WORLD ANTI-DOPING AGENCY
play true

Minutes of the WADA Executive Committee Meeting
18 September 2010
Montreal, Canada

The meeting began at 8.30 a.m.

1. Welcome, roll call and observers

THE CHAIRMAN welcomed the members to the Executive Committee meeting, particularly welcoming Mr Makoto Fujiwara, representing Mr Suzuki for the first time at the meeting. He noted Mr Fetisov's apologies. Mr Fetisov had been present the previous week for the Athlete Committee meeting but his senatorial duties in Russia required him not to leave that particular weekend.

The following members attended the meeting: Mr John Fahey, AC, President and Chairman of WADA; Professor Arne Ljungqvist, WADA Vice-Chairman, IOC Member and Chairman of the WADA Health, Medical and Research Committee; Dr Rania Elwani, Member of the IOC Athletes' Commission; Mr Javier Odriozola, representing Mr Jaime Lissavetzky, Secretary of State for Sport, Spain; Mr Makoto Fujiwara, representing Mr Suzuki, Minister in Charge of Sports, Japan; Mr Edward Jurith, General Counsel, Office of National Drug Control Policy, USA; Mr Craig Reedie, IOC Member; Mr Patrick McQuaid, President of the UCI; Dr Zakia Bartegi, representing Mr Labidi, Minister of Sport, Tunisia; Mr Bill Rowe, representing Ms Kate Ellis, Minister for Sport, Australia; Mr Christophe De Kepper, representing Mr Gian Franco Kasper, IOC Member and President of the FIS; Mr Andrew Ryan, representing Mr Francesco Ricci Bitti, President of the International Tennis Federation and Member of ASOIF; Mr René Bouchard, representing Mr Gary Lunn, Secretary of State (Foreign Affairs and International Trade) (Sport), Canada; Mr David Howman, WADA Director General; Mr Rune Andersen, Standards and Harmonisation Director, WADA; Ms Julie Masse, Communications Director, WADA; Dr Olivier Rabin, Science Director, WADA; Mr Rob Koehler, Education Director, WADA; Mr Alan Vernec, Medical Director, WADA; and Mr Olivier Niggli, Finance and Legal Director, WADA.

The following observers signed the roll call: Takumi Inoue, Hoshi Kaori, François Allaire, Françoise Dagouret, Ole Sorensen, and Patrick Schamasch.

2. Minutes of the previous meeting on 8 May 2010 (Montreal)

THE CHAIRMAN drew the members' attention to the minutes of the previous Executive Committee meeting. He sought their permission to sign the minutes as a true and correct record of those proceedings.

PROFESSOR LJUNGQVIST referred to page 10 of the minutes and what he had said in relation to the investigations that had been under way with respect to the Turin incident. The first paragraph, half-way down, stated: "This was the result of an incident that had happened four years previously, namely at the Turin Olympic Games. Because of the existence of an Italian law, WADA had discovered inappropriate activities in the Austrian team". WADA had not in fact been involved in the conduct of the doping controls in Turin. The IOC had discovered inappropriate activities in the Austrian team, so the second sentence should read "IOC" and not "WADA".

THE CHAIRMAN asked if anybody disagreed with what Professor Ljungqvist had said.

THE DIRECTOR GENERAL pointed out that the minutes had been written on the basis of the audio recording of what had been said during the meeting but, if Professor Ljungqvist was seeking to amend what he had said during the meeting, there was no problem.

PROFESSOR LJUNGQVIST said that, if that was the case, it must have been a slip of the tongue.

DECISION

Minutes of the meeting of the Executive Committee on 8 May 2010, including proposed amendment by Professor Ljungqvist, approved and duly signed.

3. Director General's report

THE DIRECTOR GENERAL said that this report covered many updates from all his directors in relation to their departments. Their full reports would be available in November but, on this occasion, his report was perhaps fuller than it would normally be. It had been written at the end of August, and there were already some developments, upon which he would update the members orally.

In relation to the UNESCO convention, 147 countries had ratified the convention, with Myanmar and Papua New Guinea having signed since the end of August. Other ratifications were in the pipeline and UNESCO had said that it would celebrate the 150th ratification, as that would mean that it was one of the few treaties under the auspices of the UN in general that had had that many countries ratify a convention. The other matter to note from UNESCO was that its conference of parties in relation to the treaty would be convened probably from 14 to 16 November the following year. The WADA Executive Committee and Foundation Board meetings were scheduled for 19 and 20 November.

Regarding Interpol, WADA would receive a presentation from the seconded officer to Interpol in November at the Foundation Board meeting. WADA had been invited to the annual Interpol General Assembly in Qatar the following month, but would not go as there was nothing on the agenda relating to anti-doping. The President would, however, meet with the secretary general of Interpol the following February. Interpol was currently engaged in coordinating investigations in relation to anti-doping matters.

The members would see a list of legal cases from the Legal Department. There were two comments that had been made in relation to current cases. One related to a decision taken whereby the panel had said that it would review sanction periods only for which there were evidently grossly disproportionate sentences delivered. That was of some concern to WADA, as it would mean that, for appeals in cases relating to specified substances, for example, whereby an athlete could be sanctioned with anything from a warning to a two-year ban, it was difficult for WADA to determine whether or not it should appeal. The flexibility led to the difficulties that WADA had, but they were exacerbated by this decision, which really meant that one could appeal only if it was excessive, and he pointed this out to illustrate how difficult it was when running a legal department with the power to appeal every case.

There was a matter (the second case) in which WADA had been unable to appeal because of laws. This was not the first time that this had occurred, and WADA was engaged in discussions with those countries to ensure that that part of their legislation was remedied and that WADA was allowed to appeal cases.

The other interesting matter about which he thought the members might be intrigued was that, in 2009, the topmost sanction had been increased so, for aggravated doping, there had been a potential penalty of four years. That had very rarely been used, if at all. A lot of people had asked for a heavier penalty. So far (after two years' experience),

it had rarely, if at all, been used. The members should take note of that, remembering that there were still people wanting athletes to be banned for life for a first offence. It was necessary to tread softly here.

Nominations were due on 15 October for the standing committees. He encouraged the members to think of nominations from their own bodies and also filter down the information so that WADA could receive good nominations for the existing vacancies. These committees were formed as a result of discussion and consultation among the president, the chair of the relevant committee and the director general.

The members had a report in relation to the NADOs that WADA was helping. WADA thought that it should be engaged with some of the NADOs in countries that were just starting out, where those countries were large and significant in relation to their sporting achievements and the hosting of major events coming up. In relation to the latter category, WADA was working very closely with Russia and Brazil. There had been a minor setback in Brazil as the legislation promised had not yet been passed (there would be an election in a couple of weeks), so WADA would need to deal with the incoming government on proposed legislation later in the year.

WADA had probably finished its job with Jamaica. The minister had received a report from WADA; she had announced that she would be forming a new board of governors. WADA had not yet seen the actual composition, but it dealt with one of the major problems, that of conflict of interest existing within the board of the Jamaican NADO. WADA would replace Jamaica with another prominent country so that WADA continually had a number of countries on the list of countries it tried to assist.

The final country he should make note of was India. India would be hosting the Commonwealth Games in two weeks' time, and WADA had made a lot of progress with India. There had been a significant number of positive cases in India, and it might be an item that needed to be discussed later in relation to the Prohibited List, for a substance in common use in that country (geranium oil, or methylhexanamine), and it had therefore meant that a lot of athletes might not be able to go to the Commonwealth Games.

There had been good and quite exciting progress with SportAccord. WADA would need to replace its person on the advisory board for SportAccord because Mr Fairweather would be leaving WADA to take up a position as CEO of the International Hockey Federation. Mr Fairweather was not present (and he passed on Mr Fairweather's apologies) because he was representing WADA in Dublin at a meeting of the EU athletes. Mr Fairweather wished to say farewell and thanked all of the members for their support during his period of time as the WADA International Federation Director.

In relation to thought leadership, the management had compiled a list of matters that had come out of the think tank in Oslo and reported to the members on what it had done about them. He thought that a list would be compiled from the previous day and the management would report to the members in November.

With regard to departmental reports, the members would see that the Communication Department had made great strides in introducing Facebook and Twitter. Most of the world's journalists now twittered, and WADA had pretty regular twittering between its media department and journalists.

Regarding education, the members would see that WADA had successfully run the PlayTrue Generation programme in Singapore, and he thanked the members for taking the time to visit the booth. The Education Committee meeting would be taking place in early October and he looked forward to some fruitful outcomes from that.

He referred to two matters in relation to the brief science report, because there would be a more detailed report later on. There had been some discussion on IRMS in May; there were two or maybe three countries that still had to find the money to introduce the system, but all of the others had. One of the three would be completed by the end of the year. Regarding the haematological laboratory situation, five interested laboratories were already in the process of asking for approval. The passport project continued, and

Mr McQuaid had done a lot of work in this area at the UCI. WADA was monitoring its progress with a view to ensuring that, if others picked it up, it would be done in a pragmatic fashion with the benefit of the experience that the UCI had with this passport. It was complicated, expensive and something that had to be done bearing in mind the matters raised the previous day. WADA had to make sure that progress was made and the team that had been put together would report more fully in November.

ADAMS had to be the number one priority activity for the rest of the year. Strong words had come from the Athlete Committee. The difficulties were now being smoothed out, and the rest of the year should be spent on making sure that the issues raised by the athletes in particular were resolved. Some athletes were being required to give their information on another system called SIMON, which was causing complications, and WADA asked for a view from the committee about what it should do about that. It had looked at ways of making the two systems compatible, which was very difficult and highly problematic as far as security issues were concerned. SIMON was a very good programme for those running anti-doping programmes as it dealt with issues other than the information needed by WADA in ADAMS, but it was not compatible and meant that the athletes who gave their whereabouts on SIMON might have to give it again for ADAMS. Before the Code had been reviewed in 2008, it had been suggested that a clause be added making ADAMS mandatory, but many people without access to ADAMS had been against the addition of such clause. He thought that this should be thought about, bearing in mind the priority given to ADAMS, the money spent on it and the security of the system in general.

The regional offices had all provided reports and were all working well. There would be a meeting the following week with the regional directors. The significant success in terms of UNESCO convention ratifications was due to their work and that of the team in Montreal. The regional offices were also responsible for the advances made with the RADOs.

Mr Fairweather would be leaving WADA; WADA had advertised for that position and would conduct interviews, with a shortlist compiled in the next few days. There should be a new director in place in the coming months.

There was now a new acting president of the CAS. The former president had stepped down and would not be seeking re-election in November. WADA had a number of issues of concern with the way in which the CAS had been operating. These had been embellished again at a meeting of the expert group of lawyers engaged in CAS hearings, and Mr Niggli would talk further about that if necessary. It had been decided that, as soon as the new president of the CAS was elected, WADA would seek an audience in order to discuss the matters of concern to WADA and lawyers in general.

Blood testing was an issue on which he would appreciate some discussion. There were very few blood samples being collected outside of the UCI blood passport scheme. If WADA were to progress, it would need blood sampling. It needed blood sampling for the Hgh test. Hgh kits were available for purchase by the laboratories but the laboratories were not purchasing them because they were not being asked by the anti-doping organisations to conduct analysis for Hgh. There would be a problem because those who had manufactured the kits would say that there was nothing in it for them and would cease to manufacture them. He sought direction as to how WADA was to look at telling anti-doping organisations to collect blood. It was not mandatory; it was discretionary. He was finding more and more that, where there was a discretion, it was being exercised in favour of omission rather than commission. That was something to which the Executive Committee should be alert so as to have a discussion as to what might be done. Should there be a certain number of blood samples collected each year? Should there be some target testing from the NADOs? Some discussion on that was necessary. The members would note that Canada had been conducting blood testing at the Canadian College Football Games and found another positive for hgH. WADA knew full well that the substance was being used with impunity. At that moment, the only people who were interested in collecting to test for it seemed to be the major leagues,

and WADA had had significant discussion with the major leagues in the USA, and blood was being collected for the minor baseball leagues and WADA was in discussion with them as to how they could go forward. WADA was now being shown that the major leagues were exhibiting signs of being further ahead of some of the other sports in the way in which they were adopting programmes. WADA had been critical in the past, but this area of hgH was one in which they had shown more initiative and progress than almost anybody else.

Regarding the player groups, WADA had recently had a meeting with FIFpro, which represented 70,000 footballers. It was obvious that information was not being filtered down to players. The players were asking for more information and were looking to join with WADA in terms of information and education. They were concerned about whereabouts, going down to third division teams and so on, because there seemed to be an irregular way about the enforcement of whereabouts in that particular sport.

The EU athletes continued to be significantly prominent politically. They went to Council of Europe meetings and were invited to EU meetings. WADA had accepted their invitation to attend their meeting in Dublin. Mr Fairweather had told him that WADA's representatives to that had been excluded from the rest of the meeting, which was disappointing. One would have thought that being invited to partake would enable one to listen to what else was going on in order to make appropriate representations when necessary. He had not yet heard back from Mr Fairweather but would tell the members how it had gone when he heard back.

Regarding the pharmaceutical industry, WADA had signed the MOU about which he had told the members in May. There had been a significant meeting in Lausanne. He believed very much in these partnerships and was looking forward to a presentation in November from the director general of the organisation.

He had already briefly mentioned the major leagues but wanted to say a little bit more. Baseball had a significant booklet on investigations and was sharing with WADA the way in which it conducted investigations. It had 15 investigators, nine of whom worked full-time. They looked at other matters in addition to doping, including bribery and betting and so on. He had met with them in New York, and they had told him that there was a very distinct link between those supplying the drugs to the players (or persuading them to buy the drugs) and betting: the same people were involved. They were supplying the drugs and they were involved in the betting, bribery and corruption, and that significant link was something about which WADA would talk to them more, because Interpol was saying the same thing. The same people were engaged from the underworld in general in selling and distributing as those who were engaged in illegal betting.

The other aspects that had come from the MLB was the fact that it was testing for Hgh in the minor leagues, and looking at advancing that with collective bargaining with its players' association. So was the NFL, which was engaging WADA in its education projects, and so was the NHL. The one major league with which WADA was not trying to connect was NBA. FIBA had told WADA that it would prefer it if WADA did not engage with the NBA. WADA had asked FIBA for a report on how that was progressing.

The members would see the initiative from Germany, which had successfully got a number of the major companies in Germany that sponsored athletes to have a clause in their sponsorship agreement, saying that they would contribute a significant amount of money to the NADO should that athlete break the anti-doping rules. WADA learnt of these initiatives and would like to hear more, because that was the sort of information WADA could spread to others, giving them an idea of how more money might be provided for the fight against doping in sport. A similar initiative had been made a few years previously by the European Broadcasting Union, which had been going to advance the idea that 1% of broadcasting fees paid to federations would go the fight against doping in sport; that had not gone any further, but it was the sort of "big-picture idea" about which WADA wanted to keep thinking as it went forward.

Regarding the Independent Observers, teams would be going to Delhi for the Commonwealth Games and Guangzhou for the Asian Games. There had been a team at the invitation and expense of the UCI at the Tour de France that year, and the report had been made available to the UCI and should be published in a week or two. He thanked Mr McQuaid, as this mission had been done at the request of the UCI but also at the UCI's expense. It was a good example to other event organisers that might want WADA to be there to be of assistance.

Regarding the worldwide database, some people had asked the management to look at this from a business perspective, bearing in mind that there was one plan already in place for which a lot of money had been spent by several countries (the UK, the USA and Canada). The management had looked at that and agreed. The initiative already commenced ought to be enhanced by WADA rather than WADA competing with it, and he asked the members to accept that recommendation so that WADA could then discuss with Martindale how it could liaise with Global DRO.

He had mentioned in his report the laboratory statistics. He was not sure whether any of the members had actually reviewed them, but fewer samples had been collected the previous year compared to the year before from Olympic sports (20,000 fewer). There had been a significant advance in the collection of samples from the professional leagues, and the number one sport for sample collection the previous year had been NFL football and college football (42,000 samples), so FIFA was no longer the number one sample collector. American footballL had collected 42,000, football 32,000 and athletics 26,000. Those numbers were not just from the IFs, but were compiled from the NADOs and everybody who collected samples, so they were from the sport itself. The other interesting thing was that, looking at the other major leagues, baseball and hockey, probably about 70,000 of the 270,000 came from the major leagues in the USA which was quite significant, and 58,000 samples were analysed in Los Angeles, with a significant number in Salt Lake City and Montreal, and those were the key laboratories for analysis, with most of their samples now coming from the sports associated with the professional leagues. He gave the members that information so that they would understand that the professional leagues were making significant progress.

WADA would meet with ANADO in November. This body was struggling; it had some financial issues and governance issues to be dealt with. WADA needed it to be a strong body, because it was working nationally at the coalface, and it needed the body to provide that information so that the systems and processes being run could be enhanced. WADA would talk carefully with ANADO about how it might reform and ensure that it was a stable and effective body.

There was an issue related to becoming a signatory about which he wished to inform the members. WADA had had a policy to date of accepting anybody to sign the Code (to be more precise, there were some bodies excluded by WADA, mostly because they had no real part to play in the world of sport), but WADA was now confronting situations whereby international bodies that were not yet recognised applied to WADA so that WADA could accept their rules because, as a condition to join SportAccord, for example, they had to have rules that were compliant with the WADA Code. It meant that, on occasion, WADA was receiving applications to be a signatory from two or three bodies saying that they were the international body for a certain sport. There was currently one issue regarding bodybuilding and several organisations saying that they were the international bodybuilding federation. In the past, WADA had accepted all of these, but he felt that it was time to pause and inform the members in case they wanted WADA to go in a different direction. This might not be a discussion for that day, but it was on the plate with pretty strong requests to be dealt with. The management was currently buying time. He would be interested if there was any comment in relation to that.

WADA had recently engaged the Ethics Committee with a request for an opinion, which had been received the previous week. It was an opinion on research and who could apply. If one was part of a body that involved elite athletes, could one apply for research? Was there a conflict? The committee had given the management a report,

and had asked for clarification on certain matters, which the management would provide, and the report would be tabled in November. He wanted to make sure that the members were aware that the Ethics Committee was alive and well.

MR ODRIOZOLA said that, since the case of WADA not having any right to appeal in Spain had been mentioned in relation to the legal cases, he was very happy to report that his NADO was proposing amendments to Spanish anti-doping legislation so as to bring it fully into line with the Code. WADA's right of appeal was one of the amendments already included in a draft paper forwarded to WADA recently which was under discussion by the Standards and Harmonisation Department.

THE CHAIRMAN replied that he was pleased that progress was being made.

MR JURITH asked whether, in terms of the development of NADOs in developing countries, it would be possible to share with those interested copies of the reports given to Jamaica. That would be helpful. Also, were there any timelines regarding India, Russia and Brazil? This was a very critical situation in terms of the Olympic Games in Russia and Brazil in the not too distant future and the Commonwealth Games in India. He knew that working with governments could be difficult. There was a change in government coming up in Brazil, and he knew that this was a difficult request, but he thought that it would be helpful if WADA could try and pin these governments down to some kind of timeline in terms of when they thought that they would accomplish the tasks, as it was fairly imperative that the Executive Committee get some sense of what was going on.

In terms of ADAMS, he realised that this was a sensitive issue for USADA. In his discussions with USADA, he had learnt that USADA had believed up until recently that there were no technical issues that it understood, and that its IT people were working with WADA's IT people on SIMON's WADA interface. USADA had developed this at no cost to WADA, and had believed that it was technically secure and sound until WADA had decided to pursue another service provider for the ADAMS technology. USADA had made a substantial investment in SIMON, as had some other countries. Obviously, everybody wanted the best system possible for the athletes, but it was imperative that WADA work as closely as possible with the stakeholders in the SIMON programme to achieve that interface, as they were not sure exactly what the technical problems or security issues were at that point. He asked WADA to make a good-faith effort to resolve that issue.

He thanked the WADA staff for coming to what many governments around the table believed was the correct conclusion on the drug information database, which would get the comprehensive nature that had been sought as well as save WADA some cash.

He thanked the Director General for his work with the major leagues in the USA. While WADA would like to see them fully in the fold, that was not the case; however, they were making substantial progress in their own realm, particularly in the area of investigations, Hgh testing and the minor leagues, and a lot could be learnt from the increasingly cooperative relations with them. He thanked the management for its efforts in that regard.

MR RYAN said that he wanted to touch on ADAMS. The urgency of getting the ADAMS updates completed was recognised by everybody, but it was necessary to bear in mind that, for the London Olympic Games in 2012, it probably should be in a really good state at least one year out from those games, which meant that WADA now had a matter of months to get this resolved. It seemed to come back to the meetings over and over, and he appreciated that it was probably quite difficult to address, but the clock was ticking again regarding London 2012; so, to avoid problems, WADA should be in a position to have the updates completed at least one year out from the Olympic Games.

There was a priority within that as well to concentrate on the front end of that and the interface with the athletes, and he was sure that the members were aware of that, because there was a degree of frustration coming back through the IFs about a perceived difficulty in using it, and therefore it was dependent very much on what was actually at

the front end as opposed to the back. It might be that not much adjustment could be made in that respect.

He commented on Mr Jurith's intervention because he thought that, given the situation with ADAMS at the moment, it was certainly far too early to discuss pushing for a sole system, and that might be a debate to which the Executive Committee could come back at some point, but it was not the time to move in that direction until ADAMS was very clearly foolproof and updated.

Regarding the number of tests the previous year, WADA was seeing a natural cycle in terms of the numbers of tests on an annual basis and obviously, following an Olympic year, he thought that it was normal to see a fall-off in the number of tests done in certain Olympic sports. Picking on one sport in particular, weightlifting, which had a major issue, the number of extra tests done in the Olympic year ahead of the Olympic Games had been out of the normal cycle, so he was not too concerned when he heard about a fall in the number of tests, except that the very good news was that the number of tests had increased dramatically in some of the professional leagues, which meant that perhaps the fall in the Olympic sports was greater than thought.

Finally, he thought that he would urge caution in proceeding to recognise or build relations too quickly with what were often perceived to be dissident bodies in sport, and he was grateful to the Director General for raising this and drawing the members' attention to the fact that this could be a sensitive area. It had come up before when a dissident volleyball federation had asked to sign the Code, and obviously what was going on was that, the more people one could get to accept one within the family, the more credibility one had, and he would not like to see WADA used in that way and then later on run into problems because the recognised bodies found that they were sitting at the table beside dissident bodies.

THE CHAIRMAN said that Mr Andersen had told him the previous day that WADA now had 666 signatories, which was a magic number.

DR ELWANI added that the athletes did think that there were some problems with ADAMS, especially regarding whereabouts. It had been recognised that it would take a while to fix a lot of the bugs that were there, and some of them were actually already being dealt with. The athletes wanted to see it happening a little faster, especially on the front end, on the screen. It was not as easy as they had expected it would be, especially since this was a system for use worldwide, and some athletes from underdeveloped countries did not yet know how to use this, despite being sporting stars, and being in the registered testing pools, so WADA needed to make it a bit simpler. Six months had been given for some of the requested changes, and the committee simply wanted to push things ahead a little bit to speed up the process.

MR MCQUAID agreed with Mr Jurith that the countries that had invested in SIMON had invested a lot of money in it, and WADA should try and find a solution with them rather than simply tell them that it did not plan to use it in the future. He hoped that WADA would be able to find an interface that did work.

In relation to the four-year ban, he was also disappointed by the comment made and the fact that it had not been used. In his own federation, he had asked when a four-year ban would be recommended, and each time he had been told, for whatever reason, that a four-year ban was not seen as being compatible with a particular offence. Why did the Director General find that it had not been applied?

Likewise, in relation to blood sampling, he was disappointed to hear that the ADOs were not inclined to look into blood sampling or to go for it. If anybody was 100% committed to the fight against doping in sport, be it a NADO or an IF, and knew that there was a product that could be used by its athletes, be it in the sport or the country, it should do everything possible to try and ensure that it worked towards that and defending the clean athletes. If that meant that the ADOs should be doing blood

sampling, then they should be doing blood sampling. WADA should not be hearing that they were not doing it.

He agreed with Mr Ryan regarding applications from new sports coming in. Perhaps there could be a situation whereby their rules could be reviewed and WADA could say that, if SportAccord accepted them, then WADA would accept them, because SportAccord had a fairly rigorous system for accepting new applicants into sports. WADA could therefore review without actually recognising the sport. It might be a way around it.

Regarding the Tour de France Independent Observer report, he had received a draft the previous day and had read it, and would discuss it later on.

PROFESSOR LJUNGQVIST said that he had some comments and questions. Under the science heading, there was a mention of two laboratories that did not have the mandatory IRMS installed. IRMS was the methodology for detecting testosterone doping. Did this mean that those two laboratories would no longer be accredited? If so, it showed how a decision could be counter-productive for WADA. He had no conflict of interest, but he took the Swedish laboratory as an example, as it was one of the most highly sophisticated laboratories based in a university environment conducting analysis for WADA, and would probably break through with investigations with respect to EPO detection, which would make EPO tests less costly and much more widely usable. Doing away with such a laboratory was not in WADA's interest. He should have been more alert when this decision had been taken. As he understood it, the laboratory was sending the samples for IRMS testing to the Cologne laboratory, which was one of the best laboratories for IRMS testing, and IRMS was not a method that could be done by anybody; it required a certain amount of tests to be conducted every year by those laboratories in order to keep competence at a high level, and he was a little concerned about 27 or 30 laboratories around the world conducting IRMS testing at a low quantity, and therefore also very low quality. Something was being risked here. His basic question was whether WADA was going to do away with one of its main research laboratories, which was currently being supported research-wise by WADA funding.

As to the four-year ban, he reminded the members about the scientific background for this increase. It had been scientifically proven that a steroid doping regime could or would be beneficial in terms of muscular changes and therefore performance enhancing way beyond the two-year period stipulated in the Code earlier on. He would say that the normal standard for steroid doping would be four years, and there were lots of steroid cases, so he could not understand why these athletes were not banned for four years. Only exceptionally should they be banned for a shorter period if they could show that this was a one-off intake, but he could say that most steroid takers did so on the basis of a regimen that had been going on for quite some time. He was highly surprised, because the standard penalty for a steroid case should be four years since the new Code had been established.

Regarding blood testing, he concurred with Mr McQuaid; it was disappointing that blood testing was not being conducted more. Hgh was available and had been used by athletes since 1980, or the early 1980s, and more widely so after it had become more easily available through genetically engineered Hgh. Earlier on, it had been difficult to obtain as it could be obtained only by extraction from the hypophesis of diseased people. It was worrying that growth hormone was not being tested for because that was the interpretation of this low figure for blood sampling. He did not have a solution that would help immediately. The long-term solution was that the Athlete Passport could also be used for the determination of the intake of steroids, hormones and the like, because they changed the urine excretion profile, hormones and hormone metabolites, but this was not yet the case, so that solution would probably help only two, three, or four years ahead. It was necessary to find some sort of mechanism, and he did not have the solution. He believed that the management had thought it over; it could not be made compulsory, but some sort of encouragement or incentive needed to be there in order to increase Hgh testing.

Finally, with regard to player groups, he had expressed confusion at an earlier meeting. He understood that there had been contact with them, as reported, and that it had not been fully satisfactory, as WADA had not been able to take part in the whole meeting, but what did they represent? Why did FIFA or the sports concerned not take care of this? There were athlete commissions in other sports, all International Olympic Federations had athlete commissions, as did WADA and the IOC; those were the partners when it came to athletes, and these were unofficial political groups. Should there be a relation with them at all? He was confused. How many were there? EU players and FIFPro were being talked about here. Were there two groups or more? WADA had to pay attention to whom it talked. He understood the problem, but it was a confusing situation to him.

MR DE KEPPER responded to Professor Ljungqvist about the EU groups. There was nothing that could be done, unless one could convince the political authorities that these were not the elected representatives, which was why the IOC had been in contact with WADA to try to persuade those who were giving them a platform that actually they should not be given one, and that at least whenever they invited the so-called players' representatives, they should also invite the elected athletes from the sports movement. This was unfortunately a long battle.

Regarding the Athlete Passport, when the process of incorporation of a steroid profile was in progress, he would like to understand also how this would work out in terms of cost, as he had heard the previous day from Mr McQuaid what the levy could be on the IF to constitute such blood profiles. What would the consequences of adding to models on steroids be? He would be interested to see if there was an idea on that.

Regarding ADAMS, the update was urgent, certainly for the TUEs, which should be in place from 1 January the following year, so there was a certain urgency.

MR ROWE thanked the Director General for a very comprehensive report. He had a couple of very quick comments. In relation to the UNESCO convention, Ms Jansen had provided him with the current situation and, in Oceania, there had been a movement from six to nine ratifications, representing an increase from 40% to 60%, which was very significant in his region, and he thanked Ms Jansen as it was his view that this was almost entirely due to her efforts.

With regard to ADAMS, New Zealand was also using SIMON, and had the same sorts of issues that others had already expressed, so it was encouraging to see that there was progress being made on the interface. ASADA also operated another system called EUGENE, and he was pleased to hear that a solution had been worked out whereby WADA had read-only access, and that seemed to have overcome some of the difficulties of dual entry. Whether there was some possibility that this interim stage might be helpful for others in the short term, he did not know, but there was a request that he would like to pass on to WADA which was that ASADA was very interested in trying to find a longer-term solution, particularly in interface with EUGENE, and he hoped to be kept posted on the developments as it might help ASADA to find that longer-term solution.

THE DIRECTOR GENERAL responded to the comments and questions. He thanked Mr Odriozola for his efforts in Spain. WADA had also had considerable progress in Belgium as a result of a similar meeting of the minds, and in France, so there were three countries in which WADA had been involved in discourse over the past few months and in which he hoped that the outcomes would allow WADA to have the right of appeal.

He told Mr Jurith that the Jamaican issue was two-fold. He had made a confidential report to the minister in relation to governance, and he thought that probably that should remain confidential to the minister, but WADA had made a report more on the workings, which he would be happy to make available on the basis that it was not published. WADA would not be publishing these sorts of things. He did agree that the countries mentioned (Russia, Brazil and India) needed to be progressed. WADA had spent a lot of time in Russia; the President had been there for a conference a couple of months

previously, and WADA had been working with Anti-Doping Norway, with an agreement it had with its government to provide funding to RUSADA, and WADA was working closely with Russia in relation to preparations for the Olympic Games in Sochi. WADA had some concerns, he made no secret about that, and Professor Ljungqvist had even suggested that WADA have somebody living in Moscow for the years to come prior to the Olympic Games in Sochi. WADA would continue to work with Russia. It had to. The same applied to Brazil. WADA had found some difficulties there after some initial enthusiasm. Russia had a law and a NADO; the issue in Russia was the way in which it practised its law and programme. Brazil did not yet have a NADO and it did not have a law. It did have an accredited anti-doping laboratory, but the anti-doping programme to date had been run by the NOC in Brazil. All of the members knew Professor Eduardo Henrique De Rose. WADA was working with him and others in the government there to get both dealt with. Patience was obviously a virtue. India did have a NADO, which was in place, and had appropriate regulations, which it was practising, but WADA was working with India to get the practice advanced. It was a vast country with significant cultural and language issues, and WADA was trying to help the country overcome some of those and come out of the Commonwealth Games with some anti-doping legacy. WADA had had a lot of cooperation and help from the minister in India and he saw that this progress could continue.

Many members had mentioned ADAMS and SIMON. ADAMS was a high priority. WADA would do as requested to see whether progress could be made with SIMON. He would like to suggest that those responsible for SIMON spend some time and energy on it rather than coming to WADA and telling WADA to do it. These areas needed some action from the other side rather than putting it all on WADA's shoulders. If the members could encourage their people to look at initiating something, that would be of great help, and the same applied to ASADA, with which WADA had had discussions about progress with EUGENE.

He took it that there would be a recommendation that WADA advance the drug information base as recommended, but an executive decision was required. There had been very considerable help from the major leagues for a change. He had been invited by baseball to go to New York. WADA's relationship with baseball had been in the media in the past, and it had been a question of who took the last shot rather than whether or not it might be possible to sit down around a table. Baseball had taken that step and WADA had responded, and he would report more in November, as he thought that some good progress had be made.

He understood what Mr Ryan was saying about London. WADA would trial whatever it had with ADAMS the following year. ADAMS had been at the Pan American Games the previous time and it seemed to him that ADAMS should be at the Pan American Games the next time. That was a good trial event. He did accept the frustrations and certainly these had been passed on to those within the organisation responsible for enhancing ADAMS for the athletes.

In relation to those bodies asking to be Code signatories, the WADA management should perhaps put together a paper and present it to the Executive Committee in November. Perhaps Mr Ryan could help the management to prepare that paper with the information that he had. He would be very happy if SportAccord would make some of these decisions, but SportAccord was currently saying to WADA that it was not accepting anybody as an applicant to join SportAccord until it was Code-compliant. It might be a bit back to front and this simply needed to be straightened out.

He understood what Dr Elwani was saying. The athletes had been very vocal at their meeting about ADAMS. He did not believe that anybody had left that meeting having not heard the athletes' voices. It was significant that the athletes were at one and WADA needed to work with them. WADA was engaging the athletes as much as possible, and would have them involved the following year as observers in Lausanne at the NADO symposium, and the next WADA Athlete Committee meeting would take place on 24 March, the day after the symposium, which would be on 22 and 23 March.

Mr McQuaid had asked about the four-year term. He personally thought that it was "first case-itis". Nobody was prepared to go to court with the first case. Nobody wanted to be the one that had to go to the CAS and spend a lot of money on defending a four-year ban. He thought that WADA needed to get a first case so that this would be established and the guidelines set out by a panel. Everybody involved in the law knew that it was necessary to have a good case to defend rather than a shonky one because if it worked out the wrong way there would be a bad precedent. He would look at how this might be progressed, but he thought that the answer was fear of being the first case rather than stamina.

MR MCQUAID pointed out that, on the contrary, he wanted to be the first case.

THE DIRECTOR GENERAL responded that he could work together with Mr McQuaid on that.

With regard to the blood collection issue, he thought that enough had been heard around the table and he would suggest preparing something for the November meeting on how WADA should progress this. The management should provide some ideas for discussion, but he had just wanted to make sure that the members were alerted to the issue.

Regarding IRMS, it was Executive Committee policy that this should be in place. The policy was that all laboratories should have IRMS by 1 January 2011. What happened then would depend on the reaccreditation process. There was no answer he could give, because all the laboratories had applied for reaccreditation and there were a lot of things that they had to achieve, and the Laboratory Committee would deal with that and come back if there was an issue for the Executive Committee to consider, probably the following May. He did not think that the issue needed to be confronted until then, when perhaps the Executive Committee should hear more from the Laboratory Committee rather than the WADA management.

The issue of the EU athletes was one that WADA could not avoid. Half of the stakeholders were governments. The governments in Europe had decided to recognise this body; therefore, WADA was in a no-win situation, between a rock and a hard place. If it did not recognise them, it was criticised (by governments, the EU and the Commission), so had tended to look at engaging rather than disengaging. WADA needed more support from the EOC athletes, and he knew that Mr De Kepper was working on that. That part of it was a European issue, but there were other player groups. There was an international body of players for some of the professional sports. Football was one: FIFPro was a very strong body. Rugby was another one (the International Rugby Players' Association), and cricket was another. These sports were not totally international but more of them engaged in the professional area were forming together as collectives and unions so that they could put pressure on their employers to get better terms. That included WADA, as one of the terms in the contract involved anti-doping, and that was how WADA got pulled into it. If it ignored them, it was to WADA's peril. WADA was trying to engage as much as possible in order to hear what they had to say. Once they had been heard, they seemed to be more satisfied. They became dissatisfied only when they were not listened to at all. If WADA could involve them in some sort of discourse, it might be a better way forward. He thought that he had answered the question in relation to the EU athletes.

As to the steroid profile, he agreed. WADA should not advance it without explaining what it would mean in practice and cost terms. The biological passport had been introduced as a reaction to the problem of cycling in 2007, which was when WADA had started to get engaged in the project, but he thought that it was the right time to pause, put all the information on the table and see how to go forward, and that should include the issue of money.

He thought he had dealt with EUGENE and SIMON. He was pleased to receive Mr Rowe's comments relating to UNESCO and WADA would continue to work hard in that area.

THE CHAIRMAN emphasised that he was also very concerned about the question of blood samples. Everybody knew that, without blood testing, certain drugs were not being detected, and he recalled the real concern leading up to the Beijing Olympic Games on the issue of kits available for Hgh testing. WADA had run into some hurdles there with one company going into liquidation that had been contracted to put the kits together. WADA had found another company and had now been told that, because nobody was doing the testing, that company was now having some difficulty in the preparation of the kits. WADA's testing programme was not going to be effective unless it had blood samples being taken and analysis thereof, so he did not know if the answer was making such testing mandatory, but WADA had to ensure that blood testing did occur, so the members should be aware of that and give it the support that they could.

The Director General's comments on the major leagues were encouraging. WADA had been concerned about a large slice of sport, particularly in North America, simply doing its own thing. It was now known through the engagement that had occurred (and he was pleased it had) that there was perhaps a lot more being done by baseball than WADA had been aware of, and the fact that WADA now had baseball representatives coming to Montreal and even the Montreal laboratory to see what was going on was terrific. Every day, at least 40% of his daily clippings comprised baseball stories and, in the world of reporting on drugs in sport, the major leagues got some prominence, therefore the public was aware of the difficulty. Whilst WADA could not force them into it, there was good progress; WADA had to find a way of dealing with basketball and would endeavour to pursue that.

Regarding Russia, he knew that it had been of concern to the sporting movement, particularly with the forthcoming Olympic Games in Sochi. He had had the opportunity to spend a few days there six or seven weeks previously, and it was fair to say that he had been underwhelmed by the effort when he had left. He had asked the management to put together what he had described as an ad hoc advisory team, which might continue to monitor what was going on. WADA had offered its full support to Russia. He had had discussions with the Director General over the past few days, and together they would endeavour to put something together there over the next few weeks which would not be limited to Russia. He thought that Brazil had to be included, and he would be in Brazil in November, which would be certainly of some interest to him to see what was going on there, so he had just wanted to mention that to the members.

He stressed the committees. He asked the members to feel free to find people to nominate. It was always good to have a choice. Without nominations, WADA simply had to go back to the people who were there already and ask them to do it again. He was not saying that this was bad; he was simply saying that the luxury of sufficient nominations to ensure that WADA got the best input through its committees was always very helpful.

Regarding the worldwide drug information database, he thought that Mr Reedie had thrown up the flag and asked whether WADA could just pause regarding the proposal, look at what was in existence, and see if WADA could work off that as the platform rather than reinvent the wheel. The report given that day by the Director General indicated that WADA agreed with that proposal. It was now necessary to progress that, as it was of value to WADA. The recommendation from the management was that the initiative undertaken by several NADOs be advanced and enhanced by passing over appropriate information. Were the members happy to support that proposal?

PROFESSOR LJUNGQVIST said that, since he was one of those who had spoken in favour of this project earlier on, this information had not been available at the previous meeting, and he was very grateful to the management for having picked up on the information and bringing it to the members' attention, as he fully supported the proposal now before the members.

MR REEDIE said that he was flattered that people talked about Sochi and Brazil and not about London when talking about future events. He had asked the Director General

if he would be kind enough to invite David Kenworthy, the chairman of the new UK anti-doping agency, to be WADA's guest and observe the meeting; he might have to legally become Mr Reedie's assistant, which would be character forming, but it would be a good thing if he could be present and get to know everybody around the table.

On the question of blood testing, WADA instructed the thick end of 2,000 out-of-competition tests. It seemed to him that WADA should look and see if the respective IFs for whom WADA did these tests had rules that allowed blood testing to be undertaken, that maybe WADA should instruct more blood testing itself almost to set an example. It seemed to him such a logical and sensible way to go that there must be some reason why it was a problem. He did not know how many IFs had blood doping rules. He thought that WADA could encourage blood testing by looking to see how much more it could do rather than asking the rest of the world why it was not doing as many as it thought it should.

PROFESSOR LJUNGQVIST replied that here it was related to Hgh and blood testing, but that was not the full story. There were other methods that would be detected by blood analysis, such as blood transfusion, the use of artificial blood components, etc., so the absence or virtual lack of blood testing was a little alarming and needed to be addressed.

THE DIRECTOR GENERAL said that the management would prepare a paper for November and take account of the ideas raised.

MR ROWE asked about the critical mass of the kits; how many kits were required per annum?

THE DIRECTOR GENERAL thought that Dr Rabin could answer that more accurately. WADA might have to buy 100,000 dollars' worth of kits to have in storage for use.

DR RABIN said that the company needed to sell at least 1,000 kits a year to survive. The current figure was about 30% to 40% of that. It was only one company; WADA had approached several companies. It was necessary to realise that the anti-doping market was extremely small compared to the diagnostic market. No company had wanted to produce the kits, so WADA had had to convince a small company to do it.

MR ROWE said that his notes reflected that ASADA had undertaken some blood testing and purchased some kits, but the factor that applied between the number of kits and tests was a factor of 10, so that meant that it needed to be doing 10,000 blood tests per annum. Was that the outcome?

DR RABIN responded that it was necessary to make distinctions when talking about blood testing. Testing for the Athlete Biological Passport was one area, and then there were tests for the detection of prohibited methods or substances (and in that area there was Hgh, CERA, and Hematide and gene doping in the future), so WADA currently had no clear view of the distinction between the Athlete Biological Passport and the regular anti-doping tests. Concerning Hgh specifically, the company needed to sell a minimum of 1,000 kits per year, which would mean about 30,000 Hgh tests being conducted.

THE CHAIRMAN thanked the Director General for his report.

3.1 Standing committee chairs 2011 – Athlete and Education

THE CHAIRMAN asked the members to reach a decision on the appointment of chairs for the WADA Athlete and Education Committees. It was the recommendation that Mr Fetisov be appointed chairman of the Athlete Committee. Was there support for that? On the issue of the Education Committee, a matter had been raised at the government meeting that morning.

On behalf of Mr Gary Lunn, Minister of State for Sport, MR BOUCHARD informed the Executive Committee that the Sports Council of the Americas, CADE, had adopted at its previous annual general meeting a rotation mechanism for the appointment of the Americas representative on the WADA Executive Committee. As a result of this, Canada

had been appointed by CADE as the Americas representative on the Executive Committee as of 1 January 2011. For this reason, Canada would not seek reappointment as the chair of the Education Committee. On behalf of the minister, he expressed his sincere appreciation to the Executive Committee members and WADA management for giving the opportunity to Canada to lead the committee over the past six years. Since 2005, the Canadian Government had had the privilege to cooperate with enthusiastic and competent individuals committed to ethically-based sport and education as an integral part of the fight against doping in sport. He also extended his appreciation to Mr Koehler for his professionalism and constant support and guidance during Canada's mandate as chair of the Education Committee, and thanked all of the members for their engagement and contribution to this important effort and for their ongoing dedication to anti-doping education in their respective countries and sports organisations.

THE CHAIRMAN said that the Executive Committee obviously understood Canada's position. That left a vacancy, for which he sought nominations.

MR ROWE thanked Canada and Mr Lunn for their contribution. The withdrawal of Canada created a vacancy and he would like to nominate the USA for that position.

THE CHAIRMAN asked that the USA accept the nomination.

MR JURITH responded that the USA had chaired the committee in the past and, under the leadership of Canada and with Mr Koehler's great assistance, the USA looked forward to that assignment.

THE CHAIRMAN noted that, that being the only nomination, he declared Mr Jurith as the USA representative elected. He also expressed WADA's appreciation for the work that Canada had done and Mr Bouchard in particular over the past six years. He knew that ministers chaired these committees, but the sleeves got rolled up at another level and in this instance he knew that the Education Department and its manager had always appreciated the support received from Mr Bouchard and his team.

DECISIONS

1. Management to prepare a paper on the issue of blood testing for future discussion.
2. Mr Fetisov reappointed Chair of the Athlete Committee.
3. Mr Jurith appointed Chair of the Education Committee.
4. Director General's report noted.

4. Finance Report

4.1 Finance and Administration Committee chair report

MR REEDIE noted that one of the interesting issues with which the Finance and Administration Committee was faced was trying to guess in advance what decisions the Executive Committee was going to take as it put together projections, and it did that with the best will in the world and was clearly flexible enough to amend figures in the light of decisions taken by the Executive Committee. The members should also know that, on occasions, the Chairman and he got involved in decisions that had financial implications, and two recent examples were the purchase of the source code for ADAMS and the revision of the rental agreement for the offices. The Finance and Administration Committee got advice from the management and, on both those occasions, he had thought that the advice was sound and said that he was happy with it. He suspected that the Chairman had said much the same thing. That was the background to some of the issues appearing before the members. There was a recurrent theme in what he would be talking about for the next five minutes or so, the question of litigation, and there had recently been an ad hoc legal meeting, and he would ask Mr Niggli to comment

on that, because what that meeting sought to do would have financial implications for WADA if successful and, at the end of the presentation, he would refer the members to the draft budget for 2011 and suggest that, if they were happy with it, the Executive Committee present it to the Foundation Board in November because it was up to the Foundation Board to decide whether or not to approve it.

He referred to the minutes of the meeting held on Monday 26 July in Lausanne. He was very grateful to his Finance and Administration Committee for agreeing to move the date a day earlier, because 27 July had represented precisely two years before the opening ceremony of the London Olympic Games and there had been a party in London and he had been keen to get back to that. There was a new committee member, Natalia Zhelanova, from Russia. The Executive Committee members might be struggling with Russia, but his committee had a Russian delegate who had not arrived clutching millions of roubles as a contribution to WADA, but she did make a contribution to the committee and that was a good thing, and he was grateful to Dr Schamasch for helping her with her accreditation at the Youth Olympic Games in Singapore, during which she had been attached to the Russian delegation.

One of the things to which he wished to draw the members' attention was that WADA's international auditors, PWC, produced an internal control memorandum, which told WADA after it had done its audit whether WADA was behaving properly or otherwise as far as WADA's accounting systems were concerned. He had seen a number of internal control memoranda in his time, and he had very seldom seen the last two that WADA had had, which had been almost exactly clear; there had hardly been a comment at all. The only comment received in this one had been to pay attention to the fact that WADA needed advice on the IRFS, to which WADA had agreed, as that advice was provided by PWC, for which WADA paid it; so, if that was the only thing PWC had to complain about, he was pretty relaxed about the financial controls within the agency.

The figures were based on information available up until the end of June 2010. Those were the half-yearly figures. There were half-yearly accounts, which were in the files, and there was also a half-yearly comparison of the budget against the actual figures. He had had further information from Ms Pisani taking him through until 31 August, and he had looked at this and could not see anything happening that gave him any great cause for concern other than the horrendous price of litigation, to which he would come back.

Looking at the half-yearly figures, the members could see on the second page of the minutes the things that had been dealt with, the high cost of litigation, the expenses for the ADAMS project, the need to try to get funding from EU institutions for laboratories in Europe. If WADA could coordinate that, more money would be made available for research, the RADOs and Code compliance expenses. The committee had unearthed what it thought was a slightly high charge of bank fees when making what had turned out to be wise and sensible investments, and the committee had said that it thought that the banks were charging too much money.

DECISION

Finance and Administration Committee chair report noted.

4.2 Revised 2010 budget

MR REEDIE said that the significant changes in the revised budget on litigation costs were substantially higher that year than anticipated. The Finance and Administration Committee had decided to suggest to the Executive Committee that, if these litigation costs ran very substantially over budget, WADA actually use the litigation reserve (there was not much point in creating a 1.5 million dollar reserve fund and then never using it when costs ran over budget). The Executive Committee had decided that it wished to have an enhanced Athlete Committee. The costs of that were around 100,000 dollars per meeting. It was a big committee; that was what the Executive Committee had wanted to do and that was the financial effect of that decision.

The ADAMS situation had been talked about. The problem was that, every time WADA thought that it had got the proper set of services and advice together, it had been proved wrong. That was not WADA's fault; it had taken the best option at any given time, but one of the base problems was that, up until then, WADA had never really owned the source code for the system that it was using. The management had come to him and suggested that WADA should do that, which was why WADA was purchasing the source code, which was an absolutely essential part of putting the whole thing together quickly so that the system worked much better in the way the athletes wanted, preferably early in 2011.

Looking at the whole 2010 budget, the members would see that there were significant savings in the other part of the IT operation, so the overall IT budget was down by about 12%, even though WADA was purchasing the source code.

The other major issue was an increase in costs on office accommodation. WADA had had the opportunity to renegotiate its rent in Montreal on favourable terms. This involved changing some of the geography of the office to fit in the people necessary and WADA had done a good deal, which would involve savings over the next few years of about 3 million US dollars, and WADA would get a renovation grant from its landlords for doing that. There was an up-front cost of somewhere just over half a million dollars but, at the end of the day, the savings would be substantial.

As far as the 2010 figures were concerned, WADA had had some difficulty that year in rapidly collecting government contributions, particularly in Europe, because the Council of Europe, which did the allocation for WADA, had done the sums wrongly, so WADA had invoiced the wrong amount, and had then had to go back and invoice again. That tended to slow down the receipt of contributions. He thought that WADA had recovered from that. There was an up-to-date system on government contributions that he would deal with at the very end of the report.

At that stage, the 2010 revised budget was what the Finance and Administration Committee thought was likely to happen throughout 2010. He was not sure that it needed approval. He thought that the members probably needed to note it.

THE CHAIRMAN agreed that this was clearly a matter to be noted. On the basis of the presentation of the 2010 budget, did anybody wish to ask a question or make a comment?

MR JURITH asked about the money that would incur back to WADA as a result of the office refit and the payment back from the leaseholder and so forth. The papers were a little bit confusing on that. This had been discussed at the government meeting that morning and explained by the Chairman and Mr Niggli. How would those savings accrue back to the agency? What would be the plan for those savings as to how that would work out in the future?

THE CHAIRMAN said that he had asked the Director General specifically for information on that and offered to read from his cheat sheet. Having committed to remain in Montreal, the existing lease had been coming to a conclusion, and the management had taken it on itself to take the initiative at the height of the global financial crisis to examine the options available. Two other alternatives in the city had been explored, and a comparison had been made. The management had decided to recommend remaining at the premises because of the favourable terms negotiated at that time. Whilst the current lease had not yet expired, if WADA had not moved at that time, all the indications were that the market had improved significantly in the course of that year, and the favourable terms negotiated would not actually have happened. WADA was currently paying 28 dollars per square foot, plus 18.79 dollars for operating expenses. Under the new lease, the 28 came down to 16 for the first three years (the operating expenses remained constant under the new lease), 18 dollars for the next three and, for the remaining four, 20 dollars, making a total saving of just under two million dollars. In the context of getting a rental holiday, which landlords would give, the management had negotiated six months of free rent, which would be applied in the first

six years of the new lease, in the months of March on all of those years, and that free rent totalled 160,000 dollars. The fit-out to rearrange what was currently a large store room on that floor to ensure appropriate work spaces for existing staff was somewhere in the vicinity of half-a-million dollars, of which 383,000 dollars had been contributed by the landlord. If WADA then got some favourable tax treatment on the lease in the manner in which it was legally constituted, that could mean a saving of 50,000 dollars per year or a total of 500,000 over the ten-year term of the lease, so there was a potential to get savings of up to three million dollars, and he wanted the members to understand that, as he could only congratulate the Director General and his team on moving when they had to bring about an outcome of such a nature and the savings that would be built in. He had not wanted to jump in, but he had been most interested himself and the Director General had been kind enough to provide him with some of those details that were clearly not in the papers that the Executive Committee members had before them.

MR JURITH appreciated the explanation, but asked how the savings would recoup back to the agency. What would be the plan for these savings in the future?

MR REEDIE responded that he had not been favoured with a copy of the note, but he remembered the figures from the discussion. The answer was that costs would be reduced over the whole period. Every now and again, if one was in the rental or property business and one got the market correct, one could do a deal that would reduce costs in the long term. He had consistently resisted requests from the management for more space. He did not want to rent out another floor in the IATA building at enormous cost. He wanted the management to put everybody properly in the current offices, purely from a financial and cost point of view. This seemed to him to be an outstandingly good deal over a ten-year basis.

THE CHAIRMAN added that the new lease started at the beginning of 2012, so the members should be vigilant at that stage to see that the savings were visible, as that was when the savings would kick in, apart from the contribution for the fit-out, which would come a little sooner, but WADA would have to fund the fit-out before the 384,000 dollars were refunded by the landlord.

MR ODRIOZOLA noted that he did not think it was fair to mention the Council of Europe mistake again, particularly when the contribution of European public authorities was missing less than 300,000 dollars out of the more than six million invoiced, whereas the Olympic Movement contribution at that moment was missing more than 1.6 million dollars. The mistake made by the Council of Europe had been mentioned in May and he thought that all the countries involved had paid, and he did not think that the two or three big countries that had not yet paid had anything to do with the Council of Europe's mistake. This was a matter of internal problems.

MR REEDIE responded that he was happy to accept that. It had been discussed by the Finance and Administration Committee, which was why he had reported it. He agreed that the non-payment in Europe, to be dealt with later on, had not had anything to do with that particular mistake. WADA had an arrangement with the IOC, whereby the IOC paid WADA in three instalments. Instead of asking the IOC to give WADA a cheque every third day when somebody made a contribution, the IOC paid WADA over three instalments with a balancing payment at the end of the year. That was a convenient arrangement with the IOC, and he was quite relaxed about that.

DECISION

Revised 2010 budget noted.

4.3 Draft budget 2011

MR REEDIE said that the Finance and Administration Committee had decided to give the members 22 pages of detailed explanation on costs across every one of the departmental budgets so that they would know exactly why the figures were there. He hoped that the members found that helpful rather than having to plough through the

actual budget figures themselves and trying to extract the information. These fitted with the WADA Strategic Plan and the Finance and Administration Committee had also tried to make sure that they were relevant to the operational plan that WADA had over the next 12 months. The Finance and Administration Committee had spent quite a long time going through, on an item-by-item basis, every item of expenditure for every department in WADA. It had undertaken to do that at the request of one of the government representatives. It had not simply made assumptions. The Finance and Administration Committee had looked to see what savings could be made. The President had also been at the Lausanne meeting, presumably to make sure that the committee did not get out of line, and the Finance and Administration Committee had gone through every item to ask whether it could be reduced reasonably and sensibly. This had been done before the budget had been put together. There were a number of major issues in it, all covered individually in the 17 pages to which he had referred. One of the major costs was remuneration costs to staff, budgeted for the following year on an absolute maximum of 2%. At the time of doing the sums in Lausanne, inflation in Canada had been 1.8%, so at 2% there was a very small margin left to the management for a little bit of flexibility, but not very much. There were again issues on high levels of litigation costs: the 2011 budget was less than the estimated figures in 2010. Mr Niggli would talk about the ad hoc legal group in a moment. The Finance and Administration Committee had been as accurate as possible on ADAMS costings, as that was a high-ticket number. The Executive Committee wanted to hold two Athlete Committee meetings in the year. If it wanted to do that and one cost 100,00 dollars, two would cost 200,000 dollars, and that was a high-ticket item as well. There was an issue on investigations and perhaps how these were defined, and he would be interested to hear what comments people might have. The Finance and Administration Committee believed that what the management had recommended would have a cost item of around 100,000 dollars in 2011. The Finance and Administration Committee had agreed to an increase in the Social Science Research Programme, as that had been asked for two years previously and it had taken some time to get to that. There was also a substantial commitment on the Athlete Biological Passport (350,000 dollars). There were quite a lot of high-ticket items that the Executive Committee believed were important to achieve. All in all, the assumptions made were a 2% increase in contributions from the Olympic Movement and the public authorities, a maximum of 2% on remuneration, a 96% success rate on collection of government contributions (and that was the important one because the IOC matched the government contributions on a dollar for dollar basis), and he relied on Mr Jurith to make sure that the US dollar strengthened, as WADA was currently getting killed quietly in Canada because it was paid in US dollars and paid out in Canadian dollars, so the Finance and Administration Committee had assumed a 1.04% exchange rate.

The Finance and Administration Committee thought that the budget made sense and in fact the most relevant figures at which he looked were at the very end of item 4.3, which was how WADA would allocate or spend its unallocated cash. WADA had created an operational reserve of 2.4 million dollars and had been able to do all of that as a result of an extremely "good" year the previous year when many things had moved in WADA's favour. At the end of 2009, WADA had had just over nine million dollars of unallocated cash. WADA would have to subsidise that year. The Finance and Administration Committee estimated that it would have to subsidise again by about 1.8 million in 2011, and WADA would go through to the end of 2012 leaving less than three million of its unallocated cash on that assumption. The Finance and Administration Committee believed that, rather than cut back activity just to make the books balance when there were nine million dollars of unallocated cash in the bank, WADA should spend it over a controlled period on WADA activities, and he had given the members the high figures. Two things would help if WADA wanted to improve the situation. One was exchange rates. A strengthening of the US dollar would be significantly helpful and, if WADA ever got back to the wonderful year of collecting 100% of government contributions, that would help as well. The Finance and Administration Committee thought that the budget would work from a finance point of view, and that there were funds there to manage the activities of the agency over 2011, and it was up to the

Executive Committee to decide whether or not to put the figures to the Foundation Board in November. The Foundation Board would have to decide whether or not to accept them.

MR FUJIWARA said that he would like to give the members a brief report on what had been discussed at the informal government meeting that morning. The proposed 2011 budget had been discussed. At present, all the governments were faced with severe financial difficulties and were under pressure to reduce spending. The governments acknowledged the importance of anti-doping activities and fully supported them. This had been made very clear. However, the USA, Spain and Tunisia had expressed that the increase above 2% would be very difficult. He had also reported to the meeting the outcome of the Asian intergovernmental finance committee meeting, saying that many Asian countries had expressed the same view at that meeting. Canada had suggested that some expenditure items could possibly be deferred and that WADA should explore alternative funding sources. These studies should be done in time for the Foundation Board meeting in November. Australia had expressed the view that the explanation and justifications on the budget increase should be presented in far greater detail to the members, particularly with budget proposals for 2012 and onwards. Europe had proposed that, along with the proposed budget with the increase, there should be an alternative plan with a zero budget increase.

MR JURITH thanked Mr Fujiwara for his summary of the meeting that had taken place that morning. He did not think that the very difficult financial situation that governments currently faced was a secret to any of the members. In many cases, they were facing reductions in budgets across the board. That was the reality that was faced. He appreciated the explanations received that morning as to why some of the increases were necessary, and this was no reflection on the hard work being done by the Finance and Administration Committee and the management to keep costs low, and he appreciated that. That said, the government representatives faced a different dynamic, in that they needed to go back to their governments and explain why these increases were needed when they were under incredible financial strain to reduce across the board. He would encourage the management and the Finance and Administration Committee to take a hard look at the 2011 proposal to see where there might be further reductions, to minimise the impact upon any potential increase in contributions by both governments and the Olympic Movement. The Finance and Administration Committee had strived to do that to that point, and he appreciated that, but it would be helpful to the government representatives as they went back to their superiors in government to explain why dues were going up the following year for WADA when other programmes were being cut in their agencies.

MR ROWE thanked Mr Fujiwara for the summary report. He added a slight clarification regarding the comments that he had made at the meeting that morning, and apologised if he had not made them clear enough. The comment about detail really related more to the revised budget for 2010, and that detail had been forthcoming through the advice of the President and Mr Niggli during the meeting. As Mr Reedie had advised, with the benefit of that advice, particularly about the accommodation arrangements, it was something that should be applauded rather than questioned. He appreciated that a lot of detail was being provided in the 2011 budget, but the comments had really related to the 2010 update.

MR ODRIOZOLA subscribed completely to what Messrs Jurith and Rowe had said. The European public authorities had met the previous week in Strasbourg. Regarding the 2011 budget, they proposed the addition of a column featuring the 2009 budget references. Regarding the 2012 budget, he reiterated that more insight would be needed in time for the 2012 budget exercise to associate public authorities in the forecast of programme and management priorities and costs, and had a very clear proposal that, whatever the final proposal on the 2012 budget, there should also be a budget version based on zero growth.

MR REEDIE dealt with the comments in reverse order. He told Mr Odriozola that of course a 2009 column could be shown to enable a comparison with a previous year. The Finance and Administration Committee could actually plan ahead and provide some idea of what it and the management believed 2012 would be like. To do it with a 0% increase could be done, but the members should not think that, because it could do it, it agreed with it. It was just an arithmetical exercise. The members could do the sums just as easily as he could.

He thanked Mr Rowe for his comments on the accommodation deal, which he also thought was outstanding.

He told Mr Jurith that, regarding his comments about governments individually, nobody involved in sport was under any misapprehension at the moment about how tough life was, and he came from a country facing huge governmental cuts. He would not be surprised if sport was affected. The battle in Britain over the next few months would be to make sure that there was a minimal effect on the plans and conduct of the 2012 Olympic Games, in which WADA was involved, but perhaps only marginally. He thought that it would be fair to say that, from his knowledge of the finances and statistics at the IOC, the IOC was also aware of financial issues, and it had been a fairly unanimous view one year ago that a modest increase, well below the original figure of 4%, could be accepted by both the Olympic Movement and governments. If financial situations had changed to such an extent in 12 months that that was no longer feasible at all, then the Executive Committee or the Foundation Board would have to react to that.

He told Mr Fujiwara that perhaps there had been a problem with the interpretation. Mr Fujiwara had said that any increase above 2% would be difficult. That was fine; the increase could be kept at 2%. Nevertheless, he did not think that that was what Mr Fujiwara had meant; he thought that Mr Fujiwara was saying and recording the opinions from all of the people who had attended the government meeting that morning that there was pressure on all of their budgets. His case, and this had been discussed in Lausanne, was that the Finance and Administration Committee was aware of the situation. As he had said, 560,000 dollars was the effect of 2%. That, divided by every government contributing to WADA, was a relatively modest amount of money. He thought that the difficulty that most of the governments had was that, if they were seen to increase in any element of payment to one international organisation, it left them in difficulty when all of the other international organisations came along and asked why WADA had been chosen. His answer to that was that the Finance and Administration Committee thought that this was important, that the fight against doping in sport was important, and WADA could not walk away from this having entered into it. Personally, his long experience of dealing with contribution rates (whether it was subscriptions to clubs or anything else) was that, if one ever got into the situation whereby one did not apply some form of increase, one would be in big trouble as, if one said that an increase was not needed this year, then the argument was that an increase was not needed the following year and then, in year three, it was necessary to come back and say that a 7% increase was needed, and everybody would go crazy. He was happy to submit what had been presented to the members on that basis. Things might improve on the basis that WADA might collect contributions better than it thought it would (above 96%) and exchange rates might move in WADA's favour, although his information was that that was probably rather wishful thinking. He thought that the scale of the activities of the agency was sufficient to justify that relatively modest increase in contributions and, as far as justification was concerned, that was why the Finance and Administration Committee had given the members 17 pages of detailed justification. Every item of expenditure in which the agency was involved was listed there. He was not quite sure how much more information could actually be provided.

He suspected that all that could be done, unless there was a move not to accept the figures, was that the Executive Committee could do one of two things: either put them to the Foundation Board in November and see whether the Foundation Board would accept

them, or come back and say quite ruthlessly to the management to cut costs because it would not pay 2%. The arithmetic was easy; it was the principle that was at stake. He promised the members that the Finance and Administration Committee had looked at the costs very, very hard indeed. The management had been asked to justify all of the costs for 2011. He could not give the members any more comfort than that.

MR BOUCHARD thought that the request for more information had been dealt with that morning. The two options laid out by Mr Reedie were possible, but he was wondering whether there might be a third one. One of the questions he had asked that morning had been whether or not some of the expenses might be delayed and if there were things that might be spent after 2011. 560,000 dollars was not a whole lot of money for the entire sports movement and the governments, but it was still an increase and a matter of principle in the current context. His own organisation was delaying things until the situation improved. He was just wondering if this was something that might be done. Looking at the two options, if WADA were to go with the 0% increase, what would the impact be? This might help provide a better sense as to the impact of the decision.

MR JURITH thought that it was necessary to be careful in terms of how WADA described the investigative portfolio, as there were some contradictory statements in the documents. WADA should not send a signal that it was trying to create some kind of investigatory unit. It was trying facilitate the exchange of information coming to WADA and share it with the proper law enforcement authorities. WADA should clarify precisely what it was about before going forward with that project.

THE CHAIRMAN detected that there was clearly pain in the room, but the message was that WADA ought to increase its budget by 2% and maintain its existing services, and that entailed eating into the reserve significantly, but that was not something that anybody would see as being other than appropriate. Or should there be an alternative? This was a draft, and he certainly backed up the chairman of the Finance and Administration Committee in the context of the manner in which it had been dealt with; each line item had been examined, and the rationale and the value had been considered before the committee had ticked off on it. The Finance and Administration Committee recommendation was the overall 2% increase. It was only a draft; it would have to be finalised in November before the recommendation went through to the Foundation Board. However, if there was an alternative from the comments made, he certainly did not want to discourage that alternative being stated. He had heard the comments, but wondered what the wish of the Executive Committee was.

MR REEDIE said that he could balance this easily, but it was not his job. If the Executive Committee wished to reduce activities, it had to tell the Finance and Administration Committee which ones it wished to reduce. The Finance and Administration Committee needed guidance in policy and philosophy. Making the figures balance was dead easy. It was a fairly hot question for the here and now; it might be that the question should be posed here and now and then answered at the Executive Committee in November, and somebody could come back and say that he or she did not think that WADA should do such and such a thing. That was a matter of debate.

MR ROWE sought clarification. The proposal to bring forward a second budget based on 0% was for 2012, so there was no suggestion to push forward with a zero option for 2011.

THE CHAIRMAN responded that the suggestion would certainly be taken on board in the context of preparing figures the following year. Was there any wish to alter the recommendation of the Finance and Administration Committee as put to proceed with the draft, which was based simply on the 2% and maintaining services by using 1.8 million dollars of reserve? WADA had already started eating into those reserves, which were starting to dwindle quickly. In tough times, however, this was entirely appropriate. He took it that the members wished the management to proceed with the final budget, to be presented in November to the Executive Committee for recommendation to the

Foundation Board in the manner in which it had been presented to the members by Mr Reedie.

DECISION

Draft budget 2011 approved.

4.4 Quarterly accounts

MR REEDIE referred to the half-yearly accounts to the end of June. He had seen the figures until the end of August and reported in simple terms that the total cash and investments had been slightly higher at the end of August than they had been at the end of June. A figure on page 7 of the accounts was shown under "profit", which was a purely accounting issue, because WADA collected lots and lots of money in the first half of the year but only spent half of its expenses, so one ended up with a figure known as "profit", which was absolutely correct in accounting terms but absolutely ludicrous in common sense terms. The members would be pleased to hear, however, that there had still been a profit at the end of August, although not as high as the one in June, but it was still heading in the right direction. He was perfectly happy with where WADA was at the moment.

DECISION

Quarterly accounts noted.

4.5 Government/IOC contributions

MR REEDIE said that this was the final issue, and he would be very interested to have the public authorities' views on this. There was an up-to-date (as at 17 September) contribution list from the public authorities all around the world, and WADA had collected as near as one could get to 96%. The issue was how much of the rest it was going to collect between then and 31 December. Also, if WADA could not collect it that year, would it be able to collect it in arrears the following year? That had happened before: some countries had not paid in 2009 but had paid for 2009 and 2010 at the same time in 2010. The members could see where the major problems lay. Some of them would appear to be not expected but understood. Greece, for example, was currently suffering very, very severe financial constraints and had yet to pay its WADA subscription. He proposed to go to the meeting of the European Olympic Committees and discuss that with the head of the Greek NOC, who he believed ran the stock exchange in Athens. There were one or two quite substantial sums due to WADA, which was why he resisted the temptation to assume that WADA would get 100% when budgeting; although, if it did get 100%, it was huge credit to those people who actually encouraged payment, and that would help the situation. Sitting there, however, he simply could not say to the members that another 2% was guaranteed between then and the end of 2010. He had even less idea as to what projections one would make for 2011. The predictions had been kept at 96% assuming a 2% rise, so any members with a crystal ball should rub it and show it to him.

THE CHAIRMAN drew the members' attention to a more updated paper on the contributions on their tables, and it was dated 17 September. As Mr Reedie had pointed out, that showed one or two glaring blanks in the context of Europe. Who knew with Greece? Nevertheless, the interesting thing there was the 2010 contributions to date, which were below that 96%, and Mr Reedie's assurances that, to the extent that a final budget was put forward, if there was that additional contribution made, it might give some room for that final budget in November to have some variation on what had been agreed that day.

MR DE KEPPER noted that the IOC had some good connections with Hungary and Ukraine and might be able to help support WADA.

PROFESSOR LJUNGQVIST said that he did not see Israel anywhere.

THE DIRECTOR GENERAL replied that WADA had had some difficulty politically with Israel, which was not part of Europe or Asia. WADA had collected from Israel in the past, but had been unable to allocate a proportion as it fell neither in Asia or Europe. Nobody wanted Israel. That had been the difficulty. WADA had been able to negotiate directly, and was still in contact with the consul general in Montreal, and would use that connection to try to get some money from Israel.

MR JURITH informed the members that, under the UNESCO structure, Israel was lumped in with Europe. He did not know if that was of any help.

THE DIRECTOR GENERAL noted that Israel did not fall under the Council of Europe division of the European contributions to WADA. That was the issue. It was a bit trickier than the UNESCO division.

THE CHAIRMAN said that WADA was trying to be as diplomatic as possible with regard to that particular matter. He did not think that anybody particularly wanted to allocate a home for Israel.

MR REEDIE said that sport regarded Israel as European. The problem was that the allocation of money was not a sporting responsibility; it was a governmental responsibility.

THE CHAIRMAN concluded that Israel was not being ignored.

MR REEDIE said that he was just guessing at what might happen in November and, looking at one of the major costs, the cost of litigation, he asked Mr Niggli to report on the meeting of the ad hoc legal group, which, if he understood correctly and if what it was suggesting came about, might well have a beneficial financial effect on WADA.

MR NIGGLI said that the meeting of the ad hoc legal group would not solve the cost of litigation, but certainly the idea of the meeting had been to look at the CAS, and look at it from the viewpoint of cost, speed of the procedures and quality of the decisions. That had been the main focus for the day. The idea had been really to brainstorm with experts who were regular users of the CAS and come up with some good ideas to be suggested to the CAS. This would result in a letter to be sent to the CAS in the coming weeks, and the members would receive a copy of this letter at the next Executive Committee meeting. Some very good suggestions had been made. The key issue raised and agreed on by all participants was that, if WADA wanted to be able to improve procedures and probably try to reduce costs, the first thing to be done was to try to improve the list and the quality of the arbitrators, and in particular the quality of the chairs of the tribunals because, if WADA managed to have a sub-list of a number of very high profile individuals, who would only be chairs and would not be appointed by parties, he thought that WADA would be able to convince a lot of stakeholders to continue arbitration with single arbitrators, which would reduce the cost by two-thirds, and manage to have procedures conducted in a much more speedy and professional fashion, avoiding too many procedural issues remaining unsolved and prolonging the case and so on. That was one of the key suggestions that WADA would make to the CAS: to find a way to have a selection of chairs who could play that role and give more confidence to the stakeholders so that they would agree to go with a faster and simpler procedure. A number of other things would also be suggested, but that was one of the main ones.

On the cost of litigation, in 2010, and this had already been talked about in May, one of the reasons WADA was way above budget was because there had been special litigation with Valverde. This case had not been the usual type of case. It had actually been two cases with a lot of difficulties and the issue spread over three different countries and jurisdictions. There were also currently several costly litigations in Belgium, including civil courts, the State Council, the administrative procedure and matters of European law, and all that inevitably added to the cost. It was very hard to predict what the cost would be the following year. In the light of the passport case that WADA would now be facing, and it would be joining the UCI to defend these cases before the CAS, WADA was entering into cases that were more complex than the usual adverse

analytical result. These were cases in which the anti-doping organisations had the burden of proof, and obviously that immediately required more work by the prosecution to make sure that the relevant evidence was put forward. WADA would do its best to improve the CAS and make good suggestions to the CAS, but the members should be under no illusion: this would not reduce the cost of litigation drastically.

MR REEDIE thanked the Chairman and his colleagues for their courtesy and the elegance of the debate. Everybody was aware of the options. He thanked Ms Pisani and the finance staff for the very accurate and terrific work that they did.

THE CHAIRMAN thanked Mr Reedie. He acknowledged the appreciation of the Executive Committee for Mr Reedie's work as the chair of the Finance and Administration Committee. The members would note the items in the report and the oral report given by Mr Niggli. Regarding the minutes of the meeting in Lausanne, page 4 item 16, would the members like the management to consider putting the research budgets together (the science and social science research budgets)? Would the members like the management to put together an evaluation paper on that matter? He did not particularly want to ignore the suggestion from the Finance and Administration Committee, and he thought that the way forward was not for a decision that day but to ask the management to consider it and prepare a paper for evaluation. Would the members like that to occur?

DECISIONS

1. Evaluation paper to be prepared by the management on merging the research budgets for the science and social science research programmes.
2. Government/IOC contributions update noted.

5. World Anti-Doping Code

5.1 Measuring Code compliance

MR ANDERSEN stated that the paper was a recommendation to the Foundation Board in November on criteria for measuring Code compliance of signatories, and it was a paper that would enable the WADA management to have a set of criteria that would help it report back to the Foundation Board in November 2011 when it had to report officially on Code compliance. He had listed some of the criteria: obviously, the acceptance of the Code, the incorporation of rules that used regulations and, finally but most importantly, implementation and carrying out of the provisions of the WADC. WADA would shortly be able to get some more input from signatories in terms of an online questionnaire, asking questions about what the various signatories were actually doing. The criteria under point 3C were proposed to be measuring, and this was directly taken from articles in the Code, an effective number of in- and out-of-competition tests, that there must be no-advance no-notice testing, target testing, that there needed to be whereabouts provisions, a TUE system, a result management system and, finally, that there had to be education programmes in place. These were directly taken from the Code; it did not comprise all of the articles, but it was felt that these specific articles were important in order to give a picture of where the various signatories were. This was a recommendation for the members to make to the Foundation Board in November.

THE CHAIRMAN asked the members for questions or comments on the paper.

MR RYAN said that he was happy with the criteria, but thought that it was really important if the Executive Committee approved the proposal that very good and skilful communication was made to all the stakeholders so that they were absolutely crystal clear about what they would have to do to get compliance status. The second point was something he tended to go on about often. It was just a request to have a consideration for a scaled, perhaps more didactic approach showing the degree of compliance. He gave the example from the sports side, one of the IFs for which he was not responsible,

the International Ice Hockey Federation, which currently showed as not being compliant; however, looking at the Director General's report, one discovered it was because everything was 100% perfect but WADA was waiting for the federation to have a meeting to formally endorse its rules. It might be more helpful, therefore, to have some sort of system, and he hesitated to give the example he had given that morning, as it seemed to have reflected badly on his character, but he had talked about one being stopped by the police for suspected drink driving. In many countries, when one was asked to blow into something, the device did not just show green or red (he was told), a number of little yellow lights came on until it reached the red point, and he just wondered if it might be worth considering something that would give anybody looking at this an idea of whether this was a serious issue instantly with non-compliance or whether the federation in question was 99% there.

MR ODRIOZOLA expressed the satisfaction of the European public authorities on having the criteria in black and white and expressed satisfaction to WADA regarding its proactive role in monitoring compliance. He supported the recommendation for the criteria.

THE CHAIRMAN stressed again that WADA had an obligation to undertake an audit on compliance prior to the end of the following year. WADA had had the similar obligation for the end of 2007 which had seemed to roll over because of a reluctance to address it head-on. Reasons in the past did not really matter. He was keen to see WADA actually doing the audit the following year and, whilst he accepted comments such as Mr Ryan's, and WADA would do everything from its perspective to assist the parties, he drew the members' attention to the criteria in item 3. A and B were pretty straightforward: they were preliminary steps, thresholds that had to be crossed. However, in the practical terms, it was set out in the four points in C and WADA would do its best after that meeting to communicate that and again to assist. Some time around that time next year, the Executive Committee would be sitting down again to talk about that audit, and he thought it was important for WADA's own integrity to actually comply with its statute and complete a report rather than delay it as had been the case in the past. He had had a great deal of difficulty explaining that to the media and to the stakeholders around the world. He did not ask this for his comfort; he asked it for the reputation of the agency. The members should aim to conclude this and work it through to a point whereby it had a completed audit within the required timeframe and, noting the components of it, the members should communicate those components and endeavour to assist everybody needing that assistance in the year ahead.

MR DE KEPPER said that he fully supported what the Chairman had just said. It was a matter of cooperation between the two entities. Certainly from the sports movement side, there was no desire to see the same situation that had occurred three or four years previously. The IOC had reviewed the approach and welcomed that, and he thought that, if the necessary support was given by WADA, there would be a successful conclusion, and goodwill was certainly on the side of the Olympic Movement. For clarification, about the major event organisations, where the text said that there was no obligation for WADA to survey compliance, that seemed to contradict the WADA Code, which provided for compliance monitoring for the major event organisations. Could Mr Andersen shed some light on this?

MR ANDERSEN replied that the measuring of Code compliance with major event organisations would often be conducted through the Independent Observer teams and there would be comprehensive reports coming from those events. Otherwise, WADA was reviewing the rules, but had no other means of measuring compliance with the rules other than to have the Independent Observers at the various events.

D E C I S I O N

Measuring Code compliance update and recommendation approved.

5.2 Code compliance interim report

MR MCQUAID said that he had been asked to make a clarification on the item that mentioned Belgium and the Flemish and French community, where it was said that, in light of the recent case law of the Flemish Council of State and consequent non-recognition of the CAS, he had been told that there was no Flemish Council of State but a Belgian Council of State and, while sport was divided into two communities, Flemish and French, the court was completely under Belgian authority, so the non-compliance was really down to the fact that the Belgian courts had recognised that the CAS did not have exclusive jurisdiction for hearing appeals.

MR NIGGLI replied that it was an accurate comment. It was the Belgian State Council that had made that decision that the decisions taken by the disciplinary tribunal from the Flemish NADO were considered administrative decisions, and therefore that the Flemish State Council was competent to review them instead of the CAS. This was under appeal by the Belgian Government, and WADA had been told the previous week in Strasbourg that the Flemish Government would first of all change its legislation to ensure that it was crystal clear that it should not be considered an administrative decision but that, even so, the State Council that decided on it itself on its own competence, if it kept saying that it was competent, the Belgian Federal Government would change the law defining the competence of the State Council to exclude the matter of anti-doping, so WADA had been told by the Belgians that, if necessary, they would take those two steps to avoid that situation recurring.

THE CHAIRMAN noted that it was a strange division, but it existed, and it was a little frustrating. He noted item 5.1 and the manner in which the audit would be conducted effectively and the manner in which compliance would be recognised. Were there any other comments on the interim report under item 5.2?

MR ODRIOZOLA reiterated the great concern felt by the European governments about the non-compliance of so many European NADOs and requested that the WADA management continue its cooperation and communication with the respective NADOs to try to resolve the situation in which the strongest countries in the fight against doping in sport were for several legal reasons considered as not being in line with the Code.

THE CHAIRMAN assured Mr Odriozola that WADA would certainly continue to try to provide assistance.

D E C I S I O N

Code compliance interim report noted

5.3 Whereabouts guidelines

THE CHAIRMAN said that the members would recall, with a level of disquiet that by no means represented a large sector of the stakeholders with the whereabouts rule the previous year, that WADA had undertaken to review the practical application of that whereabouts rule at the end of the previous year. In May, an interim report had been received containing a few suggestions, and the most prominent suggestion had been that WADA would seek to get, in plain English, a guideline that might be of some value. What the members had before them in attachment 1 was a very much abridged version of that guideline, which he personally believed was a very welcome document. The previous guidelines produced had been some 45 pages long, and the members could only imagine what that would have meant to an athlete or a coach who was not a lawyer. Irrespective of whether or not they had the skills to work through it, they would not have had the time. He would like to see, after this discussion and the members' comments, something that reflected a guideline in the form of a brochure containing that attachment 1, which would be a valuable aid to the constituency that had been somewhat missing in the past, and would therefore eliminate the mystique, concern and sometimes horror among those stakeholders who continued to say to WADA that it was difficult and complex. It was not

all that difficult or complex, and he was delighted to see that the three-and-a quarter pages there suggested that to anybody, whether or not they were lawyers.

MR ANDERSEN thought that the Chairman had given a good introduction. The introductory note was about proportionality, effective anti-doping programmes, being prudent in establishing the registered testing pools or whereabouts pools, and not making them too big. That was the message from these introductory notes to sports leaders, athletes and coaches.

MR ROWE said that his notes reflected that it said somewhere in the guidelines or the introductory note that the anti-doping organisations published the names of the athletes in their registered testing pools. Was that the case?

MR ANDERSEN replied that this was actually in the Code itself, under the definition of registered testing pools. It did not say that the names had to be published, but it said that the names or the criteria for establishment of a registered testing pool had to be published.

MR ROWE said that the reason he asked the question was that there was a difficulty in publishing the names only because part of the strategy in constructing the RTP was reliance on intelligence that ASADA received, and it might come to be that that intelligence, through the process of the investigation, was not accurate, so he would not want to have a situation whereby, for internal investigation purposes, names were included on a registered testing pool and then subsequently it was found, through the process of testing or more likely additional intelligence, that in fact the name should be removed. That was the issue in this case. He would be more than happy to see the publication of the criteria.

THE CHAIRMAN said that it was a question of how one interpreted the word "publish". This matter had concerned him again in the context of a few incidents that had developed in different parts of the world where the very fact that there was a publication of the RTP had led to articles in newspapers saying who was in it, and that had led to other concerns that some of the particular athletes had. One asked about the value of this being published in the context of named people in newspapers. Mr Andersen's interpretation of it was that it was not essential. It was one of those areas that WADA would have to have a look at when going through the next tidy-up.

MR ROWE added that part of the other concern was that, under the legislation establishing ASADA, there were severe penalties for misuse of information (up to two years' imprisonment), so it was not a matter that was dealt with lightly, and the officers of ASADA were very conscious of that penalty that hung over them.

THE CHAIRMAN responded that it was certainly a matter that had been of concern to him. Publication did not mean public announcements, as Mr Andersen had said; however, in parts of the world that had actually occurred and had brought with it some real problems, and he was referring specifically to the Indian cricketers: when their names had been published in newspapers, it had attracted some very legitimate concern.

MR ANDERSEN said that "publish" in the definition of the registered testing pools in the Code was simply to make this information available to other anti-doping organisations; there was no other reason to go any further. This was in order to coordinate testing. As he had been involved in the drafting of the Code, he thought that that was part of the rationale for including it. It had nothing to do with the public domain, but to do with making the information available to other anti-doping organisations with the right to test the athletes. It was a matter of coordination.

THE CHAIRMAN concluded that that was the intention but not necessarily the practice. It was necessary to be careful.

MR JURITH referenced a point he had raised at the May meeting. The summary of the IST made sense and was very user-friendly, but obviously WADA was still relying on the IFs and the NADOs to create the testing pools, and that was legitimate, but what he

had recommended in May was that WADA think about some type of audit or assurance that those testing pools were being established properly, because WADA was currently just delegating to the federations and NADOs to set them up, and WADA should think about some type of audit or review to make sure that WADA was satisfied that the right people were in those pools, as it currently had no way of knowing from an evidentiary point of view that the right people were included. He did not have the expertise at his fingertips to determine how this should be done; however, from an oversight point of view, the Executive Committee needed some kind of audit structure in place to determine whether or not the system was in fact working the way in which WADA had envisioned it.

MR ODRIOZOLA said that he welcomed the publication of the guidelines and introductory note that facilitated the daily work of the NADOs, but sought more clarification on an alleged contradiction between the IST and the guidelines because, even if it was a positive modification, that should be within the process of amending international standards, and not the guidelines. The guidelines should not contradict the standard. He was referring to page three, the second paragraph, which stated that a DCO could call an athlete within five minutes before the doping control. He had been told that this contradicted the standard and would like clarification.

THE CHAIRMAN added that it was not in the standard and, if Mr Odriozola looked at the guidelines, it had been added because it had been felt that an effort should be made to assist athletes and, before walking away and saying a missed test based on whereabouts was not accurate, that one last attempt might be made. He could assure Mr Odriozola that WADA did not really mind one way or the other; it had been added to try to give additional protection to athletes. It was certainly not in the standard and, if Mr Odriozola wished it not to be included, he would certainly entertain a formal suggestion that it be taken out if that was what Mr Odriozola wanted. Did he want to leave it in or take it out?

MR ODRIOZOLA said that the problem was that this was not the usual way in which one could modify the standard. He agreed that it was a formality and was probably a positive move.

THE CHAIRMAN said that the management had tried to get a set of guidelines that would assist practical implementation of the whereabouts rule. The legal aspects of this had been discussed. Mr Niggli had had some concerns about this and he shared them.

MR NIGGLI said that, if WADA were to leave it open and introduce it in the guidelines and then afterwards the NADOs did not make the phone calls, he was concerned that the athletes would come back and say that they had not been called. If it was included, everybody should do it; otherwise, it should be left out. He did not want the athletes to come back and say that it had not been done, therefore giving them an excuse to get away with it.

THE CHAIRMAN asked if the members would like it to be taken out for abundant caution. If it was taken out, WADA did not have guidelines as to how a DCO should conduct his or her work. WADA did not say that the DCO had to knock four times on the hotel door. Some would argue that the athletes should not be given advance notice. Most athletes at major events were probably staying in hotels and a DCO could not get to their rooms without making a telephone call from reception. In that context, there was advance notice. There was the five-minute phone call, frequently from the reception of the hotel. There was a concern that WADA might be punished for suggesting that in the guideline when it was not in the standard because it did not do it. If it was done, nobody was going to suggest that it should not be done. Maybe it ought not to be there in writing.

MR ODRIOZOLA thought that, as it was a positive step and involved protecting the athletes, it could be left in, but WADA had to be extra careful to avoid contradictions between the IST and the guidelines, as that could lead to other kinds of legal problems.

THE CHAIRMAN concluded that Mr Odriozola did not wish to formally request that this be withdrawn from the document before it was circulated. The proposal was to publish it as a guideline that might well be user-friendly compared to the more lengthy documents he had described earlier, so the management would proceed on that basis with the members' concurrence.

DECISION

Proposed whereabouts guidelines approved.

5.4 Major event model rules

THE CHAIRMAN informed the members that the rules were on the website in English; there was a French translation coming, and the model rules had been made available to the SportAccord anti-doping unit in Lausanne and the IOC.

DECISION

Major event model rules noted.

6. Regional Anti-Doping Organisations

6.1 Funding

MR KOEHLER informed the members that all of the information was contained in their papers. Considerable progress had been made since 2005 with the RADOs. There were currently 15 RADOs involving 122 countries. Some had progressed at a different rate to others. The RADOs with full-time staff in place had made significant advances. Their role was to coordinate testing in the region and manage the result management and TUE and appeals committees. A difference had been seen. In two regions, the Caribbean and Oceania, there had been support in the past and now there was renewed support from Australia and Canada to support a full-time person. There were five RADOs that he believed could do with some assistance, which would make a huge difference to ensure Code compliance and robust education, and ensure that every athlete in those countries was subject to the same protocols. He was not asking for any more money but would look at saving costs in different ways under the existing 2011 budget to provide conditional grants to those countries with a caveat that the government firmly agree to take on full control within a maximum of two years. WADA was looking at no more than 20,000 dollars per country for the five countries (four in Africa and one in Asia). It was another way of reducing the cost, as WADA was seeing IFs and ANADO using the RADO offices to coordinate testing in the region, and the RADOs were not charging anything to do testing. That was 122 countries through 15 organisations, which went a long way to making the world smaller. He was seeking a decision to use existing funds under the 2011 budget to potentially provide conditional grants to help five RADO offices.

THE CHAIRMAN stressed that no new money was required here; existing funds would be used.

DR BARTEGI thanked Mr Koehler for having thought about those four African RADOs because, as the members were aware, since they had been set up, they had not been able to work for lack of wherewithal (no offices or permanent premises). It was difficult to establish proper contact despite the important work done by the African Regional Office. It was good for them to have a point they could zero in on. When it came to measuring Code compliance, the annex through questionnaires, that would also help, and government members could help for UNESCO matters so that these RADOs could function better, not only in matters of research. Both administrative work and proper operations were talked about, so one might even consider the work that they did to a certain extent scientific. She thanked Mr Koehler very much for all the work that he had done.

MR BOUCHARD said that he thought that this was a perfectly relevant approach. It was not an expense; rather, it was an investment that would enable WADA to reduce costs and then bring new funds in once the nations were able to take over after that two-year period, so that was why he thought that it was a very positive proposal.

THE CHAIRMAN sought the members' approval of the concept of WADA providing additional grant money to four African RADOs and one Asian RADO.

DECISION

Funding update and proposal approved.

7. Science

7.1 2011 Prohibited List

PROFESSOR LJUNGQVIST said that he would be very brief. The List Committee had conducted its work, as the members could see. It had met three times that year, the last meeting having taken place two weeks previously to finalise the List. The procedure was that the List Committee was a sub-committee of the Health, Medical and Research Committee, which was the authority putting the recommendation to the members. Following the latest meeting of the List Committee, the Health, Medical and Research Committee had held a two-day meeting dealing with research grants and the Prohibited List. There were no dramatic changes, although some were significant.

DR RABIN said that he would try to be brief. The document on the screen highlighted the main changes between the 2010 List and the 2011 List. Section S0 was a new section for non-approved substances. The idea, now that WADA was working closely with the pharmaceutical industry and soon (he hoped) with the biotech industry as well, was to ban the substances that were not commercially approved by governmental regulatory health authorities, even for therapeutic use. The principle was that the drug under development or that had been discontinued should not be found in an athlete's body without proper documentation (a TUE). This section had been very well received by the stakeholders.

Under the anabolic androgenic steroid heading, there were just typos, and then there were no other changes until the S2 section, for which information continued to be obtained, particularly on Hematide, a drug under development that had received an international non-proprietary name that WADA had inserted. More importantly, because WADA had received a lot of comments from the stakeholders on what was referred to as PRP, platelet-rich plasma, or platelet-derived preparation, even though there was a lack of science, there was currently a very strong feeling among the experts that this technology was not bringing muscle or tendon repair beyond recovery, so there were very limited concerns about the possibility of using this technology to go beyond recovery and into the performance enhancement zone. As such the List Committee, and of course this had been reviewed by the Health, Medical and Research Committee, had approved the removal of PRP.

Under the S3 section on beta-2 agonists, which was always an area about which there were a lot of comments, the same principle had been kept, in particular for the remaining policy for salbutamol (with a threshold) and salmeterol (inhaled), so there was a strong feeling that the improvement introduced the previous year had been well received, and the idea was no longer to refer to the TUE standard and simply to refer to the manufacturer's recommended therapeutic regime.

There was no change to section S4. In section S5, there had been two changes, the first to include desmopressin, a hormone and an antidiuretic (it prevented the elimination of urine). Also, there was more scientific proof of this, it could alter the values of the Athlete Biological Passport. This had been reviewed by the List Committee and approved for that year. There had also been a rewording of the section relating to diuretics in particular, as the way in which it had been presented previously did not quite reflect

reality, meaning that, in the past, when there was another substance sub-threshold in urine, the TUE was not valid. In fact, the intention was to say that, if one had such a sub-threshold substance, one should have the documentation to justify this, so this had been amended accordingly.

For the method section, there had been two major changes. In section M2, there was more and more concern about methodologies sold or presented to the athlete population involving the sequential withdrawal, manipulation and reinfusion of whole blood. That would not necessarily fall under M1, on the enhancement of oxygen transfer, but there were some serious concerns about that, one example being ozonotherapy, which meant that blood was taken from the athlete, ozone was mixed with the blood, and then it was reinfused. This was of concern to the List Committee members, and this section covered this kind of blood manipulation.

The M3 gene doping section had been reworded, although there was no change to the principle or the concept, simply rewording upon the recommendation of the Gene Doping Panel, but this was hard, because this was an area that was not very easy to cover and, in the absence of practice, it was more of a theoretical than a practical exercise, but he was hoping to reach a certain stability in this section in terms of wording.

For the substances prohibited in-competition, there had been a change in the categorisation of methylhexanamine, the substance to which the Director General had referred earlier that day. In particular in India, there had been a rash of cases for this substance. What needed to be understood, and explained the proposal to change the category of this substance, was that this substance had existed as a pharmaceutical drug until 1971 or 1972, and then it had been withdrawn from the market. It had now reappeared in the dietary supplement industry, so it was a sort of designer drug reintroduced by the dietary supplement industry. When the List Committee had become aware of this practice, as of course it was an illegal drug, it had made sense to classify it as a non-specified stimulant. That had been the decision of the List Committee and the Health, Medical and Research Committee at the time. Now that it saw many of these drugs being sold, not only as methylhexanamine but also as geranium oil, it became difficult for the athlete population and entourage to identify the drug. That was the basis of the proposal to change methylhexanamine from a non-specified to a specified stimulant.

Cannabinoids was an area in which a lot was happening. Many synthetic substances were now appearing, in particular as street drugs, and the List Committee had needed to adjust to this reality through the introduction of the code names of the substances being synthesised and used as street drugs.

Section S9 on glucocorticosteroids had been changed significantly, not necessarily in terms of the philosophy or concept, but more in terms of the wording, in particular with the will no longer to refer to the International Standard for TUEs and the declaration of use, and the proposal made had been to maintain the ban on some routes of administration of glucocorticosteroids. The proposal of the List Committee as reviewed by the Health, Medical and Research Committee was also to introduce a section indicating that, when glucocorticosteroids were reported by anti-doping laboratories, then the anti-doping organisation could question the athlete and the physician about the route of administration. He understood that this proposal also created some legal concern and the members would see a paper that had been tabled, and he would defer to the Director General in relation to the legal aspects.

THE DIRECTOR GENERAL said that the paper spoke for itself, but the legal advice and the explanation in the paper led him to recommend that the paragraph in question be deleted. It was not certain and it was not the right onus of proof. It put the onus on the athlete to prove that he or she had taken a permitted substance, rather than putting the onus on the ADO to show that the athlete had broken the rules. That was a simple way of explaining the paper, but to include the paragraph in the List would lead to an immediate legal challenge that WADA would not be able to uphold.

THE CHAIRMAN said that the members might like to have a look at the paper on the table, as the suggestion was that this paragraph be taken out from a legal perspective. Perhaps it would be better to come back to this point rather than confuse it with the amendments being tabled.

DR RABIN said that, coming to the section on substances prohibited in particular sports, some requests had been received, the first from the International Modern Pentathlon Federation, which had requested removal from the alcohol section, due to the fact that the way in which it organised the different disciplines had changed and it would probably be counterproductive for the athletes to have a good drink before a running and shooting exercise, so it had made sense on that basis. For the beta blocker section, there had been two requests, the first from bobsleigh and skeleton, which were under the same federation, so it made sense to ban beta blockers for the two disciplines, and finally for gymnastics, for beta blockers to be reviewed. The List Committee had reviewed and approved these requests. There were two final points to which he wished to draw the members' attention, and he began with the second one. The World Darts Federation had asked to be added to the beta blocker section, and this could be found in the members' files. WADA had received the request that week, which was why the List Committee and Health, Medical and Research Committee had been unable to review it. At the very top of the document, there was a small typo that had not been picked up. Section S1 should be replaced with section S0. This completed the review, and he would be happy to answer any questions.

THE CHAIRMAN asked if there were any questions on the amendments.

PROFESSOR LJUNGQVIST said that the PRP previously banned was a praxis that was being used by sports medicine practitioners. It was supposed to promote rehabilitation from injuries, but the suspicion was that those extracts obtained and reinfused into athletes were platelet-enriched, expected to promote growth for healing injuries. There did not appear to be much scientific support for the praxis. The IOC had convened a consensus meeting on this particular praxis and debated it from a scientific point of view, and had found that there was no solid science supporting the praxis and no science showing that it did have a significant medical effect, and yet it was being done, so it was felt that it would be sending out the wrong signal to place it on the official List as something that might be efficient in terms of doping, which was why it had been removed. The removal was supported by a specialist consensus meeting held prior to the decision of the List Committee.

MR MCQUAID said, in the case of products found to be contaminated, there had been a few cases that year for clenbuterol. There was no threshold for clenbuterol and yet the European Commission had a threshold for this substance in foodstuffs. Why could WADA not have a threshold or an acceptable limit?

DR RABIN replied that there was no threshold for clenbuterol. It was a substance that was prohibited at all times and there was no reason why anybody should have clenbuterol in his or her body. It was mainly used for pulmonary disease by veterinarians. There were a few countries selling it; however, since this was a prohibited substance, it fell under the TUE. The point Mr McQuaid was making related to possible contamination with clenbuterol or other products and, with the level of sensitivity that some of the anti-doping laboratories were reaching, WADA was beginning to see very low levels of some of those drugs. The question was sometimes what the meaning of such low thresholds was. Concerning food contamination, WADA had investigated with the people in charge and it was clear that clenbuterol was not a substance that was seen frequently in food contamination cases (the numbers had really decreased over the past few years in particular). Having said that, the level of sensitivity reached by the laboratories was really raising the point, and it was a point to be discussed with the Laboratory Committee to see whether, as had been the case for stimulants, it would be necessary to have a ceiling value under which WADA said that the substance was present in the urine or the blood, but it was very difficult to link it systematically to doping. This

had been seen for stimulants, in particular some cocaine cases, and it might well happen for some of the other substances as well.

MR REEDIE said that, although the List Committee had not had an opportunity to consider it, it made sense to agree with the application from the darts federation, and he was surprised to see that alcohol was not compulsory in that sport!

MR ODRIOZOLA reiterated his concern, since the document had been distributed on the evening of 8 September and the meeting of the European public authorities to analyse it had taken place on the morning of 9 September, so he requested a way of working out a more appropriate timeline for the 2012 List, which would guarantee more efficient interaction between different stakeholders.

PROFESSOR LJUNGQVIST replied that this seemed to be a European problem, because the European meeting was probably in December because of the European holidays in July and August, which was why it was also hard to convene a meeting of the List Committee in August. The stakeholders needed time. The List Committee met early in the year to hold a preliminary discussion, and came up with a proposal for the new List in late spring (European spring), and then there was a consultation period during the summer. The answers were then obtained by the end of July, and a meeting was held in early September. The List had to be approved at the Executive Committee meeting in September to be published by 30 September at the latest. It was a matter of logistics to get the people together and ensure the allocated time for the stakeholders to look at it. This compromise did not satisfy everybody, although it satisfied most people. If the consultation period were to be made shorter, he was sure that the stakeholders would react. It was also difficult to convene a meeting during the holiday season in Europe. Those were the facts. As to whether or not the explanation was acceptable, he did not know. Perhaps the date could be changed to accommodate Mr Odriozola's wishes.

THE CHAIRMAN observed that it was a question of the committee and its ability to attend.

PROFESSOR LJUNGQVIST referred to the new text under glucocorticosteroids. He had discussed this with Mr Young and the Director General. The List Committee had introduced this paragraph, which had not been commented on by the Health, Medical and Research Committee at its meeting. Perhaps Dr Rabin had an explanation as to why this had been introduced. Having discussed this with the legal people, he understood their concern, and he did not see much difference in having it or not, because the rule was the same: general administration of glucocorticosteroids was banned, and that was it. If one took them, one had to have a TUE, and if one did not have a TUE and a sample tested positive, one would have a case to answer. This was not a controversial issue at all and, if the legal people thought that WADA would run into unnecessary problems because of this clause, it should be taken out since it did not change the basic principle.

THE CHAIRMAN said that this referred to the proposed addition to section S9 in the paper before the members. The members appeared to be happy that this be withdrawn in view of the legal opinion. He thought that, with that, he could ask the Executive Committee members to approve the List with the amendments, and the added amendment or withdrawal of the paragraph under section S9.

DECISION

Proposed 2011 Prohibited List, including final amendments, approved.

- **7.1.1 International Standard for TUE**

MR VERNEC said that, for those members who were aware, there had been a fairly major revision of the ISTUE in 2009. The members would be able to see the standard for 2010 on the screen. The previous Prohibited List identified certain substances and methods that were not prohibited but for which an athlete had been required to fill in a declaration of use form. There had been a few issues about this particular clause, in

particular given the fact that there was actually no sanction for this. Looking at 9.2, the members would see that not filling in this form would not be an anti-doping rule violation. It had therefore been felt that this declaration of use was not useful in any particular way (not for monitoring, statistics or any control in doping). It had been changed for 2011. In the List itself, there was no longer any mention of a declaration of use for any particular substance. Therefore, the International Standard for TUEs had had to be changed, and it now stated for clarity that there were no longer any substances or methods that required declaration of use and therefore it was not necessary to file a declaration of use. There had been an option to remove 9.0 completely, but it had been felt that it would be better to leave it in as it was for clarity and to avoid any confusion.

PROFESSOR LJUNGQVIST noted that there was some confusion. A declaration of use was no longer required, so this paragraph should be deleted from the International Standard for TUEs.

MR VERNEC responded that, looking at 11.0, abbreviated TUEs had been removed and the standard still explained the change. It had been felt that, since it did not hurt anybody to include the phrase, it could be left in the standard. Removing it or leaving it in made no difference, but he thought that, if it were removed, everybody would be left wondering what on earth had happened to the declaration of use.

PROFESSOR LJUNGQVIST asked whether this was the sentence that Mr Vernec wanted to remain.

MR VERNEC confirmed that this was the case for 2011.

THE CHAIRMAN asked whether everybody was happy with the proposal.

D E C I S I O N

International Standard for TUE approved.

7.2 Research projects 2010

DR RABIN said that WADA had received 82 grant applications that year by the May deadline. This was slightly less than the amount received the previous year but more than the amount received in 2008. This showed that WADA was reaching a certain degree of maturity in terms of the number of grants received every year. That was certainly a good sign. The total amount requested for the 82 grant applications had been in the order of 26 million dollars. The main researchers and their co-applicants represented 24 different countries from the five continents, so it was good to see and confirm that the programme was really an international programme. Out of the 82 projects submitted, 34 were being recommended for approval by the Health, Medical and Research Committee following the usual process of review by independent experts and a presentation by the Health, Medical and Research Committee members for a value of approximately 4.6 million dollars. Knowing that 5.5 million dollars had been proposed for the projects, there were still about 1 million dollars left, and he would explain what would be done with this money. 80% of the total amount requested had been attributed. As usual, Europe had the lion's share. A lot of European teams were submitting projects to the grant programme, and many of these teams were connected to the WADA-accredited laboratories. It was always a good sign to see academic groups partnering with WADA–accredited laboratories to provide some very interesting and innovative programmes. Oceania had also received quite a bit of attention that year again. Things had not yet been completed in the Americas, as there were two or three fairly substantial projects upon which it was necessary to continue working, in particular regarding negotiations with the team and other experts in order to finalise the possibility to support these projects. The success rate was fairly good: 42% of the projects would receive some funding, either total or partial, by being transferred from the full application to a pilot project, so it was a fairly high success rate when one thought about international organisations (many of them were around 25%). Therefore, it was good, probably better than previous years. The Health, Medical and Research Committee had been very careful

about the budget and had reduced half of the projects by at least 15%. Some projects had been extremely expensive and others had been converted into pilot projects when the project had been deemed too large.

For the projects approved, eight out of the 34 really concerned extensions of already approved projects. Some research teams were doing a very good job. WADA was very careful to make sure that the research teams were not given a blank cheque. Every year, their progress was reviewed and, when they made good progress, some came back with extensions of those projects, which was a good sign, in particular in some areas that remained difficult, such as autologous blood transfusion, growth hormone detection, beta-2 agonists (WADA really wanted to establish some thresholds for these drugs), designer steroid identification, and also urine stabilisation to facilitate the quality of analysis by the laboratory and avoid too much degradation between the collection site and the anti-doping laboratory.

Nine projects had been approved to complete the existing analytical methods. WADA relied a great deal on analytical methods, and there had really been some major breakthroughs in the sensitivity of the methods and how to make sure that WADA continued with the harmonisation of the WADA-accredited laboratories using certified reference material. IRMS was a method that was implemented or being implemented in nearly all the WADA-accredited laboratories, so an effort was being made to support this implementation. Steroid profiling as part of the Athlete Biological Passport was also very interesting, as was trying to identify or improve the detection and solidity of the detection of some substances, the long-term metabolites. The sensitivity gained would allow WADA to revisit the metabolism of certain drugs and also some of the old drugs.

Nine projects had been approved in the area of alternative methods for the detection of peptide hormones. Hormones and peptides were probably one of the most challenging areas that WADA was facing, not only because some new substances were coming from recombinant technology, which meant that some were very similar if not identical to endogenous substances such as growth hormone. There were also forms of EPO that were getting closer to the endogenous EPO, so this was an area in which WADA had to be very active in order to make sure that it could keep up with the science. There were four projects on endogenous substances affected by external parameters. Two teams had raised an issue about the hydration level of athletes and how this could affect the ability to detect certain substances. Steroids were always a high concern, as they represented almost half the adverse analytical findings reported every year, and also there was the risk of contamination and degradation by microorganisms.

Finally, some of the most innovative projects were in the area of gene doping. There were also some doping trends with some new molecules or masking agents that could affect the way in which WADA could interpret or analyse the prohibited substances. Designer steroids were always a point of concern, and modern technology allowed scientists to better capture and reprocess the signal after it had been acquired during a routine analysis.

This completed the 34 projects selected by the Health, Medical and Research Committee. He reminded the members that there were still some negotiations under way and, as usual, these projects would be reviewed independently by ethicists. Negotiations would be ongoing from the time of approval to the time of signing the contracts. WADA was very careful about making sure that the provisions in the contracts were well understood and that the ethical aspects were all in order before the projects were completed and the contracts signed.

THE CHAIRMAN informed the members that they had spreadsheets before them containing information on the projects.

MR ROWE sought clarification on the first or second slide, which mentioned the Oceania projects being recommended for funding. His notes told him that there were no projects approved.

DR RABIN said that there might have been an error and he would get back to Mr Rowe with the amended figure. Some teams involved researchers from other countries and it might well be that this was a shared project. He would check and get back to Mr Rowe.

MR ODRIOZOLA repeated the same request he had made for the List, as the research projects had been distributed on the evening of 8 September, leaving little time for consideration. The document did not say anything about the motivation of the projects concerned, as there was no explanation or criteria or punctuation or anything like that, so there was no information on the criteria used.

THE CHAIRMAN said that the expert committee clearly decided on the value and merit of the applications coming through, and Dr Rabin and his team had put a programme together. Perhaps Professor Ljungqvist could assist Mr Odriozola and explain how those decisions were made.

PROFESSOR LJUNGQVIST said that he could give Mr Odriozola a book containing the arguments for each project and the decisions taken, but he did not think that this was what Mr Odriozola was after. Perhaps Mr Odriozola sought some basic criteria. The applications were divided into categories (with respect to new technologies, gene doping, and so on). There were experts in the committee for each of those categories. That particular expert recruited three independent reviewers, who reviewed each project within the particular category. The committee immediately rejected those projects with no support at all from all three reviewers and those with two "nos" and one "yes". This immediately substantially reduced the number of projects. The committee then made its own evaluation based on whether or not the projects were relevant to doping and whether the comments by the reviewers were extremely favourable or just supportive. All of that was subjective evaluation based on the knowledge and competence of those dealing with this within the Health, Medical and Research Committee, and that led to discussion around the table. An evaluation was made. With respect to the budget, some projects had been well structured with a very reasonable budget, and the committee had been able to support them fully. It had not been possible to support others fully as the budgets had been considered excessive. The committee had evaluated the competence of the laboratory with respect to the basic equipment foreseen. Sometimes, applications were received and the applicants asked for equipment that the committee felt should be there already because the researchers had the competence to conduct the project. There were many parameters that were taken into account. Major attention was paid to the report made by the independent reviewers. Those receiving two "yeses" and one "no" or three "yeses" then went on to be evaluated by the Health, Medical and Research Committee. This was standard procedure for committees of this nature that distributed research money for projects. It was a delicate matter and was not always terribly easy.

THE CHAIRMAN thought that nobody, with the exception of the scientists in the room, had the ability to make a judgement on this. He would like to think that the WADA research led to a greater capacity to detect cheats. The Executive Committee members had to rely on the team of experts as they were not qualified to pass judgement objectively on some of these applications. They were nevertheless asked to approve the proposals.

MR ROWE said that he thought that Austria's two projects had been mistaken for Australia's, as there were two Austrian projects totalling 118,000 dollars, so he could conclude that were no projects that year for Oceania.

THE CHAIRMAN asked the members for their support and approval of the projects. They would not be announced immediately. He wished to make one further point. Did WADA capitalise on the announcement of these grants in the respective countries? Did WADA release the information in appropriate international scientific journals and get publicity in the countries in which the research was being conducted? Perhaps the management could take it on board. Those members from the government side knew that one never got money without getting some kudos for it, and it would be unheard of

for a grant to be given and there not to be a press release accompanying it. It would certainly be worth following up on that.

DECISION

Research projects 2010 approved.

7.3 Reaccreditation conditions for a revoked laboratory

THE CHAIRMAN told the members that they had been asked by circular resolution to approve the revocation of the licence for the Penang laboratory since they had last met. There had been some concern there, because there had been no rules to deal with this, this being the first laboratory to have its accreditation revoked, that it had been necessary to work out how to deal with that going forward, and a view had been expressed that WADA would surely not say to such a laboratory that it had to go back and start again, as that could take some years, so the management had thought that it would help if some criteria were developed to allow it to deal with such a situation as and when it arose. He could not say that this would occur in the context relating to the Penang laboratory, which had lodged an appeal. That was what this paper was about. Would the members be happy to approve that proposal?

DECISION

Reaccreditation conditions for a revoked laboratory approved.

8. Other business

THE DIRECTOR GENERAL said that he should have informed the members about two matters earlier on during the meeting. WADA had received a runner-up award from the International eLearning Association that year. The first prize had gone to Nintendo. WADA's prize was for its CoachTrue programme. This was a substantial award and something for which the Education Department ought to be congratulated.

The second item was the process for bidding for the World Conference on Doping in Sport in 2013. There were five applications, from Johannesburg in South Africa, Ljubljana in Slovenia, Dallas in the USA, Kuwait City in Kuwait, and Sochi in Russia. WADA would be evaluating the bids from the executive office in Montreal (nobody would be travelling anywhere), and the management would present a full report to the Executive Committee and the Foundation Board for consideration in November. He thought that the members should be alert to the matter. Many more countries had been interested prior to seeing the conditions, but there were now five countries involved in the process.

THE CHAIRMAN said that, in respect of the statutes, the members might be aware that the roles of WADA's president and vice-president required the endorsement and approval of the Foundation Board, and the statutes had been altered in 2006 to allow for the positions to be alternated on a six-yearly basis, but it had been described that the alternation should occur after two three-year terms to get to the six. The end of that period of three years in his context and that of the Vice-President was fast approaching. That required each to indicate his willingness to proceed if that was the case and then to seek the support of the Foundation Board for it. The statutes required the representative of the public authorities to be determined by the public authorities and the representative of sport to be determined by the sporting authorities. He proposed to seek the support of the Foundation Board in November for a further term of three years or for the extension of his term into that second three-year period. He also indicated that he had spoken to the president of the IOC some weeks ago and indicated that intention and, whilst the IOC president had acknowledged that it was a matter for the public authorities, he had asked if the endorsement given to him three years previously by the sporting authorities might be forthcoming again if it were the wish of the public authorities for him to proceed, and the president of the IOC had quite rightly pointed out that, whilst he

personally had no difficulty with that and endorsed it, it was something he believed his Executive Board should consider in the context of endorsing him and also determining the vice-president's role. That meeting would take place in October, so there would be plenty of time during which to communicate the results to WADA prior to the Executive Committee meeting in November. He was extending the courtesy to the members to say that he would be happy to continue if that was the wish of the Foundation Board in November with the support of the public authorities, and that was the process that would be adopted.

PROFESSOR LJUNGQVIST said that he thought it appropriate to inform the members that he would be retiring from the IOC as an IOC member by the end of 2011, by which time he would have turned 80. That was the time limit for those who had become IOC members in 1994. He had been summoned by the IOC president and had had a conversation with him. The IOC president would also be withdrawing as president of the IOC at the session in 2013. The IOC president had asked him to remain as president of the IOC Medical Commission until then and also fulfil other related commitments, meaning that the IOC president would obviously propose that he continue as vice-president of WADA at the upcoming meeting of the IOC Executive Board. He had been authorised by Mr De Kepper to inform the Executive Committee and this meant that he would seek the support of the Foundation Board at the meeting in November.

As the only member of the IOC Executive Board present, MR REEDIE promised to think about it.

MR JURITH said that the public authorities had that morning unanimously endorsed Mr Fahey's desire to continue to serve.

THE CHAIRMAN asked Dr Elwani to present a report on the Athlete Committee meeting.

DR ELWANI presented the report of the Chairman of the Athlete Committee, Mr Fetisov. The committee had met on 8 and 9 September 2010 at the WADA headquarters in Montreal. The committee members had received comprehensive information about specific anti-doping matters. They had discussed key topics and, as a result, had made several comments and suggestions.

Regarding ADAMS, an overview and training session had been facilitated to give the members a full understanding of the ADAMS platform. Usability improvements to ADAMS had been discussed and, while it was acknowledged that changing technology was a long and costly process, the athletes asked WADA to reprioritise the whereabouts module in order to accelerate its release to athletes. WADA would be providing a release schedule regarding ongoing work to the system. The athletes had been given a training exercise and encouraged to continue providing feedback. Selected committee members would be actively engaged in the test user group for ADAMS. The committee had reiterated its position that all anti-doping organisations should be using ADAMS as the unique tool for their anti-doping programmes, as it would be simpler for athletes to use around the world. This would also help improve testing strategies and maximise the resources of all organisations involved.

Regarding whereabouts, the detailed presentation had provided the members with a greater understanding of the registered testing pool and the need for whereabouts information, as well as WADA's work to help anti-doping organisations establish appropriate registered testing pools. It had been reported again from Sweden that some athletes would like some sort of GPS system instead of filling out whereabouts requirements to avoid the risk of getting caught out by default. The committee members had observed that privacy rights were not regarded in the same manner by young people. Social media had most probably contributed to the downplay of privacy laws made by previous generations. The insistence on privacy was possibly outmoded and did not reflect the current situation, particularly where younger people were concerned.

Regarding information, athlete feedback had helped to guide the creation of the WADA At a Glance series, which was a series of basic information on anti-doping whereabouts, testing and TUEs targeted to athletes.

Regarding the Prohibited List, starting in 2011, the List would be printed in its regular book form, as well as in a wallet card form. A suggestion had also been made to create an iPhone application, and this was currently being researched. Other ideas to be looked into included a worldwide hotline to respond to substance queries.

Regarding education, the committee had been very complementary of CoachTrue, the new online interactive educational programme for coaches. The committee encouraged WADA to make this tool mandatory and to promote it among different coaches' associations.

Regarding the Independent Observers, the Athlete Outreach programme and committee meetings, committee members would continue to be invited and included in WADA programmes and meetings to ensure continuity of information and greater athlete insight. In the past year, Meike Evers had participated in the Independent Observer programme at the Olympic Games in Vancouver, Sara Fischer has participated at the Youth Olympic Games, and the upcoming Commonwealth and Asian Games would see the participation of Katarzyna Rogowiec, David Millar, Claudia Bokel and Yang Yang. Members recommended finding ways to follow up with athletes after they visited the outreach centre. WADA's presence and programme at the Youth Olympic Games had been discussed. The committee members felt that participants in the games should receive advance information packages on anti-doping in order to better prepare them for the in-competition doping control programme. Further, if the athletes were briefed prior to their arrival, their experience at WADA's centre would be more enriching as they would be in a better position to embrace the Play True values. It had also been suggested that young athletes be given greater exposure to athlete ambassadors.

Regarding science, the members had been asked to give their initial reactions and opinions about two issues that would also be presented to the anti-doping community for consultation. These topics would be placed on the next meeting agenda for further discussion to give them the time to gain knowledge on the matter. The topics were: mental enhancement or performance, the taking of medication to increase athletes' efficiency in and out-of-competition; and the need to continue taking two samples, A and B. Science experts (not the athletes) had expressed their views that both samples would not be necessary.

Regarding regional anti-doping programmes, the committee members had reiterated their support of the RADO programme and would like to assist with national local outreach events at which they could meet athletes and deliver the Play True message in a meaningful way.

Regarding Athlete Committee vacancies for 2011, committee members encouraged organisations to recommend members already taking part in a sport network, such as IFs or NOC athlete commissions, in order to ensure wider information or knowledge transfer.

Mr Fetisov was setting up an international charitable fund to be launched in 2011, to provide financial assistance to organisations in developing nations that would create opportunities for young children to take up sport and move them away from drug circles. Studies showed that, when young children were involved in sport, they were less tempted to go astray. Mr Fetisov would be reaching out to WADA's Athlete Committee members, as he would welcome their support. Further information would be provided shortly. The committee would be meeting twice in 2011, once after the anti-doping seminar in March in Lausanne, and once via teleconference.

THE CHAIRMAN said that he thought that it was very exciting that the athletes had taken an initiative to establish a charitable fund to enable the work of WADA to be progressed in the less economically able parts of the world. This was an initiative from the chairman with the support of his committee. He knew that it was early days and he

could not give too many details, as they had not been worked out. The committee members believed that it would be possible to get contributions from athletes to further WADA's work. WADA constantly talked about other sources, and there had been some reference to cooperating with the budgets of governments in Europe for research. WADA had been supported in the past with the RADOs by the Commonwealth Secretariat. This support had sadly dried up, but WADA had received some generous offers from individual countries to pick up the pieces. Here was an initiative from athletes who wanted to ensure that the message of WADA was spread throughout the world, particularly to less fortunate parts of the world, and he was excited about the fact that this initiative had come forward and looked forward to hearing more about it the following year. He thanked the Athlete Committee for its work.

9. Future meetings

THE CHAIRMAN asked the members to note the dates of the future meetings, and drew their attention to the UNESCO conference of the parties, which was likely to be from 14 to 16 November 2011, prior to the WADA meetings on 19 and 20 November. It might well be that those required to travel to Paris for the UNESCO conference of the parties would then continue on to Montreal.

He thanked the management and staff of WADA. He knew that it was not always possible to get things to the members as quickly as they might like, but it was necessary to make sure that papers were relevant. They were prepared in a most professional and articulate way.

Finally, he asked the members to join him in congratulating Shannan Withers on her recent marriage.

DECISION

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 1.30 p.m.

FOR APPROVAL

JOHN FAHEY, AC
PRESIDENT AND CHAIRMAN OF WADA