to have a meeting twice a year with the athletes so that they could meet and really raise their voices to make sure that the athletes of the world knew that the Athlete Committee members were speaking on their behalf and they did have a voice within WADA. He thanked the WADA Executive Committee for the decision on the Ambassador programme. The athletes thought that starting again with another ambassador project would make it very cluttered – there was the IOC Athletes' Commission, the WADA Athlete Committee and also the ambassadors. At the end of the day, nobody would know who was talking on behalf of the WADA Athlete Committee. He was concerned about the CAS and he hoped WADA could come up with a decision or approach on that issue. One needed to make sure for the integrity of the system that

athletes knew they could go somewhere where they could appeal in case something was not in their favour or they felt the process had not been conducted in a way they felt happy with. He encouraged WADA to see how it could discuss with the CAS to make sure that any athlete in the world, regardless of his or her origin, would be able to appeal. All athletes, not just the rich ones, should have a chance to appeal.

THE CHAIRMAN invited the Director General to respond to the comments.

THE DIRECTOR GENERAL apologised to Sir Craven for the omission; there were other major events that had used ADAMS as well which had not been listed. His apologies to those not listed, but there were now many major games that had used ADAMS. He was thankful for that progress.

In response to Mr Pound, WADA was now in a position to respond to the CAS on the latest correspondence with some positive ideas on what it thought might be beneficial for the organisation, bearing in mind, as Mr Fredericks had just said, the rights of athletes to free justice within a sports court.

Several people had commented on the player groups and WADA was aware of the way in which these groups might have been formed, but some of the ways in which they were now operating were significant and WADA had to be alert to that, even the access that some had to governmental meetings. WADA was engaging in dialogue in an appropriate fashion; the voices could not be ignored. There were other athlete groups that associated themselves with particular sports; there was an international group in relation to football, one for rugby union, and one for cricket. They all had collective bodies dealing with matters from a collective point of view. They were modelling themselves more on the approach that the major leagues had with their player groups, so it was necessary to be alert to the fact that they were out there but, at the same time, make sure that WADA's and the IOC's athletes were heard and heard often. He could only echo what Mr Fredericks had said about the willingness of those groups to be so involved.

WADA had engaged the Ethics Committee. It was currently involved in an exercise. WADA had hoped that the members would have a report in the coming weeks and he certainly understood the emphasis that was required there through the relationship WADA had with Dr Murray and the book project, among other things.

The Russian exercise was one in which the President would be engaged. He would be going to Russia at the end of July and would be involved in various meetings at a high level within the country. WADA recognised, along with the IOC, the opportunity that Sochi represented to make sure that the anti-doping programmes within that country were of a high quality and beyond reproach. It was a significant opportunity, which WADA would not lose. It would take as many chances as it could to engage in appropriate discussions with Russia. That involved, in particular, the transport of samples out of Russia. WADA had been promised that there would be a law in place in the coming weeks, but wanted to make sure that, if it was in place, in could be practically implemented. WADA was just waiting for the law to come into effect.

He thanked Mr Ricci Bitti. He did not think that Mr Ricci Bitti had asked him to reply, but he thanked him for his comments. He thought that he had responded appropriately regarding the player group matter raised by Mr Ryan. In response to Prof. Ljungqvist, one of the issues that WADA had found in the past few years was that a controversy led to governments taking steps. It was regrettable in some ways that such controversy did stimulate action but, in Austria's case, it had stimulated tremendous action and the laws in place in that country now were really effective. There was a new national anti-doping agency, and there was appropriate sharing of information as suggested between the public authority enforcement agency and the NADO. It was a good example of what could be done. He took the point very clearly and would engage with others along those lines. It was very important.

The voice of the athlete was most important in all the work WADA did and the members had to continuously remind themselves that they were there for the clean athlete and were holding the rights of the clean athlete as the pinnacle of what WADA wished to achieve in all its work.

THE CHAIRMAN added that Mr Pound had invited WADA to provide solutions to the International Council of Arbitration for Sport. WADA would give Mr Pound some constructive suggestions prior to that meeting at the end of the month so that he might be able to put those points forward. He thanked the Director General for the comprehensive nature of the report and for the interventions, questions and clarifications.

DECISION

Director General's report noted.

4. Operations/management

4.1 Endorsement of Foundation Board composition for Swiss authorities

THE CHAIRMAN stated that the first section under item 4 related to the endorsement of the Foundation Board composition for the Swiss authorities. This was a legal requirement; there was an amended list in the papers on the table. There had been a minor error in the one originally circulated. This did not require any discussion, unless there was something in that amended list that anybody wished to suggest was not accurate. He sought the members' concurrence that it be filed in accordance with the requirement.

DECISION

Endorsement of Foundation Board composition
for Swiss authorities approved.

4.2 Vancouver 2010 Olympic and Paralympic Games report

THE CHAIRMAN said that there was a brief report relating to the Olympic Games and Paralympic Games in Vancouver, and also a brief synopsis on the role of the Independent Observers. He did not think the Director General had to make any further comments there, but he would not prevent any comments from him or any questions. He asked one of the members of the Independent Observer team, Mr Young, to make a couple of points on that role.

MR YOUNG stated that, as a member of the Independent Observer team, he wanted to offer his personal congratulations to the IOC and the Vancouver Organising Committee on running a state-of-the-art anti-doping programme during the Olympic Games. There had been ten people on the team, all with considerable experience in anti-doping. They had spent more than one thousand hours out in the field observing. They had been there when the athletes had been drawn for testing, and when they had been notified. They had followed the escorts and the athletes to the doping control station and had stayed at the doping control station until the end of the procedure, sometimes until two o'clock in the morning. They had been in the car when the samples had been driven from the doping control station to the central collection point. They had been in the laboratory when the samples had arrived and had stayed through the one hearing that had occurred during the course of the Olympic Games. He pointed out that because the purpose of the Independent Observer mission was to give an opinion on the quality of the anti-doping process during the event. The team members had looked under every rock and they had looked in every corner. They had come away with an unqualified opinion that this was a very good anti-doping system for the Olympic Games.

This particular Independent Observer team had had an audit-type interaction with the IOC, which meant that it had met with the IOC every day and had given comments on what it had observed, as one would expect if one spent a thousand hours out there

looking. The team had made lots of suggestions, which had been well taken and implemented, and the team had included a number of those suggestions in the report. The important take-away point from that was, to the extent that they were suggestions, that they did not undermine in any way the overall effectiveness of the programme. The team had included those in the report for two reasons. One, because it could be used as a model for International Federations and other major event organisations that were running games and two, because it added credibility to the Independent Observers' conclusion that showed the level of detail in which they had been involved. They had known at the end of the Olympic Games that they were going to be asked to render a conclusion on the quality of the doping control programme. Every morning, when they had gone out to observe, they had known that their personal reputations would be on the line in terms of the opinion they were going to render. From a personal point of view, he was very happy having his reputation on the line as to the quality of the doping control programme at these Olympic Games.

THE CHAIRMAN added that the Paralympic Games Independent Observer team's report was currently being finalised and would be available very soon but, without pre-empting what it would contain, he had been assured that it would be a very positive and good report. There was nothing that would worry anyone in the room and certainly Sir Craven would be able to point to a very, very good programme as a result of that report. He asked if there were any questions or comments on this paper.

MR BOUCHARD said that he definitely wanted to underline the fact that it had been an immense pleasure for Canada to welcome the world at the Olympic and Paralympic Games in Vancouver. It had been a pleasure because it was felt that the Olympic Games had been carried out successfully and it was important to thank those who had worked hard on implementing what had been a very effective anti-doping programme before and during the Olympic Games. Of course, the proper anti-doping programmes had contributed to the success of the Olympic Games, so he thanked the organisations involved and the people who had been working hard on that mandate.

THE CHAIRMAN asked for further comments.

PROF. LJUNGQVIST thanked Mr Young for his appreciative words and also for the report. He was very pleased of course with the outcome of the investigation, the survey or the work that the Independent Observers had conducted during the Olympic Games, determining that high quality anti-doping activities had been carried out during the event. Surely, that was also dependent on the fact that WADA had been fortunate in having a very qualified Canadian staff to do the work in the field. WADA's task from that point of view had been facilitated considerably by the quality of the Canadian teams. He hoped that it would leave some legacy. The Canadians were very experienced in anti-doping but it was interesting to note that, when the Olympic Games came to a country, they accelerated the anti-doping activities and enhanced them. He hoped they would leave a legacy, as they had done in China for instance, which he was very well aware of. During events like this, there was a hotline between the chairperson of the Independent Observer team and himself as IOC Medical Commission Chairman, and that hotline had never been used during the Olympic Games, so there had been no incident requiring any sort of major intervention, and that was properly reflected in the report. In summary, the IOC was very pleased both with the way in which the Canadians had conducted the work in the field and with the report of the Independent Observers which properly reflected what had been conducted during the Olympic Games.

THE CHAIRMAN said that he wished to place on record the courtesy and hospitality extended to many members of WADA by the host country, Canada, and by the IOC at both the Olympic and Paralympic Games. Certainly those who had had an opportunity to participate in some small way through that courtesy had thoroughly enjoyed that experience.

DECISION

Vancouver 2010 Olympic and Paralympic Games report noted.

4.3 Strategic Plan review and operational performance indicators

THE CHARIMAN said that the Strategic Plan and the operational performance indicators were in the paper for information. As an accountable organisation, it was important at all times for WADA to show the Foundation Board what was being done and at what stage many of those programmes were at. He did not suggest that this might lead to debate, but invited comments in respect of the documents that had been perused in that section.

DECISION

Strategic Plan review and operational performance indicators update noted.

4.4 Fourth World Conference on Doping in Sport in 2013

THE CHAIRMAN said that there was a bulletin on the table which indicated that the bidding had begun to find a host for the conference in November 2013. There had been some interest shown by a number of cities and countries around the world to date. The critical part was outlined, and he invited everyone to consider it. It would be a significant event and an opportunity for WADA, more than at any other time, to put the message out there loud and clear as to what it was doing, what it had done and what it still had to do. If any members were interested, WADA would be delighted to hear from them. That did not require discussion.

DECISION

Fourth World Conference on Doping in Sport update noted.

5. Finance

5.1 Government/IOC contributions

THE CHAIRMAN said that Sir Reedie was not present. He had been at the Executive Committee meeting but had been unable to stay so, unlike the normal process whereby Sir Reedie took the Foundation Board through this section, Mr Niggli was going to do it.

MR NIGGLI said that he would deal first with items 5.1, 5.2 and 5.3, and then he would ask WADA's auditor, Mr Felix Roth from PricewaterhouseCoopers in Lausanne, to present his report. Before that, he just had a few remarks. He highlighted the excellent collection rate from the previous year with the collection of more than 99 percent. He thanked all the stakeholders; that was a great result and obviously very helpful in helping the agency do its work. That year, the collection was progressing well. However, it was not at the level it had been the year before at the same date. It was about seven percent down. He was not alarmed by it, as he thought it was only a timing issue and would be corrected going forward, but the management was keeping a close eye on that.

DECISION

Government/IOC contributions update noted.

5.2 2009 finance overview

MR NIGGLI stated that, in the binder under 5.2, there was a report to which he did not need to add anything further.

DECISION

2009 finance overview noted.

5.3 2009 year-end accounts

MR NIGGLI said that item 5.3, attachment 1, showed the final draft of WADA's audited accounts, which showed a profit of 1.7 million, when in fact WADA had anticipated initially a loss of about 2.1 million. Given that this was going in the right direction, this was rather good news, which could be relatively simply explained – there had been an excellent collection rate, above expectations, and WADA had collected about 1.2 million more than anticipated. There had also been a reduction in some expenses, which had been lower than expected. This was in part also due to the exchange rate. For example, the salaries were all under the level simply because WADA received its money in US dollars but was paying in Canadian dollars and the US dollar had been higher than expected for a portion of the year. WADA had benefited from that. The previous day, these accounts had been discussed at the Executive Committee, which had been comfortable with recommending them for approval to the Foundation Board. He asked Mr Roth to present his audit report.

MR ROTH stated that it was a pleasure to present the auditors' report and give some comments on the financial statements for 2009. Section three included first of all PricewaterhouseCooper's report. The conclusion of that report was that, in the auditors' opinion, the financial statements for the year ending 31 December 2009 gave a true and fair view of the financial position, results of operations and the cash flows in accordance with international financial reporting standards. They also complied with Swiss law and the foundation's deed. The auditors also reported, in accordance with Swiss law, that an internal control system existed at WADA and finally recommended that the financial statement submitted to the Foundation Board be approved.

That was the summary of the audit report. He had a few comments on the financial statement. On page two, there was the balance sheet. As in prior years, one could see four columns. The functional currency was the US dollar and, for Swiss legal purposes, the financial statements were presented also in Swiss francs. The members would see that the total assets had increased from 34.1 million Swiss francs to 36.2. This was mainly due to increased cash and cash equivalents. The members would also see that intangible assets, so mainly the ADAMS system, had increased, so there one went from 2.6 million Swiss francs to 3.3 million. On the equities and liabilities side, the members would see an increase in advance contributions from 0.8 million to 1.7 million. Looking at the equity, it had increased from 30.9 to 32 million Swiss francs. The members would see a new item there, which was the operations reserve, so this was the reserve created during the year after a decision by the Foundation Board. It was now shown as a separate item like the litigation reserve.

Moving on to the statement of activities, total income had increased from 28.7 million Swiss francs to 30 million, so this was an increase mainly due to the annual contributions, but there had also been additional grants during the year. Total operating expenses had remained flat at about 30 million. There were a few items that had increased and some that had decreased; travel and accommodation expenses had decreased and legal fees had decreased, but those had been compensated by higher IT costs and higher depreciation and amortisation. This had led to an operating excess of income of half a million Swiss francs compared to a loss of approximately one million the previous year. Regarding financial items, there had been a large improvement from 0.3 Swiss francs to 1.4 million, mainly due to exchange differences, which had moved favourably during the year. The end result was that there was a 1.9 million excess of income over expenses compared to a loss of 0.7 million the previous year. That concluded his report. He would be happy to answer any questions.

THE CHAIRMAN asked if there were any questions.

MR KALTSCHMITT congratulated WADA on this fine work and on how positive and healthy its finances currently were, as well as on the rate of collection, which was 98.88 percent, which was really good. That figure was in terms of volume but, checking on the record, there were still many countries that paid very small amounts but had still not paid WADA. He knew that, when one looked at this from a monetary point of view, it was not too important, but it was important in terms of the principles of WADA. One might say that, for many of those countries that had not paid, they lacked interest for WADA and what it represented, especially respect for the WADA Code. Some of those countries that had not paid had had medallists in regional and Olympic Games, so he would recommend that WADA do its utmost to collect from those countries, as the amounts were very small. The countries were located mostly in two or three continents, especially Africa and America, as well as Asia.

THE CHAIRMAN asked if there were any specific questions for Mr Roth. He thanked Mr Roth for the work done by PWC. As somebody who had seen the detailed report, it was very pleasing to note that there was a clean bill of health, particularly in relation to management. It was quite clear there that the auditing process indicated a very good application of the principles that all good organisations should have from a management point of view. That said, he needed a decision for the financial statements for the previous year.

MR POUND moved that the statements be approved by the Foundation Board.

THE CHAIRMAN thanked Mr Pound. The motion was seconded by Mr Ricci Bitti. He asked if everybody was in favour. He asked Mr Niggli to respond to Mr Kaltschmitt's comments.

MR NIGGLI said that he fully agreed. This was obviously something WADA was working hard on. Its regional offices were continuously trying to engage as many countries as possible in each of the regions and this was something they would continue to do. He could say that every year WADA had a little more success with new countries coming in. This was a process that was taking time and, in some regions of the world, it was more difficult than in others, but WADA was certainly not giving up on bringing as many countries as possible into the payment process.

MR JURITH said that it was incumbent upon all governments to pay their dues on time as quickly as possible, but it was particularly incumbent upon the governmental representatives around the table to really work with the RADOs and work with WADA to ensure that the nation states within the jurisdictions were up to speed with their obligations. That was being done within the Americas and he would encourage other jurisdictions that had a responsibility sitting around the table. It was necessary to carry that forward.

PROF. LJUNGQVIST said that Mr Kaltschmitt's intervention should not be misunderstood there because the Olympic Movement very much acknowledged and appreciated the fact that governments had paid to the extent that they had. Knowing the difficulties that there had been in the early stages, 99 percent collection of the governmental money was a great achievement in the IOC's view. It meant that, unlike some five to six years previously, WADA had stable funding and that was of the utmost importance for its work and for the planning of its work. On behalf of the Olympic Movement, he expressed his appreciation that the governments had paid to the extent that they had and that WADA was where it was that day.

DECISION

2009 year-end accounts approved.

5.4 2010 quarterly accounts (quarter 1)

MR NIGGLI said that he would cover items 5.4 and 5.5 together. On 5.4, as usual, it was the first quarter so, as could be seen from the accounts, WADA was collecting a substantial amount of money during that first period but was spending only a quarter.

So, that was not of major significance yet. It was for the members' information. He highlighted one point that tied in well with his legal report. The item concerning the CAS had already been discussed; that was the legal cost, which one could see was already at 60 percent after the first quarter. It was not all only because of the new CAS rules, but it was also because of the new CAS rules whereby WADA had had to front costs for two cases and had had to put up about 30,000 dollars for each, so that was 60,000 dollars in total before even starting those cases. Clearly, that was reflected in the accounts.

DECISION

2010 quarterly accounts update noted.

5.5 2011 draft budget

MR NIGGLI said that there was a paper on the draft budget, which was mainly indicating to the board the process that would be followed. The Finance and Administration Committee would be meeting in July in Lausanne after having the benefit of six months of operation and accounts. The committee would review and scrutinise the half-yearly accounts and prepare for September for the Executive Committee a very detailed budget. Obviously, the committee would look closely at the rate of contribution. It had been budgeting on 96 percent in the past; given the good result seen in the past year, that was something that the Finance and Administration Committee would look at. In particular for the government side, it was important to have some indication in advance of the magnitude of the increase in contribution. The chairman of the committee had expressed the previous day that, for the time being, obviously under reserve of the discussion that would take place in July, he was forcing a two percent increase in the contribution. The rest of the detailed budget would come after the Finance and Administration Committee had had an opportunity to really have a close look. He would be happy to answer any questions.

MR JOHANSSON said that he felt quite humbled to raise an issue on this item, particularly when the President had a background as a finance minister in Australia and probably knew everything about it already. But, first of all, the governments went through a process before the summer with parliament when they did the strategic planning on governmental ideas and views for the use of the state money for the coming year. They came back in the autumn with a more detailed plan to follow up on the directions the parliament had established. He had been an active member of sports organisations for many years, perhaps not at an international level like the President; however, in all sports organisations, like in other non-profit-making organisations, one had an annual assembly, usually in spring, when one adopted the results from the previous year and decided upon the membership fees to be paid for the year to come. Then the board could prepare accordingly.

That was the standard procedure in all working structures, and it was absolutely necessary that WADA also work along those lines. It was extremely important that it perhaps have better documents for that discussion built upon strategic and effective issues relating to where the priorities should be laid out. That would have been an interesting discussion for this item on the agenda. At the same time, he understood the problems, particularly with the fluctuation of the US dollar, which the previous year had brought WADA some revenue, and who knew what was going to happen in the future? He acknowledged that there was of course a problem and he welcomed at least that Sir Craig Reedie had noted the previous day that a forecast that had been discussed indicated an inflation rate of two percent. At least that was a good sign that the members could take with them, although he underlined that, when there was a proposal for a budget at the Foundation Board meeting in November that year, there should be an open and frank discussion about the budget, particularly to know what the priorities were and what the alternatives would be if the budget was going to look different. To sum up, he expected that the participants at the September meeting of the Executive Committee and of course the July meeting of the Finance and Administration Committee would have a lot of work to do. He would appreciate it if, after the Executive Committee meeting in

September, and quite early after its deliberations, WADA would send out the material and include some priorities that related to the budget.

MR POUND said that he had two comments. One was at a macro level, and that was that the problem of doping in sport was a growing problem and not a shrinking problem, and the resources that WADA had available to it were manifestly inadequate to do what it knew had to be done. So, the members should stop thinking in terms of a two percent increase and so forth. WADA needed quantum increases, and WADA had to get organised to generate the internal political will to get those increases. That was his macro comment. On a micro level, the budgeting process should be conservative, and he would not base a budget on more than 96 percent being collected. The economic situation in the world was still extremely serious and WADA would be wiser and more conservative to think that perhaps it would get only 94 percent or some number like that, for budgeting purposes. WADA had to recognise that it lived in a very unstable and difficult economic climate and budget accordingly.

MS SAMARDZIC MARKOVIC said that, without wishing to interfere in what was a strategic discussion, because Mr Johansson had already said what the European position on that was, she wanted to ask how often WADA updated that list. It was a technical issue, but her country had paid its contribution on 10 March. That day was 10 May and the payment was not written there. She very much wanted to know and have it corrected if it was possible because she had received confirmation from the national bank.

THE CHAIRMAN said that this was a little embarrassing, but he would ask someone to verify the receipt thereof and correct the record appropriately before the meeting was finished. If there were other countries that had contributed, the members should let him know. He asked Mr Niggli when that list in the papers was dated.

MR NIGGLI said that the list was updated on a daily basis and the latest one was the most recent one from Friday, so he would check.

MS SAMARDZIC MARKOVIC said that the list that she had stated 14 April.

MR NIGGLI noted that WADA updated the list as it received the contribution so, if the contribution had been made in March, it should be there, but it would be checked. He could give an answer by the end of the day on whether or not the contribution had been received.

MR MUYTERS noted that, besides being the Minister of Sports in Flanders, he was also the Minister of Finance and Budget. There were always questions about raising the budget and most of them were fair enough but, in times of crisis, almost nobody got a raise in the budget and having a raise in line with inflation was already a lot in times of crisis. So, as Mr Johansson had said, it was necessary to make choices and not to raise the budget too much.

MR NIGGLI stated that the issues would be raised at the meeting of the Finance and Administration Committee in July and he would report them to the chair of the Finance and Administration Committee the following week.

THE CHAIRMAN said that he wanted to add to the point made about the issue of advance notice. He was certainly conscious of what occurred in his country when it came to a request for money. The lead time was significant and therefore clear indications early in the year were of some great advantage when requests had to be made for funding. A draft at this stage used to be done. He did not have any difficulties saying that WADA should go back to that. It would be a good matter to debate with the Finance and Administration Committee in July. He would attend that meeting too.

While no decision had been made on the current assumption of 96 percent of collection from the public authorities and whether that should be increased in view of the significant success WADA had had in the past couple of years, he observed that there were a number of economies in Europe that were struggling. There was one in particular

that had been heard about continuously in recent days. He hoped it would stop there, but it was a fragile world out there and he did not think WADA should assume it would continue to have the success it had had. He did not want to read too much into what Mr Niggli had told the board that day, but WADA was currently over seven percent down on its collections from the governments of the world compared to the previous year. Did that mean it would fall short that year? It was too early to say, but WADA had to progress this in a cautious way and the committee would undoubtedly take all those factors into account in July when it met, in terms of that assumption of 96 percent being changed upwardly. If there was nothing further there, he thanked the members for their contributions.

MS SAMARDZIC MARKOVIC said that she had sorted out the matter regarding the contribution and offered her apologies.

DECISION

2011 draft budget noted.

6. Legal

6.1 Legal update

THE CHAIRMAN invited Mr Niggli to deal with the paper that he had prepared before opening it up for discussion.

MR NIGGLI said that he would start with the first item in his report, which was data protection. There had been a discussion the previous day with the Executive Committee. Since then, he had had another discussion the previous night with some of the European representatives; often, good discussions occurred around the bar. So in the end, his understanding of the discussion – and if his understanding was wrong, it would be corrected – was that they had reached the common conclusion that some of the items on the agenda discussed by the legal group of the Council of Europe in April in Paris could be taken off the list because they were not items upon which WADA could have any influence.

In particular, there was the issue of consent; there was a common understanding that this was really a matter for some European countries to resolve. There was also an agreement on the issue of transfer of data to Canada after the presentation by the respective commissioners of Quebec and Canada to the Working Party 29. This was no longer an issue for which either WADA or the European governments or the Council of Europe could do something. It was a matter now in the hands of the European Commission, which needed to proceed with the appropriate administrative process so that this could definitively be solved. However, WADA would certainly do its best to encourage the Commission to move in that direction as quickly as possible. Every country should probably try to do that too.

The fact that the whereabouts issue was a separate one had also been discussed. It was another item on the agenda, a much broader issue that was to be discussed separately. That in fact left two issues on the table. One was the retention time. This was a work in progress. There had been good cooperation on that and he had received the previous night the final position from the Council of Europe on this matter which WADA would now circulate to all of its stakeholders. So that was progressing. There had been good dialogue on the issue of public disclosure. Europe knew and agreed that there were very diverse views on the issue within Europe. WADA was certainly not against a discussion on this matter with Europe, but first it would want to hear some proposals on a solution that could help those countries that had a problem with that issue. As he had said the previous day, the door was open for dialogue and WADA would keep discussing those remaining issues that it was agreed would benefit from common discussion.

He did not think he needed to go back on the CAS rule 65.1. That had been discussed and he would provide some suggestions. He highlighted the fact that WADA

had been willing to have this discussion with the CAS for a long time and that it had never been asked by the CAS or consulted on the issue. The CAS claimed in the letter received by WADA that it was a financial problem. WADA had no way of assessing the situation, but certainly it was willing to discuss with the CAS to see how it could be improved. WADA had another issue with the CAS which was also in his report and which was also linked to money: the costs that were awarded to the winning parties in cases. This was also a major concern for WADA and he had a recent example of this case in the Valverde decision number one. All the parties in this case, namely CONI, the UCI and WADA, had put a lot of resources into the case. Clearly, CONI, the UCI and WADA had won the case but, for reasons that were hard for WADA to understand, the UCI and WACA had got nothing and CONI had got a modest amount to cover its costs when in fact the athlete fighting that case was a very wealthy athlete who could afford to assume the tactic of defence that he had chosen. It was not right that those organisations that were fronting a lot of money to defend cases and to ensure that proper administration of justice was done did not get a fair amount of costs when they won the case. It was very important that the CAS change its attitude on that. In the latest answer WADA had received from the CAS, it had not indicated that it was really considering that, but WADA thought it should be something that it needed to address with the CAS.

He drew attention to a recent case on TUEs, because the decision there highlighted one fact that could have a real impact on how the cases were handled. What the decision basically said was that new evidence could be brought before the CAS even though it had not been looked at previously by the panel of medical experts that had refused to deliver the TUE. This was an issue, because it meant that very technical medical issues would end up being discussed for the first time before an arbitration panel. WADA was not sure this was the most economic and efficient way of dealing with these cases. WADA had raised the matter with the CAS and was suggesting that maybe it should consider special procedures for TUEs. It would also look at its own rules to see how it could address the issue. But it was a matter that one had to be aware of and address if WADA did not want these TUE cases to become too expensive and too costly when a panel of arbitrators had to get medical experts to start addressing new issues at the appeal level.

He would not talk too much about pending cases because it was a public meeting. He encouraged the board to read in his report the quote on Wickmayer-Malisse. That was a very serious case in Belgium which went far beyond a doping case and which was questioning principles and, in particular, the validity of sports arbitration. Everybody should be aware of that. WADA had been speaking about that in more detail with its partners and with the CAS, which should be concerned by the case.

Apart from that, he just had a few remarks on cases. Within the context of the Valverde case, there had been a challenge against one of the arbitrators on the grounds that he had served as a chairman of one IO mission back in 2004. This challenge had been rejected by the federal court in Switzerland. Case number four on his list of cases was a Portuguese case in which WADA's appeal had been upheld by the CAS. It was an interesting case because it was one of tampering in which WADA could prove the athlete had put in the bottle some substance to destroy all the EPO that could be found in there. And it was a case in which WADA had had to bring quite a lot of scientific evidence to convince the panel but which was, at the end of the day, probably a good precedent for the future.

He highlighted once again that there were two cases under the new CAS rules and WADA had had to front 30,000 Swiss francs for each of these cases before even starting the case. He would be happy to answer questions.

MR MUYTERS said that he wanted to give a testimonial about the Wickmayer-Malisse case in terms of what had happened in Flanders in Belgium after the punishment of the two players. It was just a testimonial that might be useful for other people in the future. Probably everybody knew about it but, in November, the Flemish doping tribunal had punished Wickmayer and Malisse for not filling in their whereabouts information. The

WADA Code stated that, if an athlete did not fill in whereabouts information three times, the minimum penalty was a one-year ban, and that was what the tribunal had given to Wickmayer and Malisse but, from a political point of view, that punishment was a disaster. People did not understand at all that top athletes were punished because they did not fill in a piece of paper or because they did not do their administrative work. For him, who was completely new to politics (he had come from an employers' association), it was the first time in his life he had received 500 hate mails in one weekend saying: "Why do you do this? Just not filling in papers gets a punishment of one year and this is the minimum punishment?" He had been lucky that at that moment there had been no elections; if there had been, this would have influenced the elections. People had not understood why athletes who had not been doping had been punished that severely. People had asked whether it was only in Flanders that that was the punishment for not filling in whereabouts information. "Was Flanders more severe than other places?" had been the question.

A third thing (and this was particular to Flanders) was that there was a high proportion of athletes in the ADAMS system in relation to population. That was something he had to arrange. Wickmayer and Malisse had first gone to the civil court, where they had attacked the anti-doping arbitration system itself. That was very important. They had also gone to the State Council, where they had attacked the issue of the Code and Flemish anti-doping law not being in compliance with the Belgian constitution and the European treaty. So they had said that what Flanders and the Code said they had to do was not in compliance with other higher laws. This was important also for everything WADA was working on. They had also gone on to appeal to the CAS, but he did not have to go into that in greater detail. He was convinced that, in every country in the world where a sports champion or a popular athlete was punished for not filling in whereabouts information, there would be the same lack of understanding amongst people. The consequence would be the same juridical attack against the WADA Code, so it was important that, within WADA, all countries and federations seek to implement the Code in the same way. Today, there was a feeling that there was a great difference in the practice of the Code.

Secondly, it was important that the guidelines concerning the content of WADA's registered testing pools be more specific than they were currently. Thirdly, the contradictions between the WADA Code and the national constitutions and the international treaties should be examined and a solution should be found, otherwise it would not be a problem just for Europe, it would be a problem for the philosophy of the Code and the way in which WADA worked on anti-doping today. Those were his questions and a testimony about what he had felt and heard at the time of the Wickmayer-Malisse case. He did not give any personal feelings about the case itself.

THE CHAIRMAN said that all those who had been in politics appreciated that, when it happened to one of their own, there was some level of pressure but, having said that, Mr Niggli might want to respond.

MR POUND said that he appreciated the minister's problem in Belgium but, sitting around this table, everyone knew and recognised that a whereabouts system was absolutely essential in the fight against doping in sport. If one could not find the athletes to administer unannounced, out-of-competition testing, then the system did not work. Race day tests were not sufficient. With the greatest of respect for the arguments made in court to the contrary, the athletes knew perfectly well what the whereabouts system meant. They understand why it was important and their lawyers understood why it was important. Perhaps WADA had not done a good job in communicating the importance of that kind of information, both within sport and within government and amongst the public at large, and that was something that WADA could address. But to say that this was something that nobody knew about or that it was not reasonable was, in his view, not a useful thing. One should not forget that, before there was a sanction, there had to be three violations. An athlete had to have failed to report his or her whereabouts on one occasion, and that would be drawn to the athlete's attention. The athlete would be

told that this was a serious business. If the athlete did it again, he or she would be told that a third failure to report would be the same as a doping offence. This was somebody who had missed three times before there was a sanction so, frankly, there was an awful lot of leeway built into the system, as well as understanding and education, so there really was no excuse for this. It was important that people understood that, both within sport and within government.

MR MCQUAID said that he would also like to support what Mr Pound had just said and take a little bit of an issue with the minister who had tried to defend athletes who had failed three whereabouts reports and then eventually got sanctioned. The fans did not understand; they thought that it was as simple as filling in a bit of paper and one got a year's sanction if one did not fill in the paper. It was a little more detailed than that. In cycling, there was something like 1,100 athletes in the whereabouts system in the RTP. By and large, a large proportion of them did a very good job on their whereabouts. WADA had had a very well known case a couple of years previously with Michael Rasmussen, who had filled in whereabouts saying that he was in Mexico whereas in effect he had been in Italy and he had ended up getting thrown out of the Tour de France, justifiably, because of that.

He continued to defend the whereabouts system and the ADAMS system in place. Athletes, particularly top athletes, had a responsibility both to their sport and to the fans and to everyone involved in sport. And that responsibility meant that, in that day and age, because of the amount of doping in sport they had to subscribe to certain conditions, and that was what they did.

MR MUYTERS objected that he had been misunderstood. He was not defending the athletes or attacking the whereabouts system. He had just given a testimony about how people in the street and fans had reacted at the time. That was all he had been doing. What he was asking was that, together with WADA and everybody around the table, the members try to find a solution for such problems. He was behind the whereabouts system as it was today but he thought that, somewhere, there were possibilities to make it better than it currently was. His testimony was what he had seen after the athletes had received their punishment. He had not attacked anything and he had not said anything about the athletes themselves.

MS DE BOER-BUQUICCHIO said that she wanted to respond to Mr Niggli's report, since it related in particular to the way in which the Council of Europe and WADA worked together on a number of important issues. She could confirm that the Council of Europe had agreed that, notwithstanding what had been said in Paris, the issue of consent would now no longer require discussion in that forum since it was mainly a question of national law. In relation to the question of the agreement between the Canadian authorities concerning the transfer of data, she agreed that there was not much left to be discussed, except that she would welcome a formal agreement as soon as possible between the Canadian authorities and the European Commission because she would, like everyone else, like to see that data could be transferred without any legal complications. She was happy to hear that this was a matter that was making progress and she was very grateful to Mr Bouchard, who had been extremely cooperative in that respect. The Council of Europe was, of course, willing to assist if ever there were outstanding issues that appeared to be difficult. That being said, the question of data protection remained an important issue that had been on the agenda for quite a while and indeed discussions had proved to be extremely fruitful. She was pleased that, as a result of good discussions between WADA and the Council of Europe, it had been possible to produce a revised version of the ISPPI.

On the question of retention times, the Council of Europe had, in close cooperation with WADA, made a proposal that would be circulated to the stakeholders, and she could confirm that the Council of Europe wanted to continue this cooperation with WADA. That was something that this time had not been discussed during the coffee break but at the bar. She could confirm that.

To add to the intervention of Minister Muyters, she thought that the issue of whereabouts was extremely important. It was obviously not exclusively related to data protection and that, therefore, would be discussed later on. She was pleased to see that the implementation of the whereabouts system was under review and the example mentioned by Minister Muyters showed that the issue of the guidelines, which were in the files, was extremely important. The Council of Europe obviously intended to comment on these guidelines, also bearing in mind its data protection regulations.

Finally, on the issue of public disclosure, indeed, there were very, very different practices and legal systems operating in Europe. The Council of Europe was trying to analyse that data and wanted to share the outcome of its findings with WADA as soon as it could. It would keep WADA informed. At the end of the day, if the Council of Europe had a clearer picture and perhaps a proposal common to its different member states, the conclusions could be taken on board in the Code revision process.

MR LISSAVETZKY said that he would make a brief statement on 6.1.1, regarding Europe and data protection, and 6.1.2, which would be quite pertinent at that time. The previous day in the Executive Committee meeting, he had said thathe would mention at the Foundation Board meeting what had been said the previous day. He was happy to see that Mr Niggli's statement clarified some matters, which had not been very clear the previous day. He had spoken about dialogue and, in that sense, he was very happy to see that over a cup of coffee with representatives from Europe, they had gotten together and had progressed matters. He mentioned that they should now get together for a beer because the previous day there had been a very interesting debate with a lot of respect, and he was very happy to see that in a very short period of time, as if by miracle, these problems had been solved. That was just an anecdote but truly speaking, Europe wished to have an open dialogue with WADA, and such dialogue should not be something that was just done for the sake of it, because it concretely led to results. How had an agreement been achieved? Thanks to the cooperation with the President and with Mr Howman, for example, on the data protection standard. Then there was the creation of an ad hoc group which was more work for WADA and for the European Commission, but everyone had to understand how specific all this was when there are different areas and parts of the world. Some regulated professional sports, while others did not. Some had legislation in place and others had something else. But he wished to see a global model that was applicable without losing sight of the objectives, but which could be applied throughout the world. Therefore, he offered his congratulations to Mr Niggli and to those who had gone to the bar and been able to establish dialogue. He was saying this most affectionately: for the next meeting of the Executive Committee, they should gather at the bar beforehand and it would save members a lot of discussion.

He then referred to item 6.1.2, which had to do with the CAS. He wished to repeat his comments of the previous day that as far as he was concerned and as far as Europe was concerned, there was full support for WADA on this issue. He believed that one had to try to find the right price (but not make it free) for the NADOs and others in the anti-doping community. . He saw that a letter of reply had been sent by CAS on 30 April, in which there was an offer of dialogue.. Mr Lissavetzky asked two things: could it be solved and what was the next step to be taken following the ICAS meeting scheduled on 31 May? He believed it would be important for everyone to know that they had the full and complete support of Europe in this joint task. It was a debate that should take place with the Olympic Movement as well as with the CAS. One had to hope that there was a solution because what Mr Niggli said was correct and they should hope that there would be a satisfactory ending to this whole matter.

MR CRAVEN referred to page three of the report in the Berger TUE case. The IPC would wish to back what Mr Niggli had said concerning the introduction of new medical evidence when reaching, as it was there, the third stage of consideration or appeal when that medical evidence had not been included in the first two rulings. Coming back really to the paragraph before that, it was a real concern at the IPC that the CAS administration did not consider a TUE appeal to fall within the same category of normal disciplinary

matters. Therefore, there had been this introduction of an 8,000 Swiss franc fee before that appeal could start to be undertaken and that fee applied to the athlete and also to WADA, and the IPC believed that this went against one of the principles upon which WADA had been set up.

DR GERRARD said that Sir Craven had stolen his thunder somewhat regarding this particular case and perhaps they should discuss it over a beer later. Having said that, Mr Niggli had raised an important principle regarding the important contravention of the international standard for the awarding of TUEs and that was the admission of new evidence. One ought not to let that one slip by without some recognition of the fact that the CAS was willing to accept this new information and this was a very significant precedent that had been established. He wanted to have that recorded as an important legal and medical issue.

MR NIGGLI said that he did not need to comment on data protection any more. But, regarding the CAS, he thought that it was not the right solution to treat the athletes in an unequal fashion. In that sense, the rule currently in place was not the right way, because some athletes would have to pay for the cost of the appeal, and some would not. WADA did not think that was fair or a good way of promoting the CAS. As had been mentioned, the CAS was justifying that rule on the fact that there was a financial component. Not only WADA, but all those involved with the CAS should be discussing that to see what kind of solution could be found. WADA would be happy to have a discussion with the CAS, but would not want a rule that would distinguish two categories of athletes within the Code.

DECISION

Legal update noted.

- **6.2 Interpol**

MR NIGGLI said that he had nothing to add to the report except that WADA had very good, ongoing cooperation with Interpol and there should be a lot of progress in the coming months and years with this cooperation. All of the activities were in the report.

MR JURITH thanked Mr Niggli for his report and noted that Interpol would be meeting with the US Drug Enforcement Administration to further look at ways in which they could cooperate and extend their involvement together. As he had indicated the previous day at the Executive Committee meeting, to the extent that his office could help facilitate that relationship, WADA should not be afraid to call on it.

MR POUND observed that the potential for good cooperation with Interpol and, through Interpol, its member states was very important. The only thing he would suggest was that there was a certain rhythm to international progress that had to be changed. It was necessary to generate some sense of urgency here that things had to happen faster than they would normally happen, and WADA had done that itself; there were some good examples in the adoption of the World Anti-Doping Code and the efforts made by UNESCO to adopt the convention on a fast-track basis. He hoped that WADA could use those examples in urging Interpol to respond even more quickly than it had been.

DR SCHAMASCH drew the members' attention to the last sentence of the Interpol report. It would be quite interesting to have, as soon as possible, information on the current situation of the existing laws in the world in order to know exactly what the lack of harmonisation meant. That was in the last three sentences in the Interpol report.

DECISION

Interpol update noted.

7. World Anti-Doping Code

7.1 Interim Code implementation and compliance report

THE CHAIRMAN said that the Foundation Board would have noted that the Director General had brought the members back into the room by ringing a bell, which had been given by Dr Schamasch to WADA to celebrate its tenth anniversary.

He invited Mr Andersen to address the board on the next issue on the agenda.

MR ANDERSEN said that, as the agenda item indicated, this was still an interim report. The WADA management had been asked by the Foundation Board and the Executive Committee to report at every meeting and that was such a report. The addendum that was on the table that morning indicated the changes that had been made since the Foundation Board had received the report earlier on. He could report from the addendum that Singapore had now established its own national anti-doping agency, had rules in line and would be well prepared for the Youth Olympic Games that summer. The members would also see in the report a detailed list of countries and how they had implemented the rules. They would also see a list of those countries that belonged to a regional anti-doping organisation. As WADA was now moving forward towards more and more countries having rules in line with the Code, it was moving towards assisting countries in enhancing their anti-doping systems to have rules in line with the Code, and not having a system that worked would not help any anti-doping work to progress. WADA was trying to assist anti-doping organisations to make their systems work in accordance with the rules. As the members knew, some national anti-doping organisations might have some issues remaining in their rules whilst they had quite comprehensive anti-doping systems and WADA was still working with these countries to bring their rules in line with the Code. WADA would very soon establish an online monitoring system in order to get an overview of where each of the anti-doping organisations were in order to measure their compliance with the Code, and WADA would report to the board accordingly when it had the results of those questionnaires.

WADA was moving towards quality, and he thought quality versus quantity was one thing that he would get back to later with a report on the anti-doping symposium held the previous month in Lausanne. WADA had received since the December meeting 31 sets of rules and 31 sets of rules had been declared in line with the Code. That was quite an achievement, as well as now having 654 anti-doping organisations that had adopted the Code and signed the Code, and that spoke for itself. The Director General had mentioned the specific emphasis WADA was putting on certain countries, which was important to underline because those countries had been deemed to be important in terms of sports, population etc., and WADA was working closely with officials from those countries to make it work in a good fashion. That was what he had wanted to report on and he was available for questions.

THE CHAIRMAN asked if there were questions or comments.

MS SAMARDZIC MARKOVIC thanked Mr Andersen. She had a mandate from the European countries and from the Council of Europe to underline potential conflict between Code compliance and national legislation, in particular when the anti-doping organisation was a public body bound by a state constitution and actually not in a position to implement all Code provisions and therefore was never perhaps going to be Code-compliant. She understood from Mr Andersen's presentation that he, meaning WADA, was very much aware of that and she commended also the joint efforts by WADA and Germany, for example. They had made huge progress and Germany was now Code-compliant. She thought that this idea of an online monitoring system was interesting. She asked only for flexibility in the future because, in Europe (as Mr Andersen had mentioned), there were very active national anti-doping agencies, which were very much

doing a good job but, on the other hand, that was de facto, while elsewhere there was a slightly different situation, so she asked WADA to acknowledge that and give some flexibility in the future before it managed to get all the agencies Code-compliant.

MR CRAVEN referred to page nine of the report. At the top of the page, there was a reference to the six IFs that were part of the Paralympic movement. He asked WADA to please consider adding INAS-FID, the International Federation of Athletes with an Intellectual Disability, and also the IWRF, the International Wheelchair Rugby Federation, to that list.

MR POUND said that he wanted to understand what the minister had said. It had always been fairly fundamental in WADA's mandate and philosophy that it was looking for standardisation and harmonisation in the fight against doping in sport in all material respects. That was important. He also thought that it was fundamental that, if a government member state ratified the international convention, there was an obligation then to use the World Anti-Doping Code as the basis of the fight against doping in sport. So all of these things were to try and have the same rules applied throughout the world in all sports and to all athletes. What one had to be careful about was not allowing any significant differences at a national level and thereby running the risk of having (as one had tax havens around the world) drug havens for athletes based upon differences in the national legislation. He hoped that, while there might be some specifics arising out of the legal system and so on, in fact and in substance there was no appreciable or material difference between the applicable rules; otherwise, WADA would lose the principal thrust of an international anti-doping programme.

MR BOUCHARD reiterated the fact that, though it was difficult to ensure that all organisations were Code-compliant, in a certain way it was mandatory to do so. He understood the difficulties that had been raised there by the colleague, but he also thought that this Code was being revised periodically to take into account the specifics that might be mentioned while consultations took place but once the Code had been adopted. What was important here was that the bar was raised and that the fight against doping in sport became more and more efficient. Therefore, it was desirable that all organisations that had to comply with the Code, especially those that had signed the UNESCO convention, be in a position to do so in practical terms. It was always tempting to want to include certain measures allowing flexibility, but it was also their duty as states to ensure that all efforts were made and deployed so that the Code was respected.

MS SAMARDZIC MARKOVIC said that there was awareness that the Code of course should be respected, and in practice that was happening. She was sure that nobody was implying that Sweden was a haven for athletes or something like that, as it was very active in anti-doping. It was only a matter of time before this legislation was adjusted and it took certain measures. Each country had its own individual constraints but it was important to underline that, in most European countries, there was in practice indeed a serious fight against doping. It was a matter of fine-tuning; she had not wanted to imply by any means that the Code should be avoided. Once it was adopted and once the UNESCO convention was ratified, that would be it. Really, she had an obligation to underline that it could create conflict and just asked for flexibility in the future.

MR ANDERSEN said that he did not think any response was warranted on his part, other than to say that the Code was the Code and WADA was not mandated to go beyond what was in the articles, specifically when it came to the verbatim articles of the Code. If these needed to be changed, that was a process in place that would start in 2012 and by the end of 2013 but, as of today, the WADA management was not mandated to make any concession as to how it could operate. Having said that, the WADA management was trying to be as flexible as it could within the scope of its work.

THE CHAIRMAN stressed that the Code was the Code and, whilst there might be a need for certain countries to make some changes, they had to be made for Code compliance and, if they took time, they would take time. He would prefer that they did not, but respected the fact that national laws sometimes took some time to change.

Nevertheless, the Code would remain the Code at least until 2013 and the adoption of any amendments at that stage would not take effect until 1 January 2015, and it was the process that WADA would go through at that point. Otherwise, it should be understood that it could not, in the interest of harmonisation, make any exceptions to accommodate any changes or differences that might currently exist.

MR MUYTERS said that the Code was the Code, and he understood that, but he thought that what was important was how to react against doping and what to do against doping. In the legislation in the Code, there were sometimes points that were not as important as other points, and the practice in the field was sometimes more important than legislation. What he saw was that one could be a country that was Code-compliant with full compliance of the Code but, in practice, probably it was not as good as another country in which there was an article in the Code that was not applied. That was a problem and one could tell countries to change their legislation, but the constitution in a country might not be that easy to change.

THE CHAIRMAN replied that that was an entirely different issue – the actual application or implementation of the Code in terms of the different responses that were there. He could assure the members that WADA did its utmost to avoid making judgements on who did it better than others and would continue to do that. It was a simple fact that everybody would acknowledge. Application varied from country to country.

MR RYAN asked if WADA had a list of countries that had legislation that was currently not Code-compliant, even if obviously it took time. It was very difficult to understand the magnitude of that unless there was a list of countries that currently had legislation that was not Code-compliant.

MR ANDERSEN responded that WADA had been working on such a list and was trying to produce a list in relation to trafficking, manufacturing and also legislation on anti-doping itself and the use of doping. In cooperation with UNESCO and the Council of Europe, WADA had not been able to produce such a list yet, but hoped to be able to produce one at the next opportunity. For the time being, there was not a full overview; WADA knew about certain countries but did not have a full overview.

MR POUND said that, with respect to the standardisation and so forth, there were two separate issues. In the case of prevention, there could be quite a lot of variants; one could have higher standards than perhaps the Code implied, but it was really important not to lose sight of the fact that, when one got to a sanction for an anti-doping rule violation, it was the Code that governed. It was the document on which the sanction would be based and the extent of the sanction would be provided so, if a domestic law differed from that, a country could create a whole bunch of problems for its own athletes and other athletes that could be participating in events in that country. So it was absolutely essential that the key portion of the Code be properly adopted.

MR RICCI BITTI said that he hoped he was wrong, but he was a bit confused about this last part of the discussion. He reminded the members that cooperation between the sports organisations and the government was vital for the success of the fight against doping. This was the reason WADA had been created. He reminded his colleagues that the deadline for the signature of the UNESCO convention had been the Olympic Games in Athens. The sports side had been very patient, but now he asked WADA on behalf of the sports side to really investigate the laws in place and the NADOs in place, because the sports organisations were monitored every day. The members could see the report. The sports side had to fulfil many commitments and investments. Now he had heard that the other side wanted total flexibility or partial flexibility. He urged WADA, as an organisation that had been created by two parties, to make people aware of the situation. They wanted to know what was going on in many countries, in terms of NADOs and legislation, because that was important. He wanted to support what Mr Pound had said. Legislation was also very important, because it was the framework for sanctions, and WADA had to take on in many cases a lot of risk and a lot of expenses in

terms of sanction management. So he urged the Department of Standards and Harmonisation to conduct an investigation about the state of the art in these matters.

MR JURITH echoed Mr Ricci Bitti's comments. There was a process going on in UNESCO right now involving a questionnaire to all the signatories to assist with their compliance with their obligations under the UNESCO convention. He did not know how many had filled out that form, but the process was ongoing. WADA should be working with the UNESCO staff not only to see how many countries had complied with the requirements, but also to take a hard look at the quality of that compliance. That was a very valuable exercise, both on the government side and the sporting side. As one looked through the compliance report, one saw that there were some IFs and some NADOs that had fallen short of compliance. This problem existed on both sides, on the sports movement side and the government side. Looking at the government responsibilities, he totally agreed with the sentiments expressed by Messrs Pound and Bouchard that the governments had obligations under the UNESCO convention. What they needed to do at this point was to take a look at those compliance reports to see what information could be gleaned from them in terms of the full range of compliance by governments.

THE CHAIRMAN asked if there was anything further anybody wished to discuss. He thanked everyone for the interventions, which had clarified the ambiguity that might have been there earlier in that discussion.

DECISION

Interim Code implementation and compliance report noted.

7.2 International Standard for Testing (whereabouts) update

MR ANDERSEN informed the members that the Executive Committee had asked the WADA management to review the International Standard for Testing, article 11, which was the whereabouts standard, to see how it had been working since it had come into force on 1 January 2009. WADA had convened a working group in order to do that, and it had sent out a questionnaire to all anti-doping organisations around the world. It had received 51 responses from International Federations and 31 responses from national anti-doping organisations. WADA had received overwhelming support for the whereabouts system from all of these organisations, so there was no doubt that there was a need for a whereabouts system and that the anti-doping organisations were supporting this. What they also told WADA was that the whereabouts system was not working in isolation; it had to be seen in relation to effective testing, which was why WADA was collecting whereabouts information, not for the whereabouts information itself. They also told WADA that the system would have to be proportionate in terms of risk assessment for sports and the effectiveness of an out-of-competition testing programme in that particular sport and in one particular country.

That was the conclusion; it had been successfully implemented by these organisations that had responded to WADA but, of course, that was an issue that had been raised previously. WADA needed to know why some had not implemented that, and that was something it would have to look into. As a conclusion from the working group, and also as a conclusion from the discussion held by the Executive Committee the previous day, one could say that the whereabouts rule, in principle, was accepted by all. The vast majority of anti-doping organisations that had been surveyed had reported successful implementation and practice of the rule. More than 30,000 athletes were recording their whereabouts in ADAMS. Some details within the rules for the standard required more work and consultation before any formal changes could be recommended. However, the guidelines, which were quite comprehensive in terms of providing guidance on how to use the International Standard for Testing, needed to be written in a more clear and user-friendly language. That would be done as soon as possible. WADA would not wait to make clearer to the anti-doping community what could be done in terms of

clarification of the application of the rules. That was what he had wanted to report. There was a comprehensive report in the files. He would be pleased to answer any questions the members might have.

THE CHAIRMAN said that the good outcome was that, firstly, the whereabouts rule in principle had been an overwhelming success in its application, and all of the members recognised that, to have an effective doping plan and an effective regime in testing, it was necessary to have whereabouts, but management would immediately move on those guidelines to ensure that they were written in user-friendly language with some further consultation on the preliminary findings and report back to the Foundation Board at a later point in time that year. It was good progress and, again, an indication that WADA was always prepared to listen to submissions made to it, and certainly it had been told a number of things in the earlier part of the whereabouts application the previous year. That was WADA's response to it. It was a good result.

MS DE BOER-BUQUICCHIO asked for clarification on these guidelines: would they be discussed at some point or would they just be produced now? As she had said earlier, she would like very much to comment on these guidelines.

THE CHAIRMAN responded that the guidelines would be prepared by WADA on the actual standard itself; there were guidelines there at present that were quite extensive, but one of the things that that inquiry or review had indicated was that they were not the clearest of guidelines and therefore needed to be expressed a little differently. So nothing was going to change in terms of the substance; there would be changes only to the actual wording, which might assist those who were applying whereabouts provisions, and that was what guidelines were for. Was it necessary to consult on a clearer drafting process on guidelines? He was not sure that it was, as WADA was not going to be changing anything.

MS DE BOER-BUQUICCHIO said that guidelines were meant to facilitate and make things more understandable for all the stakeholders, so it was in the common interest to contribute to that full understanding.

THE CHAIRMAN said that, if some people wished to have input on the guidelines or make some comments on the current guidelines and the way in which they might be more clearly expressed, WADA would welcome those comments.

DECISION

International Standard for Testing update noted.

8. Department/area reports

8.1 Science

THE CHAIRMAN asked the Chair of the Health, Medical and Research Committee, Prof. Ljungqvist, to summarise the work done in that particular area.

8.1.1 Health, Medical and Research Committee chair report

- **8.1.1.1 Medical**

- **8.1.1.2 Science**

PROF. LJUNGQVIST said that there was an extensive report from WADA's new Medical Director, Alan Vernec, and from the Science Director, Olivier Rabin, in the members' files. He just wished to highlight one particular aspect, which was something that was especially important and which had been touched upon already by the Director General in his report earlier that day. That was the expanding cooperation that WADA now had with the pharmaceutical industry, and he emphasised the importance of that. The aim was to

be proactive in terms of being able to analyse for drugs that came onto the market and could be misused for doping. The procedure until recently had been that, as drugs were misused for the purpose of doping as they came onto the market, WADA started to develop methods for their analysis, which took some time. That created a time gap, wherein athletes who were ready to dope might have a window to dope with new substances without WADA being able to identify or detect their use. Even worse, that time gap could be quite lengthy because drugs could be available already years before they came officially onto the market.

The procedure from the time that a chemical substance could be identified as a potential drug for the purpose of treating patients until it became a drug officially on the market could take a period of up to 10 years and, during the last few years, they underwent various clinical trials and phases, ending up in clinical trials. Already, at the time of clinical trial, the drugs might be available although not officially on the market, and it might be years before they actually came on the market. WADA had evidence that people ready to dope tried to obtain drugs at that still illegal phase already years before they became officially available. This meant that WADA was now trying to cooperate with the pharmaceutical industry to get information from the industry when it was dealing with the drugs that might be potentially used for the purpose of doping later on, so that, when they came on the market, or even before then, WADA would have methods to detect them and close that window to zero.

One example was CERA, the latest generation of erythropoietin, which had become famous during the course of the Beijing Games. That drug had been on the market for some time at that time but, when WADA had decided upon the doping controls for the Beijing Games and signed the contract with the organisers, there had been no valid test available, so it had not been possible to test for it at those games, although CERA had already been there. That was why WADA fortunately had the eight-year statute of limitation, which meant that it had been able to conduct further analysis after the games were over and, once it had had a validated method available, to test for them. So it had done that and found a number of athletes (including medallists) at the Beijing Olympic Games who had not been identified at the time of the Olympic Games but who had been identified thanks to the development of new methodology. But it would have been wishful thinking of course to have such a method available already at the time of the Olympic Games. That was the purpose of this cooperation with the pharmaceutical industry: to close that gap and to have methods available already at the time when a substance might even be illegally available on the market.

Coming back to CERA, WADA now had information that CERA might have been available already at the time of the Turin Olympic Games in 2006, or possibly even before then. So, based on that information, WADA would now go back to the Turin Olympic Games samples and analyse between 30 and 40 of them for CERA four years after the event. It was better late than never, but it would have been preferable to have done it already at the time of the Turin Olympic Games. That illustrated the ambition for cooperation with the pharmaceutical industry which was fortunately being expanded, as the Director General had explained. WADA was very encouraged by the attitude of the pharmaceutical industry in this respect, and hoped to be proactive later on rather than being reactive as it had been to date. That was the remark he wished to give on an up-to-date matter related to science. For the rest, he referred the members to the reports in the binders from the medical and science directors. They would be ready to respond to any questions or actually give some further explanations with respect to their reports.

THE CHAIRMAN invited Dr Vernec to make a brief comment on his report and then invited Dr Rabin to do likewise.

DR VERNEC highlighted some of the elements from the departmental report. WADA had moved the Medical Department from Lausanne the previous year to the Montreal head office, where it had a new Medical Director and a Medical Coordinator, Sylvie Goulet. One of WADA's key duties was to manage and regulate the TUE process, and the department had been working hard on this to change some of its screening methods,

moving from a global attempt to try and look at everything that was coming in to a more intelligent screening process, particularly looking at substances, routes of administration, sports, and so on. It was trying to find some red flags in there and looking for patterns of anomalies. WADA used ADAMS exclusively to do its screening, because it was a secure tool and also it was very effective. As with any IT process, of course, there would be some upgrades and the ADAMS team had been alerted that some changes were needed to make it more user-friendly for external users as well as internal management. One of the other goals was that WADA had to deal with TUE reviews when there were appeals from anti-doping organisations or from athletes. At the moment, there were two TUE review committees working on appeals from athletes, and there were three more that were expected to land on the table at any moment.

During the Vancouver Olympic Games, there had been very good cooperation with the IOC. He understood that it was smoother than at any time in the past, and WADA was looking forward to improving things even further for 2012. There had been a request from the IOC to actually review a granted TUE from an International Federation and this had occurred during the Olympic Games. WADA had rapidly convened a TUE review committee and reversed the decision of the initial granting of the TUE.

In terms of education, as the members could see, the Education Department was working well. One of the areas WADA was looking at in particular was trying to reach out to physicians, and more particularly sports medicine physicians, who were integral in the fight against anti-doping. WADA wanted to get the anti-doping messages out and also make sure that physicians were up-to-date in terms of their understanding of their lists and how the TUE process was working, which was surprisingly not often the case. So there were a number of different areas in which his department was involved: working with the Education Department, physician tool kits, and also attending some conferences to try and reach out to the sports medicine community.

The ISTUE had gone through a major revision in 2009 and WADA had now caught up with all the ancillary documents that were now in effect with the ISTUE. One area that still needed to be worked on a little was the ISTUE 9.1 and 9.2, relating to the declaration of use. It had been found by a number of people to be unsatisfactory in its present state. WADA was looking into it, but nothing had been decided yet. On a number of different levels, it was being looked at to have some clarification and perhaps some modifications. The previous December in Strasbourg, there had been a joint Council of Europe, WADA, and TUE Committee chair symposium. That had been attended by 145 members of 60 NADOs and a good number of International Federations and had been a very successful meeting, during which the participants had analysed pros and cons. Another meeting of that type might be organised some time in the next two to three years. It had been well attended and appreciated by many members.

The last thing was that one of the goals of the TUE Expert Group was to provide sheets on medical information to support TUE committees. These could be found on the website and were extremely valuable documents that very much complemented the work of the List Committee. It was starting a revision or updating of all of those documents. That would take place over the next year or year-and-a-half.

8.1.2 Draft 2011 List update

DR RABIN thanked Prof. Ljungqvist for emphasising the importance of the collaboration with the pharmaceutical industry. It had been a major undertaking of the Science Department over the years and in particular over the past 12 months. He was pleased that significant progress was being made in that direction. He referred to section 8.1.2 of the agenda. There was a cover document concerning the draft 2011 Prohibited List, which had been completed by the List Expert Group at its meeting in April and had been released now to close to 2,000 stakeholders for review and comments, with a deadline of 25 July. As happened every year, the compilation of comments from all the stakeholders received by WADA would be reviewed by the List Committee in August and the new draft list would be presented and recommended to the Health, Medical and

Research Committee at its meeting in September. It would then be further recommended for final approval to the Executive Committee at its session in September. This was the only point he would mention that day. He would be very pleased to answer any questions on the department or report.

MR JOHANNSON stated that he would touch upon an issue relating to the laboratories. It was mostly on a cost and benefit analysis that one could make. Governments in Europe had observed that laboratories both in Europe and outside would come up against concrete problems from 1 January the following year due to the attempt to harmonise and standardise the laboratories in relation to what equipment all laboratories should have. In itself, it was good to have a broader acceptance of what all laboratories could do but, in the concrete case, it was a question of conducting the IRMS tests and the investments in the technique to do so. Most of the committee members of course knew exactly what IRMS was – it stood for isotope ratio mass spectrometry and, in itself, it was a very valuable technique that was used to detect primarily whether testosterone was natural or if it had been added by way of pharmaceutical products. So in itself it was a very important instrument and had been on the market for many years, and some laboratories currently had it and many did not have it according to the information he had. The problem was that, for a normal WADA-accredited laboratory that perhaps had around 4,000 analyses a year in total, this machine would be used for only 30 to 40 analyses because, in most cases, if it was not a targeted testosterone analysis but just a random test, one used much simpler technology that all laboratories had already. And, if one had to buy this equipment, it cost a minimum of 200,000 US dollars. He had heard that it could even be up to 300,000 US dollars. If one capitalised an investment of 200,000 dollars to conduct this amount or small amount of tests in all laboratories, that would be an average cost, over five years, just for the capital of this investment, of 4,000 US dollars per test. Of course, everybody realised that on top of that came staffing and education and maintenance and it did not really feel that it was absolutely necessary to have all 35 laboratories conducting this test, since there were so few tests going to be made per technique or laboratory. It was even the case that a lot of the laboratories currently sub-contracted to other laboratories to do the testing and by that one also reduced the capital costs for those who had already invested in the technique.

So that was the broader picture. It was necessary to realise that it was not new money that was added to the anti-doping fight by investments in this machinery. First of all, the laboratories had to increase their analysis costs, the fees they took out from International Federations and from NADOs, money that would otherwise be spent on other important activities in the anti-doping field. Even if governments gave some extra money to cover these investment costs, that would be taken by the sports budget and it might be the top elite sports programmes that would suffer, or other fields in the anti-doping area. His point when this had been discussed in Europe was that this was a typical issue to be addressed jointly, because there was a common interest. There was a common interest in using the anti-doping money in a wise way. It was necessary to try to maintain the current situation when it came to this technique that would mean that, in the future, a laboratory could sub-contract it to another WADA laboratory and then of course one could conduct an investigation some years later to see if it had been functioning well or if there were some other issues that should be addressed. So that was his concrete proposal.

MR POUND had one suggestion and two comments. His suggestion related to a problem that had come up in the Health, Medical and Research Committee and that was in relation to appeals against therapeutic use exemptions. His suggestion would be that the committee consider a possible amendment to the Code which would say that an appeal against a TUE was done on the basis of a judicial review. That would mean asking whether the decision that had been taken by the decision-maker on the basis of the material then before him or her was unreasonable. And so one did not get an appeal where one was adding new evidence. TUEs were not for ever. If somebody did not get a TUE for some reason or another, he or she could always re-apply with additional

evidence and a decision could be made on that basis. One would be likely to find that the Court of Arbitration for Sport would be much more willing to entertain TUE appeals on that basis rather than constituting scientific committees.

His comments related to the science report. He wanted to congratulate Dr Rabin in particular on the level of cooperation he had been able to achieve with the International Federation for Pharmaceutical Manufacturers Associations. For those not at the original world conference in Lausanne in 1999, he had been charged with trying to get people to go to that and he had looked on the Internet and found this Geneva-based association. He had invited representatives to Lausanne for the conference because he had thought that their presence might be very helpful; they had hummed and hawed and finally said they did not have a budget for the trip. He had offered to pay the 40 francs to get them on a train from Geneva to Lausanne, and they still would not come. So this was a whole new world of cooperation and one that would be particularly beneficial; he hoped WADA could increase those ties.

The second thing was to congratulate Dr Rabin among others on the discussion paper published in *Science* in February of that year. *Science* was a very important journal; he thought it was a referee journal. Even if it was not, it was a great platform to get that issue out there and in front of the scientific community and perhaps encourage more thought in the area.

MR GERRARD said that he had a comment and a question directed for Dr Vernec. He thanked Dr Rabin and Dr Vernec for their very comprehensive reports. His question related to the increasing popularity of veteran and masters events. One would encourage continuing activity in that age group, but the proliferation of world events and championships for veterans and masters therefore meant increasing requests for therapeutic use exemptions and monitoring of athletes in that age group. He wondered if Dr Vernec had an opinion on whether WADA had the resources to extend its mandate from the active athlete population, where it had its major responsibility, and then answer the obligation that WADA might or might not have to the veteran and masters categories.

MR CRAVEN noted that, quite rightly, on the medical side, Dr Vernec was working with the IOC and the ADAMS team to improve TUE management at the Olympic Games. TUEs were something that had probably started with the Paralympic movement and therefore he really would recommend that there be close cooperation on the games experience from Vancouver on that and of course going forward to London and further on than that.

THE CHAIRMAN asked Mr Andersen to respond to Mr Gerrard because masters games were more of a Code issue; but, on the other matters raised, Dr Rabin or Dr Vernec might wish to respond.

DR VERNEC had a comment on masters and recreational athletes. A lot of the appeals coming now to WADA were from athletes over 40 or over 50 and actually, in one case, over 60 years old, and in the context of scarce human and financial resources, WADA had to look very carefully at whether this was where it wanted to go. It was nice for new organisations, masters organisations and such to implement full doping regimens, but it was necessary to understand that there were consequences to that. At the moment, WADA was aware of it and looking at it and talking with many of its stakeholders, trying to get their opinions to see where it could go with this, but it was going to be a major concern, particularly for the older population of less competitive athletes, working out whether this was where the anti-doping world wanted to commit a lot of its resources.

MR ANDERSEN reminded the members of the definition of athletes in the World Anti-Doping Code, which reflected the issue of masters and recreational athletes. It stated that some national anti-doping organisations might elect to test and apply anti-doping rules to recreational level or masters competitors and athletes who were not current or potential national calibre competitors. National anti-doping organisations were not,

however, required to apply all aspects of the Code to such people. Specific national rules might be established, and it included also the requirements to deliver TUEs in such instances. So it was up to each national anti-doping organisation to say that this was a level at which it did not want to apply TUEs or whereabouts, for instance, and take it from there.

DR RABIN noted the comment from Mr Johannson. As one could imagine, the Science Department was constantly in contact with the 35 WADA-accredited anti-doping laboratories, as well as with the WAADS, which stood for World Association of Anti-Doping Scientists. At a discussion in early March when this issue of IRMS had been discussed in the annual meeting with the laboratory directors, he had to say that two laboratories had expressed some concern with the implementation of IRMS by the end of the year. He had encouraged one of the laboratories to come officially to him with a letter expressing its concern, as he did for any issue that could be faced with the implementation of new rules or mandatory elements under the Code or technical documents or the International Standard for Laboratories. And out of these two laboratories, one had come back to him just shortly after the meeting in Vienna and it had been possible to link up with the regional director and find what he believed was a satisfactory solution for the laboratory, at least in the weeks to come.

As to the other laboratory, which was based in Europe, he had just received a fax from it on Wednesday that week and he believed, based on the step from the laboratory to WADA, it could now engage the laboratory in some discussions to really understand the origin of the issue that the laboratory was facing. What he would recommend WADA do in that situation was first of all understand the situation the laboratory was facing and refer back if necessary to the Laboratory Committee to find the necessary solution for the laboratory. If the members agreed, he would be more than happy to report on this issue of IRMS implementation for all of the WADA-accredited laboratories at the September meeting of the Executive Committee.

THE CHAIRMAN said that there was a comment on the 2011 draft List. He asked if Dr Rabin wished to say anything about that.

DR RABIN responded that he had no particular comment. The deadline for submission was 25 July and the process was ongoing with 2,000 or so stakeholders amongst whom that document was currently being circulated.

MS SAMARDZIC MARKOVIC congratulated all those who had worked so hard to draw up the List, which was very useful for everybody, in Europe and other continents too. She asked why this was sometimes distributed with delays because there was then a problem in Europe to coordinate well. The other question was whether the coordination between WADA and the Council of Europe could be accelerated or improved. That would help a great deal.

DR RABIN said that WADA had released the draft List very shortly after the meeting in April because it had wanted to locate enough time for all the stakeholders to comment, and this was approximately two months for them all to comment back to WADA. Then, of course, in September there was the meeting and a fairly heavy process for the approval of the List, not only the meeting with the List Committee that had to happen at the very end of August or the very beginning of September because many of the members, in particular the sports federations, were busy in the summer with competitions and sometimes the Olympic Games. WADA had tried in the past to have the meeting earlier but that had proved to be impossible, so it had to be kept at the very end of August or very beginning of September. Then, there was the Health, Medical and Research Committee that had to review the draft List, followed two weeks later by the Executive Committee, so it could only be released at the end of the review by the Health, Medical and Research Committee, which left only ten to 14 days before the Executive Committee meeting, but that was the best WADA had been able to do so far.

DECISION

Science report noted.

8.2 Education

8.2.1 Education Committee chair report

MR BOUCHARD said that he was pleased to present the report on behalf of the Government of Canada. As everybody knew, the goal of the Education Committee was to create a true anti-doping culture. WADA was seeing very interesting progress in that regard. First, there was the new version of the Code, as well as the UNESCO convention, which called for the development of education programmes. There had even been the creation of a fund within the context of the UNESCO convention that allowed for money to be invested in education programmes. So, as a result, WADA was seeing more stakeholders invest more time and resources in that area. He was pleased to provide an update on WADA's education activities. Since the previous Education Committee report tabled at the WADA meeting on 1 and 2 December in Stockholm, WADA had been very active in the area of education. WADA had and would continue to fulfil its role as a leader in the field of education and prevention. This leadership role would only be possible with the support and commitment of all stakeholders and the board would see some of the activities that showed how important it was.

The first one was a good illustration of what he was talking about. On 7 May, two days previously, the "Say NO! to Doping!" campaign had been launched at the International Ice Hockey Federation world championship in Germany in front of a world record crowd of 70,000 people. Before the games, hockey teams had warmed up with a green puck and spectators had had a chance to win a puck by correctly answering a quiz question. The board members might have seen the puck before. The video, which the board would see in a few minutes, championed by several top hockey stars including Wayne Gretzsky, had been created to raise greater awareness about the issue of doping in sports.

Secondly, he was also very pleased that the "Say No! to Doping" campaign would be utilised by FIFA at the forthcoming World Cup in South Africa. So, he gave special thanks to FIFA and the International Ice Hockey Federation. He encouraged other International Federations to do the same and, as some would say: "Let's get the ball rolling", or rather, "Let's get the green ball rolling". WADA continued at another level to focus its education effort on engaging youth and the next generation of athletes. The Play True Generation programme would be officially launched at the first Youth Olympic Games in August 2010 in Singapore. Youth was WADA's focus and it was in the process of finalising interactive learning tools for youth, combining both decision-making and gaming. The programme would be piloted at the Youth African Games in Morocco in July 2010. WADA was very excited about this development and hoped to engage others to adopt and implement programmes for young people.

The Education Committee had also been very active together with the IOC Youth Olympic Games Department in developing content for the 2010 Youth Olympic Games in Singapore. In April 2010, WADA would be launching its online Coaches' Tool Kit, an interactive online application to be used for learning activities and also for entertainment. In addition to the education resources that it had been creating, WADA continued to work with ministries of education to develop a model of best practice to assist others in integrating value-based anti-doping messages in schools. To date, the pilot project had been initiated in Mexico, Uganda and Singapore, and in Canada in the province of Quebec. Also, WADA had commenced a discussion with the International Universities Sports Federation to start working with universities on this initiative. The next Education Committee meeting would be held in mid-October because it was now meeting once a year as opposed to twice a year. Knowing that Mr Koehler, the Director of the WADA Education Department, had been in Germany the previous day, he was sure he had more information on the experience that had been tested in the context of the world hockey

championship and on the other activities that the WADA Education Department had conducted over the past few months.

THE CHAIRMAN introduced the Director of Education, Mr Koehler.

MR KOEHLER said that he wanted to start off with what he had left the members with in December in Stockholm, and focus on partnership again. It had been mentioned that, if WADA was going to be successful, everybody was going to have to play a part and play it through coordination activities, through looking at sharing ideas and developing new things, investing resources and time, which could be seen with the International Federations and national anti-doping organisations, and focusing on partnerships, without which WADA could not do it alone; it needed those partnerships. He had left a single message and a global message that WADA was part of something. He would talk a little bit about this but the board would see in the report that WADA was focusing on those five areas through anti-doping education.

He wanted to share a new programme that WADA had launched for coaches. The previous year, he had talked about how successful the Coaches' Tool Kit had been, but noted that WADA just did not have the reach and the ability to go out and train everybody, so he was pleased to say that WADA's new programme, called Coach True, had been launched. This was an online programme available to all stakeholders. He mentioned that the programme was being displayed in the reception area if the members wanted to take a look at it. The Coach True programme enabled coaches to really test their knowledge in their own time whenever they wanted to. Coaches were required to go in and do a pre-test, to really assess their knowledge of anti-doping. With the pre-test, they were asked a series of questions and, upon completion, they were given feedback on how they had done and where they really understood the issues around anti-doping. For example, there were six main areas, and they would be given feedback on where they needed to do further learning in certain areas. Having completed the pre-assessment, they went on to the learning module, which would tell them what they needed to learn and where they needed to further educate themselves. For example, one area was a tutorial, and that was a simple presentation for the coaches, going through specific areas related to the topic, with a ten-slide voiceover presentation on whereabouts, for example, providing the coaches with the information they needed. From there, the next step would be that the coach would be forced to have an athlete ask questions. So it was a scenario-based approach; the athlete had a dilemma and the coach had to help the athlete and, through that coaching session, the coach had to respond to the athlete and tell the athlete what to do. The programme would give feedback to the coach, letting him or her know whether he or she had made a good decision or whether he or she might want to try a different decision on how to help that athlete. Again, it was reinforcing the decision-making module that was in the Coaches' Tool Kit. Once the coach had completed all the necessary elements of the programme, he or she could go in and do a post-test, and the post-test was again a series of questions. Once completed, the coach could print out a certificate indicating that he or she had completed the assessment. Coaches had to have 80 percent or more to print the certificate in order to show that they had completed the programme.

In addition to the actual learning device, WADA also had something fun for the coaches and it intended to use that at the Youth Olympic Games. It was a game built off *Who Wants to be a Millionaire?* It allowed the coaches to make decisions and answer questions, but also seek help if they needed clarification from the Code, the doctor, a NADO or a friend. So it was a fun way of learning. WADA had also built in to the programme an evaluation, so coaches who were doing the programme could provide ongoing feedback. It was not mandatory but, if they had something constructive to help WADA further develop and further help WADA assist in making that a better programme, the ability was there.

The programme itself had been piloted with 42 stakeholders, again taking partnership and feedback from coaches, International Federations and national anti-doping organisations. The tool itself would be implemented and adopted by the International

Council for Coaching Education and would be free to use by all stakeholders. One of the nice things about it was that WADA could track the users. What WADA wanted to do, on an ongoing basis, was indicate to its stakeholders, the IFs and the national anti-doping organisations how many coaches from their sport or country had been online and used the programme. So this would be in the reception area if the members wanted to take a look at it.

The other programme that Mr Bouchard had mentioned was the Play True Generation programme, and WADA was in the process of finalising an adventure-based decision-making game for the young athletes at the Youth Olympic Games and, as a result, in the lead-up to the Youth Olympic Games, there was a small trailer that would be posted on the YOG website, the Singapore website, and the WADA website to encourage young athletes to visit WADA in Singapore, as well as in Morocco at the Youth African Games.

In addition to the youth programme, he wanted to mention the "Say NO! to Doping" campaign, which had been launched in Germany two days previously. WADA was happy to say that the next IF to implement the programme would be FIFA, whose players would be on the field using the balls. WADA had obviously not used green because of the colour of the turf. WADA was encouraging others to implement the programme.

The "Say NO! to Doping" Campaign with the International Ice Hockey Federation had been launched in front of 76,000 people in Germany. The players had warmed up with a puck on the ice and in fact the players had taken the pucks as souvenirs, which was encouraging and showed that they wanted to be leaders in the fight against doping in sport. It was also worth mentioning that, the previous night, CBC, the Canadian Broadcasting Corporation, had highlighted the puck on Coaches' Corner between the first and second period of the game, so it was gaining more and more exposure. It was all to do with partnerships, and the IIHF had been a very strong partner in this campaign. WADA encouraged more IFs to follow suit. There were eight IFs currently showing interest.

THE CHAIRMAN said that it must have been some experience to launch that campaign in front of 76,000 people in Germany. Everybody would acknowledge that it was an extraordinarily good campaign and WADA needed to see it expanded to other sports. He was sure that uptake would occur now that it was up and running. He asked if there were any questions or comments in relation to Mr Koehler's report.

DECISION

Education report noted.

8.3 Communications

MS MASSE noted that the interest of the worldwide media in anti-doping remained very high, with more than 150 to 200 prominent stories a month including a reference to WADA. WADA's annual media symposium was a good platform to keep the media informed of its programmes and activities, and not just the ones that got the headlines. In January, it had held its media symposium, with 50 journalists from 10 countries including major news agencies participating in the event. The WADA President John Fahey, Director General David Howman and Director of Education Rob Koehler had provided updates about the agency's work and missions as well as the advances of the challenges of the fight against doping in sport.

The members might recall that WADA had published in November its 10th anniversary issue of the *Play True* magazine. This was usually sent to stakeholders by post, and WADA had launched at the same time on that occasion an electronic version of *Play True*. That gave WADA an opportunity to reach out to a larger audience about its messages outside the anti-doping community, as its mailing was really just to the anti-doping community.

In February, in time for the Vancouver Olympic Games, WADA had published an issue previewing WADA's role at both events both in paper and electronically. The *e-Play True*

was still in its infancy, but it was already enjoying a 25 percent rate of returning visitors. Also in time for the Vancouver Olympic Games, WADA had launched its Facebook and Twitter pages in February. It had had very good visibility during the Olympic Games and it had been a way for WADA to engage with the public, youth and the athletes. It was more engaging because of the fact that they were two-way communications and people had given comments and used the light buttons and agreed to some of WADA's programmes. Using these functionalities further enhanced the viral effect and moved WADA's message to other communities.

WADA had hit, just two or three days previously, the 1,300 mark of fans. It was encouraged by the growing numbers of people becoming interested in WADA and its mission and work. She was showing the members the "Say NO! to Doping" campaign, which had been launched at the same time. This had had quite an interesting impact, as it was also through Twitter, where there was a new functionality where users could add the puck to their photos and, as people adhered to that, it just multiplied the message, and WADA was enjoying a good viral effect. Across the table, Angela Ruggiero currently had 51,000 followers, and that was a very good way for WADA to get its messages out and multiply them in the community. This was how Facebook and Twitter functioned. She showed the Twitter page of WADA which had almost reached the 400 mark in terms of followers. Media bloggers and journalists were mainly interested in picking up the news on Twitter and this was a very important tool for WADA to continue monitoring and to continue using.

Continuing with social media, WADA had its YouTube channel. Since December, when it had been launched, it had had 10,000 views of its 35 videos. There were 10,000 people who had looked at the videos and had received the messages that WADA had transmitted through those videos. WADA had re-launched and redesigned its website in December. Visits had been monitored and statistics compiled to better understand the information and, since the launch, visitors had been observed spending more time on the website than they used to and going deeper into the sections.

WADA continued to enjoy the same average number of returning visitors and new visitors. WADA mainly had the same community coming back to the website. Through the social media, WADA would be able to get more of those visitors and have people coming in and going to the sections and reading more on WADA's programmes. That was something it would be working more on through Facebook and Twitter. WADA had Mr Donzé, who was WADA's resident expert on social media. That was something WADA was concentrating on to try to get the visitors to Facebook and Twitter to go into more depth on the website and programmes.

She highlighted that there was information and tools and also documentation on the website that needed to be maintained and very visible very quickly. There was the Prohibited List, the search button of course, and the World Anti-Doping Programme, which was where the Code and the international standards were. There was the About WADA section, which featured the governance information, mainly relating to contributions, and the Science and Medicine section, featuring information on the accredited laboratories and, lately, the Athlete Passport.

ADAMS was a secondary entry; usually, people kept in their favourites the ADAMS viewer rail, but they did come through the website for general information or just to come back and get their favourites from the website. Lastly, the Other Languages section attracted a lot of traffic. Every month, the statistics were going up, and the section was populated by information and documentation that came from the anti-doping community, so WADA encouraged people to continue translating and sending in translated materials so they could be posted on the website.

The next point was the Play True Quiz. That had been revamped in time for the Vancouver Olympic Games; it had been remodelled and also enhanced in terms of being effective. There were now 23 languages for the Play True Quiz.

WADA would be present at the Youth Olympic Games, the Commonwealth Games and the Asian Games that year. The Athlete Outreach programme in Vancouver had reached close to 3,000 athletes, coaches and officials. WADA had been present in both villages and the team had been diverse and global in nature, including many first-time participants. Many of the team members had been suggested by the board members and WADA appreciated their recommendations and asked them to continue doing so.

There was a slide featuring a testimonial by one of the participants in Vancouver; he had been a first time participant, the director of the Mongolian anti-doping agency. From this programme, he had picked up exactly how to implement an Outreach programme and, upon his return from Vancouver, he had translated the Play True Quiz, so now WADA could say there were 23 languages, and the last one was Mongolian. That was really the objective – to help transfer knowledge about the programme. With these events, WADA could achieve multiplication, as the participants went back to their countries and implemented the programmes.

That concluded the communications update, and she wanted to present a video that Stacy Spletzer had prepared, capturing the spirit of the Outreach programme in Vancouver.

8.3.1 WADA Athlete Committee

THE CHAIRMAN said that, in the absence of Mr Fetisov, the Athlete Committee report would be given by WADA's Communications Director, Ms Julie Masse.

MS MASSE said that she was happy to provide a brief update on the Athlete Committee activities on behalf of the Chair, Mr Fetisov. The committee had not met that year yet; apart from the exchange of ongoing information and communications. It had held on 5 May the previous week what was called its pre-foundation telephone conference to involve members in its meetings, programmes and activities. On that occasion, the Director General had provided a briefing and overview of the Foundation Board agenda. Questions and comments had been taken from members and feedback had been provided on current matters.

She highlighted two of the points discussed. There was the ADAMS enhancement as it related to user-friendly functionalities. Members were keen and interested in participating in the ongoing process of improvements and saw that as a very high priority. Another point was that the members supported WADA's position regarding the Ambassador programme and would like to partake more in being the voice of WADA.

At the annual meeting in September, the committee would be looking at ways and programmes in which it would involve members in a more significant way and would be discussing that. There were also the other points that had been discussed during the committee's call on the agenda for the September meeting. That concluded her update.

D E C I S I O N

Communications update noted.

8.4 ADAMS – Anti-Doping Administration and Management System

MR NIGGLI highlighted one thing in particular for the attention of the athletes. WADA had heard them, it agreed with them, and it would do its best to make this system more user-friendly as quickly as it could. That was a project that had been initiated and was ongoing and had been delayed for technical reasons. WADA wished that was not the case, but it was. Now WADA thought that it had overcome that problem and, in a very short time, the development would start so there would be concrete results very soon. This was absolutely WADA's top priority in IT and it would be delivered as quickly as possible.

THE CHAIRMAN asked for questions and comments.

MR OZAKI thanked WADA. That month, an ADAMS training seminar had been hosted and experts from different Asian countries had been invited. Thanks to WADA's ADAMS team, it had been possible to offer the chance of high-quality training. He thanked WADA for its support in developing anti-doping operations in the Asian region.

DECISION

ADAMS report noted.

8.5 Standards and Harmonisation

8.5.1 Anti-Doping Organisation Symposium report

MR ANDERSEN said that this was a report on the symposium WADA held every year in Lausanne for International Federations and national anti-doping organisations. This had been held in April that year, and it was becoming more and more popular. It had had to be moved from the Olympic Museum, which could hold 150 participants, to the University of Lausanne, which had a big plenary room. That year, there had been 230 participants from 54 International Federations and 68 national anti-doping organisations. One of the great benefits that the organisations saw in meeting at these symposiums was that they could actually get to know each other, because one thing that was lacking in the anti-doping community, particularly between NADOs and International Federations, was communication – communication about the whereabouts where one had overlap in the whereabouts issue for athletes, TUEs, and also result management. These were areas in which there was a need for more coordination, cooperation and communication, and that had been stressed during the symposium. It was clear that meetings like that and the direct relationships between organisations clearly improved the coordination of tests on a worldwide basis as well as the aforementioned areas, and there had been a call for WADA to do more in that respect. WADA had also been provided with a tool from SportAccord which enabled participants to liaise with each other. It was an online tool, which enabled them to set up meetings between various agencies. The topic for the symposium had been intelligent or smart testing, the evaluation of effectiveness and ensuring efficiency. That had been highlighted by presentations in terms of conducting risk assessments to do more effective testing in the various sports, physiological risk assessment, but also how to be more efficient by defining what constituted various types of programmes.

More work needed to be done in terms of communication and coordination. It had been agreed to have a small working group consisting of the Association of National Anti-Doping Organisations and SportAccord, one NADO and one IF to work together in order to continue the discussions and also in order to prepare the symposium for the following year.

THE CHAIRMAN asked for comments and questions.

8.5.2 Athlete Passport/Parameters update

MR ANDERSEN said that he would give the floor to Stuart Kemp, who was the Manager of the Athlete Passport programme, but the reason why it was being presented there, as it had been presented in Stockholm in December, was to improve awareness of the programme, which was important. The members had heard from the Science Department that WADA would extend the laboratories that could be used in order to analyse samples, but also to promote the system. Going back to the symposium, it had been specifically mentioned by many of the participants that it was important to use that programme not only to detect doping, but also to find means to be more specific in the tests that were being undertaken in terms of collection of urine and blood samples. Mr Kemp would give a short presentation on developments on the Athlete Passport.

MR KEMP stated that, as Mr Andersen had said, he would be brief with the presentation. It was important to update the members on some of the current activities since the implementation of the WADA guidelines and remind them exactly what the passport was and why it was important to the anti-doping movement today. Many of the

International Federations and anti-doping organisations had had screening programmes or profiling programmes of their own and this was an area that had not been well harmonised. The new guidelines sought to address that issue. So ultimately the longitudinal profile programme was one that WADA hoped would assist anti-doping organisations to better target their resources so that traditional testing could be done more intelligently and effectively by using information from the blood profiling programmes. But also, the Athlete Biological Passport programme addressed the need for a viable means to pursue anti-doping rule violations with respect to use of prohibited substances and methods, captured under Article 2.2 of the Code.

The cornerstone of the passport methodology was what was referred to as the adaptive model; that was a statistical model, which could look at data from athletes' biological profile information over time and establish what the baseline would be for a particular athlete. So, rather than looking at references for a larger athlete population, it used the athletes as their own reference and that adaptive model then processed the information to understand when an athlete might be doping based on the abnormality of this information. That being said, it was important to understand that the adaptive model could not in and of itself determine whether an athlete was doping, but would lead to further investigation by experts, namely pathologists, haematologists and so on, so that they could rule out any other possible pathology that could explain that abnormality before doping was identified as the cause. With respect to the work that WADA had done in that regard, it had finalised the Athlete Biological Passport Guidelines, which was essentially a recipe book of how to put together such a programme and capitalise on existing infrastructure in terms of collection and analytical protocols. It also identified four areas in which there had to be standardisation in protocols in order to enable harmonisation between programmes. These four areas were identified: analysis, collection and transport, as well as the results management protocol.

So again, the long-term benefit to the establishment of such a programme was that that was a viable means to pursue a violation based on use and not just presence of a substance. WADA also felt that that would be a valuable tool to anti-doping organisations going forward as they built their testing programmes, and blood testing programmes in particular, to ensure that the test was done on the right athlete at the right time so that resources were well deployed. Lastly, and it was an important note to make, because this was a relatively new tool but one that was a little more advanced than some of the traditional mechanisms in the anti-doping movement, ultimately WADA hoped that this tool was one athletes would be proud to stand behind so that they could say they were subject to the most robust programme possible. In that respect, it would be an important way for athletes to demonstrate their commitment to doping-free sport by being part of such a programme.

He would not get into that in detail, but one of the primary issues that had been identified in the implementation of such a programme was some of the perceived limitations with respect to the accredited laboratory network, because blood needed to get to a laboratory very quickly and there was a limited number of WADA accredited laboratories around the world. A need had been identified for further laboratories that could analyse blood samples as part of the Athlete Passport programme. The Executive Committee the previous day had approved criteria that had been established by the Science Department for the use of such laboratories, which he hoped would go a long way in serving the interests of anti-doping organisations to make passport programmes not only practical but more cost-effective as well.

In terms of future developments with the Athlete Passport programme, he wanted to mention some of the areas WADA would be continuing to work on. One of the most important next steps was with regard to the steroid module. Currently, the programme was limited to blood and therefore was of more utility to endurance-based sports and anti-doping programmes with sports in their jurisdictions where blood doping might be used. However, soon WADA hoped to incorporate a steroid module and certainly that

one would be able to build upon the existing collection capacity of urine, so perhaps it would be more applicable to all anti-doping organisations as this module was developed.

Lastly, it was also important to mention that WADA hoped to incorporate soon the Athlete Biological Passport software, which was essentially the software that ran the adaptive statistical model in ADAMS itself, which would enable anti-doping organisations to run such a programme through ADAMS but also enable WADA to monitor activities. In closing, the Athlete Biological Passport programme was in its relative infancy, but WADA hoped that it was something that could be built upon in time, and would have more to report as time went by. He thanked the International Olympic Committee for giving WADA the opportunity to make a presentation on this topic at a workshop that had been recently hosted in Vancouver, and also thanked the UCI, which had kindly invited him and Mr Niggli to a recent meeting of its expert committee as it had deliberated over a number of profiles under its programme. That experience had been very beneficial for WADA as it sought to improve the model for other anti-doping organisations and understand exactly how WADA's monitoring role should take place.

MR MCQUAID said that he wanted to comment on the aspect within the guidelines which he had commented on at the previous WADA meeting a few months ago – the 30 days' time given to an athlete to explain why his or her parameters were perhaps slightly out of order. He had said at the time, and he had actually had practical experience since then, that the difficulty with that was that confidentiality went out the window when that happened. He had had an experience recently whereby the UCI had announced three passport cases the previous Monday. The weekend previously, an Internet site in Italy had declared the name of one of the athletes on that list and the media had gone absolutely crazy, so much so that, on the Monday afternoon, *La Gazzetta* in Italy had printed the name of the athlete even before the UCI had released the communiqué in relation to the three athletes. It was obvious that, once one informed an athlete that his or her parameters were slightly out of order and asked him or her to explain why, he or she immediately went for assistance from his or her doctors, who in turn went and looked for experts to try and find what excuses they could put in and so forth. Once one got into that scenario, leaks would happen and it was very, very difficult to control, and things could get completely crazy at that stage.

The second point was a question in relation to the passport as well, regarding micro-dosing. He knew that, for instance, Dr Michael Ashenden had been making claims, maintaining that micro-dosing of EPO and so forth could actually beat the passport system. He would like to know if maybe Mr Kemp or Dr Rabin had any comment on what the situation was for WADA and what the feeling was about that.

PROF. LJUNGQVIST asked whether, with respect to the future use of the Athlete Biological Passport, the genetic marker modules had been taken into account, because they could also be a tool for identifying gene doping in the future.

DR RABIN replied that WADA was very much aware of the claims that some athletes were making about the possibility of beating the passport through micro-dosing. He was very much aware also of some of the comments made by Dr Ashenden, with whom he had interacted on these very specific elements; there were still some elements of that protocol that were not quite clear and that would not yet fully allow a conclusion on this. It was clear when WADA discussed with people in the laboratories, and in particular the Lausanne laboratory, that they thought, with the development of the methodology and in particular the mathematical model, that they could detect manipulation. He was sure that the UCI had reviewed a lot of profiles and going from what were trends or elements in the variations of the variables of the blood parameters to full conclusions that that could be related to doping, there was a process as explained by Mr Kemp; it was not because one systematically saw it that one could necessarily fully report it at the time. One sometimes needed to collect a little more information, and the information from the people working in the first place with this tool was that they saw more than a lot of people believed. WADA had to find a way in the future of learning more from this tool to

be able to better use it and better report it. Many of those in science believed that they would be able to report micro-dosing in a much better way than they could at present.

PROF. LJUNGQVIST said that one could add hypothetically at that stage that, if one did not identify by the Athlete Biological Passport the use of micro-dosage, in all probability that use would not have any doping effect either.

8.5.3 Out-of-competition testing update

THE CHAIRMAN said that there was a paper in the members' files, but he was not too sure that it was necessary to say too much about it, as it was for information. He asked if Mr Andersen wished to comment.

MR ANDERSEN informed the members that the out-of-competition testing programme in the lead-up to the Olympic Winter Games in February in Vancouver had been centred on countries in which there had been no testing going on. That was his only comment on the paper.

DECISION

Standards and Harmonisation report noted.

8.6 Government Relations (including UNESCO convention)

MS JANSEN said that she would give an overview of the work undertaken with regard to the UNESCO convention and its completion. WADA now had 138 governments that had completed the convention; Rwanda had been the latest to complete. There had been an increase of 10 countries since the Foundation Board meeting in December, and WADA was still tracking at UNESCO record pace. It was worth noting there were only now two other conventions that had more countries completed and they had been promulgated in the 1970s. Those countries that had and had not completed were published on the website, which was regularly updated. WADA's aim of course was to achieve 100 percent.

In terms of world population of 6.7 billion, WADA was now at a completion rate of 92 percent. For the eight percent remaining, one could see Asia, Africa, the Americas and Europe in descending order. For the 55 that had yet to complete, she was pleased to report that there were 31 in progress and six countries had sent their instruments to UNESCO; those were Myanmar, Nepal, Comoros, Papua New Guinea, the Marshall Islands and Fiji.

There were 24 countries in which there was very limited progress and this could be due to a number of reasons: elections, changes of governments, and ongoing economic or political crises. WADA maintained through its regional offices a watching brief so that it could continue to maintain contact and encourage completion where possible. The key channels WADA continued to use were its regional offices, UNESCO, Foundation Board members, government and sports meetings and, importantly, RADOs. Asia and Africa were key regions because they had the largest numbers that remained. The RADO programme, which reached 122 countries, was very important. As part of the terms of reference, governments or countries had to be progressing with the completion of the convention or have completed it. Mr Koehler and his team were revisiting those terms of references as reminders that year to all RADOs.

On the issue of key incentives, with the UNESCO voluntary fund, the amounts had increased. As for national projects, one could now take 20,000 dollars for an anti-doping project and 50,000 for a regional project. For RADOs, the terms of reference with possible consequences were being re-visited that year. For WADA's laboratories, to be an accredited laboratory or enter the accreditation process, one must have completed the convention. Under WADA's constitution, representatives for the Foundation Board and standing committees could come only from countries that had completed. And under the revised Code as of 1 January 2010, if governments had not completed, they ran the risk of being unable to bid for or host events.

Finally, she wanted to give an update on the UNESCO fund. The members would recall that a voluntary fund had been established to assist governments. There were approximately 2.4 million dollars in hand to assist governments with education, policy and anti-doping programmes. To apply, a country had to have completed the convention. In April of that year, the Approval Committee had met. Five applications had been approved and the committee had requested further information for another four applications before those could be considered for funding. WADA was represented on the committee through its Director General and provided advice to ensure that the projects dovetailed and did not overlap with what was already under way.

In early 2010, contributions had been made to the fund by Australia, Finland, Kuwait and Luxembourg, and Russia had made a commitment during the meeting to provide 500,000 euros, which would potentially take the fund to 3.1 million US dollars.

Finally, UNESCO was revising the application handbook, and that should be available in June that year. WADA was assisting with the distribution and had asked UNESCO to send the booklets to all of its RADO administrators. WADA provided help with those that required it in terms of application. That concluded her report.

THE CHAIRMAN asked for questions or comments on what he thought was pretty good progress. It took an enormous amount of effort and Ms Jansen put an enormous amount of effort in, but the members saw results every time they came together. And 92 percent of the world's population was very good to see.

MR OZAKI said that he wanted to comment on the Asian region's effort. He was the Executive Committee member for the Asian region. His government officials and Mr Hayashi from the WADA Tokyo office had visited the embassies of 17 non-signatory countries in Tokyo in order to urge them to sign the convention. That year, three countries, Kazakhstan, the Philippines and Iran had ratified the convention so far. He would continue efforts to increase the number of countries in the Asian region.

THE CHAIRMAN thanked Mr Ozaki for the effort taken to knock on doors. That was something everybody could give some thought to in other parts of the world.

DECISION

Government relations report noted.

8.7 International Federations

THE CHAIRMAN said that Mr Fairweather was not there to present the report on the Lausanne office and he had also been due to present this one, so the Director General would do it. The members had the report in their papers. They should note it, but it was worth hearing a little bit about the work that was going on with the International Federations.

THE DIRECTOR GENERAL emphasised two major initiatives. The first was the work done with SportAccord and the progress that had been made as a result of the setting up of a special unit within SportAccord to deal with anti-doping matters. There had been considerable progress in the assistance of the smaller federations in the way that WADA had anticipated. Mr Fairweather had worked very closely with Ms Dagouret in ensuring she had the benefit of the experience and expertise of WADA. That was a significant advance.

The second matter was that the ongoing liaison that the office in Lausanne had with the International Federations had led to a considerable advance in relationships and also in the way in which the International Federations were able to practice under their anti-doping rules. That had been emphasised by the gratitude towards WADA in Dubai at SportAccord during the meetings held by the International Federations themselves. They had expressed their gratitude to WADA and to Mr Fairweather in particular for enhancing those relationships. Those were the two points he had wished to emphasise; otherwise, the report really spoke for itself.

DECISION

International Federations update noted.

8.8 Anti-Doping Programme Development

MR KOEHLER referred to the regional anti-doping organisations and programme development. In 2004, when WADA had looked at the landscape of anti-doping, there had been a lot of countries doing nothing. A mechanism to encourage and to get things going had been to look at developing a programme, which was the Anti-Doping Programme Development. The basis for this had been to bring countries together, share resources and to help build capacity. It had first been piloted with the Oceania region. Those countries in a similar geographical location had been brought together to start to try and share resources and to develop. The basic structure from the beginning had been evaluated and it had been determined that it was working. That involved bringing a government representative and a National Olympic Committee representative together and combining resources, putting one person on the board who represented both the government and the NOC. The RADO board was always established and a RADO office was put in place. One country hosted the RADO office and there were certain conditions and he would get back later on to what had been looked at and evaluated over the past four years.

In all cases, countries were involved in the reporting back and they were expected to be active members on the RADO board, not simply getting together once or twice a year. It was a matter of going back and doing concrete work in their countries. As a result of the development, WADA had continued to enhance the doping control officers so that actions could take place in the country in which testing could occur. It had continued to develop and support committees, result management committees, TUE committees, and appeals committees so that they could work together to fulfil the obligations under the Code.

As mentioned, WADA had piloted the project in 2004 with Oceania and since then the development and the number of countries involved had been quite astonishing. There were 122 countries involved in the RADO programme where they were active in developing their programmes. With the programme development, there were basic needs such as putting the structure in place to have the doping control officers trained, to look at TUE committees and develop them, and getting the result management committees and appeals committees in place. Crucial for those regions was basic education and prevention, but more important moving forward was international cooperation and working with partners.

If one looked at the cost benefits with the regional anti-doping organisations, WADA was spending approximately 4,900 dollars on each country for the development of these programmes. If one put that in terms of anti-doping, that was only eight tests per country, so the value WADA was getting back from the development was worth its weight in gold. The money spent on developing each country was going a long way because, without that programme, a lot of countries would be a lot further behind in terms of development. Bringing them together and sharing resources and providing the tools had helped to continue development.

The benefits of the programme were that WADA was seeing more countries understand and implement the Code; national regional processes were in place; without a doubt, there was more awareness and education happening; and there was increased capacity for quality testing where the authorities were doing testing the right way. WADA was seeing more countries ratify the convention and seeing more support and recognition and cooperation with WADA and its partners. As WADA continued, partnerships were being established. There were challenges with every programme but, specifically with the RADOs, each country had competing priorities. It was WADA's objective to work with them to make that a priority. Challenges such as the lack of expertise were being overcome through training and development. In some regions,

communication was very difficult and understanding what was needed to communicate with those countries was part of the process with the RADOs.

Funding was always an issue but, by being present and showing the importance of anti-doping, WADA hoped to increase funding in the regions. Of course, the basic implementation of programmes was something that needed to continue to ensure that the W in WADA – the world – was involved in anti-doping.

Partnership and support had been talked about and there were a few countries that had received support from different regions. The Australian Government had committed 120,000 dollars over two years to help with the RADO in Oceania. That support was also being provided by ONOC, which was providing the facilities, but the Australian Government had committed for two years to help with the administrative salary, education funds and office support.

Similarly, the Canadian Government was helping with the Caribbean RADO and had offered 90,000 dollars to help with the administrator and education and travel funds. The basis for receiving this funding, which was extremely important, was the commitment from the governments of those regions that, after that funding had finished, they would sustain the RADO and the programmes in the region.

In Africa zones five and six, WADA was exploring other potential funding opportunities and support to help those RADOs that were struggling because of competing priorities. WADA was pleased with its partnership with CONFEJES. CONFEJES provided grants through WADA to the French-speaking African countries to help with education and, that year, 40,000 dollars had been given by CONFEJES to help with education in those regions. One could not underestimate the partnerships of the national anti-doping organisations. There were over 10 national anti-doping organisations assisting with the programme development. One country in Asia, Japan, had supported the development of all of the RADOs in Asia by offering to assist with funding in some of the regions. In addition, the IFs, the SportAccord anti-doping unit and a NADO were now realising there was a network out there and they were using the RADOs to carry out and conduct testing, so the coordination was coming full circle working with the IFs, NADOs and SportAccord anti-doping unit.

There had been a RADO meeting, which he had reported on in December, in Kuwait with the help of the Olympic Council of Asia. Now WADA was in the process of sitting down and doing an honest evaluation with each RADO office and looking at the host obligations. A huge difference had been noticed when WADA had a full-time administrator running programmes in the country. For example, in the Caribbean and in Oceania, there were a lot of concrete results because there was somebody devoted to that region. WADA needed to seriously think about how to encourage and make sure that the countries were fulfilling their obligations. WADA needed to continue to evaluate the progress in each region and what the regions had achieved and make them accountable for what they said they were going to do in developing anti-doping programmes. By that, he meant developing individual milestones that each country in each region was expected to fulfil by the next meeting. Ms Jansen had mentioned reinforcing the board terms of reference; the countries had agreed that, if they wanted to show their commitment, they needed to have the basic tools in place, the convention, Code-compliance, and testing occurring. In fact, they had even mentioned that WADA payments should be up to date, so WADA wanted to make sure that it reinforced the terms of reference that the countries and regions developed themselves.

THE CHAIRMAN asked for questions and comments on the RADOs.

MR ROWE said that he wanted to make a small point. He thanked Mr Koehler for his report. Regarding the Oceania RADO, he wanted to acknowledge the New Zealand contribution, which, while not in cash, was significant in-kind support for testing at the Oceania RADO.

DECISION

Anti-Doping Programme development update noted.

8.9 Regional Offices

8.9.1 Lausanne

DECISION

Lausanne regional office update noted.

8.9.2 Cape Town

MR SWIGELAAR thanked the Chairman for the opportunity to discuss some of the issues facing the office in Cape Town and some of the good things that had happened, but also to raise some of the challenges that still made him wake up at night drenched in sweat. As Ms Jansen had mentioned, 35 countries had ratified the convention and there were many more well on the way to completing that task. It was also good that many more countries from the region were submitting their proposals to UNESCO for funding, and some good proposals had been received that had been approved by the committee at UNESCO, and he was certainly looking forward to the implementation thereof. But the 35 at least at that stage that had ratified should be encouraged to apply for those funds. Through WADA's efforts to assist individual countries in developing their national programmes, there had been some good success. In Egypt, in Morocco, and with Frankie in Namibia, WADA had seen the establishment of NADOs and those in the office would continue to work with them and provide them with assistance and with advice in order to raise that capacity and the possibility to implement good programmes.

While everything had not been that rosy as far as the NADO establishment was concerned, WADA had been working with the Nigerians for a very long time and, as the Director General had informed the members, political changes in the country had not assisted the continuity of that kind of assistance. As soon as a certain stage of the discussions was reached, it was necessary to start from scratch because there was a new minister or a new administrator in place. However, the office was continuing with that and would eventually succeed.

The office was also continuing its work in other big sporting countries like Kenya and Ethiopia, and there had been progress. He was looking forward to November, when he would be able to give more information on those changes. He also hastened to say that the office would continue to pursue the development of those programmes with all the countries in the region.

As Mr Koehler had mentioned, education was progressing and that was very positive. In terms of the regional anti-doping organisations, the RADO projects continued to ensure that a lot of the countries in the region – the 45 that Mr Koehler had mentioned that were involved in one of the RADOs operational in the region – were provided with valuable resources and capacity and materials so that they at least had an education project whilst providing the capacity and instruments to raise people's awareness. However, one should be very realistic in terms of highlighting the many challenges in the region. He was personally concerned about the sustainability of these projects because, as Mr Koehler had mentioned, WADA had been involved with some of these RADOs for a very long time and he did not foresee in the very near future that these RADOs would become self-sufficient. Of course, WADA would with its limited resources and with determination speak to everybody that could assist that process so that, at the end of the day, there could be good and positive outcomes that were sustainable and that were owned by the region.

Africa was of course, generally speaking, a very poor continent and the lack of resources was certainly an aspect. He did not need to give members a lesson in the

history of Africa, but it was a very poor region. One needed to look at the delivery of housing, the levels of poverty, and the levels of education prevalent. Those were the priorities that those countries were battling with. Anti-doping was also an evolving process; it was a necessary part of the evolution of WADA's fight against those cheats. That phenomenon was necessary, but it also worked against a lot of the developments taking place in a region such as Africa where, as soon as the country had reached a certain level, new developments happened, new equipment was required, and new trends came along. The members would do well to recognise that that could pose a challenge and that WADA's office in Cape Town was also addressing that. He did not of course have all the answers.

Mr Koehler had mentioned the partnership WADA had with CONFEJES. That made him smile, because he saw tangible results. With the 45,000 US dollars that CONFEJES had made available for that project during 2009, the office had been able to get out of its system at least 85-90 percent of that money and actual education programmes were being delivered on the ground. That was very good. Of course, running that project was not a walk in the park, but it was gratifying and rewarding at the end of the day to see that, at a minimum, children were receiving pamphlets and sports leaders were sitting round a table to discuss these matters.

The office would start a new round of the fund fairly soon and he was hoping that, when it started the programme in June, it would be able to involve 100 percent of the French-speaking countries in the region. He again thanked CONFEJES.

In conclusion, in terms of the office's priorities moving forward, getting all 53 African countries ratifying the convention was the primary concern, but it needed to work with the NADOs and make sure that it continued to build capacity, that those NADOs signed the Code and that, in those countries that were signatories to the Code, those institutions were capacitated and that they delivered those quality programmes. That would ensure they were Code-compliant. In terms of the RADOs, issues of sustainability were critical. The Youth Games in Morocco were an opportunity and the office was working closely with ANOCA as the custodian of those games to ensure that, through its education and information programmes, notably the Play True Generation, it could make a difference and reach the two and a half thousand participants at that event and of course the All Africa Games scheduled for September 2011. The office was already working with the organisers to ensure that WADA's presence there would make a difference and that its presence would be facilitated, but also that it would be able to assist in delivering a quality programme at that event.

THE CHAIRMAN asked for any questions or comments.

DECISION

Cape Town regional office update noted.

8.9.3 Montevideo

MR TORRES VILLEGAS thanked the public authorities of the region, because their support was not circumstantial; it was an ongoing commitment and very encouraging for the way forward. The previous year, the Montevideo office had reached for the first time 100 percent and, even though for that time of the year, it was below its expectations, that figure should rise by the following week to around 96 percent. That was thanks to the understanding of the public authorities behind the money. That was of course important to promote WADA's activities, but it was also about their commitment. So he wanted to encourage that support going forward and thank them for that.

In terms of the UNESCO convention, WADA continued on an ongoing basis to encourage outstanding governments to do their utmost not only to promptly ratify, but also to enforce the capacities and the tools that the convention would provide to take a more comprehensive approach in terms of anti-doping. The regional office would continue to back those efforts on behalf of the public authorities to guarantee that all

athletes in the region were subject to the same protocols and tools for their own benefit. It was beyond the statistics; it was for the benefit of the athletes and the office continued to stress that point.

In terms of the office's activities, it heavily relied on the support and cooperation of the Olympic Movement and the public authorities in the region. Without their cooperation, its job could not be done because it could not be everywhere and it could not do everything that was needed but, together, they could reach that common goal, which was protecting healthy and clean sport throughout the region.

He also acknowledged and understood that there were different levels of development among the different countries of the region, so the office sought to be a reliable point of information and contact, as well as assistance within its capacity and scope in order to promote the countries' own capacities. It continued to make available the resources that WADA produced and told them that, even though it was WADA that produced them, they were for them and that they should take responsibility and try to customise them to their local needs.

It was a very important issue to fight doping in the regions and it was not an easy task, as there were other priorities. However, the authorities continued to support and to better understand the meaning of protecting sports and the impact that protected sport had on other areas of public life such as health and education and so on. This was going to be more sustainable in the long term and the office was ready and willing to continue to support those efforts because it was not establishing programmes only for the sake of numbers and the statistics; it sought to protect all that it admired and aspired to in sport.

Finally, the office continued to stress the need not only to implement the written rules and provisions, but also to go beyond enforcement with quality. It was not only about quantity in terms of tests and programmes, but also which target groups WADA was addressing, what kind of materials it was addressing, what kinds of events in relation to testing, what kinds of tests it was conducting and the reasons behind this. That was the kind of support it was trying to offer to its stakeholders in the region. He stressed that he was thankful for their support because WADA and the regional office could not operate without the commitment and support of all the stakeholders from both the Olympic Movement and the governments.

THE CHAIRMAN pointed out that Mr Torres was to move to Montreal in the very near future and sitting alongside him was the new director of the Montevideo office – Ms Pesce, and he looked forward to working with her in the days ahead.

DECISION

Montevideo regional office update noted.

8.9.4 Tokyo

MR HAYASHI wanted to mention a video as an example of best practice in an outreach programme by China. The office's goals were full contribution by all governments and Code compliance by all signatories and the ratification of the UNESCO convention by all governments, and also development of anti-doping activities through RADO activities and regional cooperation programmes in all sports across the region.

In terms of contributions for 2009, he had had to regrettably report at the Stockholm meeting that the figures had gone down from 97 percent in 2008 to 92 percent in 2009. However, thanks to the very strong guidance and assistance of the headquarters and the RADO office and the Foundation Board members, the region had collected 94 percent. For 2010, the region had currently collected over 88 percent. In addition, he thanked the Japanese Government for another contribution for 2010 following its contribution in 2009.

On the UNESCO convention, as Ms Jansen had suggested, there were still challenges in terms of countries that had not ratified and needed continuous regional assistance. But he was glad to report that, recently, Myanmar and Nepal, which had not shown any indication that they were going to ratify, had recently reported that they had sent their ratification instruments to Paris. Two more states parties were expected soon.

The regional office also promoted and facilitated Code compliance under the supervision of the headquarters. Out of 35 NOCs with NADOs, 20 NOCs had rules in line with the Code while, out of 26 NOCs without NADOs, 10 NOCs had rules in line. Among the 35 NADOs, 25 had already completed the task of compliance. Based on these compliance rules, the Code compliance monitoring programmes continued to check and promote the effective doping control programmes.

As Mr Koehler had mentioned, the six RADOs were progressing steadily with anti-doping programmes. JADA, Japan's anti-doping agency, in cooperation with ASADA, Australian's anti-doping agency, had hosted an expert seminar in Tokyo in March inviting experts from 13 countries. In May, India would host the seventh regional inter-governmental meeting, which had been held continuously since 2004, providing the best opportunity for WADA and participating countries to develop and harmonise anti-doping policies in the region.

2010 was a year filled with major and multiple games at international level in the region which should inspire people to recognise the importance of making sport doping-free. As Ms Masse had mentioned, he wanted to introduce an Outreach model, which continued to be an important programme to help raise awareness about anti-doping issues. He was pleased to show a video about the Chinese anti-doping agency's Athlete Outreach programme, which had been held in Jinan the previous year at the national games. That event had had over 10,000 athletes in attendance and was a perfect and most successful example of what could be done when a NADO committed to raising awareness about anti-doping issues.

DECISION

Tokyo regional office update noted.

9. Other business/future meetings

THE CHAIRMAN asked if there was any other business.

MR POUND said that, until he had become a member of the WADA Foundation Board and listened to the discussions on data protection and data transfer, he had never understood the concept of Infinity. Could he beg everybody involved in that at the next meeting to announce that that issue had been solved so as to avoid having to divert any more of WADA's time and energy to it?

THE CHAIRMAN assured Mr Pound that many would appreciate that same sentiment reaching fruition.

DR SCHAMASCH thanked Mr Andersen and his team for the huge collaboration at the time of the Vancouver Olympic Games in terms of the task force. It had been one of the indicators of success of the Olympic Games and the work of the taskforce, which was a combined group of the organising committee, the IOC and WADA, would continue for London and for sure would start as soon as possible for Sochi. It was necessary to go to Sochi as soon as possible to help the organisers, and he was sure that they would benefit from the work of that task force.

THE CHAIRMAN reminded the members that Mr Koehler, in his remarks on the education programme, had mentioned that, if anybody wanted further explanation on the Coaches' Tool Kit, one of his staff members was outside and willing to pass on some additional information. He also highlighted what was in the papers: the dates of the forthcoming meetings. The next Foundation Board meeting would be on Sunday 21 November. He reminded the Executive Committee members present that they should

arrive in Montreal no later than the evening of Thursday 16 September, ready for the think tank session on Friday 17 September, followed by the Executive Committee meeting on the Saturday. He thanked all of those involved in the work leading up to that day, including those responsible for making the travel arrangements, the preparation and distribution of the documents, the numerous queries and questions that had been asked prior to assembling around the table. The members had been served in a very professional manner and very well in the context of meeting preparation, which had allowed it to go about its business with the minimum of fuss.

DECISION

Think Tank Session – 17 September 2010, Montreal;
Executive Committee – 18 September 2010, Montreal;
Executive Committee – 20 November 2010, Montreal;
Foundation Board – 21 November 2010, Montreal.
Executive Committee – 14 May 2011, Montreal;
Foundation Board – 15 May 2011, Montreal;
Executive Committee – 24 September 2011, Montreal;
Executive Committee – 19 November 2011, Montreal;
Foundation Board – 20 November 2011, Montreal.

The meeting adjourned at 2.10 p.m.

FOR APPROVAL

JOHN FAHEY, AC
PRESIDENT AND CHAIRMAN OF WADA