

**Minutes of the WADA Executive Committee Meeting  
17 May 2012, Montreal, Canada**

The meeting began at 9.00 a.m.

**1. Welcome, roll call and observers**

THE CHAIRMAN formally declared the meeting open, and asked the members to sign the roll call. He noted in the context of attendance that there was a formal apology from Mr Fetisov, and Ms Sara Fischer was of course representing him and the Athlete Committee that day. As far as he could see, that was the only formal apology.

– 1.1 Disclosures of conflicts of interest

THE CHAIRMAN noted that the members would now be aware of WADA's conflicts of interest policy. Some of the members present had yet to complete their forms in respect of the interests that needed to be disclosed or matters that did not require disclosure but just the form itself to give that indication. During the course of the morning, they would be approached by a member of staff and asked to fill in a form.

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; Ms Beckie Scott, representing Dr Rania Elwani, Member of the IOC Athletes' Commission; Mr Odriozola, representing Mr Jaime Lissavetzky, WADA Executive Committee member for Europe; Mr Tenzo Okumura, Minister in Charge of Sports, Japan; Mr Craig Reedie, IOC Member; Mr Patrick McQuaid, President of the UCI; Mr Alec Moemi, representing Mr Fikile Mbalula, Minister of Sport and Recreation, South Africa; Mr Murray McCully, Minister for Sport and Recreation, New Zealand; Mr Gian Franco Kasper, IOC Member and President of the FIS; Mr Francesco Ricci Bitti, President of the International Tennis Federation and Member of ASOIF; Mr Bal Gosal, Minister of State (Sport), Canada; Mr Patrick Ward, Acting Deputy Director for Supply Reduction, ONDCP, USA; Ms Sara Fischer, representing Mr Vyacheslav Fetisov, Chairman of the WADA Athlete Committee; Mr David Howman, WADA Director General; Mr Rune Andersen, Standards and Harmonisation Director, WADA; Mr Frédéric Donzé, Director of the European Regional Office and International Federations Relations; Ms Julie Masse, Communications Director, WADA; Dr Olivier Rabin, Science Director, WADA; Mr Rob Koehler, Education Director, WADA; Dr Alan Vernec, Medical Director, WADA; and Mr Olivier Niggli, Finance and Legal Director, WADA.

The following observers signed the roll call: Patrick Schamasch, Christian Thill, Françoise Dagouret, Mikio Hibino, Satoshi Yamaguchi, Andrew Ryan, Bente Skovgaard Kristensen, Bill Rowe, David Gerrard, Peter De Klerk, Lane MacAdam, Hajira Skaal, Rodney Swigelaar, Maria José Pesce, Kazu Hayashi, Jack Robertson, Laetitia Zumbrennen, Richard Young, Terence O'Rorke, Shannan Withers, Stuart Kemp, Emiliano Simonelli, Maria Pisani, Anne Jansen, Ying Cui, Ole Sorensen, Thierry Boghosian, Yaya Yamamoto, Hidenori Suzuki, Takao Akama, Noaki Himiya, Hiroshi Furuta, Rafal Piechota, Kari Töllikkö, Pamos Stylianou, Michael Petrou, Pierre Masson, Halia Haddad, Andrew Needs, Graeme Steel, Paul Melia, Ernesto Irurueta, Ichiro Kono and Shin Asakawa.

## **2. Minutes of the previous meeting on 19 November 2011 (Montreal)**

THE CHAIRMAN drew the members' attention to the minutes of the previous Executive Committee meeting on 19 November. Were they happy for him to sign them as a true and correct record of the proceedings of the meeting?

PROFESSOR LJUNGOVIST pointed out that, on page 19 of the minutes, there was a factual error: he had been quoted as referring to the so-called Osaka rule, a discussion about which had taken place on the occasion of the IAAF World Championships in Osaka, which was correct, but the year was wrong, it should be 2007 and not 2002 as written in the minutes.

THE CHAIRMAN said that the 2 would be changed to a 7. The members were usually asked for comments on the minutes before the meeting, but they were always welcome to bring them up at the meeting.

### DECISION

Minutes of the meeting of the Executive Committee on 19 November 2011 approved and duly signed.

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

THE DIRECTOR GENERAL informed the members that he would go through his report and highlight some of the issues that he thought might merit consideration or discussion.

In relation to UNESCO, 170 countries had ratified the convention, and his report listed those that had not yet ratified. The members would see from the list that most were in a state of some sort of civil war or disarray, and others were very small countries, but anything that could be done to encourage those countries to complete the ratification would be welcome.

In relation to the UNESCO voluntary fund, 63 special projects had been approved to date; that was significant for WADA in terms of the spread of the anti-doping message worldwide, and he wanted to see that continue. The fund currently stood at 3.1 million dollars, significantly contributed to by the Russian Federation over the past 12 months to ensure that it maintained a pretty healthy level.

Regarding Interpol, WADA would continue to work with Mr Mathieu Holz, who had been re-seconded from the French Government to Interpol, and hoped to engage with him and hold a seminar of investigative people doing that work through the anti-doping community later that year, and Jack Robertson, WADA's chief investigative officer, was working very closely with Mr Holz, not only in terms of that sort of organisation, but also in terms of sharing information.

WADA was developing a similar relationship with the World Customs Organisation, and he hoped in the coming weeks to be able to announce that a government had seconded an individual to Brussels to work at the WCO. WADA had had many discussions about how that might work and whether it needed help from any of the governments represented around the table in that process; if any members had ideas on who might come from their country, he would be pleased to hear from them.

The list of NADOs that he summarily reviewed in his report related to those he felt needed some attention - countries with significant sporting prowess or success, or countries that ought to have a good national programme in place. WADA had taken Nigeria off the list and would replace it with Ghana, and would work very closely with Ghana to ensure that it could get up and running quickly. WADA had taken Nigeria off as it had at least the rules and systems in place. He looked forward to seeing how those were put into practice. He made mention in his report of Russia and Brazil, both of which were very important in terms of their sporting engagements in the coming years. Both

needed more work. He could provide more details if necessary. WADA would be visiting Brazil again at the beginning of July. He was hopeful that, by that stage, the organisation established by Brazil through the law would be up and running. A CEO had been appointed, but progress was slow.

WADA was also proceeding with Turkey, and the members would see from his report that the NOC had actually taken over the duties of a NADO in that country through lack of commitment from the government. Progress was being made, although some of the federations did not see eye to eye with the NOC and were not signing up. WADA would be visiting Turkey again in the coming weeks.

Jamaica had been on the list of countries under some sort of review in the past few years. There had been a change of government in Jamaica and, as a result, a whole change in the structure of its NADO. It seemed from reports that the new chair of the agency could be an individual with conflict. WADA had thus asked the minister for clarification and, once it heard back, it might be necessary to revisit Jamaica to ensure that what had been in place before was not altered.

There had been a change of government in Spain and, significantly, since the new minister had been in place, WADA had received several invitations to visit Spain and assist with its legislation, which was being rewritten in accordance with the Code. WADA had engaged in very practical discussions with the ministry, and had also had discussions with its NADO as to how it might practice going forward. He had to say that he did commend this approach from Spain and hoped that its expressed desire to be closer to WADA would be put into practice.

With regard to Austria, there had been a brief internal scandal and the CEO had been asked to leave his position, so WADA would have to look very carefully at Austria going forward to see that what was put in place was consistent with what had been there in the past.

From a management perspective, WADA kept getting asked to do more and more work. WADA's science and legal experts were increasingly being asked to be of assistance to ADOs during result management processes. While WADA had no problem providing that expertise, it did mean that the time these people had available to conduct their daily activities was limited, and becoming more limited, to the extent that WADA needed to look at hiring more scientists and more lawyers. Regrettably, the expertise that he had hoped would be developed within ADOs had not been developed to the degree that he might have hoped, which was why he thought that WADA was asked to provide assistance, particularly at first instance level. Obviously when matters went to the CAS, it was a little different as WADA worked alongside its partners to provide assistance and to avoid duplication of costs. It was the first instance level that was giving WADA extra work.

He did not need to remind the members that what he had mentioned in the past was still the case: the advance of the criminal underworld, the black market and the funds being put into sport by those who wanted to control sport in a different way. WADA was not dealing with people cheating who had the same values as all those sitting around the table. Putting rules into place went a long way with people who had good values, but WADA was not dealing with good people; it was dealing with bad people who had bad values, and changing their mindset and the way in which they approached things was quite difficult. He thought that all those involved in legislation around the world would know that one could put laws into place, but these did not actually stop the crime. WADA had that issue, and he thought that it was growing. WADA was keeping an eye on it to see what it could do in terms of supplying evidence to people and sharing information to cut down on the bad people, but they continued to thrive.

He had mentioned several new projects in which WADA was engaged, some on the management's initiative and some as directed by the Executive Committee. Some of

these might develop into annual activities; again, it put more pressure on the staff in terms of what they had to deliver, and he needed to make sure that the members' expectations were tailored to the resources that WADA had, and he would talk about that a little later in the report. He was looking at restructuring internally to make sure that activities were covered in different ways without putting pressure on human resources, and would look at developing that in the coming months.

Turning to what he described as special issues in his report, regrettably, WADA had not been able to advance very far with the courier company DHL. WADA had tried, and would give it one more shot, but DHL was not receptive to any collective approach that would help cut the cost of transport of samples.

WADA welcomed the new CEO of INADO, the Institute of National Anti-Doping Organisations, Joseph De Pencier, who was well known to many of the members and had taken up his position. WADA was providing a grant to INADO in the same way in which it had provided a grant to SportAccord to allow it to get up and running. WADA would monitor the grant in the same way in which it monitored the one given to SportAccord, and would ensure therefore that the conditions applied to it would be adhered to.

The US federal investigation stopped by the attorney in California in February had gathered a lot of helpful evidence, and WADA was encouraging and working with USADA to make sure that the evidence was made available to sport, particularly in the situation in which there might be athletes against whom sanctions could be imposed prior to the Olympic Games in London. It was a project in progress, and it could take (as he had mentioned publicly on several occasions) many years before it was completed. Those involved in the BALCO case would recall how long that enquiry had taken.

Regarding the major leagues, WADA had had meetings with the NFL and MLB a couple of weeks previously. Both were moving in terms of their doping programmes, but were having some issues with their players' associations. Football could not put into place its new doping control programme until the players were satisfied with the test being used for Hgh, and that was not likely to be approved until another committee had been able to look at it in the coming weeks. WADA had agreed to help and provide information that would assist a decision, but it was frustrating to see that the body was being hindered by the activities of the players' association in this particular case. There was a baseball international classic being convened later that year, with finals in March the following year, in which the IBF would work alongside the major league to ensure that the programme was in accordance with the Code. WADA would monitor that and work with the body to see how it progressed.

There was a fund that the major leagues had put together called the PCC fund. USADA had a seat on that particular board, and there was a lot of money available for research, and he had talked with them very closely and carefully to see how WADA might work with them in terms of how the research money was spent. Some of the members might remember that a considerable grant had been made to Don Caitlin several years previously to see whether Hgh could be detected through urine analysis. That had proved unsuccessful, and a lot of money had been spent on that venture. He hoped that, in the future, if money were available for anti-doping research, it would be spent in a more effective fashion.

The teams for the Olympic Games and Paralympic Games in London had been put into place. The Independent Observer team for the Olympic Games would be chaired by Mr Bouchard, who was a former alternate member of the Executive Committee, and the Paralympic Games Independent Observer team would be chaired by Anders Solheim, the CEO of the Norwegian anti-doping agency.

The dates for the World Conference on Doping in Sport had been confirmed, and he wished to make sure that all of the members put them in their diaries. The work in Johannesburg would be started on 12 November in 2013 with the Executive Committee

meeting; the conference itself would then take place on 13 and 14 November and conclude on 15 November and, on 15 November, there would be a meeting of the Foundation Board, which would obviously consider and then hopefully pass the revisions made to the Code and international standards. The programme was the same style as the one in place in Madrid in terms of time, and he hoped that everybody would be able to make arrangements to be there. WADA would develop the agenda and other related issues as time went on; he had certainly taken note of comments made as to what should be included in the content and the time given to those to make interventions.

He needed to mention cost savings. WADA did its best to save money on a daily basis. The annual report that year would be published only electronically, which would save tens of thousands of dollars. WADA would not provide a French translation of the meeting papers, as directed by the Executive Committee at the previous meeting, which would also represent a great saving. WADA was trialling iPads for use at meetings and had trialled them successfully at one of its committee meetings. WADA would not put them in place for the September Executive Committee meeting, but was hoping that they would be put into place for the November meeting. As such, iPads would be made available to all of the members with all the papers on them, avoiding the need to print the huge tomes that the members currently had before them. That would take a little change in attitude from the members, but the experiment conducted thus far showed that it could be done and that it was more effective and efficient. WADA was also revisiting ideas put forward regarding teleconferencing and videoconferencing. Such meetings took place where possible, but he also noted that, on many occasions, people wanted to meet in person, and he was aware of the benefits of those meetings. The cost of that meeting and the meeting the following day was a little higher, travel-wise, and he wished to remind the members to respond to the travel department once they had a suggested itinerary as early as possible, as that kept costs down. The closer they got to the meeting time to confirm their travel, the higher the costs. On some occasions for this particular meeting in the past, it had cost four thousand dollars for a ticket, while this time tickets had cost six thousand dollars, so WADA was very alert to issues of money. The staff tried to do its best but needed help sometimes from the members.

There were two big costs he wished to mention. The BOA case, in which WADA had been taken to the CAS, had cost WADA 200,000 dollars. That was money that had possibly not needed to be spent, but WADA had had to spend it. The Contador case, which had also gone to the CAS, had cost 400,000 dollars, so two significant amounts of money had been spent on cases over the past twelve months. WADA had written to the BOA after the court decision on 1 May to suggest that it look at its rule to change it. WADA had not heard back officially from the BOA, but he had read in that morning's media that a meeting was to be held today of the BOA committee and that it would revoke the rule, but the lack of communication was a little bit distressing, as it was the same mode of communication that had occurred the previous October when WADA had invited the BOA to respond several times and had received nothing. He would say no more but it was a little bit disappointing.

On a brighter note, he mentioned the Arne Ljungqvist seminar to take place in September in Stockholm. The members would all have a pamphlet before them. WADA had worked a little with the organising committee put together to celebrate the occasion; he had not wanted to embarrass Professor Ljungqvist by asking him to talk to it, but he would probably want to make sure that the members were all personally invited. It looked as if there was a compelling list of presenters and a programme from which good results would stem.

Regarding laboratories, there was a paper in the files on strategy, and he emphasised the need to have from the members direction as to future strategy. Should WADA just keep accepting applications from countries wishing to establish a laboratory, or should it have a more strategic approach, which said that there were parts of the world that needed a laboratory and WADA wanted to encourage the establishment of a laboratory in

those areas? Some discussion and direction was necessary on that. As to the laboratories that had had their accreditation revoked or suspended, Malaysia and Turkey had both given initial indications that they wanted to have their accreditation returned. They were not yet in a position to ask officially for that, but he hoped that this would be done in September. Regarding the Tunis laboratory, the members had agreed that the suspension would start again as a result of force majeure and the civil unrest in that country. The six months would shortly expire, and the laboratory was not quite ready to resume activities in accordance with the ISL but, under the clause in the ISL, there was a two-month period for WADA to work with the laboratory and ensure that activities would be in place. That was what WADA would do. He hoped that the Tunis laboratory would be able to resume its activities sometime in June, after the necessary work had been conducted by WADA with the laboratory. No decision was necessary; this was merely for information.

He had spoken previously about select menus and the concern that had arisen from the 2010 statistics, which had indicated that, of 258,000 samples analysed, only 36 samples had tested positive for EPO. The members had received a very good presentation the previous time from Dr Rabin in relation to the progress made with research. There seemed to be a big disconnect between research and practice, and WADA had done a lot of work so as to be able to detect substances not previously detectable. It was able to do all sorts of things, but the science was not being used to the expected degree. WADA would progress this a little more to find out why. More information was needed and WADA had to understand why people were asking only for the select menu process. He knew the excuse was money, as everybody said that it was too expensive to analyse for EPO. WADA needed to look at some direction in terms of more cost-effective testing to ensure that the cheats who were getting away with it did not continue to do so. At the same time, WADA had to realise that those cheats who were getting away with it were spending a lot of money on their science. When they came to court, WADA realised that they spent a lot of money on their expert witnesses. In his view, it was necessary to keep up with the progress being made by the bad guys by making sure that the good guys not only kept up with them but also detected the substances being used.

Regarding special projects, the paperless project continued, and WADA really needed to move away from the seventies and stop using carbon copies. He had said on several occasions that he did not think that young people today even knew what a carbon copy was, despite the fact that they had to deal with it, and it seemed ridiculous.

WADA certainly had to move on statistics. It had been criticised in the past by people saying that they did not have enough information. WADA had hired independent statisticians and had changed the IST to ensure that the laboratories received more information from the testing people. WADA would gather more information if it got it from ADOs; it still did not receive the information on an annual basis that it ought to get under article 14 of the Code. It had been decided that that would not be an issue for compliance. Going forward, the members might want to address that when the next compliance report was required in 2015. Without information of a statistical nature, WADA could not tell the members how successful things were, and whether the emphasis placed on out-of-competition testing was the right emphasis. WADA was trying to do better. Hopefully, he would have more information to provide at the end of the year. Shortly, the 2011 laboratory statistics would be available and would go out in the same way as they had in the past, with some modifications to allow more information for the members. WADA had asked all the ADOs to report to it and, if they did, it tried to put the reports alongside the laboratory statistics, and it certainly worked with all the ADOs to ensure that they could look at ensuring that the information from the laboratories measured up with the information that they had.

Better practice was something that WADA was really concentrating on and it would take it further at the SportAccord meeting in Quebec the following week. WADA really

felt that it needed to get alongside IFs and ADOs to make sure that the practice was cost-effective and cost-efficient, and that WADA was not wasting money by doing tests for the sake of doing tests. WADA was piloting several projects, one with a major games organiser and several with IFs, and would see how they could be advanced to make them available to others, and in that regard he thanked SportAccord and ASOIF for helping put the project forward.

IT dominated WADA's activities and some of the things that had to be done on a daily basis. Internally, WADA was reviewing all of its IT. A request for proposals had been issued and a number of responses had been received. WADA would make a decision on its provider in the coming weeks.

WADA had made significant advances regarding ADAMS, which had been pretty helpful. Nevertheless, WADA could not just sit back. It was an area that continued to demand more and WADA had to respond.

WADA had engaged independent assistance for risk assessment so that it could put together better ideas on how to assess the risk of the athletes. This had to be done with the help of those who did risk assessment on a regular basis, either through the insurance industry or through others. He would report further on the project in September.

The IOC had said that it was looking at reanalysis of the tests stored from the Olympic Games in Athens and WADA had worked closely with the IOC to see that it could be done in a sensible fashion. It did highlight the issue and it was one that the members might want to think about in terms of principle or policy going forward. The IOC was one of the few organisations that stored samples for the eight years allowed under the Code. Whether others should or could or might be encouraged to do so was something that would benefit from the members' wisdom.

The athlete group UNI Sport, a section of UNI Global, which was a labour organisation with 15-20 million representatives, had taken over the EU Athletes association and provided a lot of suggestions as to how WADA should proceed with athletes. WADA would engage with it during the Code consultation period and had had meetings with representatives, and would probably invite a member of the organisation to the Athlete Committee meeting in September. The organisation would not go away. It had had a recent meeting in Strasbourg, financed by the European Commission. There was governmental support for the body, which was of interest to WADA at a time when it was finding it difficult to get funds out of Europe. WADA would look to the way forward, and had spoken to the IOC athletes' commission and the EOC athletes' commission to ensure that their views were progressed in an appropriate fashion. As he had said many times in the past, this was an area that was advancing and one to which WADA really needed to be alert.

MR RICCI BITTI congratulated WADA on the number of UNESCO convention signatories. As he often said during the meetings, this was very important, but it was less important than the following step, and finding out about NADO activities in each country and the level of legislation, so he welcomed information about the development of NADOs in very important countries, because this was important for those working in the field. The future of the programme was based on the cooperation and work of the sports organisations and the NADOs, so he was very happy to hear that a lot of attention was paid to the development of the NADOs. This was a key problem and it was perhaps the first time that a list of countries had been provided, as they were very important countries from an Olympic point of view; but, in general, he believed that NADO development was key to the future of the programme and, in this respect, he raised a huge concern on the sport side that would undoubtedly be discussed later on during the meeting: the evolution of legislation in terms of data protection in Europe. He believed that this risked jeopardising the effectiveness of the programme in the long term, so he

raised the issue for further discussion, perhaps during the legal report, as this was a very high level of concern from the sporting bodies.

Finally, with regard to the Code and the select menus, there was a lot of attention among the sports organisations to know if WADA could help. He had heard a great presentation some months previously from Dr Rabin. Everybody spoke about intelligent testing and more effective programmes, but guidelines were necessary. This was the stage during which WADA needed to take the lead and become a kind of advisor, as there were well-established programmes; but, to take the next step, he believed that WADA's cooperation was necessary and, with regard to EPO, one should not talk only about figures but also about how to implement the programme.

MR KASPER said that one thing was missing from the report, and it had been of great concern among the winter sports federations in particular: blood irradiation. WADA had informed the media at the beginning of that year that blood irradiation had been forbidden only since 2011, and the members would remember that there had been many scandals and crises in 2002 in Salt Lake City, and several coaches and athletes had been sanctioned because of blood irradiation. As soon as WADA had said that blood irradiation had been forbidden only since 2011 and not from 2000 onwards, everybody had started going to court against the IOC, the IOC president personally, the ISF and so on, although he was convinced that, at the beginning of the century, blood manipulation (and for him blood irradiation was blood manipulation) had already been forbidden, but now of course all these people had turned it around and were quite sure that they would be successful in court. He would be interested to find out whether there had been a misinterpretation on the part of the media or whether there were other reasons.

The Director General had mentioned a crisis or a scandal in Austria with the NADO. It would be interesting to find out what was really going on. He knew that everybody had been fired and about the unofficial recordings involving sex scandals and so on. It was quite an amusing story, but it would be nice to hear the real reason behind it.

MR MCQUAID said that, in terms of the US investigation, Mr Howman had stated that USADA had made appropriate applications, but had any responses been obtained? These things took time and it had taken many years to get the information in the BALCO case, but the Director General had also referred to the fact that there could be an athlete in there and, when one considered that this case referred to a lot of activity at the start of the century, there was only one or possibly two athletes who could still be competing and could go to the Olympic Games in London. From the UCI's point of view, if there was any possibility of an athlete being involved and the UCI had information to get him out of the Olympic Games, WADA and the UCI should do their utmost to do that.

The second point related to statistics, and he was backing up Mr Howman's proposal. As far as he was concerned, more statistics were needed regarding what exactly was happening in the field in terms of the NADOs and IFs and the laboratories so that, at the end of the day, if people had to be shamed in order to get them to act, they should be shamed, because the statistics on EPO testing done in recent years were scandalous to say the least.

In relation to data protection, he completely supported what Mr Ricci Bitti had said and would talk further about that later on. Regarding IOC storage, he thought that, at the end of the day, it all came down to cost. It cost quite a bit of money to store samples for eight years. The IOC had the resources to do this, but the IFs and NADOs possibly did not.

PROFESSOR LJUNGQVIST thanked Mr Howman for mentioning the symposium to be held in his name in Stockholm in September that year. He had some additional information to provide to the members. It was the first time that all five stakeholders would be brought together, namely the IOC, WADA, Interpol, UNESCO and the WHO, all of which would be represented to discuss doping as a public health issue. The



programme was now almost complete; the members had before them a preliminary programme that had been circulated some months previously. UNESCO had appointed a representative to speak on its behalf, Ms Elizabeth Longworth, who was Deputy Assistant Director General of the Social and Human Sciences Sector and Director of the Division of Social Sciences Research and Policy at UNESCO. The UK Anti-Doping Organisation had also appointed Ms Nicole Sapstead to speak on its behalf, and there was an additional item on the agenda that had not been mentioned previously: the researcher and writer from the USA, Steven Ungerleider who had closely followed the East German trials in early 2000, and had written a book about it entitled Faust's Gold: Inside the East German Doping Machine, about which he would be talking, which he thought would make an interesting contribution to the symposium.

MS SCOTT referred to the FBI investigation and asked why it had been abruptly closed. She was curious about the motivation for the risk assessment and the hopeful end result of the consultation of risk assessment specialists.

MR MOEMI requested that the Executive Committee consider in respect of the UNESCO convention and ratification the whole issue of the RADOs being given the right to apply directly for further funding. He proposed that WADA take a common unified position relating to this matter and proposed firmly that the RADOs be given the right to apply to the voluntary fund.

THE CHAIRMAN responded that this would certainly be of particular interest to a continent such as Africa, in which countries currently had to apply for funding under the UNESCO fund, whereas anti-doping existed in so much of Africa and other parts of the world through RADOs. He knew that this had been discussed in Paris; it was a good point.

MR ODRIOZOLA briefly mentioned the satisfaction of the European continent that all of the countries in Europe had ratified the UNESCO convention and also the Council of Europe anti-doping convention.

MR HOWMAN responded to Mr Ricci Bitti, saying that the project on which WADA was working with UNESCO regarding legislation ought to be completed over the summer, so he was hopeful that this would be made available in September. He knew that the subject was on the agenda for the symposium in Stockholm. There was a little bit of pressure there. WADA had worked very closely with Mr Houlihan, who was the lead project writer, to make sure that this took place. He thought that Mr Ricci Bitti's comments about NADOs were very pertinent. WADA was also working with the RADOs, which covered a significant number of countries. WADA was certainly making sure that the NADOs in the big countries did improve their work. Mr Ricci Bitti's comment regarding better practice or more advice from WADA was one that WADA had certainly taken on board, and it would develop that. This would be discussed the following week at the SportAccord meetings. He knew that this was an area on which WADA should be giving advice and, if WADA could see that as a priority activity going forward rather than some of the other things that it was doing, he thought that the stakeholders would get better information. That would be part of how he would restructure the management team.

He told Mr Kasper that he had raised two interesting issues. The blood irradiation issue was one that Professor Ljungqvist and he had commented on in February, stating quite clearly to the media that blood doping was not permitted. The issue in relation to the matter in Germany was twofold. First, WADA had been asked by the German NADO to give an opinion on this particular technique and had said that this would not be possible in general, as it would be necessary to have all the information regarding the case. That had been made available and discussed by the List Committee at its meeting in April, and it had led to the outcome that, pursuant to the List, prior to 2011, this particular method had had to be covered by part M1 of the Prohibited List, which dealt with blood doping and oxygenation and so on. After 2011, it had been very clearly

proscribed in the List, so it had been very clear after 2011 that what was done in this particular process was prohibited. He thought that Dr Rabin would be able to develop on the pre-2011 period a little more.

The other matter, in Austria, was exactly as Mr Kasper had described it. There had been a court hearing for an anti-doping rule violation. The court had retired and, during the period of its retirement, had left the microphones on and there had been very inappropriate discussions by the chair of that particular panel about sexual activities; it had certainly been a discussion that had been not only inappropriate but also very wrong. The recording had been made available to the media and, as a result, there had been a considerable controversy in Austria, as one might imagine. As a result, the members of the tribunal had all been fired and, because the CEO of the Austrian NADO had been in the room, although he had not partaken in any of it, he had also been fired. Nothing else had gone on; the scandal had simply led to the chopping of the heads. WADA had not heard who would replace the members. WADA had had a very good relationship with the Austrian NADO and the CEO who had been fired. He thought that the CEO had been fired simply because he was the CEO and not because he had participated in any bad behaviour.

He told Mr McQuaid that he did not know what information had been made available, but was trying to ensure (and WADA was working very closely with USADA on this) that the point raised was addressed. It was not just from the early 2000s; the inquiry had gone right up to the time it had stopped, in 2012, so there had been information given and evidence gathered in relation to athletes who might be current. He agreed with Mr McQuaid, as did USADA. The information was needed immediately so that, if any action were to be taken prior to the Olympic Games in London, it could be done. That was the priority at present. WADA did not receive the information and was not entitled to it, but the application had been made by USADA through the Department of Justice, and he would see what happened. He could only concur totally with Mr McQuaid about statistics and had nothing more to add other than to say that WADA would advance the project as quickly as possible. He thanked Mr McQuaid for his comments about storage and EPO. It seemed to him that, when analysing the EPO positives, most of the cases had come from just a few sports, which might indicate that just a few sports were taking EPO seriously.

He looked forward to Professor Ljungqvist's symposium in Stockholm; it was a very compelling project, and he looked forward to the information that would come from it. He was only too happy to be working with Professor Ljungqvist on it and he was sure that it would offer an excellent opportunity to advance matters.

He told Ms Scott that he did not know why the investigation had been stopped; it had been a decision taken by the attorney general in California, as it has been a federal inquiry under his auspices. All those involved in the investigation had been totally surprised. It had been a very abrupt decision taken in early February. Interviews and investigations had been taking place in that month and all of a sudden had had to be stopped. It was a discretionary thing; nobody could do anything about it, it had happened, and he did not really know why. As to the risk assessment process, that was something on which a great deal of time and energy had to be spent. He thought that it tied in with what Mr Ricci Bitti had said about better practice, making sure that WADA was spending its money wisely and that risks were assessed in an appropriate way. That was why WADA was seeking people from outside the anti-doping community. There was too much anecdotal information and not enough substance. WADA needed the substance and he hoped that this would be obtained in the way in which WADA was approaching that particular project.

He told Mr Moemi that WADA was very strong on trying to make the voluntary fund work for the developing nations and the RADOs because, at the RADO level in continents such as Africa, the money could be well and properly used, and UNESCO had not allowed

applications to be made by the RADOs. That was disappointing to WADA but it would keep fighting that fight to see if it could be changed and would keep fighting for ways and means of getting resources made available to the NADOs and the RADOs.

He told Mr Odriozola that he thought that everybody was satisfied that one continent had achieved the completion of the UNESCO ratifications.

DR RABIN elaborated on the matter raised. Clearly, this method was considered to have been prohibited after 2011, as Mr Howman had said, under section M2.3 of the List, because this provision of withdrawing, manipulating and re-administering blood, whatever the quantity, had been added to the List as of 1 January 2011. The question before that date in 2011 was whether or not the method fell under the M1 section of the List, relating to enhancement of oxygen transport or transfer. A lot of material had been received in German from Germany and WADA had had to translate it and had also had to request the opinion of external and independent experts with a lot of haematology expertise and expertise in sport and anti-doping in general. The technology had also been reviewed internally by the Science Department at WADA, and the List Expert Group had also been involved, and all had reached the conclusion that the methodology did not modify the blood to the point that it could enhance oxygen transfer, so it could not be considered as falling under the M1 section of the List prior to 2011. It was necessary to be aware that there were a lot of technologies out there, and a lot of very creative people putting a lot of different technologies on the market that did not enhance or modify the quality of the blood to the point that it could enhance performance, but they claimed a lot of different physiological effects that, frankly, from the technical perspective, had nothing to do with the claims. The question for the List Committee was whether the prohibition was based on the mechanism of action or the effect of the technology, and this was what was seen under M1, or whether this was a more general philosophy prohibiting any form of blood manipulation and there should be a decision that this was not acceptable in sport and there should be a global ban on any of these forms. WADA faced technologies such as the insertion of laser beams in the arterial vein. Nobody knew what this did; it was believed that it had no effect, but this technology was proposed to athletes, so there were a lot of different technologies with very creative people developing them, and WADA would increasingly be facing these technologies with no scientific support for whatever effect these technologies might have in terms of physiology or performance enhancement. Blood doping was prohibited. Not all forms of blood manipulation could be prohibited at present; this would need to be looked into, and the List Expert Group was very much aware of this, and whether to base prohibition on the mechanism of action and the effects of these technologies on blood, for example, or whether there was a more global ban based on the processes applied to any form of blood or fraction or components of blood that would then need to be considered prohibited. Technically speaking, there was no reason to believe that UV blood irradiation did anything to the blood to the point that it could enhance oxygen transfer.

MR KASPER said that he thought that he was at the same point as before. All he wanted to know was whether the sanctions between 2002 and 2011 had been correct. Having listened to Dr Rabin, he thought that they had not really been correct, and that meant that it would be necessary to start all over again, and that would represent a financial burden for many of the IFs, as all of the athletes would undoubtedly ask for significant amounts of money, as they had been sanctioned for two years and, in one case, for three editions of the Olympic Games, and this would not be easy. He thought that it was more of a legal question than a scientific question. The question for his IF was whether or not the decisions that it had taken were correct in connection with the Code.

PROFESSOR LJUNGQVIST commented that perhaps it was necessary to know a little about the history in order to understand the matter fully. Blood doping had been banned following the admission by the US cycling team at the 1984 Olympic Games that it had been practicing blood transfusion. Before then, blood doping had not officially been

banned by the IOC and WADA had not existed at the time. The IOC had then decided to have its list updated for each edition of the Olympic Games and, when people had become aware, towards the end of the nineties, that such types of manipulation were in practice, particularly in Germany and Austria, the IOC had clearly banned them. That was why there was this particular confusion at present. This method had been banned under the IOC Olympic medical code, until WADA had been created and produced its own Code in 2004. Perhaps he and others should have been more attentive to ensure that the ban would be continued through the legal wording of the Code as of 2004, and he honestly believed that it had been because the spirit of the rules had been so clear: such manipulation had been banned. Therefore, he had been quite surprised when he had heard from the media that WADA saw this as not having been covered by the rules between 2004 and 2011, which was why, when he had been approached by German media, he had said that the procedure had always been banned, and that had been the spirit of the rules; but, obviously from a legal and combined legal and scientific point of view, there had been a deficit between 2004 and 2011, and it had been discovered by WADA in 2010 that there was this gap and the rules had been amended as of 2011. Any decision with respect to disqualification that might have been reached under the IOC code was valid, as this had been clearly banned at the Olympic Games and the IOC rules were in force during Olympic Games but, when the WADA Code had entered into force in 2004, this had obviously not been sufficiently covered by the wording. That was the conclusion of the review. He did not think that anybody agreed with the conclusion; there was still some controversy, but the conclusion had been reached and relayed, and that was the current situation, and it had put him in a very difficult situation vis-à-vis the German media, which had understood that he had said that, in his view, the spirit of the rules had always been that the method was banned, but that had been his feeling, and it was still his feeling. Unfortunately, the legal aspect had not been taken into account when the Code had been written in 2004.

MR RICCI BITTI said that he had been a spectator in Innsbruck and had also been somewhat surprised. Obviously, there was a legal aspect, and there was the spirit, or interpretation of the rule, which had always inspired the IOC and the sporting organisations. He believed that there was no solution; there were a lot of fantasies about such machinery, such procedures, and there were more sophisticated procedures, as one did not need to take blood out as was necessary in the past. He knew that many athletes used laser in tennis, and did not think that it did anything, but there were some good doctors earning a lot of money based on fantasy. The best thing that WADA could do was to take a position and clearly state what it thought legally and what it thought in spirit; otherwise, it would be exposed. He had also heard that the procedure was banned in some countries, and again this was another complication. He believed that WADA should produce a position paper, as he had been in Innsbruck and had seen that Professor Ljungqvist had really been under pressure on the part of the media. A position to cover both sides needed to be developed.

THE CHAIRMAN thought that this was a good suggestion and asked Mr Howman to work on a position paper.

MR KASPER said that, in European sporting circles and in the media, it was believed that the rule had been changed because there were about 30 German athletes under suspicion of manipulation; just because of those 30 Germans, the rule had had to be changed. The members needed to be aware of the issues and the fact that this was not good for WADA.

THE CHAIRMAN said that everybody would support the spirit that was being discussed, that blood manipulation ought to be banned, but the history was one that could not be ignored. He suggested that the Director General run the position paper past Mr Kasper, Professor Ljungqvist and Mr Ricci Bitti, just to get the practical aspect of it that addressed the difficulties encountered. It was confusing. Each time he had read the media reports on it he had shaken his head and said that he was not clear. Then again,

he was not an expert in the area. WADA would do its best to come up with a position that clarified the matter so that any uncertainty would be removed from that point forward, whatever the past might have been.

In the course of that report, the Director General had raised a number of matters that would no doubt go through the members' minds during the review. If there were matters that they had brought up already (and he thought that the issue relating to statistics was important) that might not come up in the presentation, he asked them to think about whether they wanted them in the first draft, even if they were not in the presentation that day. They should bear in mind that what went out in the first discussion paper was what the Executive Committee decided ought to go out in the first discussion paper. That would be out by 1 June after clear indications had been issued with regard to content. If there were some matters that the Director General or members had raised which they did not see later on, they should not be afraid to put their hands up. Other than that, he thanked the Director General for the report.

#### DECISIONS

1. Position paper on blood manipulation to be drawn up.
2. Director General's report noted.

#### **4. Operations/management**

- 4.1 Endorsement of Foundation Board composition for Swiss authorities

THE CHAIRMAN stated that the members would be aware that WADA was required on a biannual basis (because the Foundation Board changed biannually) to notify the registry of commerce in Switzerland of the membership of the Foundation Board, so the members would find in their files the list of the Foundation Board as WADA knew it to be, and it was not a decision for the Executive Committee but for recommendation to the Foundation Board the following day that the notification be in the form as set out in the paper.

MR ODRIOZOLA announced that, as of 1 January 2013, the Council of the European Union representation on the Foundation Board would be changing, so the European Union representatives would remain for three years like the other members of the Foundation Board, as they currently remained for only 18 months. Further information would be given during the Foundation Board meeting by the current European Union representatives.

THE CHAIRMAN ascertained that the list was accurate for the moment.

#### DECISION

Foundation Board composition for Swiss authorities endorsed.

- 4.2 Operational Performance Indicators

THE CHAIRMAN stated that there was a strategic plan and this was in effect a sub-section of that strategic plan and a progress report for the year ending 31 December 2011 and a progress report for 2012 up to April. It was an indication as to the targets set and how the targets had been reached. Was there any matter that anybody wished to raise in respect of the paper?

#### DECISION

Operational Performance Indicators update noted.

## 5. Legal

### – 5.1 Legal update

MR NIGGLI informed the members about data protection. The purpose of the section was to put facts on the table and raise awareness about potential issues that could be faced relatively soon and should be of concern to all. It was necessary to distinguish between the current situation and the current issue in Europe regarding data protection with the draft regulation. There was still an issue with the European Commission not having formally recognised Quebec as providing adequate protection for data protection. This was a non-legal issue and it had been discussed many times; it was a matter of process within the European Union, getting the European Commission to finally add Quebec to the list of recognised countries. It was recognised by everybody that the law in Quebec was perfectly adequate and it was really just a matter of process. The slow speed at which this was being done was an issue because in Europe there were still a few countries (five out of 27) that were saying (perhaps as an excuse) that they could not use ADAMS as they could not transfer data to Quebec until the Commission had done that. This created a very concrete practical issue for the IOC in the lead-up to the Olympic Games as it was unable to properly collect all of the necessary information in order to prepare the Olympic Games. That was still on the table; there was not much that could be done by WADA. It had raised the issue, insisted, and the President had raised it with the Commissioner on a recent visit to Brussels. WADA had been told that work was ongoing, but it had been ongoing for a long time

Regarding the draft regulation, the European Union had decided to revise its regulation on data protection, obviously not in order to address a sporting issue but to address a much broader issue in terms of social media and society in general, but the consequences of that, the collateral effect, would have an impact on the way in which sport operated. Put simply, currently, if one wanted to collect data, there were basically four means of justifying such collection. One was consent, the most obvious and the most used, and which for sport made more sense, as when an athlete consented to participate in sport, he or she consented to abide by the rules, and therefore consented to the use of his or her data for anti-doping purposes. The other one was having a legal basis, legislation that would allow for data to be collected and processed. The two others were having a contractual relationship or being in the public interest. Public interest had not been accepted to date. The contractual option was just not realistic, in that one would have to sign an agreement with every athlete. This standard agreement was hard to understand and totally unrealistic. One was therefore left with two options, either consent or a law. The proposed draft European regulation stated that consent would not be accepted if there was a significant imbalance between the person providing the data and the person collecting the data, and it was not hard to figure out that, between an athlete and an ADO, be it a federation or an anti-doping agency, there was a pretty significant imbalance. Therefore, it looked as if consent would no longer be accepted, and the result was that the only thing left would be legislation that would allow one to collect data. Currently in Europe, out of 27 countries, there might be five with some sort of legislation, and he was not sure that those five had the basis for transfer of data, so it meant that, if this went on as it was, as Ms Reding was saying, perhaps the following year was unrealistic, but perhaps by 2014, every single country in Europe would have to have proper legislation in place in order to be able to collect and transfer data; otherwise, it would not be possible to do so and one would be infringing the law if one did. This would have a major impact on the current situation. The purpose of this was really to say that either there should be some exception or recognition of anti-doping as being in the public interest, or some way of doing it was being done and implemented into text, or governments undertook immediate legislative process, which seemed somewhat unrealistic, but it was a possibility. Something had to be done, and he thought that there were three basic recommendations: one was obviously that every member state raise the issue with the Commission and MEPs so as to raise awareness;

that sports organisations raise the matter when they had an opportunity at the political level with European entities and with member states; and that WADA try to get the matter raised in Brussels at the level of the European Parliament and in the individual member states. Everybody should try to make sure that this was understood before actually facing the problem.

He drew the members' attention to a general topic, which was not related to a specific case but rather to a number of cases, which was methylhexanamine being the cause of many adverse analytical findings. WADA had to make sure that everybody understood that there was a clear distinction between the supplement case, whereby there had been contamination of a supplement in the past, in other words, the substance had been in a product by accident, and these methylhexanamine cases, whereby the substance was in the product on purpose, despite the fact that methylhexanamine was not necessarily written on the label - there were other names, and a five-second search on the Internet would indicate that a product contained a prohibited substance. WADA had now taken a very strong stance on such cases as it saw more and more abuse by athletes, and thought that these were cases that did not fall under the 10.4 category (no intent to enhance performance), but actually did fall under a clear will on the part of the athletes to cheat, and WADA was seeing a number of these cases.

Apart from that, on the cases currently closed, there was one that was slightly out of the ordinary, and it was a combination of items three and four. There had been a decision by the Belgian State Council indicating that the law that had been promulgated in Belgium in relation to whereabouts, which in fact took what was in the standards and put it into the law in Belgium, with all the details and requirements to be fulfilled by athletes, had not been promulgated lawfully under Belgian law and therefore had been deemed never to have been in force. The consequences of that were that the decision in the case of the two tennis players, Wickmayer and Malisse, which WADA had appealed, became nil, because there was no longer a legal basis upon which to base such a decision. WADA had therefore withdrawn its appeal to the CAS on the matter as there was actually no longer a decision to be appealed.

The other matter, which had been on the legal report for many years, related to the case of Mr Cañas. The European Court of Justice had finally rejected his appeal on the basis that he had been retired for many years and therefore had no interest in pursuing the case. The matter had finally been resolved following the decision by the European Court of Justice.

THE CHAIRMAN noted that there were many cases.

With regard to the Belgian matter, PROFESSOR LJUNGQVIST stated that his conclusion was that the NADO had been non-compliant at the time. Was that correct?

MR NIGGLI responded that, at the time, until it had been known that the law did not exist, they had been compliant but, as soon as the decision had been issued by the Belgian State Council, they had become non-compliant and the Belgian Government was now re-establishing the law in accordance with the correct process.

PROFESSOR LJUNGQVIST asked if the athletes had got away with it.

MR NIGGLI responded that, when it had happened, there had been no law, technically.

As THE CHAIRMAN understood it, the court had decided that the number of steps one had to take to create a valid law in Belgium had not all been taken - they were of a technical nature. Consequently, the law believed to have been in existence had been found never to have existed because certain steps had been left out in Belgian procedure. This had nothing to do with anti-doping. The council had decided that decisions under a law that had never been properly made could not stand. It was not a criticism of WADA's rules, but the fact that the law could not be applied in Belgium as it

had not been implemented by taking the correct steps. Hopefully, this would be rectified for the future. It was frustrating.

MS SCOTT asked about the methylhexanamine cases. She saw a lot of reluctance to impose sanctions on athletes or, if there were sanctions, they were very short. What was the reason for that? Also, what was the performance-enhancing effect of this substance?

MR MCQUAID returned to the matter of the draft European Union legislation. There was no doubt that this would have to be fought very strongly, and also at the Foundation Board the following day, because for him it was like criminals getting the support of the European Union to close down Interpol, so to speak. For sport, it was critical to be able to move data around the world, or between NADOs and IFs. Many of those around the table were spending large amounts of money on the fight against doping in sport, and that was going to be completely undermined by this legislation, and people needed to understand that.

MR ODRIOZOLA said that he shared the concerns expressed about the proposal for a regulation replacing the current data protection directive, and it was true that it would have an impact on the fight against doping in sport. It was evident that this had to be closely monitored and he would do that and request that the member states take an interest in the issue, so he absolutely shared the concern raised and wanted to maintain the effect of the anti-doping work, but one could not forget that this was something that was going to happen in the future. It was necessary to ask for clarification and find out how the regulation was going to be worded. It was necessary to take into account that it had to pass through the European Parliament and other institutions, so the process would take between 10 and 30 months, or an average of 20 months and, once ratified, would take two years to enter into force. Of course, it was necessary to monitor the process, but WADA should not panic.

THE CHAIRMAN supported the sentiment behind the intervention made by Mr McQuaid. Now was the time to make sure that the members informed those in their countries, particularly in Europe, who had some influence over what might be the law. It was a proposal but, if it was allowed to proceed in its draft form, it would destroy WADA's capacity to fight doping in Europe in any real sense. The most influential were the colleagues from Europe, and it was necessary to make sure that they fully understood the damage that it would do to the work that WADA was trying to do. Hopefully, it would never become law. The fact that it might take a few years to become law worried him a little bit because, once one set down a certain path, sometimes it was very difficult to change direction, so everybody had influence over those making the laws and WADA needed to make sure that they fully understood the difficulties that they would put WADA in as they considered the law that was currently only in draft form. This would be emphasised at the Foundation Board meeting the following day.

Knowing that this would be coming up, MR REEDIE said that he had asked Mr Niggli to begin to prepare a position paper. There were two issues. It was nice to be in the sun in Montreal, despite the fact that he was supposed to be in the Panathinaiko stadium accepting the Olympic flame to bring it back to London. There were 70 days to go until the Olympic Games and, if the current situation was going to make the Olympic Games more difficult, certainly somebody had to do something about it. As to the future situation, as Mr Odriozola had pointed out, there was a little bit of time. After the debate at the Foundation Board meeting the following day, remembering always that it was an open meeting, so WADA would not be able to hide anything, because presumably the media would be quite interested in this topic, Mr Niggli and he would polish the report and he would make sure that it was before the executive board of the IOC in Quebec the following week, as it had a very clear interest in what was happening and he hoped that it had a degree of influence that could back up WADA's degree of influence.

THE CHAIRMAN thanked Mr Reddie for the constructive suggestion.



MR NIGGLI told Ms Scott that the substance had initially not been a specified substance but had then become a specified substance, and a lot of organisations had taken it for granted that the standard sanction would always be around four to six months, when in fact this could happen only in those cases in which there was no intent to enhance performance, and there might be a few of those cases. In fact, it was being seen that there was increasingly a clear intent to enhance performance; this was a powerful substance, as he was being told by his colleagues, and it was very rare that athletes took it by mistake, and WADA was looking into these cases as it did not accept the easy excuse that they had been done with no intent to enhance performance, and they were being appealed and hopefully some case law was being established.

THE CHAIRMAN asked whether methylhexanamine was in the specified substances category on the Prohibited List.

MR NIGGLI responded that it was in the specified substances category.

He told Mr Odriozola that the issue had been raised precisely so as not to panic but, in terms of timing, it was necessary to be aware that the text was before the European Parliament, a rapporteur had been appointed, and discussions were ongoing, not in ten months or any other period of time. Between then and entry into force, there would be a little bit of time but, for the amendments, if WADA hoped to do something, it had to be done immediately and not further down the line.

Further to his earlier comment, methylhexanamine was a stimulant, it was not that strong, and it had been used in the past as a nasal decongestant, or for a stuffy nose, and it had been discontinued in the seventies and had come back as a designer stimulant from the dietary supplement industry. As a designer stimulant, it had been initially included by the List Expert Group on the non-specified list of stimulants. It had then become very widespread, to the point that it had been seen in many different stimulants. It was an adrenergic stimulating drug, or a stimulant, so it gave one a boost or more stamina during physical activity, so this was clearly a stimulant, well described as such in scientific literature, that had been revived as a designer drug by the dietary supplement industry.

THE CHAIRMAN said that there had certainly been an initial feeling that it might have been a recreational drug. He recalled some young rugby players having been caught in the initial stages. Certainly, the understanding of it now was quite clear: it was a problem.

## DECISION

Legal update noted.

### **6. Finance**

#### – 6.1 Government/IOC contributions update

THE CHAIRMAN informed the members that the members would see the first cut of a budget and asked them to consider that in the context of a first cut; Mr Reddie's committee was seeking some guidance and direction. The Finance and Administration Committee would meet in June and there would be a firm budget put to the members in September. He made the point, as he had had the opportunity to do so at the public authorities meeting that morning, that there was a difficult situation facing WADA: one, there were still financial difficulties throughout the world from which nobody was immune; two, having tightened the belt for a year, WADA had slipped behind and, the longer one slipped behind or stayed behind, the harder it was to catch up; three, the members of the Executive Committee had a duty and an obligation to ensure that they acted responsibly and gave sufficient resources for the necessary work to be carried out, and in his view it was not acceptable to think about a zero per cent increase again, as much as that might be an easy one to fall back on, since life had not improved much in

most of the world's countries and in most economies. He asked the members to think of it in the context that there was nothing final about it, bearing in mind that the Finance and Administration Committee was seeking direction and not any resolutions that day.

MR REEDIE said that money was relatively straightforward after the very serious issues that had been discussed. The first item was the current situation as far as contributions were concerned. For those people who were not aware, the arrangement was that governments contributed at an agreed rate, the detailed contributions were agreed by the various continental organisations, not by WADA, and the IOC matched those contributions on a dollar by dollar basis, in three instalments over the year just to save too many money transfer costs and, as the members could see, as at 16 May, from the updated set of figures on the table, WADA had collected just under 84% of the invoices made. He was aware of major sinners, and no doubt gentle reminders would be sent to those countries that it would save much embarrassment if those invoices were paid properly. The USA no longer appeared on the list of sinners, so he thanked Mr Ward, as the USA was a major contributor to the organisation. That was a straightforward financial fact of life; that was how WADA collected most of its income.

#### DECISION

Government/IOC contributions update noted.

#### – 6.2 2011 year end accounts

MR REEDIE drew the members' attention to two pieces of paper. The accounts were prepared under the International Financial Reporting Standard and audited by PricewaterhouseCoopers, but WADA also ran each month the calculation or statement of actual expenditure and income against budgeted expenditure and income, so as to know every month how the agency was doing. The accounts were very detailed, as they had to be under the IFRS and had in fact come out much better than the original budget figure. WADA had raised an additional 4% on income principally because it had collected a very high percentage of government contributions. WADA budgeted on 96% of total invoices just in case something went wrong in these difficult economic times but, in fact, WADA had collected a very high percentage figure. The Finance and Administration Committee had gone through the expenditure side with a fine-tooth comb at the end of the previous year, and the end result was that WADA had reduced its costs by just under 900,000 dollars, and the unallocated cash fund (it was not a reserve fund but just cash built up over the years in the main by governments paying contributions in arrears) had improved by around 1.8 million dollars and that had been used to subsidise the operations of the agency. He was delighted to say that WADA had received an absolutely clear audit report from PWC, produced in the normal way, with red, amber and green, and it featured a whole mass of green. WADA had accounted for every penny properly and PWC had had no comments to make at all. PWC would come back to WADA with final comments on the internal control system, but that was satisfactory as well, and that represented a very good effort by the finance section. One of the directors or partners from the Montreal office would be present the following day and would actually present the auditors' report and, unless anybody wished to go through the accounts on a detailed basis, he was happy that they were in a satisfactory form and could be put to the Foundation Board the following day.

He should say that there had been one or two variations on budget, things that the committee had thought would happen. It had hoped that WADA would be accrediting a laboratory in Mexico but it had not, so the laboratory accreditation figures were not quite as good as expected. The litigation figure was high for the reasons just outlined by Mr Niggli. WADA was constantly in court defending the standards of the agency but, since the outturn at the end of the day was much better than the overall figure planned, he did not propose to take any of the excess litigation costs out of the litigation reserve; he would like to keep the litigation reserve at 1.5 million as a really major figure if there was a "real big one", or another Floyd Landis case, so WADA would just absorb the deficit in

the normal way. Some of the proficiency testing of laboratories was slightly higher than budget, there was a little more on legal fees for the Athlete Biological Passport work, financial expenses were up, and that was because WADA had hedged some of the currencies and that cost money but, all in all, he was reasonably happy with the outcome. There had been a very modest improvement in the strength of the US dollar and, having complained about it for years, he should put it on record that he was very grateful that that had happened. He was not so sure about this year; he was talking about the previous year. On that basis, he thought that the outturn was acceptable and the Executive Committee should put the accounts to the Foundation Board the following day.

THE CHAIRMAN said that Mr Reddie was looking for approval by the Executive Committee to recommend to the Foundation Board the following day that it approve the 2011 financial accounts.

#### DECISION

2011 year end accounts to be proposed to the Foundation Board for approval.

- 6.3 2012 quarterly accounts (quarter 1)

MR REEDIE said that the members would see a detailed balance sheet and income and expenditure account and the actual against budget figures for the first three months of the year. These were always slightly unreliable because, in the first three months of the year, WADA collected a huge proportion of its income and spent roughly one-third of its costs, so always showed a set of accounts that made it look as though there was an enormous surplus. That surplus would be eaten into in quarters two, three and four and, with a bit of luck, WADA would end up exactly where it hoped to be on the agreed budget by the end of the year. He had looked again at the actual against budget for the first three months and had been in touch with Ms Pisani, who prepared all of the figures, and there was nothing there that stuck out as being amazingly out of line with what might have been expected after three months. The Finance and Administration Committee would meet in Lausanne in June. The Olympic Games in London affected all sorts of things, including the date of the Finance and Administration Committee meeting, because it really needed to get the budget done in time for the September Executive Committee meeting just after the Olympic Games, and unfortunately that year it would only be able to operate on a five-month calculation or income and expenditure rather than a six-month calculation, so it would be operating on slightly less current information than he would have preferred, but again there was nothing in there that gave any cause for concern.

#### DECISION

2012 quarterly accounts noted.

- 6.4 2013 draft budget - preliminary planning

MR REEDIE admitted that he had rather lost an argument with the management: as Chairman of the Finance and Administration Committee, he would not have wanted a draft budget on the table at that stage of the year, and would have wanted to keep it to the Finance and Administration Committee, but the budget was there. It represented a wish list in the main from the office on how it thought costs would either grow or reduce. He would not comment on them as that was clearly a responsibility of the Finance and Administration Committee and it would come back to the Executive Committee in September with a proposal for a final budget. It had, however, given a projected cash flow situation running over the next few years, from which the members would see that, unless WADA was careful about its income, it would begin to completely exhaust some of its unallocated cash and, since the principle source of revenue was government contributions followed by IOC contributions, it was crucial to be aware of the fact that

WADA would not be able to go on without proper contribution increases. There was an element of inflation all around the world, and it was necessary to take that into account. The members had already heard a plea for management decisions on more staff. More staff would cost money. If the staff members were in Montreal, they would be paid in Canadian dollars and WADA's revenue was in US dollars, so WADA was very exposed to currency variations and currency movements against it both in Switzerland and in Canada. The figures were quite clear; he would be happy to take any guidance that the Executive Committee members were prepared to give, and he promised that the Finance and Administration Committee would listen to that guidance with great interest. If anybody wished to propose a 5% increase, that would make the job of the Finance and Administration Committee a lot easier but, at the end of the day, this was how WADA was funded. There were other sources of funding into which the committee was looking (he had a meeting in June with a potential sponsor), but that would not solve the long-term problems; it would alleviate the existing situation.

THE CHAIRMAN thanked Mr Reedie for the very good summary.

MR ODRIOZOLA congratulated the WADA management and acknowledged the excellent work carried out in 2011. The budget had foreseen a loss of 2,365,000, and the 2011 year end accounts showed a loss of only 475,000, which was great. The previous week, when asked to explain the reasons for this excellent result, the Finance and Legal Director had said that it was due to three factors: less expenditure, 97% instead of 100%; more contributions collected, 100% instead of 96%; and substantial donations. He therefore congratulated the WADA management on the excellent result and urged it to continue working along the same lines in 2012 and 2013. He saw that WADA was on the same path in 2012. Comparing the figures of the first quarter of 2012 with those of 2011, the members would be satisfied to know that the total income for the first quarter had gone from 14.4 in 2011 to 17.6 in 2012. The total expenses had gone down from 7.1 to 6.6, so the profit from the first quarter, always the most profitable quarter in the year, had rocketed from 7.2 to almost 11 million. Again, he congratulated the management and Finance and Administration Committee, as WADA was on a very good path. All those facts had significant weight when it came to the strong request for a second option for the 2013 draft budget, presented as the unique option in the papers that day. He recalled that, in the minutes of the previous meeting in November, Mr Reedie had said that he would be happy to give options. He was simply reminding Mr Reedie about that. It was necessary to have a balanced budget. It was not realistic to present an option with a 9.12% increase in expenditure in the current financial climate. It was necessary to present a zero per cent increase option, which, for many countries, would be considered a 20% increase as, in many countries, state budgets had decreased by 20% and in some cases even more, and these decreases had been suffered by some sectors as crucial to life in each country as the fight against doping in sport, for example, education, health and social services. Having studied the information received, he thought that, if income were kept at 29 million as in 2012 and expenditure maintained at 30 million as in 2012 as opposed to almost 33 million as in the draft budget, WADA would probably have to face a profit loss for the year between 0.5 and 1 million, which would leave the unallocated funds at a comfortable level between 4.5 and 5 million and not at 1.8 million as forecast in the projected cash flow. So, taking all of this information into account, he strongly urged the Finance and Administration Committee, which would meet in June, to produce a second option for the 2013 budget, considering the following aspects: a zero per cent increase in the public authorities' contributions, a zero per cent increase in total expenditure (a balanced budget), and as near as possible to a balanced result in the profit and loss results for the year. He considered that this was simply sound financial management for an institution and that this should be taken more seriously, particularly in times of financial difficulty, at the risk of getting into obligations impossible to fulfil by democratic governments around the world.

MR GOSAL said that he agreed with what had just been said. There was one thing he wished to point out: looking at contributions over the past three years, WADA had achieved over 99%, but should be trying to achieve 100%, although times were tough for all governments at the moment. He agreed that WADA should have a balanced budget and work on a zero per cent increase. Another thing was that there might be the suggestion, if the worst came to the worst, of working on a 1% or 2% scenario as well, instead of five, six or eight or even nine, trying to get down to a minimum increase, what could be lived with. He would love to see the balanced budget and balanced expenditure and no increase that year.

MR WARD thanked Mr Reddie for acknowledging the contribution and also the strength of the dollar. He wished he could control it a little better. With regard to the discussion, he had to agree with Messrs Odriozola and Gosal. As to the economic stress the previous year, he had talked about the crystal ball in terms of what the economy would look like in 2013. He was seeing that play out in Greece and across Europe and, within the USA, he was seeing the exact same situation as had been seen the previous year, with the budget being contested in Congress. This was a political year, so he did not forecast that spending increases would be on any of the candidates' minds rolling into November. He firmly agreed with the balanced budget construct; he asked the Finance and Administration Committee, as well as the Executive Committee, to look at core missions for WADA and determine a precise set of options on where it would be necessary to decrease and where the decreases would create the least stress, but he was also in favour of a zero per cent increase and a balanced budget.

MR MCCULLY added his voice to those of his colleagues arguing in favour of a zero per cent increase. That simply reflected the realities that governments confronted around the world. He had mentioned to one or two colleagues earlier that he had been the recipient of some reasonably unfavourable publicity at home for cutting 6% off one of the government budgets for which he was responsible: the foreign affairs budget in New Zealand. That reflected a request that was being made by major departments of state in his country to try to help get the budget accounts back into reasonable shape. There had been some additional complications apart from those that had been seen worldwide, but he thought that it reflected a worldwide reality that needed to be acknowledged. It should also be understood that this was a temporary situation and not a permanent one; there was a period of restraint being called for by governments around the world while matters were attended to and he thought that, going forward, there would be an opportunity to look to something slightly more generous being requested but, for that year, he thought that he would have difficulty supporting anything more than a flat line position going forward that reflected the situation that most of the representatives confronted, in other respects as well.

MR MCQUAID said that he did not normally get involved in financial discussions as he was not a finance person and never had been; he could not even understand budgets. However, listening to the political people speaking, one would think that the world was practically doomed. He had been speaking about this recently to one of his federation's sponsors who was in the Swiss watch industry, and he had said that there was a lot of doom and gloom being spoken, but that this was not the reality. The reality in Europe was that there were several countries that were doing very well and that did not have a crisis and, when one went outside Europe, to the East, countries were booming. This was also the case in South America. Whilst certain very important countries in Europe, and the USA possibly, were in difficulty, that was not the case everywhere, and there should be some balance brought to the discussion. He had heard a lot of discussion by Republicans about trillions of dollars being budgeted for in the USA; the amount of money coming from the countries into the fight against doping in sport was very small, and a small increase should be acceptable, but then again, as he had said, he came from sport and not politics.

MR MOEMI stated that he came from politics and his view was that what Mr McQuaid had said held water to a large extent. Although the members of the Executive Committee should put the interests of WADA to the fore, it was important to balance that with national interests, but they also had to remember that they had fiduciary duties as Executive Committee members to make sure that WADA did succeed and, while considerations had to be made regarding the financial global situation, WADA had a responsibility to thrive and succeed and make it in a very difficult time and, to that extent, he wished to support the proposal of a nominal increase, and the best way of doing so would be to look at the impact that the decision of a zero per cent increase would have on the WADA programmes. When the Finance and Administration Committee did meet next, at least two or three scenarios should be envisioned. The committee should look at the proposed zero per cent increase and its likely impact, and then it should look at the proposal of a nominal 2% or perhaps 3% increase, and consider the current proposal on the table as the third scenario and then take it from there. The other key thing related to what Mr McQuaid was suggesting. Not all of the world was in doom and gloom and regions had to pull together and support the functioning of WADA. It was important within that context that regional contributions be spread evenly to support struggling countries. This was already being done in Africa and that situation was not likely to change. Even in the best of economic times most African countries would never be able to afford to pay their dues to WADA. South Africa had long taken it into consideration that that was the reality of the situation and took on board the dues of those specific countries, and it was that type of regional solidarity that should be shown in difficult times.

MR REEDIE thanked the members for the guidance. Not a lot of it came as a big surprise, but he would take it on board. He was impressed with Mr Odriozola's detailed analysis of the various figures year by year. At least somebody read them in great detail, which was good. He would take the suggestions on board. One thing that the Finance and Administration Committee had to do was speak to the management and ask what it needed to do to enable the agency to deliver in a proper manner, and what the cost of that would be; then there was the issue of how to adjust the assumptions on income and any other money that it might be possible to raise. He did accept that options had been promised, as that was in the minutes, and options would be given in September. He thanked the members for their contributions.

THE CHAIRMAN said that he understood that the European Commission had increased its budget by 8%, which the countries of Europe were of course contributing to. There might have been good reasons for that to occur. He also asked the members to note again that, in the course of being asked to tighten the belt the previous year, expenditure had been reduced by 3%. Notwithstanding a couple of legal cases, involving Mr Contador and, dare he say it, the BOA, WADA could never have anticipated what had occurred, and there was a very good reason why Mr Reddie wanted to guard that 1.5 million, because that was almost the amount that had been paid by WADA in legal costs on the Landis case. It could happen again and WADA needed to make sure that it was able to conduct the fight with that reserve, so he would argue that that part of the so-called reserves or fortuitous funds, which was the better description given by Mr Reddie, be kept, and WADA had picked up because of past outstanding dues being collected outside the financial year. It had always been his view that, in any organisation (and he belonged to many and had done for many years), one had a duty and an obligation to one's organisation to ensure that, if the world stopped the following day and funds stopped coming in, one could repatriate one's employees (of which WADA had about 50) in an orderly fashion. The simple fact was that, if the countries or the IOC said that they could no longer continue, WADA had an obligation to people who were effectively giving their lives to the work; they were dependent on the members, who had a duty and an obligation to them. He believed that fortuitous funds ought to be kept for such purposes.

Lastly, looking at the history of contributions, when he had first started five years previously, 96% had been considered a reasonable sum, and WADA had been picking up about 97%. For reasons that represented a fantastic commitment to anti-doping from public authorities and governments around the world, WADA had received 99% the previous year, thought to be WADA's toughest year, so WADA was not in too much difficulty as a result. He could not promise that that would occur again.

#### DECISION

2013 draft budget noted and referred to the Finance Committee.

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

#### – 7.1 Code implementation and compliance report update

MR ANDERSEN reported that since the last meeting in November, 34 new ADOs had become Code compliant, and that WADA was continuing to work closely with stakeholders to get as many on board as possible.

#### – 7.2 Code review

THE CHAIRMAN introduced the issue by providing some background. The process was exactly the same path that WADA had gone down six years previously, when the first Code review had been undertaken, and the members would go through that process in a similar fashion that time. Over some time, there had been a drafting team, which was under the stewardship of Mr Andersen and had been developing a document for discussion purposes. That discussion document was for the benefit of the Executive Committee; he stressed that the drafting team was a group of technical experts. The steering committee was the Executive Committee, and he wanted the members' contributions to each section of the discussion to be focused on their views on the policy behind the suggested amendments as, at the end of the day, the Executive Committee would be making a recommendation to the Foundation Board at the end of the following year for changes to be made. It had been impossible to give too much notice of the paper that would be the subject of the discussion for the next few hours for a couple of reasons: one, it had no authenticity until such time as the Executive Committee approved the discussion paper being released; two, once these started to get into circulation, nobody had any control about certain things appearing in the media which more often than not set the hares running most unnecessarily. Whatever was in the original draft, none of it or much of it might not be in the final draft, or it might well be buried to either increase or decrease the content or intent of any of those sections. There was no point trying to play catch-up, as there was an impression in the media that something would occur; it would occur only when WADA signed off on what went to the Foundation Board, and that would be in the latter part of the following year. By 1 June, it was intended that what happened that day be taken back and put into the discussion paper, which would be circulated among all of the members and stakeholders, and he would of course give the members the opportunity to come back and make subsequent contributions, if there were any matters that they had missed. He wanted the members to assist to shape the initial discussion paper, which would allow for further debate and consultation going forward.

MR ANDERSEN said that, since 28 November the previous year, when the process had been opened up to all the stakeholders via an invitation on the website and via direct mail, WADA had received 91 submissions and 1,400 individual comments, all of which were in a file, if anybody wished to have a look at them. They would be posted together with the first draft on the website on 1 June. Reminders had been sent to all the stakeholders one month prior to the end of the consultation period and one week prior to the end of the 15 March deadline for submissions. The drafting team comprised Professor Ulrich Haas, from the University of Zurich, Mr Richard Young, a Foundation

Board member with a law firm in Colorado Springs, Mr Niggli, whom everybody knew, Mr Donzé, from the Lausanne office, the Director of IFs, Mr Sieveking, from the legal team in Montreal, Mr Kemp, from the Standards and Harmonisation Department, and himself. That was the technical team that had been trying to bring all of the comments together in the draft that the members had received the previous day. A document had also been created and tabled (agenda item 7.2, attachment 1, addendum); this was the paper that Mr Young would go through.

MR YOUNG informed the members that there had been more than 400 CAS decisions, either implementing or interpreting the Code; there had been hundreds of other decisions by tribunals of IFs, NADOs, major event organisations and the like, so there was a very broad body of jurisprudence dealing with Code issues. By and large, those tribunals had got it right and in fact the Code had worked very well to achieve the harmonisation that had been the underlying purpose. With that in mind, he had been careful not to tinker, to change the numbering system, the order to which people had become accustomed, the concepts that appeared and opinions that seemed to be established and good law in the world of anti-doping. The operating principle had been, if it ain't broke, don't fix it. Having said that, he had received lots of very good comments on ways in which the Code could be made clearer and loopholes that could be filled. When there were hundreds of cases in which lawyers were involved, it was not surprising that even tightly crafted documents were found to have cracks that needed to be addressed. There had been some cases in which CAS panels had got it wrong, and so those had been addressed in the proposed changes. There had been a number of comments from stakeholders that were significant based on their experience operating under the Code; they thought that the whole scheme and process could be done in a better way. All of that had been carefully considered. One of the comments that had been heard frequently was that people wished the Code could be shorter and simpler. He had to tell the members that, when that was seen in a comment, it usually went on to say, "but on article 10.5 we really think you need the following to further clarify it" or, "we need an article dealing with this situation", so invariably the result of their comments would be to make the Code longer.

As it stood, the Code that the members had before them in the discussion draft was about the same length as the existing Code. If one were to achieve harmonisation, one needed precision in the base document, so that anti-doping organisations and panels knew precisely what they were supposed to do, so that, if WADA wanted to appeal a case, it could ask for a different decision. That said, the Code was not a particularly useful education document for those who did not work with it on a regular basis so, for the benefit of athletes and others, WADA would develop an educational document that dealt with the overlying approach and important fundamental issues for athletes and that was about 15 pages long. It would not be the Code or the legal document that appeared in CAS proceedings, but it would be much more useful for people who did not work with the Code every day.

The goal was to identify those potential Code changes suggested that had generated the most discussion. There were 25 of them; 22 had been taken and the suggested language and ideas had been incorporated in the discussion document. Three had not been incorporated. All 25 would be discussed. His purpose was to give the members, as the steering group, the information they needed to understand and be able to discuss the issues with people who came to them with questions. As a general approach, he would talk about the status quo on a particular issue, the proposed language from the stakeholder community, and the possible pros and cons of that change. The drafting team would take its direction from the stakeholders.

The members had the draft that had been circulated the previous day, draft 0.6. The other document created that would be useful for the members was item 7.2 attachment 1, identifying the 25 issues. After each issue, the members could see what article it affected and what page of the red-line discussion document it applied to. So that the



members did not have to keep flipping back and forth between that document and the discussion draft, he would put the text from the discussion draft on the screen. Some of the things to be discussed were largely informational, and he would not expect them to be controversial, but it was important to know that Code changes had been proposed in that area, and some were controversial (they had been controversial in the past and were still controversial) and, going through the document, he would probably not need to identify which were which.

The first of the 25 items highlighted was the suggestion from a number of stakeholders that it be made clear that the principles of proportionality and human rights were always applicable. This was not a change; it was what had been found in the CAS decisions throughout the past ten years of interpreting the Code, but there was the feeling that this needed to be stated more expressly in the Code and, looking at article 1, the members would see the language, "the Code should be applied in a manner that respects the principles of proportionality and human rights" (the blue text) that had been added. There were other places in the Code that referred specifically to proportionality that would make the people who had asked for this happy, and this did not really effect any kind of substantive change.

The second point dealt with the clarification of the meaning of the term "strict liability". The Code had always been clear and CAS decisions had always been consistent that, where there was a positive test or a use case, it was not the burden of the anti-doping organisation to establish a case to show that the athlete had intended to dope; quite the contrary, the burden was on the athlete with a positive test to show that he or she was totally innocent. If the athlete could establish that he or she was totally innocent, then there was no anti-doping rule violation. In the text of the Code, that principle had been called "strict liability". The CAS opinions were spot-on with that. There had been an issue with some of the athlete unions arguing that strict liability meant something totally different, and athletes had no opportunity to prove that they were innocent, and that was just not right. Strict liability had become a buzzword with a negative connotation, so it had been taken out, and the principles had been left in the Code and the CAS decisions intact. There was one substantive change, and that was, when one looked at article 9 of the Code, it dealt with the automatic disqualification of results. The theory in article 9 was that, even if one was innocent, if one won the high jump standing on a step ladder, one should not be allowed to keep the gold medal, as that would be unfair to one's competitors. That principle was still true, but a refinement had been added. If one won the high jump and one had a prohibited substance in one's system, one would lose the gold medal, even if innocent, even if sabotaged by the Nazi frogmen to which Mr Pound had always referred, unless one could establish that the substance for which one had tested positive would not in any way have enhanced performance. That was fair to the athlete who won the competition and it was also fair to competitors.

PROFESSOR LJUNGOVIST said that he was taking the floor not so much to applaud the proposals, but rather to wonder why they had been suggested. He did not wish to criticise the work that had been done, but he had great difficulties with this proposal. First, he was surprised to find, and he wondered what background existed for the statement, that this concept of strict liability had been misunderstood by stakeholders. He thought that it was very practical and useful to have a term for this concept, so why do away with the term and ask everybody to explain the full concept every time in relation to information and comments made regarding certain cases, etc.? If the term "strict liability" were properly explained in the Code, it should be retained as an easy way of explaining to outside people what the responsibilities of the athletes were.

Also, regarding the consequent revision of article 9, and this related also to some comments he would make later, there was hardly any possibility for a person to prove that a foreign substance in the body had not been advantageous to performance, and this would only open further complications in legal deliberations about cases, opening the

door for anybody to say that this had not enhanced performance, involving new lawyers and new representatives to speak for or against this possibility of performance enhancement. He strongly suggested that this not be incorporated in the Code, but rather that everybody knew that, if an athlete were found with a prohibited substance in his or her body, his or her result would automatically be disqualified. Otherwise, there would be huge complications.

MR RICCI BITTI said that he had some sympathy for what Professor Ljungqvist had just said. It seemed to him that too much had been done to accommodate some people who had complained. Strict liability did not have a negative connotation, especially if one confirmed that the athlete had to provide evidence. It was clear to him that this was a concept that had been a pillar of the system and he believed that the clarification was not a clarification; it simply sought to accommodate some people, and could open many cases up to more complicated solutions.

THE CHAIRMAN said that, if WADA could define strict liability in a clear way, so that there was no ambiguity in the interpretation as indicated from various players' associations or otherwise, as they were endeavouring to argue it, there would be a level of security in the words remaining from the point of view of sport. Would that be possible?

MR YOUNG replied that that would be possible, and he would make it clear in the Code the first time the term was used exactly what strict liability meant so, when others chose to use it as an inflammatory word, it would be possible to put that definition on the table.

In response to a request for an example, MR YOUNG stated that the term "strict liability" could sound ominous, and that was how people were using it. That was what he had been responding to, and he could certainly respond to that by simply explaining in the Code what it meant when the term was used.

THE CHAIRMAN concluded that he thought that that was the way forward.

PROFESSOR LJUNGVIST emphasised the matter again. In article 9, if one kept strict liability, one still had the idea that a person who had a banned substance in his or her body might have his or her result not annulled if he or she could prove that it had not been performance enhancing. Was that right? That should be done away with, in his view, as it was dangerous. He would hate to face a situation whereby an Olympic gold medallist ended up with a banned substance in his or her body and that had to be accepted by the other competitors. He did not want to see that situation happening.

MR YOUNG conceded that Professor Ljungqvist's point was fair. That balance meant that, on the one hand, there was fairness to the athlete who tested positive and fairness to the other athlete, if the gold medallist was completely innocent and in the rare situation (and it was a rare situation) that the medallist could demonstrate that there was no way that the substance could have enhanced his or her performance. That was the fairness side. On the other side, WADA would be opening a can of worms whereby there would be arguments in cases that were not there yet on whether a substance was performance enhancing in the high jump, or not performance enhancing in the high jump, complicating the world of lawyers, so it was necessary to figure out where to go with that balance.

THE CHAIRMAN sought to convince Professor Ljungqvist that the world needed lawyers. It could not do without them. He thought that this point should be taken on notice. There were arguments that could open up as a result; on the other hand, there always had to be the component of fairness to athletes built into anything that WADA endeavoured to do.

MR YOUNG said that, if the group agreed, this was one where it seemed to be working reasonably well in practice and, if he were a major event organisation, he would

like the certainty of the existing rule. He could pull this out of the draft to see what further comments were received.

THE CHAIRMAN thought that there were arguments either way on that one and suggested not dispensing with it.

MR YOUNG said that item 3 had to do with whereabouts and missed tests. The current rule was that, if there were three filing failures or missed tests within an 18-month period, these equalled an anti-doping rule violation. Everybody knew that, to have effective testing, it was necessary to have out-of-competition testing, and to have effective out-of-competition testing, it was necessary to have whereabouts, but it was a burdensome process on athletes and there had been complaints in this area. One of the complaints had been that 18 months was too long to accumulate strikes. It had been his view talking to anti-doping agencies that administered the rules that, by knocking it down to 12 months, it would still be possible to get the bad guys who were trying not to be tested because, if there was one missed test, the authorities should go after them straight away, and would be able to catch them in 12 months, so that was why the change had been made.

MR RICCI BITTI supported the proposal.

MR YOUNG said that item four had to do with prohibited association. Looking at what the existing Code said about prohibited association, it basically said that this was not covered by the Code and it could be left up to individual anti-doping organisations to cover the issue in their own rules. Most anti-doping organisations had not covered it; in fact, very few had, and it did not seem right, and this was a comment received from a number of stakeholders, that athletes could train with a coach who had been banned for life, they could get treatment from a doctor who had been criminally convicted or was in a disciplinary proceeding relating to doping athletes, so this put in a uniform rule. He had been fairly horrified in the BALCO cases to know that Tim Montgomery and Marion Jones had been regularly seeing Ben Johnson's coach, who had been banned for life, and he had been able to do nothing about it. An athlete would be charged under this rule only if he or she had known or should have known that the coach was ineligible, for example.

MR RICCI BITTI said that he favoured the clarification in the Code, because he thought that the rule existed in certain national regulations, as he remembered some cases in which people had been sanctioned, but it was good to have a general rule.

MR YOUNG said that there were some countries that had similar rules; but, as in the pre-Code days, there were not many of them, and the rest all had different rules. If it was a good idea, the comments were that it should be put in the Code.

MR MOEMI said that, in order to be able to support the rule, it would be necessary to have a register published specifying prohibited coaches and doctors; otherwise, everybody would claim that they had not known that the coach had been declared ineligible.

THE CHAIRMAN wondered about the capacity to universally publish the names of prohibited doctors and coaches. WADA had no control over the doctors and required the medical associations or the medical licensing boards of the various countries to take action against doctors under professional conduct rules. That did not go onto any international list as far as he knew, and he was not sure how WADA might manage to do that. In the context of coaches, it would be a requirement that WADA would have to place on IFs and he was not sure how well the NFs would provide the relevant information for an IF to publish worldwide who was a banned coach. Those were his thoughts. Perhaps Mr Young had better thoughts.

MR YOUNG responded that the Chairman had just summarised the discussion. It would be nice to have a list, but that was what the drafting group had ended up with: that the athlete knew or should have known. That was fact-specific.

THE CHAIRMAN said that the obligation was on the athlete to make enquiries, just as one could not claim that one did not know that a substance was prohibited. He accepted that; it was not an easy one, but he did not know of a practical alternative.

MR YOUNG said that item five was about the requirement of potential performance enhancement as a necessary criterion for inclusion of a substance on the Prohibited List. The original Code, the amended Code, had three criteria for including a substance on the Prohibited List (potential for performance enhancement, potential detriment to health and violation of the spirit of sport). A substance could go on the List if any two of the three were present. Importantly, WADA's decision that something met any one of those three criteria was expressly not subject to challenge so, if WADA decided that something had the potential to enhance performance, there were no cases on whether or not WADA had been right. If WADA concluded that something had a potential detriment to health, that could not be attacked either, and the same applied to the spirit of sport. The status quo was that, for any two of the three, it would go on the List. The proposed change, which had vocal support from a lot of stakeholders, was that, since it was anti-doping, it had to do with enhancement of performance and not other social goals and the potential of something to enhance performance ought to be a necessary criterion; there had to be that one and then either one of the other two. In part, this was coming, if one read the comments, from stakeholders' administrative experience that they were spending lots of time and resources on social drugs, for example, that could be better spent going after the real cheats. A poster child for the general issue would be marijuana.

THE CHAIRMAN said that everybody knew why marijuana was on the List because, for most countries it was impossible to say that they in any way turned a blind eye to the consequences of marijuana smoking. How would the members feel if marijuana were taken off the List, on the basis that some sports got an exemption, which was provided, for marijuana, because it was not a performance enhancer, therefore the other two, danger to health and against the spirit of sport, would not get it into the List going forward? This was a difficult one for the governments, so he would be interested to hear from them on it.

MR WARD said that it was also necessary to consider the UN conventions with regard to illicit drugs; he did not think that these could be ignored. The second thing he would say with regard to marijuana was that there were significant signs that it was detrimental to health. He knew that the UK had several studies currently on the table, as well as the USA, so he would think that, in the spirit of sport, and when he looked at the educational piece with regard to grooming youth, WADA would be concerned about detriment to health as well as performance enhancement. He did not think that WADA could draw the line and he knew that the USA would not be in favour of WADA taking marijuana off the List.

MR MCCULLY said that the first of what would be a number of discussions about the budget had been had and it seemed to him that one of the issues that WADA needed to confront at a time of budget stringency was that WADA needed to be very targeted about what it needed to achieve, so the whole concept of targeting performance enhancement went to the core of this issue, and the Chairman was quite right to say that this was politically difficult but, as a budget-holder, looking at what his colleagues were trying to do with the agency in New Zealand, he had no difficulty in saying that WADA should be very focused on dealing with performance-enhancing substances, and there would no doubt be some heat from those who wanted WADA to play a wider role, but he thought that WADA needed to understand what its priority was, and be very focused and very targeted. It was true that there would be controversy, but he thought that WADA should be ready for that.

PROFESSOR LJUNGQVIST said that he sympathised with the proposed change intellectually, but was afraid that the reality was different, because one had to prove that the substance was performance enhancing, or had the potential to be performance enhancing in order to put it on the List together with one of the other two criteria. Science was not that easy, and those who had been involved in the work for a long time knew that there were very few substances proven to be performance enhancing, not because they were not, but because there was no science supporting it, because there was no possibility to conduct such science. One could not deliberately put a potentially performance-enhancing substance into an athlete and conduct a scientific investigation to prove or disprove it. He knew of only one substance that had been scientifically proven to enhance performance, and that was amphetamine. Ironically, in item six, he saw that it was proposed to be labelled as a specified substance, which was against the law in most countries. This was undoubtedly a problematic issue. Secondly, he was a little critical; he knew this, but he greatly respected the work and experience and knowledge of the Code review team. Having chaired the List Committee, as Chair of the Health, Medical and Research Committee, and having had this problem with the List for so long, it had been very well handled by the List Committee; this had not produced any practical problems, so why make changes that would introduce new problematic elements? It would be necessary to prove the performance-enhancing potential or effect, which was impossible. One of the many good things that WADA had been doing was dealing with this in a very intelligent and common-sense way. There were the three criteria, two of which had to be fulfilled but, of course, when the List Committee looked into this and reached a consensus that a substance might not be performance enhancing, if it did not meet one of the two criteria, it had to be disregarded. The committee had worked in a fairly good way and had come up with a reasonable List. He did not think that the intention here was to change the basic principle for the purpose of having marijuana off the List, as he thought that marijuana had a good place on the List anyhow, so for him this was an unnecessary change, which would only invite problems that would complicate matters, and why change something that had been working pretty well thus far? He understood the arguments from the stakeholders (he had the same arguments himself) but, unfortunately, this would not work in reality.

MR KASPER said that a similar case had arisen at the Olympic Games in Nagano with a Canadian freestyle skier, and he remembered having to report to the IOC medical commission. His federation was convinced that marijuana was performance enhancing. An athlete afraid to go down a ski jump would go after taking some marijuana. He was not joking, and he called that enhancing.

THE CHAIRMAN said that it was not intended to take marijuana out of every sport's rules; it was just acknowledging that, in many sports, marijuana could not enhance performance, and the drafting committee had picked up the many submissions made saying that it should clearly be focused on performance enhancement and one of the other two criteria, danger to health or against the spirit of sport, and it was in that context that many an anti-doping organisation would say that much of the work had been catching marijuana smokers, and was that what WADA wanted taxpayers to be spending money on in the name of sport? Was WADA crossing the line where its focus was on catching cheats in sport, and there was actually a rule saying that WADA was looking after the welfare of the community more broadly by allowing the other two criteria to ensure that the substance remained on the List, or was it a fairer way to say that, on application, the WADA expertise could be used to say that a sport could exempt marijuana, because otherwise ski jumping might no longer be on the programme of the Olympic Winter Games? He understood the difficulties but he thought that, going forward, the members would hear a lot more about this. The question at the moment was whether it should be left on the first discussion paper or whether the Executive Committee should take it out immediately. He got a mixed view from around the table.

MR GOSAL said that, when looking at the purpose of the Code, to protect athletes and allow them to participate in doping-free sport and promote health and fairness, marijuana should be on the List, and he strongly felt that it should stay on.

MR RICCI BITTI thought again that it was a simplification that was not really required, as it opened the door for complication. Sometimes, when trying to be simple, one complicated things further. He believed that the categories that should be included were obviously performance enhancement, masking of performance enhancement and legal or health, and it was not such a burden as he understood the point made by the New Zealand minister. Personally, he had had discussion about this at his office, so it was much debated.

THE CHAIRMAN said that he was sure healthy tennis players knew a little bit about marijuana too. Would the members not be happy to leave it in and see whether there might be further discussion? The first paper that went out would focus the attention of the constituency and the submissions that would flow out of the first discussion paper would give a whole lot more knowledge about what the constituents really wanted, so he was always unafraid to run something up a flagpole for the sake of debate because, if the members were to take it out at that point, it might never be heard of again.

MR REEDIE said that he thought he was in favour of what was there but would be interested to know how many of the people consulted were in favour of that, and whether these were NADOs or people at the sharp end of the business who had to deal with this on a practical basis; and would that reflect the comments made on costs or was it an intellectual discussion on what looked best?

MR YOUNG replied that that was probably the most common comment received.

THE CHAIRMAN recalled that, in Uruguay, the bulk of the positive marijuana tests had been found among football players. He had been told recently by the director of the Australian anti-doping authority over a cup of coffee that great work was being done with junior players in the game of Rugby League, picking them up for marijuana. It just struck him as being anathema to have marijuana making one run better on a football field. He would run round in circles, he suspected, from what he knew of marijuana, which of course was nothing but, having said that, he wondered if it was worth leaving it in to see whether there might be further debate on the basis that there was a wish to not see it there in the end; or did the members wish to take it out immediately? The figures would say that a lot of resources were put into marijuana detection. Was it the wish to dismiss it immediately and see whether it came up again? He thought that might well be the outcome. He heard more saying that it should not be in the amendment than it should be left in.

MS SCOTT said that, as a former athlete and speaking on behalf of the athlete community as a whole, when athletes talked about anti-doping, they got most upset about the potential of being cheated out of a rightful result by somebody who was using a substance that was performance enhancing and, when they saw resources and time being spent on substances that were not necessarily performance enhancing, it caused a great deal of frustration, and this was as much a message and a statement, and she understood the complexities around it and the burden of proof, but it was necessary to remember that WADA was not a social movement, it was a sporting movement, and she would vote to see this stay in.

THE CHAIRMAN thought that this should probably stay in but suggested putting it on the agenda again in six months' time when the Executive Committee returned to the table in September. He knew what he was told when he went out there and that many submissions had been made saying that WADA could not be serious about spending all this money on catching marijuana users; on the other hand, he knew how unpalatable it would be for the governments.

MR WARD said that everybody knew where he stood on this particular issue. If it was left in there, WADA would have the opportunity to engage with the press and he was sure that the Director General would have an opportunity to engage with the press. He would walk away from it; however, this would be a lightning rod, it was currently a lightning rod in the western hemisphere, it was a lightning rod with the UN and he would go back and say that he did believe that, while WADA was concerned about athletes with regard to performance enhancement, it also ought to be concerned about athletes with regard to their health. WADA was with regard to steroids and it ought to be with regard to marijuana. Marijuana THC had changed dramatically over the past 30 years. It had gone from 2% when he was a child and had experimented with marijuana to over 30%. It had significant health consequences and WADA should give some consideration to that.

THE CHAIRMAN stated that he and the Director General would say that this was a draft; it did not represent a view. He had no view and never would. He had said time and again that he could not have a separate view to the view of the organisation; he did not have a personal view. He would say in this instance that his view was the view of the final amendments that the Foundation Board approved and he would not get into conjecture on it. Final approval was the only thing that mattered and this was certainly one on which he acknowledged there were differing views. Nothing would be concrete for another 18 months.

PROFESSOR LJUNGOVIST thought that it was very important that WADA exchange views and ideas also based on comments that had been made during the course of the discussion. He thought that he had given his explanation as to why this would need to be withdrawn or amended in some way sooner or later, for the simple reason that it would not be possible to prove the potential performance enhancement, and WADA would be asked to do that. This was a question for Mr Young in particular. He usually had the feeling that, if a substance was on the List, it was banned and that was the rule; but, as he understood it, if one introduced a criterion whereby one had to prove that that criterion was truly valid, one would be asked by the legal experts on the other side to go back and prove it and would never be able to do it, so this could ruin the credibility of the List. That was his feeling, and it was an important aspect to bear in mind when taking a decision on the final draft. He was also a little unhappy that it seemed to be an attempt to solve a problem with one single substance, and it was probably not a good approach to amend the Code. If marijuana was a problem, the Code review team should be asked to see if it might be dealt with in some other way but not by changing the basic rule.

MR MOEMI agreed with Professor Ljungqvist. WADA might save time and resources in terms of getting rid of marijuana as a substance on which money was spent trying to catch people, but WADA would spend even more resources on legal cases involving people saying that WADA had to justify the enhancement effect of the other substances on the List if the criterion were amended. The criterion should be left as it was in the Code. Marijuana could be looked at by the List Committee in a separate process but, from the perspective of the criterion, WADA should not narrow it in the manner that was being sought.

THE CHAIRMAN said that that might well be the end result but, since there were some differing views, this issue would be revisited at a later stage. He would like to hear more, particularly from the public authorities on this, and it was probably fair to say that there had been more submissions from sports bodies than governments. WADA was going to get a lot more. It was important to have this debate because it was one that was constantly put to WADA as it endeavoured to do its job, so WADA needed to have a good look at it. He got the feeling that it would fall over in the end, and he would accept that when WADA knew a little more about what its stakeholders thought.

MR YOUNG said that item five was probably the hardest one the members were going to have to deal with. There were some other hard ones, but that was probably the hardest.

Item six was the one to which Professor Ljungqvist had referred earlier: the expansion of the specified substance list to include all stimulants. He gave some background. In the amendments that had gone into effect in January 2009, WADA had created a new category called "specified substances", and the difference was that, if an athlete tested positive for one of these substances, the athlete had the opportunity to prove how it had got into his or her system and that the intent had not been to enhance performance, the burden on the athlete being to establish both of those, the period of ineligibility would be more flexible, zero to two years, as opposed to two years with a minimum of one year for no significant fault, so it created more flexibility in the situation, to use Ms Scott's words, where the athlete was really not a cheat and could convince the panel that he or she had not been cheating. A number of substances had obviously not fitted into that category. If one was positive for EPO, Hgh or steroids, one could not fall into the category and show that one had been using the substance for some other purpose that was not performance enhancement. There had been great debate over whether stimulants should be in that category or not and, in 2009, WADA had left it up to the List Committee to decide what stimulants would be specified substances and what stimulants would not be specified substances. Looking at the Prohibited List, one would see about an inch of stimulants that were not specified substances and the same number that were specified substances. The feedback received from anti-doping organisations in particular was that they were spending an inordinate amount of time with the stimulants and in particular seeing cases in which it was simply not fair to give an athlete a minimum one-year sanction for a substance such as cocaine or modafinil. Just because something was not a specified substance did not mean that it was less dangerous to health, that it could not be a highly effective performance enhancer. It just meant that the things on the specified substance list were more likely to have been consumed by an athlete either inadvertently or for some purpose other than performance enhancement than the other substances with which WADA dealt, so the recommendation from a number of stakeholders was, instead of having half the stimulants as specified and half not specified, to make them all specified and then still give athletes two years if they could not prove that there had been no intent to enhance performance.

PROFESSOR LJUNGOVIST said that he did not wish to appear negative in terms of what had been done by the group, and he understood that it was not taken that way, but this came to him as a completely unrealistic proposal. One of the few families of substances that had been proven to be clearly performance enhancing was the group of amphetamines, and this dated back years. He would say that having amphetamine in the body when competing was one of the most serious doping offences that could be committed, and to reduce the status of amphetamine to a specified substance would ruin the credibility of the List among those who knew what this was all about, so he would strongly recommend keeping the difference, and letting the List Committee determine what should be specified and what should not be specified, but again, having the amphetamines as specified substances was fundamentally wrong.

MR RICCI BITTI said that he had always argued about the distinction between specified and non-specified substances as being a conventional way of solving certain flexibility problems but thought that, in the end, there should not be this distinction.

THE CHAIRMAN asked whether that was all that it did: it just took out the two lists, and everything became a specified substance and then the other components came into play.

MR YOUNG replied that it would simply put all stimulants in the specified category but then, to have flexibility in sanctioning, an athlete would need to establish how it had got into his or her system and that the purpose of it getting into the athlete's system had not



been performance enhancing and, if the athlete could not establish that, he or she would get two years.

THE CHAIRMAN said that he could not see the disastrous consequences forecast. Again, he was clearly not as experienced as Professor Ljungqvist was.

PROFESSOR LJUNGOVIST stated that the message to him was so wrong that he did not know how to express it. One of the few substances that had been proven to be clearly performance enhancing, the consumption of which was even a criminal offence in many countries, that amphetamines should be reduced to a fairly innocent sort of doping offence whereby one could elaborate a penalty between a warning and a year, to him this was one of the most serious doping offences possible, to have amphetamine in one's body during competition. The current one-year penalty was again wrong; there should be a minimum sanction of two years or more. This dated back to previous personal knowledge. Before WADA, the IOC had been responsible for the anti-doping list, and had classified substances as mild stimulants and strong stimulants, and there had been no question about it; they had been easy to classify, and the strong stimulants had had the same consequences as steroids, and mild substances had been those for which it could be debated whether or not a substance might have been taken inadvertently, over-the-counter drugs, etc., and fairly minor performance enhancement. That had been a pretty good classification that had worked well. When WADA had taken over, the terminology had changed but not the philosophy, but he would never have dreamt of looking at amphetamines as a mild stimulant. These were narcotics, the strongest that could be obtained to enhance performance, and to go out to the world and say that WADA was looking at this as a potentially minor doping offence did not look good for WADA, so to him it was a very surprising proposal, and he wondered who had proposed it to the team.

THE CHAIRMAN clarified that it was not the Code review team that had made the proposal; it was the result of submissions from a constituent body.

PROFESSOR LJUNGOVIST apologised if he had expressed himself wrongly, but he had been referring to those who had proposed this to the team. He was confused.

THE CHAIRMAN said that he did not think that anybody was confused about Professor Ljungqvist's views; he was very strong about those, and that was clear to everybody. On the other hand, Mr Ricci Bitti had said that he did not like two lists. There was a strong argument made by Professor Ljungqvist to leave it alone. He was leaning towards the left for the moment. He thought that it should come out. Nobody had given him a strong argument that came anywhere near that of Professor Ljungqvist, so he could only presume that Professor Ljungqvist's view prevailed. He thought that it should be taken out.

MR YOUNG agreed that it could be taken out. Item 7 was easier. Everybody understood that it was necessary to have whereabouts to do effective out-of-competition testing, and that the burden of providing whereabouts information was a heavy burden on athletes, and that was part of their job as elite athletes, and it was not all athletes; the only ones mandated were those that were in what had previously been called registered testing pools and were now known as high priority athlete pools, of an IF or a NADO, but there had been a problem that was addressed in the standard and had also been addressed in the Code, which was that, if one was going to collect whereabouts from a bunch of athletes as an anti-doping organisation, one ought to use that information to test them, and there ought to be a proportionate relationship between the information gathered and the burden put on athletes and the amount of tests done, and that the information actually be used. This had been heard loud and clear from a number of stakeholders and their views had been expressed in the discussion draft.

THE CHAIRMAN said that he thought that it was a good proposal. It had been pointed out to him at a meeting with the IOC president that there were 700 athletes in the

registered testing pool in Belgium, and the IOC president had responded that there were not 700 elite athletes in all of Belgium. This proposal would stay.

MR YOUNG moved on to item number 8. Looking at the red-line document on the screen, the members would see that the rule had been that each different anti-doping organisation had the right to establish its own rule addressing the notice required of athletes who had been in their high priority pool before returning to competition. One did not want a situation whereby an athlete at the top of the world standings retired because he had the opportunity to go and dope without being tested and then popped back before the Olympic Games or world championships or whatever the event was. That was what WADA was trying to deal with. The old rule had been that every anti-doping organisation would come up with what it thought the notice and return to competition rule ought to be. WADA had received a number of comments saying that it was important for athletes to know and that WADA really ought to harmonise the rule. In response to those comments, the team had drafted something saying that it would harmonise it at six months' notice.

PROFESSOR LJUNGQVIST thought that this was something that had a place in the Code; he just wondered how the team had arrived at six months. Was that a compromise?

MR MCQUAID said that his federation had six months but he wondered whether six months were actually that necessary because most of the athletes concerned were in the registered testing pool and the Athlete Biological Passport programme and, in less than six months, one could have done enough tests on them to realise that they could go back into competition. Depending on the different situation, there might be another way of looking at it.

THE CHAIRMAN concluded that Mr McQuaid was saying that the question of months could be kept open, but it ought to be harmonised and consistent for all sports.

MR MCQUAID suggested keeping open the question of months, and then maybe looking at the situation of the passport as well and how that could contribute to the six months being shorter.

THE CHAIRMAN said that he would put the months issue under notice going forward and leave it there for the moment.

MR YOUNG observed that item nine was another big one. Under the current Code, it was not expressly stated that all samples should be analysed for all prohibited substances, but that had been the implication and the understanding. As Mr Howman had mentioned that morning, that was not what was happening: the anti-doping organisations were giving the laboratory a limited menu of what they wanted tested, and so, in sports where there should be EPO testing, there was none or very little and, in sports where there should be blood testing, there was none or very little, and this was an attempt to address that very serious problem. This language said that all samples would be analysed for all substances using all methods unless there was an agreement by WADA otherwise, and the agreement by WADA otherwise addressed Mr Ricci Bitti's point that WADA needed to be helpful not only in the test distribution planning, who to test when, but also what to test for and how. The benefit of the status quo was not acceptable, as it was pretty clear that, if one were to take an absolutist view on the other side and require that every sample be analysed for everything, including that every collection would involve blood collection, the increased cost of laboratory analysis and sample collection would be a lot higher, from 250 dollars for an out-of-competition urine test in terms of analysis cost to over 1,000 dollars, so the good news was that one would test for a lot more substances. The bad news was that it would be necessary to reduce the number of tests, and the idea was that WADA would be in the middle causing a sensible balance as part of the overall test distribution plan and it would not be just who was tested, it would be what was tested for.

THE CHAIRMAN thought that this was a very sensible way forward and did address an issue that had been one of WADA's failings in recent years.

PROFESSOR LJUNGQVIST said that the title was a little confusing to him because it referred to the fact that all samples had to be tested for all prohibited substances using all available methods to the laboratory. This was a matter related to what the laboratories had in their arsenals, so to say and, if they did not have the test for a certain substance, they were not obliged to do so, was that right? WADA had arrived at the situation whereby laboratories were supposed to test for every substance with every method, which might not be the way forward. He had been opposed to that philosophy earlier because of the dilution of competence and too few samples going to each laboratory to uphold the necessary competence to perform the analyses and, looking to the future, when there might be a method available for gene doping, one could not expect every laboratory to have it, so the title was confusing to him, and perhaps it could be amended to make it clear that not every laboratory was expected to do everything on every sample, but to arrange for and make sure that it be done, through subcontracting or whatever.

THE CHAIRMAN said that there was a paper that referred to the fact that the Swedish laboratory and others were getting very close in the context of capacity for all tests, and the feeling from Dr Rabin was that it would be right by the time the Executive Committee got together later in the year, which meant that the existing laboratories had come a long way towards being able to test for all substances. He would sooner address that in the issue of how WADA dealt with laboratories going forward than to allow some exemptions at that stage on the basis of testing, and he agreed that, if the laboratories did not have the capacity, it was mandatory in one's sport to test for all substances and one had to find a laboratory that could do that.

MR MCCULLY spoke strongly in favour of the inclusion of the proposal. Looking at where the mischief was to be found and the risks to the future credibility of WADA, it was important to leave it in.

THE CHAIRMAN suggested leaving it there and bearing in mind Professor Ljungqvist's point.

MR YOUNG stated that item 10 had to do with special flexibility for contaminated products. It was article 10.4.2 in the draft. One of the comments received from a number of stakeholders was that this area of contaminated supplements and products was a big problem and that there were some cases in which it was clear that there was no way that an athlete could have found out that a product that he or she had been taking contained a prohibited substance, that it had not been on the product label or website or any other publicly available information and, when that prohibited substance in the product was not a specified substance, for example, it was a steroid, the most flexibility that one had to reduce the sanction to two years was down to one year. In the comments received, in those situations whereby the athlete could establish how the substance had got into his or her system, that it had not been there to enhance performance, and that the contamination in fact existed (that could be done through testing) and that there was no way that the athlete could have known using all reasonable efforts, there ought to be more flexibility in the sanction, so the floor should be a warning instead of one year. That was the argument, and that was what had been articulated in the draft. The counter side was that it would mean, in some situations, whereby an athlete could establish all of that, the athlete could get less than a year for an inadvertent steroid.

MR RICCI BITTI said that his experience was that it was very dangerous; the flexibility was okay but the sanctions had already been very flexible. With this, anybody would say that he or she had eaten some contaminated beef or something like that. He agreed with the flexibility but the strict liability principle was lost. He was in favour of

the flexibility in the sanction but not the flexibility from the beginning; he was not so keen on this general flexibility.

MR YOUNG said that, as proposed, the flexibility was only in the sanction.

THE CHAIRMAN concluded that he had one suggestion that it (the flexibility) ought to be limited to the sanction only. What was the wish? Did the members feel strongly enough about it to have it changed or taken out?

MR YOUNG added that the way in which it was currently drafted was consistent with what Mr Ricci Bitti had said.

THE CHAIRMAN concluded that nobody appeared to want to oppose leaving it there for further discussion, so it would be left in the draft.

MR YOUNG said that item 11 referred to more flexible sanctions for substances of abuse. That was the new article 10.4.3. The point here was that there were several drugs on the Prohibited List for good reason, because they could be performance enhancing, but where the circumstances of a particular case made it abundantly clear that they were used not to enhance performance but rather as a substance of abuse. An example would be cocaine, which absolutely belonged on the Prohibited List because it was a stimulant and if, for example, the parent substance cocaine was found in an in-competition test, it would be clear that somebody was trying to enhance performance, but it was also the case that frequently downstream metabolites were found in testing and the performance-enhancing parent substance had been gone a long time ago and the circumstances were such that the athlete would be able to establish how it had got into his or her system, that the intent had been recreational and not performance enhancing, and nobody would disagree with that. The question was what to do with that. A number of stakeholders had commented not just that time around but in the past that, if what WADA really cared about was athlete health, then WADA should have something in the Code that allowed health to be taken into consideration, so WADA ought to allow the athlete to undergo for these substances of abuse, or recreational drugs, rehabilitation and treatment at the athlete's expense in lieu of some part of the period of ineligibility that would otherwise be applied. That was the language that could be seen, which followed up on the suggestions of those stakeholders.

MS SCOTT asked for clarification. Was Mr Young suggesting that part of the period of ineligibility for testing positive be spent in rehabilitation? How would that be determined? She saw a lot of complications arising. How would one try to determine that?

MR YOUNG gave a broad brush answer without having worked out all of the details. The List Committee would identify substances of abuse, and cocaine would be a possibility. If an athlete tested positive, a period of ineligibility would be two years, and the athlete could go through a rehabilitation programme that would count against those two years and then would have a shorter period to serve.

THE CHAIRMAN asked whether Mr Young was saying that it would be up to an anti-doping organisation to nominate a rehabilitation programme, which meant of course that some countries would have an advantage, given that they had rehabilitation facilities for drugs such as cocaine, and the penalty would be three months spent on the course and 15 months' suspension from sport, totalling 18 months, although the athlete might be given a two-year sanction that could be reduced to three months' rehabilitation plus 15 months out of the sport. The sentiment was very admirable. One often heard that they were locked up but nothing was done to help them with the problem. His only concern was that some countries could offer these programmes and others could not, and what did that do to the harmonisation principle? He thought it was worth leaving it in, personally.

PROFESSOR LJUNGQVIST stated that the aim of the rule was certainly very good. Everybody was concerned about the health of athletes. In his federation, there had been cases whereby it had made sure that people who were obvious addicts were taken care of properly by their sports organisations, but he wondered what should be included and what might happen. Cocaine had been mentioned as an example. Amphetamine was another example, undoubtedly, but was Mr Young also aware that anabolic steroids were another example and that it was increasingly known among the scientific community that steroids might well be addictive? Treatment centres had been established in his country for athletes addicted to steroids. WADA might run into unexpected problems. Had that issue been considered?

MR YOUNG answered that he had never heard of anabolic steroids being a recreational drug but could imagine that. He thought that the List Committee would use common sense. What were the chances that cocaine was recreational as opposed to performance enhancing? Pretty good. What were the chances that anabolic steroids were recreational as opposed to performance enhancing? Not very good. He would not be surprised to see the List Committee putting cocaine on the List, but he would be surprised if anabolic steroids were there. Maybe that might evolve over time, but that was not really what he was trying to get at there.

MR WARD said that he was just going to say that he concurred with this particular proposal, as it focused on public health, and ensured that individuals were getting treatment, putting them on the right path and giving them an incentive to turn their lives around. He thought it was the right answer.

PROFESSOR LJUNGQVIST said that he knew that he had helped the then ATP years ago with its own rules, which had contained a rehabilitation sub-clause. How had that worked out?

MR RICCI BITTI responded that he recalled that there had been a rule, but had no evidence of many cases occurring during that period of time as the only cases of that kind had involved players who had stopped playing, so the rehabilitation had not been so useful, as they had stopped playing.

THE CHAIRMAN thought that it was worth further discussion and worth leaving in, as it did had a positive message and that could not be ignored. It would be left there.

MR YOUNG said that item 12 was the expansion of the incentive for athletes and other people to provide substantial assistance in discovering or establishing anti-doping rule violations (10.5.3.2 and 10.5.3.3). The background was that everybody had heard that the fight against doping in sport was moving in the direction of investigation; testing was still important, but investigation and cases brought on the results of investigation were becoming increasingly important. One of the most effective tools in the investigation process was athletes and others who came forward and told the truth. The current Code provided that, if an athlete came forward and provided substantial assistance, the sanction otherwise applicable could be reduced down to one-fourth in the most significant cases of assistance. The feedback from stakeholders was that this opportunity was not working nearly as well as it should work and the athletes taking advantage of substantial assistance were much fewer than one would expect, and one of the major impediments was that, when an athlete came forward to a NADO or an IF, for example, one could not guarantee to the athlete that, if in fact he or she provided all the information, some other organisation was not going to appeal the reduction in the sanction. Faced with that uncertainty, the athlete would not go forward and provide assistance. The proposal heard and what had been articulated in item 12 was the opportunity for WADA on its own or an anti-doping organisation to go to WADA and describe the substantial assistance that the athlete was willing to provide but say that he or she would not come forward without an agreement up-front on what the sanction was going to be, asking WADA to sign off that the sanction reduction in that case and in the most extreme case, as it went all the way down to amnesty, would stand, and WADA

could promise that to the athlete if he or she fully cooperated and provided the information that he or she had said he or she would provide, and that would be a final decision by WADA not subject to appeal.

THE CHAIRMAN remarked that it effectively gave a form of immunity to WADA to hold out there. The simple fact was that the current carrot and stick approach had not been that successful and, to the extent that WADA wanted cooperation going forward, it had to try something different. He thought that this was a pretty good suggestion. WADA would obviously have to establish a process of integrity to ensure consistency in application, but that was not beyond WADA's wit, and he was sure it could do that should this come to pass. Were the members happy to move on with that item staying in?

MR YOUNG moved on to item number 13, stating that the criteria for establishing aggravating circumstances had been expanded (article 10.6.2). In a number of the other suggestions discussed, the purpose had been to add more flexibility for those athletes who were really not cheats. A lot had been heard from the athletes in particular and others that that was fine but, when somebody really was a cheat, WADA ought to come down on him or her a lot harder. There had been suggestions that, instead of the typical sanction being two years, it ought to be four years. WADA had heard feedback that that might have legal problems in the average case, so the response to that had been to expand the criteria for aggravating circumstances in 10.6.2, so that the chances of getting a four-year sanction against somebody who was a real cheat were increased. The members would see the addition of the language in the red-line version, which had to do with substances that, by their nature, were not just used one time, such as anabolic steroids, EPO, Hgh, blood transfusion, and a blank had been left to make sure that the best contributions were made by the science community. Gene doping would also come to mind, but the team had not wanted to make the list exclusive until hearing the final thoughts from the science community.

MR MCQUAID said that this was the one that had produced a lot of discussion and controversy over the years. Regarding the BOA situation in recent weeks, the BOA had stood on the high moral ground, and the high moral ground was the only thing that it had had going for it, in that it had been protecting clean athletes, or was being seen as trying to protect clean athletes by standing by the rule that it had. The term aggravating circumstances was something that had confused him from the beginning and continued to confuse him, because it was not specific and it was not in simple language that people could understand and it was open to different types of interpretation. For him, it was quite simple: it was premeditated doping. If somebody was caught in what was known as premeditated doping, it should be four years. That was what the athletes were looking for and he thought it was what WADA should give them. WADA should make it simple, put it in simple language, and let them see that four years would be given for what he and athletes would call premeditated doping.

PROFESSOR LJUNGQVIST said that he sympathised with the proposal and very much with the amendment suggested by Mr McQuaid. He reminded the members about the discussion that had led to this possibility of expanding the ban beyond the two-year term, when this had been discussed three years previously. One of the reasons had been the then fairly recent scientific evidence that a person who had been on a steroid regime could benefit from that way beyond two years, even up to eight years, and that had been a medical thesis produced internationally and peer-reviewed. That had provided a scientific basis to stand upon for prolongation and four years had been found as the suitable time on that occasion. He was happy to see anabolic steroids being included together with EPO and other serious substances but he had difficulties, like Mr McQuaid, with labelling it aggravating circumstances. After all, these were standard violations. He thought that 30-40% of proven doping cases were still steroid cases and to make that aggravating circumstances was wrong, as they stood on their own and merited their own four-year ban and, taking into account so many of the cases that the IOC did not want to see at the next Olympic Games (he was referring to the Osaka rule,

obviously), had all those steroid cases been banned for four years, they would automatically have been excluded from the next edition, and the BOA or Osaka rule would not have been necessary, but it had not been exercised. The option had been there for years but it had not been exercised. He was very happy to see this being clarified, but he thought that it could be clarified in a stronger way, as suggested by Mr McQuaid.

MR REEDIE said that he was not speaking for or on behalf of the BOA. He actually thought that there was another reason for trying to change the terminology and that was that, three years previously, at the request in the main of IFs, sanctions had been pushed up to four years and hardly any of them had used it so, if WADA could find a wording that clearly indicated that, for that kind of an offence, the IF would in fact suspend or ban an athlete for four years (for serious violations), that would certainly help the issue, because an attempt had been made to increase sanctions for serious offences, and the term "aggravated circumstances" had been used, and WADA had also rather modified sanctions at the bottom end for less serious offences, and all that had happened was that there was a whole range of modest, minor and non-consistent bans, and there was only one IF that had decided on a blanket four-year ban which was probably wrong as well, so anything that encouraged an IF to say that, in specific circumstances, it would ban an athlete for four years was a good thing.

THE CHAIRMAN concluded that the intention was supported, but it was the manner in which this became a clearer provision to guide IFs, anti-doping organisations, etc., to that four-year outcome. The IAAF had been pleased to see the Portuguese distance runner given a four-year ban a couple of weeks previously (one of the few that had happened in that sport), while weightlifting had taken the tough view to go frequently to four years, but never distinguish between who was good and who was bad in the context of aggravation versus normal offence, so that in itself had led to appeals for severity of penalty which WADA of course did not need. He thought that the sentiment was fully supported. He asked the members to point their constituencies towards the circumstances when they could use the four years, what aggravation meant, as perhaps it might be useful if it were a little clearer.

MR YOUNG referred to item 14, the statute of limitation extended to 14 years for the most serious forms of doping (article 17), consistent with the prior point that, where there were really bad cheats, WADA should be tougher on them. This extended the statute of limitation for violations involving trafficking, administration, complicity and aggravating circumstances to 14 years, and the comments heard had been, when one had sophisticated dopers who had done a very good job with the help of doctors, trainers and scientists to beat the system, sometimes it took longer than eight years to catch them.

THE CHAIRMAN said that perhaps an example to assist understanding was that, one week previously, the IOC had announced that there would be a partial reanalysis of the samples taken from the Olympic Games in Athens, and he was not sure when the eight years were up but the deadline must be drawing near, so if anything came out of it there would have to be some fast action to beat the current statute of limitations. There were good reasons to have the extension there.

MR YOUNG referred to article 15, the repayment of CAS cost awards (article 10.13). This was fairly straightforward: it put a provision in the Code that said that, where the CAS awarded costs in favour of an anti-doping agency such as WADA, on appeals by WADA, the athlete or other person was ineligible to compete or participate until such cost awards had been paid. Currently, in WADA's case and other anti-doping organisations' cases, they did not get paid and the athlete returned to competition.

THE CHAIRMAN asked Mr McQuaid about his sport's capacity to levy some sort of a penalty. Was this enforced fully?

MR MCQUAID responded that it was enforced fully and the athlete did not get back to racing until the penalty had been paid. His federation had on occasion (and in one very big current case) done a deal whereby it would be paid in instalments, but it was enforced.

THE CHAIRMAN said that Mr Niggli could give chapter and verse of times when WADA should have got costs awarded and had not but, in this case, he was talking about when it did happen and it was a condition precedent of the return to sport and he did not think anybody could argue with that.

MR YOUNG said that item 16 referred to limiting dopers' participation in future Olympic Games (new article 10.15) and addressed the Osaka rule situation. Looking at the CAS decision in the Osaka rule case, the panel had made two points, one being that the Osaka rule was a sanction and the Code set out a uniform sanction scheme that did not permit the provisions of the Osaka rule; the answer to that point raised by the CAS was that an Osaka rule would be put in the Code, and this did that. The second point raised by the CAS panel had been that, when dealing with the issue of proportionality, the party deciding on the sanctions had to look at all of the consequent sanctions at the time of rendering a decision, so, if one got two years plus ineligibility from the Olympic Games, that needed to be decided by the panel deciding the case, and that had also been built into the rule and, if the IOC or another stakeholder thought that the rule had been wrongly applied in terms of future Olympic Games eligibility, there would of course be an appeal. The rule broke down the kind of (and this was simply a variation of the Osaka rule and could certainly be changed) anti-doping rule violations into two categories. There was a first category whereby, if there was this type of anti-doping rule violation, which would be anything other than filing failures, prohibited association, specified substance, no significant fault and the athlete had not provided substantial assistance - anything else and the athlete would miss the next edition of the Olympic Games. The second category was, depending on degree of fault, any anti-doping rule violation could cause an athlete to miss the next edition of the Olympic Games. So there were three parts to the discussion: was it a good idea to build an Osaka rule into the Code so that there would still be an Osaka rule? Was this formulation the right formulation or was there a better formulation of the Osaka rule? The Osaka rule was exclusive to the Olympic Games; it did not leave open the possibility of other anti-doping organisations adopting their own Osaka rule, and he gave some rationale for that. Before the Osaka rule had been decided, he had been asked by the Pan Pacific Swimming Organisation to draft its own Osaka rule, which would have been absolute (if an athlete had any anti-doping rule violation, he or she would not compete in the next Pan Pacific Swimming Championships). FINA could want that, other event organisations could want that, and one would end up with the arbitrator in the case saying that he or she would normally give a person two years except such person would also miss certain competitions and the arbitrator would need to factor that in, in coming up with proportionality, and so, whether right or wrong, as drafted, it limited the Osaka rule to the Olympic Games.

PROFESSOR LJUNGVIST said that he saw the problem, a wish to have this more general and an option for organisers and different IFs to do the same. If this rule could be amended to include them, he would be happy. The organisers of the annual Stockholm Golden Gala athletics event did not in principle invite previous dopers to compete; thus far, it had not been challenged as it had been regarded as a privilege of the organisers to invite who they wished, but that opened them up to a challenge of discrimination. There were other organisers of annual competitions who would like to do the same and would like support in the WADA Code for such actions. If that could be incorporated in further review, it would satisfy more than just the IOC.

MR REEDIE disagreed with Professor Ljungqvist at his peril, but he thought that that would not be acceptable. It was really important that the Osaka rule apply to the Olympic Games and it was incumbent on the Olympic Movement, be it IFs, the IOC, or



NOCs to get behind one rule and not any variations of one rule, and that was the way it should be as the principle of harmonisation would go right out the window if it applied to the Stockholm Gala or the Pan Pacific Swimming Championships or anything else. He really thought the Olympic Movement should ask the public authorities for support for a specific rule for the Olympic Games and that was what WADA should stick with. He had never been to the Stockholm event, but the importance was exactly that. The Olympic Movement had to get its act together and it was important that it do so. The draft was fine and those who should look at it most closely were the representatives of the Olympic Movement who should come back with their observations.

MR MCQUAID said that he did not necessarily agree with Mr Reddie as he did not think that rules could be set for one event and not other events. More to the point, to the best of his knowledge, a French athlete banned for doping had not been invited to the Lausanne athletics event, had gone to court and won the case.

PROFESSOR LJUNGQVIST said that he had a question related to the wording. Why was the issue of an additional sanction included? Had that not been the opposition from the CAS, that it had been regarded as an additional sanction and one should not in principle impose two sanctions? Would it not be better to write that the sanction should incorporate ineligibility?

MR YOUNG said that it worked either way. The CAS had clearly stated that one could not get away with calling this an eligibility rule; it was a sanction and it needed to be considered by the finder of fact as a sanction and, if it was considered as a sanction, it did not matter whether it was an additional sanction or part of the original sanction. The CAS had said that, if it walked like a duck, it talked like a duck, it was a duck; in other words, it was a sanction, and so it would all be considered as a sanction and the question was, if it got expanded beyond the IOC, how all the other consequences with other organisations played into the decision and the proportionality of what got imposed.

MR REEDIE said that he thought that, on balance, if WADA were to increase the new definition of aggravated circumstances, and more serious cheats got a four-year penalty, that would solve the problem of the Swedish gala and any other gala.

THE CHAIRMAN responded that invitation to an event and eligibility to attend an event representing a country competing in that event might be different, but that was irrelevant. His concern was the one first raised by Professor Ljungqvist, which was that, if WADA said that this could apply only to the ultimate event, the Olympic Games, WADA opened up the door. There was a bit of an argument as to what the ultimate event was, but he knew that FIFA would be saying that the ultimate event was the World Cup and, if it was good enough for the Olympic Games to have this rule, why could it not have a similar rule? He was just worried about the door being opened and how WADA could then close it once it said that a rule could be applied only to what it described as the ultimate event, the Olympic Games. He did not know the answer to that; he just wondered about WADA starting to distinguish, in a harmonised Code, saying that one event in the world could be different from all others. He could just imagine what all those in Lausanne would say when they saw it and he bet that they would not hesitate to tell WADA when they saw it. He would leave it on the basis that there was support for it, but he did think that WADA needed to be a little more comfortable about its capacity to ring-fence this to the description that it had in the draft, the ultimate event, the Olympic event. There were signatories for hundreds of sports, only 35 of which were on the programme of the Olympic Games, so WADA would be confining this very much. He accepted that WADA was 50% IOC but WADA was out there for every signatory and not only the Olympic Movement, as much as it appreciated and valued its association with it. More advice might be helpful. Otherwise, the intention appeared to be that the members wanted this to remain.

MR YOUNG said that item 17 related to minimum consequences for teams (article 11.2). As the members could see from the red-line version, the rule currently said that,

if more than two, meaning three, members of a team participating in an event were found to have committed an anti-doping rule violation during an event, it was up to the body for the event and the IF to figure out the consequences of that. The feedback received had been that the rules adopted by various team sports were far too soft and the suggestion had been to have at least a minimum uniform rule that, if two or more participating members of a team committed significant anti-doping rule violations during an event (defined as at least a year of ineligibility for the athletes), the team would automatically be disqualified from the event the next time around and it would have a one-year period of ineligibility. That was the suggestion that had been made to the team.

THE CHAIRMAN thought that there would be broad support for this; it was very fair to overcome that inconsistency.

MR YOUNG said that item 18 referred to special provisions for minors (article 14.3.6 and article 10.4.1.1). WADA had had comments since it had first starting drafting the Code that minors deserved special treatment because of their age. WADA had never before defined minor, which caused some issues because different jurisdictions had different ages. In response to the comments, in that draft, minors were cut some special breaks, but the team had defined minors as people under 13 and the breaks that they had been cut were that there would not be automatic public reporting of an anti-doping rule violation; rather, proportionality was considered in that publication and, in relation to specified substances and the fact that the athlete had to prove how the substance had got into his or her body, WADA had eliminated that requirement for people under 14.

THE CHAIRMAN said that nobody would argue about under 14, but he wondered whether it was too low when talking about minors. Nobody appeared to have any concerns.

MR YOUNG said that item 19 related to the fact that NADOs were to automatically investigate athlete support personnel where a minor had been doped or more than one of their athletes had committed an anti-doping rule violation. This was in article 20.5.8 and was added to the list of responsibilities of NADOs. The idea was pretty straightforward: if a coach or somebody kept getting athletes with anti-doping rule violations, somebody had better investigate that coach.

THE CHAIRMAN observed that everybody appeared to agree with the proposal.

MR YOUNG referred to item 20, which said that each government should put in place a legal basis for the sharing of information with anti-doping organisations as provided in the Code (new article 22.2), addressing the issue discussed that morning whereby WADA needed a legislative basis for sharing information as required by the Code, and this went in the section of responsibilities of governments. Obviously, it would be implemented through the UNESCO convention and not directly by WADA.

THE CHAIRMAN said that he could not imagine any difficulties with this proposal.

MR YOUNG referred to item 21, which said that governments would promptly share information with anti-doping organisations. There was an existing article on governments being encouraged to share information with anti-doping organisations, but the team had simply inserted the word "promptly". There was always a balance between the interests of law enforcement bodies, which did not want to share anything, and anti-doping requirements, and there was a tendency for them to wait forever. WADA would rather they do it promptly to effectively fight against doping.

THE CHAIRMAN said that he could not imagine any arguments against this proposal.

MR YOUNG referred to item 22, which stated that NOCs were no longer automatically given the role of NADO when the government had not acted to designate a NADO (that was found in the definition of the NADO and WADA had made a change to article 20.4.4).

The problem was that it had been problematic for NOCs to act as NADOs when the government was unwilling to designate them as such; so, instead of automatically saying that it would be the NOC, the team had added a provision to article 20.4.4 that said that NOCs should cooperate with the NADO and work with the government to establish a NADO where one did not already exist.

MR REEDIE stated that that was a big improvement; the NOCs had actually been very helpful in the whole compliance debate, but WADA had set them, in the present Code, a job that some of them simply could not do and this was a better practical way of getting the job done, so it was a big improvement.

MR MOEMI wondered whether there could be a penalty for governments that failed to designate when they were signatories to the Code.

THE CHAIRMAN said that WADA did not have much authority to impose penalties on governments.

MR MOEMI suggested suspending a government's membership of WADA.

THE CHAIRMAN responded that he was not sure how this could be enforced in penalty terms. If the government was a signatory to the UNESCO convention, it adopted the Code. He did not know that it could be taken much further than that. The WADA Code did not give WADA the right to impose any sort of pressure on the sovereign rights of individual states. He might be wrong.

MR REEDIE said that he did not think that WADA had powers to sanction governments, but it did produce a compliance report and sent it to its stakeholders, so maybe those stakeholders would like to consider the option of imposing sanctions.

THE CHAIRMAN said that the view had been taken the previous November that the governments of those NADOs concerned ought to be aware of compliance or non-compliance if it were applicable. This could certainly be brought to their attention; WADA could embarrass governments, and governments were sensitive to matters that might hurt national pride. That sort of pressure could be brought to bear but, short of that, WADA had to be practical and sensible. There was no objection to this particular section remaining.

MR YOUNG concluded that that ended the list of changes made in response to stakeholders' suggestions. There were three suggestions that were very important and worth discussion that had not resulted in changes. Number 23 was the suggestion that WADA go to a single list of prohibited substances and methods in place of the status quo. The status quo basically had an in-competition menu that included all prohibited substances and there was an out-of-competition testing menu that did not include stimulants. The argument in favour of going to a single list was that, if a substance had merited going on the Prohibited List, meaning that it enhanced performance, was dangerous to health or violated the spirit of sport, WADA should be against it all the time, and athletes did use stimulants in training. The argument against it was from the NADOs and IFs that conducted the tests, saying that, if they had to deal with substances such as stimulants or marijuana or the other substances that were not prohibited out of competition, if they had to test for those at all times, the burden on their system of more and more positives for those substances when they were not being used at an event would further distract them from going after the most serious cases and there was a cost impact of it. Currently, the typical average cost for an out-of-competition test was roughly 190 dollars and the cost for an in-competition testing menu was roughly 250 dollars and, if one multiplied that by all of the out-of-competition tests that happened, it came to more than eight million dollars a year.

THE CHAIRMAN concluded that the suggestion was to combine and not distinguish between the in-competition and out-of-competition list. Were the members happy to see that inserted in the first discussion paper?

MR YOUNG said that it was not currently in there but could be inserted.

THE CHAIRMAN asked the members if they would like it to be added to the discussion paper to be released on 1 June.

MR MOEMI said that, based on the earlier discussion on the budget, it would not be a very useful exercise at that point to burden the anti-doping organisations with such a huge increase in their budget overnight, as the implication of the decision would have far-reaching consequences, obviously for the integrity of the sport, favourably, but negatively for the budget and operational costs of the organisation, so he thought that WADA should err on the side of caution. Not all of the IFs would be able to take a full menu all at once, so a single list would have a huge impact overnight on most of the small IFs and he did not think that the mechanics were quite ready. Perhaps it was necessary to err on the side of caution and consult further with the organisations as to whether they would be able to afford this.

THE CHAIRMAN said that, if this went in to eliminate the current confusion, there would be a cost worldwide, but would the anti-doping campaign be more effective? That was the business WADA was in. Would it make WADA more effective? Was it worth running it up the flagpole by inserting it?

PROFESSOR LJUNGOVIST agreed and thought that it would be wise not to incorporate this. It would even be illogical, since WADA was working for more selective intelligence-based testing. This was part of such a system of trying to differentiate between what was meaningful to test for in competition and out-of-competition. This should not be included as a matter for discussion at that stage. The right judgement had been made.

THE CHAIRMAN asked if anybody wanted to speak in favour of inserting the item.

With regard to the second-to-last item, MR YOUNG said that the team had not eliminated the requirement for a B sample. It had been suggested since the 1990s when he had started doing this that that was something that should be eliminated. There had been suggestions to that effect that time around as well. He would provide the background in order to analyse the issue. He spoke about urine. Currently, a sample collector went out with two bottles, A and B, collected the urine sample, it did not really take more time to collect two than it did one, although there would be one bottle instead of two, the bottles were shipped to a laboratory, shipment might be slightly cheaper, but WADA had learnt that shipment was not based on weight; it was based on the dimensions of the box, so WADA could get Berlinger to design a new box at some point, and then the laboratory received the samples, it opened up the A bottle on its own, did a screen analysis on the A bottle, if the screen showed the presence of a prohibited substance, it did a confirmation analysis on the A bottle and, if the confirmation showed a prohibited substance, the B sample process kicked in, and this meant that the laboratory gave notice to the anti-doping organisation, the anti-doping organisation gave notice to the athlete, and the athlete was invited to watch the opening of the B sample so that the athlete could see with his or her own eyes that the sample was intact and not tampered with, and then the athlete's expert got to watch the analysis of the B sample. The arguments in favour of doing away with that half of the process were that it was very unusual for the B sample not to confirm the A and, in those situations where it did not happen, there was usually a good explanation such as sample deterioration, and occasionally there were awkward cases in which the A and the B were both positive but there was a big difference in the value and that caused questions. The arguments in favour of keeping the B sample were that the athletes viewed this as an important athlete's right, that the athlete could see that there was an un-tampered sample and could have an expert observe the analysis of the sample to make sure that the athlete could see with his or her own eyes through an expert that nothing untoward was going on. From the point of view of lawyers who had to defend the cases, in probably most of the cases, they would be glad that there was a double analysis because, when the athlete argued that something had gone wrong with the analysis process, they could say

that the athlete was saying that lightening had struck twice as the same result had been reached in another analysis. If WADA decided to eliminate the B sample, it would certainly affect the athlete's opportunity to see that the sample had been sealed, and it would then be necessary to decide whether or not to perform a second analysis of the A sample and whether the athlete representative would be present for that. There were a lot of implications; he had not talked about all of them, but his explanation gave the members a broad outline.

MR KASPER said that, in the 1990s, there had been the same opinion, that the B sample should be discarded, but he did not think that the differences were so unusual. In his federation, there had been cases in which there had been a big difference between the A and B sample results. He had lost some faith in the laboratory; but, when there were cases whereby there was a difference, WADA had to be honest and keep a B sample. He knew that it cost money, but he would have some doubts if it were eliminated. It made life easier. There was no question about it.

MR MCQUAID asked about the percentage of cases in which a B sample had differed to an A sample.

MR YOUNG responded that, in terms of the B sample not confirming the A sample, meaning that A was above a positivity criterion and B was below, very small; maybe Dr Rabin could provide further details. In terms of the number of cases in which both results were positive but there was a big difference between the A and the B, of the cases that WADA fought, it was a percentage, whether it was 5% or 10%, it was probably less. These were the ones that were challenged on that basis. It was rare that one lost a case on that basis. It was usually one of several factors.

DR RABIN clarified that, in cases in which there was no explanation why the B sample had differed from the A sample, he must have encountered two or three cases in ten years with WADA. For all the other cases in which there had been a difference, this was probably related to deterioration, the fact that the B sample was separated from the A sample and the two samples evolved slightly differently, and this explained most of the cases. There had been only two or three cases, including one in skiing, for which there had been no explanation.

MR KASPER asked if Dr Rabin really trusted the statistics. Did the laboratories really tell WADA if they had seen a difference? He did not trust the statistics. The laboratories would try to hide them, which was logical.

DR RABIN responded that WADA was told when the B sample did not confirm the A sample and could monitor this now with ADAMS. It was in the ISL.

PROFESSOR LJUNGQVIST said that this had been an issue since the 1990s for Mr Young, but it had been controversial long before that. He was one of those who had experienced the introduction of the B sample and that had had nothing to do with what the Executive Committee was currently talking about. It had been purely political. During the Cold War, the Eastern bloc countries had not accepted positive A sample results from Western laboratories, and had wanted two samples to enable them to analyse in their own laboratory in the East. It had finally been deemed too complicated, so they had agreed to have the A and B samples analysed in the same laboratory provided their people could witness the analysis, so it had been purely political and had had nothing to do with science, medicine or safety. After the end of the Cold War, the issue had arisen in the 1990s, and the necessity had been questioned, and the same discussion as the one the Executive Committee was currently conducting had taken place: could the athletes' rights be taken away? He did not see it as athletes' rights. He was an experienced laboratory person and did not know any other circumstances in which A and B analyses were conducted on different samples, even in forensic medicine, paternity investigations, etc., and he did not know why WADA insisted on having this when, obviously, so rarely A and B samples differed, and in his view they turned out

differently on the basis of a positive A, which meant that an athlete who tested positive got away with it because the B sample had deteriorated or for some other reason. Intellectually, the B sample analysis was unnecessary. It was not a cost issue; it was more a difficult exercise to have the B sample analysis conducted. During the Olympic Games and other events, it was easy, as everybody was present, whereas in normal daily life for NADOs, if a positive A was found, they had to organise for a B sample analysis with the witness, the athlete, the laboratory, and so on, and all of this was complicated, cumbersome and also costly and, to him, unnecessary. All it did was allow some athletes who had tested positive to get away with it. This was a good example of something that had not been included but should be included. WADA should really listen to the people out there and find out what they thought about it.

THE CHAIRMAN said that Professor Ljungqvist had provided a very strong argument in favour of insertion. He turned to the younger members for their opinion.

MS SCOTT said that she had personally lived through the experience of a well-known cross-country skier who had tested positive and who had said publicly that the truth would come out when the B sample was tested and he would be exonerated, and he had been. The B sample had been negative. The whole cross-country ski community had lost a lot of faith in whatever it was that could possibly magically make an A sample positive and a B sample negative. How could this possibly have happened? She sided with Professor Ljungqvist, in that, if an A sample was positive, it was positive, and she knew that there were probably a lot of athletes who put a lot of faith in and had a lot of confidence in the B sample because it had historically been done. If this was clearly and correctly communicated to the athletes, which it had to be, it could be done away with.

MS FISCHER said that she would be in favour of a single sample. She could not see why there would be a B sample and she remembered the former German Athlete Committee member, Meike Evers, who was a rower and also a police officer, discussing this and saying that, in the police force, for criminals, only one sample was used, so why use two samples in sport? She also knew that, when it had been discussed, some athletes had wanted to keep the B sample, so the group had not reached any consensus.

MR MCQUAID said that he would be inclined to do away with the B sample. Having listened to athletes who had tested positive in an A sample analysis, if they were asked about it, they increasingly said that the B sample would confirm the A sample. They did not have much faith that the B sample would change the A sample result. For the sake of eight million dollars, it was a huge amount of money.

THE CHAIRMAN thought that there was a wish to have this in. He was sure that there would be many more submissions. History showed that it had been around forever but, if WADA could simplify the process, improve the cost factor, and any little saving was of benefit, particularly to the smaller IFs, WADA should at least give this a good airing going forward.

MR YOUNG said that he would include it. Item 25 referred to suggestions that had not been incorporated in the draft that there be special status during ineligibility for team sports (article 10.10.1). Code article 10.10.1 stated that, if one was serving a period of ineligibility, one was not to be involved in any activity of a signatory or a member or a club of a signatory, so one could not practise with one's team. If one was a gymnast, one did not go into the member's gymnastics facility, one was out until the end of the period of ineligibility. That was what the current rule said. The argument that had been made by team sports (it had also been made in the 2009 version) was that team sports were special and a team sport athlete was different to a 100-metre runner and needed to practise with the team in order to be ready to come back to competition, and so a two-year ban really became a two-year and four month ban. The response from a number of individual sports was that this might be true for a 100-metre runner but, for sports such as rowing eight or gymnastics, where one did not have access to the facility, it was just as bad for individual sports as it was for team sports, so he threw out for thoughts and

discussion the option of making a special rule for early practice, not competition, for team sports, or whether the members might want to extend that to early practice for all sports but not competition, or whether the members wanted to leave it as it was.

THE CHAIRMAN thought that there was even a third case here. A tennis player was an individual and he could not imagine a tennis player preparing as an individual with a machine or against the wall; he thought one had to hit the ball to another player or a coach to prepare and, in that context, he said that, if WADA were to proceed with this, it should talk about it as being all sports and not distinguish between team and individual sports, but the members also probably needed to think about the period for training only, otherwise every sport would have a different period. It was happening; WADA could not stop it, and was WADA therefore kidding itself to believe that it could by having a rule in place? One could not stop an athlete talking to a coach, getting advice, no doubt even being supervised by that coach. How could that aspect of it be policed?

MR KASPER referred to ski jumping. An athlete would have to give up his sport immediately. He could train only if the hill was prepared for a team. Nobody would ever prepare the hill for a single athlete, so the athlete had no chance other than to train with the team.

THE CHAIRMAN said that, in many sports, the period was two years and three months, as the athletes were not getting back into events until some months of training with others enabled them to return to competition. He thought it was worth putting it on the agenda for that reason alone.

MR RICCI BITTI said that this was a totally artificial argument invented to have some team sport meetings. He believed that it was a joke; he had said this clearly to his friend Professor Dvorak and had lost his friendship for some time. With regard to doping, everybody was the same. The athletes all had different difficulties, for example, for tennis, one needed a partner, a club, and other things, so why make all this fuss for team sports? It was a joke, in his opinion. If there was going to be a rule, there should be one rule for everybody; if one wanted to allow preparation, it should be the same amount of time for everybody. He thought that the argument was a totally artificial invention in order to have meetings.

THE CHAIRMAN thought that the message was clear. The Executive Committee would probably want a time limit and consistency. He was not sure that he had the wisdom to suggest what that might be.

MR YOUNG said that there had been some discussion of the fact that RADOs were not mentioned in the Code. There were problems with making all RADOs signatories, as some did not have legal existence, but his team had talked about making reference in the responsibilities of NADOs that they could delegate and have some portion of their responsibilities carried out by a RADO, so it gave them a place in the Code that recognised what was going on. Given that nobody had any objection to that, the last comment was that the top 25 had been picked in terms of most comments received and importance, but there were lots of other changes in the red-line version and he was available should the members wish to discuss them.

MR MCQUAID said that there was only one item, number 19, which related to a minor and the athlete entourage. Was WADA happy with the rules in place for entourage? The entourage was becoming increasingly important in doping and doping programmes and his federation had recently brought in rules that would mean that an athlete convicted of a doping offence could not become part of an entourage upon retirement and come back into the sport as such. This would probably be challenged, as it would be seen as an extra sanction, but his federation would fight that when the time came. He thought that sport would like to see WADA devote some time and effort to this area and try to assist sport to come up with rules and regulations that could deal with it.

MR YOUNG said that this was an important point and it was something to which a lot of thought had been given. That was why the team had added the new article that stated that, if an athlete support person (be it a coach, trainer or doctor) had two athletes who committed anti-doping rule violations, there would be an automatic investigation of that person. It was also the reason for the prohibited association rule; the problem was that there were doctors and people who were not members of sport organisations, so WADA could not bring disciplinary proceedings against them. The team had said that, when there was a bad apple out there, such as a bad doctor, WADA might not be able to bring proceedings against such people, but there was a rule prohibiting athletes from dealing with them. The problem had been recognised and a couple of steps had been taken in that direction. There were certainly other steps that could be taken, as it was a serious issue.

THE CHAIRMAN asked the members to bear in mind that this was just the first version, so there would be plenty of opportunity to bring comments back on the discussion paper and encourage those who had the same interest. That had been extremely helpful to WADA personnel and the drafting team and, as indicated at the start of the section, by 1 June, there would be a discussion paper that would go on the website and, from that point on, the submissions would all go onto the website as well, so the process would be totally transparent and the world would be told who was saying what. It had been a terrific discussion.

MR ANDERSEN clarified that there would be a progress report in September.

MR OKUMURA said that he had been listening to the discussion with a great deal of interest. Education was essential to successful anti-doping activities, particularly among young people. That year, the Japanese Government had introduced courses at secondary school on the correct use of pharmaceutical drugs and, starting in 2013, further courses would be introduced, to ensure that all primary and secondary school students in Japan would receive formal anti-doping education, and that was how his government was focusing on the issue. He asked the drafting committee to emphasise the need for education from an early age in the Code revision process.

THE CHAIRMAN said that everybody would be delighted to hear about the Japanese initiative to ensure mandatory education on doping in sport. That was a fantastic initiative and he commended the Japanese Government on that. He thanked Mr Young and his team. He looked forward to reading the discussion paper shortly.

MR REEDIE asked whether it was the intention to publish a very abbreviated version of the detailed discussion that had been held by the Executive Committee on the two or three hot topics to show that it had debated it seriously.

THE CHAIRMAN replied that he would be reluctant to do that, as he thought that the Executive Committee, as the steering committee, must have the capacity to be fearsome, full, robust and not have any exposure to criticism in the course of going through it. He would like to state that there had been an extensive and robust discussion and would be highlighting that a couple of those last matters that were not on the original list would be topical; a few had been discussed at length earlier, and they would be in the press release and WADA would be stressing that the Executive Committee believed that these matters were worthy of further discussion and consultation. He did not want to indicate at that stage that the Executive Committee might have expressed a view of support. He sought to shape it in a way that did not in any way lock up individuals or the Executive Committee.

#### DECISION

Code review update noted.



## **8. Athlete Biological Passport**

DR VERNEC said that he would provide the members with an update on the ABP. There had actually been quite a significant increase in the number of ADOs engaging in the ABP programme, up from perhaps a dozen or a little more over the past year to over 30. What was promising about this increase was that there could be cooperation between the different ADOs, with IFs working with NADOs, sharing information and costs, and the new ABP guidelines assisted in this, and also through the use of ADAMS, which would become a little more functional later that year for the ABP programme, this cooperation would be enhanced. It had been nice to see the addition of the relevant article, so there would be no problem with cooperation between different IFs and countries.

With the big increase in interest in the ABP programme, it had been realised that WADA needed to put together a symposium, which it had done only the previous week in Lausanne. It had brought together a number of key players from haematological experts and other physicians to ABP managers, laboratory and legal experts. The goal of the symposium had been education. There were haematologists, sport haematologists and then anti-doping sport haematologists, who actually understood all of the doping behaviour and the little tricks athletes would do to try to modify their profiles. These haematologists were a very rare species and one of the big goals of the meeting had been to try to enhance the knowledge of some of the other haematologists around the world. The symposium had taken place in a medical format, with a number of case study reviews with medical laboratory and legal experts involved. Information, coordination and sharing information had been discussed, as well as intelligent test planning, which addressed a lot of what had been talked about earlier. There should be a reason for a test, so who one was testing, when one was testing and what one was testing for really flowed out of an intelligent ABP programme. The participants had talked about bringing in other information, such as information that came from readily available social media, and also software and research past, present and future.

A number of documents were being produced and would be finalised after the meeting. One of the big successes had been the quantum leap in the advancement of the ABP management unit. WADA was trying to get these to be centres of excellence to which other anti-doping organisations could flock to get access to necessary experts, and of course the networking and relationships part of the meeting should not be underestimated.

The revised haematological guidelines had been published in January that year, and the format had changed so the steroid module guidelines could make use of some of the existing format. Also on the steroid module, there was still work being done at the science level and in the Laboratory Committee, so it was in the final stages. WADA was concurrently working with a number of stakeholders, trying to garner some statistics to start looking at interpreting results in order to have a practical steroid module going forward.

He did not have much to report on the endocrine module, except that the Daegu project with the IAAF in Lausanne was still being analysed and there were some individual anti-doping organisations gathering statistics and testing biomarkers and they were in touch with the WADA Science Department.

He talked about the reporting of pathological results, which had been brought up by one of the stakeholders in reference to the passport, but it was actually a general issue. The primary concern of the Medical Department and WADA was the health of the athlete; however, the system set up had been set up as an anti-doping system and had not been designed as a health check system, which was why, long before he had worked in anti-doping, he had always encouraged athletes to have regular medical check-ups with their physicians. Nevertheless, WADA did see pathology during the course of analysis and, in

the new guidelines, when it came to the red blood cell variables (the red blood cells were the oxygen-carrying cells being looked at by the blood experts), there was a very clear mechanism in place for that, so there was a check box whereby a possible pathology would be reported by the experts and sent back to the ADO, which would then contact the athletes. The problem was that there were some other areas at which nobody might be looking and there was no physician involved in the process, and one of the things brought up had been white blood cells that might actually be tested but were not being reported on. It was an interesting discussion, and he was working with different experts, physicians, laboratory experts and specialists in health law to look at all of the different elements of this to ensure that the athletes' health never got neglected and find a proper way to process the information and make sure that this information got back to the athlete whenever necessary.

In summary, he still talked about starting small in terms of the ABP; he believed that it should be an integrated part of a general anti-doping programme. The Medical Department was working with the APMUs and believed that they would then transfer some of their knowledge back down to the ADOs. He was really convinced that the ABP had demonstrated that it was a valuable tool in the fight against doping in sport; it had been mentioned earlier that the IAAF had just sanctioned an athlete for four years based on the ABP, so he believed that it had huge potential and WADA should continue to put energy into refining existing programmes but also developing many of the future modules, not just the steroid and endocrine modules, but also proteomics and beyond.

MR MCQUAID said that it had been mentioned that there were experts who assisted athletes to beat the system. Was there much evidence in the ABP that athletes could beat the system? When one looked at certain statements about micro-dosing, they undermined the passport in the eyes of the public and the athletes.

DR VERNEC responded that it was a good question. A sophisticated doper with a full team of physicians and others bent on beating the system could have some success, but one of the positive elements of the programme, along with all of the new anti-doping rules in the Code, was that it would require that team to work on a constant basis to try and beat the system. It was not impossible. WADA was also looking for new research, for example, haemoglobin mass markers that would make it even more difficult to cheat, but it was getting increasingly difficult to cheat and certainly the big swings in cheating had gone away or had at least reduced significantly.

PROFESSOR LJUNGQVIST thanked Dr Verneec for his report and also the way in which the symposium had been conducted. He understood that it had been organised at fairly short notice, yet he had received feedback from scientific colleagues of his that it had been very successful.

Dr Verneec had said that the runner had been banned by the IAAF, but he thought that it had been the Portuguese Athletic Federation that had banned the athlete for four years based on blood passport information. The report he had read was interesting in that the athlete had decided not to appeal the decision.

## DECISION

Athlete Biological Passport update noted.

### **9. Anti-Doping Administration Management System (ADAMS)**

MR KEMP said that he wanted to provide a very brief overview and update on the current situation regarding ADAMS. There was a more thorough paper available, but he wished to provide some of the highlights and give the members an opportunity to ask questions that they might have in relation to the paper. At past meetings, the priority for ADAMS development had been the enhancement of the whereabouts module, to make it a more effective and efficient tool for testing, and also to make it easier to use for athletes, and he was pleased to report that this had been a big success. Since its

launch in November 2011, very positive feedback had been received. There were now 12 languages in the system, it was a more intuitive system, including travel options for the athletes and a more intuitive address book for them to select old locations so that they did not have to enter redundant information over again. WADA was continuing to collect information and feedback from athlete users and ADOs to find additional ways to improve the system, and he anticipated that further refinements would be made over the coming months. WADA continued to make very good progress in terms of ADAMS adoption. There were currently 77 IFs using the system and more than 70 NADOs and RADOs, all of the accredited laboratories regularly used ADAMS to report adverse, atypical and also negative findings, there were more than 180,000 athlete profiles in the system, which included TUE test information or ABP information associated with those profiles, more than 20,000 TUEs in the system available to major event organisations, NADOs and IFs as jurisdiction dictated, and an increasing amount of whereabouts information in the system.

It was important to highlight the future priorities for ADAMS development over and above whereabouts, although whereabouts would continue to be an ongoing priority. Dr Vernec had mentioned the ABP programme; one of the limitations for many ADOs in implementing a passport programme was that the system was currently focused only on IFs, so WADA was opening up the accessibility of ADAMS for passport programmes to all types of user, most importantly to NADOs, and integrating the adaptive or statistical passport software into the system. Currently, an ADO using a passport programme might use ADAMS as an administrative tool, but it used a standalone piece of software to evaluate the athletes' profiles. WADA was looking at integrating these two systems so that ADAMS did this in an automated fashion, so that, when a new laboratory profile result was entered into the system, it automatically recalculated an athlete's profile and would alert an ADO to something suspicious, which might lead to an anti-doping rule violation down the road; but, more importantly, this would allow ADAMS to become a more effective tool in real time for the targeting of suspicious athletes, which was very important.

Another priority for current and future ADAMS development had to do with the retention of data in the system. As the members would be aware, there was an annex to the International Privacy Standard related to what WADA would like to see on the retention of different types of anti-doping information, and WADA was looking to integrate this into ADAMS so that there was an automated deletion of data in accordance with those rules, so that this need not be done manually. Currently, this was a limitation for those who chose not to use ADAMS, but it would make compliance with the ISP much easier for those who did use ADAMS. Dr Vernec had alluded to developments with the steroid module. As much as possible within ADAMS, the aim was to see that the infrastructure currently in place for the blood module could be extended to the steroid module as well, and minor changes would be made in that respect so that experts could access information and so that laboratories could report information in a standardised fashion and ADOs were running programmes in parallel and in as harmonised a fashion as possible.

There were two other projects that he was hoping to move forward in ADAMS. One was a mobile whereabouts application; this was seen as something of an extension to the current enhancements to the whereabouts module itself. Many athletes were rightly asking why they were unable to update their whereabouts more conveniently from their smartphones, and WADA was trying to look at ways of doing that with ADAMS. WADA had been exploring a couple of different options, as there were now two or three ADOs with mobile applications for their own systems, but they were not connected to ADAMS and so, to ensure adequate security and integrity of information and exchange between ADAMS and a smartphone, WADA was moving cautiously but was quite keen to introduce some sort of mobile application soon. Finally, as mentioned earlier, WADA was still keen on advancing an initiative related to electronic sample collection so that information

collected in the field at the time of sample collection could be entered into ADAMS in real time, providing this information to ADOs and laboratories to expedite the entire process, and this was also something that was being advanced.

MR RICCI BITTI recalled that there had been mention of a break in the service and a possible back-up system. Was there any further information on that? ADAMS had always appeared to be something of a dream to him; WADA was working very hard, but always appeared to be lagging behind. Was there any hope of getting to the stage whereby everybody really believed that ADAMS was a service? He was afraid that, at every meeting, there was some news that made life difficult for poor ADAMS, such as privacy issues, that led many countries to use different systems. This was more political than technical, and perhaps it was not the right time to discuss this, but he sought some positive comments about the future and whether ADAMS would one day be up to speed.

THE CHAIRMAN responded that there had been a delay, a promise had been given that the enhanced ADAMS would be available by the previous November, that deadline had been met and the table in the paper indicated that 62 of the 70 NADOs in the world were now using it. Sadly, because of the importance of those countries, there were some countries that did not use it, including his and the USA and New Zealand; but, for WADA to achieve the ultimate in ADAMS, the Code would have to change to make it mandatory, and that question might be put to the members one day. He was very conscious of the fact that other nations had invested in other IT equipment and therefore WADA had been very reluctant to say that everybody must use ADAMS, so he was trying to reassure Mr Ricci Bitti that WADA had got over significant hurdles. There had been times when he had also been pulling his hair out and he was now much more comfortable with where WADA was and what had been achieved.

MR WARD thanked Mr Kemp for the update on ADAMS. As the Chairman had identified, there were five nations out there with other processes in place besides ADAMS, and he knew that there had been discussion about the compatibility issue and trying to determine resources for bringing ADAMS and SIMON and EUGENE together in order to arrive at having one system that could work together. Had there been any movement in that direction and, if so, would it be possible to provide an update?

MR KEMP replied that the response to the question was somewhat related to the issue of the back-up servers, as one of the key elements for WADA had always been the integrity of the data and he knew in the potential for discussing the exchange of information between multiple databases that WADA and its IT infrastructure had had some concerns about what happened to information once it left ADAMS and, for the time being, this had certainly been an issue that WADA had set aside to devote resources and time to improving the system for those users adopting ADAMS on a day-to-day basis, but he did not think that it ruled out the possibility altogether once it had been possible to overcome some of the obstacles associated with the release of information from the system.

## DECISION

ADAMS update noted.

### **10. Science**

#### – 10.1 Implementation of mandatory methods by laboratories

THE CHAIRMAN informed the members that this matter had been on the agenda for a year or more. WADA had looked at the implementation of mandatory methods by laboratories and had seen progress, despite a lack of speed at one stage. There was a belief that those particular methods in the current non-compliant laboratories might well become implemented and therefore full compliance would be available within a few months. Consequently, the suggestion from Dr Rabin was to adjourn a decision on this

particular issue until the next meeting, the belief being that there would be a lot more compliance, if not full compliance, at that stage.

#### DECISION

Proposal to delay a decision on the implementation of mandatory methods by laboratories until the next meeting of the Executive Committee approved.

- 10.2 Review and perspectives on implementation of new methods by anti-doping laboratories

DR RABIN said that the point that he wished to illustrate was the gap between research development and the effective implementation of new methodologies in anti-doping laboratories, which was obviously not a natural process but required incentives. When discussing this with the anti-doping laboratories, they said either that they needed requests from their clients or that they needed to find the resources, sometimes to buy the equipment, sometimes to educate or sometimes to hire personnel to implement the new methods or use the new piece of equipment. This was a point he had wished to raise, that WADA needed to closely look at how to bridge the gap between more active implementation of anti-doping methods and see where there could be appropriate actions to facilitate and encourage the transfer between research outcomes and implementation in anti-doping laboratories. WADA clearly saw that some laboratories implemented these methods and some did not, and it wanted to avoid the gap increasing in the years to come. Reflection with the anti-doping laboratories and anti-doping organisations was necessary on how to better bridge the gap. This was not a point for discussion, it was just a point for information.

#### DECISION

Review and perspectives on implementation of new methods by anti-doping laboratories update noted.

- 10.3 Strategy for future development of the anti-doping laboratory network

DR RABIN said that this item had been raised on a number of occasions before the Executive Committee and he had kept the Executive Committee informed of the interest of various laboratories or countries in developing WADA-accredited laboratories. Recently, the WADA management had visited three laboratories, one in Minsk, Belarus, one in Kiev, Ukraine, and one in Cairo, Egypt, and had confirmed that some laboratories that were not really on WADA's radar, even though expressions of interest had been heard, had reached sufficient technical level to be favourably considered by WADA. The proposed next step for these and other laboratories would be to work closely with the Standards and Harmonisation Department to assess the environment of these laboratories and have a perspective on how the capacity or the need for anti-doping analysis would grow in the years to come in the regions to be served by these anti-doping laboratories, to have a full assessment not only at the technical level but also in terms of the laboratory environment and the need to develop this capacity for a given region or a given country.

THE CHAIRMAN observed that this highlighted that South America was a little bit lost; but, having said that, there were some interesting laboratories there, not the least being Cairo, with which Dr Rabin had been quite impressed. There was a need to cut this off at some stage, but it was necessary to realise that, as best WADA could arrange for the location, it should try and do it in a convenient manner around the world, but was very much in the hands of those who expressed a wish to put the money in and develop those laboratories. Notwithstanding, he would be pleased to see Argentina there, and it

appeared to be getting closer. In September, there would probably be a need to give a clear signal.

MR GOSAL said that Canada supported this long-term strategy and it was important and he informed the members that the Americas region was developing a short position paper on this topic and he would appreciate it if the WADA management could make it available once it was done.

#### DECISION

Strategy for future development of the anti-doping laboratory network noted.

#### – 10.4 DL technical document

DR RABIN said that there had been a great deal of discussion of the technical document within the Laboratory Expert Group and the anti-doping laboratories and of course it took into consideration the comments received from the stakeholders during the consultation phases. There was a continuous process of refining and improving the technical documents as more information was received on a technical level in terms of scientific progress or through the EQAS programme, which monitored the competence of the anti-doping laboratories or when changes were adopted for the Prohibited List (in this case, glycerol had been discussed over the past few months). The technical document on decision limits was technical to the point that values were being referred to and they needed to be adjusted as the laboratories progressed or as more information was obtained from scientific literature. He would not go into too much detail, as the document was highly technical, but he assured the members that it had been reviewed and recommended by the Laboratory Expert Group and had gone through the normal stakeholder consultation process before coming to the committee for approval.

THE CHAIRMAN noted that the paper was for decision. The decision requested was that the Executive Committee approve the revised version of the technical document on decision limits for the confirmatory quantification of threshold substances to come into effect from 1 October 2012.

MR REEDIE asked Dr Rabin whether, when he developed and presumably refined and improved these technical documents, he was doing it on the basis of peer-reviewed scientific evidence or on the basis of the experience that came from the laboratories themselves, or whether it was a mixture of both, or neither.

DR RABIN replied that it was all of the above. It really took into account the experience of the laboratories, the EQAS programme, when samples were sent to the laboratory and WADA saw what came back, and thoroughly analysed feedback and results from the laboratories. WADA also closely monitored the scientific literature and sometimes also generated its own studies through the WADA research programme to fill some gaps found in the literature. All of this was taken into account when revising the documents.

#### DECISION

DL technical document approved.

#### – 10.5 MRPL technical document

DR RABIN said that this item was also a technical document for approval, and the decision to review and revise this technical document had come from a recommendation made by the ad hoc group on Laboratories and endorsed by the Executive Committee to reduce the risk of analytical discrepancies between the laboratories and take into account the latest progress that was being progressively implemented in anti-doping laboratories. The MRPL technical document had been reviewed by the Laboratory Expert Group and most of the values had been decreased as per the recommendation of the ad hoc group endorsed by the Executive Committee, and the values had been circulated as usual for

consultation among the anti-doping laboratories and the stakeholders. There had been only one serious comment from WAADS, the World Association of Anti-Doping Scientists, in particular for some laboratories that were not so well equipped as some advanced laboratories, because the modification of values would require some of the anti-doping laboratories to revalidate their methods and would of course require resources and time, which was why the Laboratory Expert Group recommended that this technical document not be approved before 1 January 2013 to give the laboratories enough time to revalidate and implement these new values and requirements from WADA. The document was therefore before the members for approval after all of the processes had been completed by the Laboratory Expert Group and during the consultation phase.

MR ODRIOZOLA agreed that this document was instrumental to improve laboratory performance; however, as Dr Rabin had said, it could have substantial financial consequences on some laboratories, so maybe the limit of 1 January 2013 could be somewhat flexible.

DR RABIN replied that, for most laboratories, many already met the requirements fairly easily. There were a few laboratories that were not so well equipped that would need to improve their equipment or take more time to revalidate their MRPLs to make sure that they could meet the new requirements with the existing equipment. He was very much aware that some laboratories would need time, and this point had been addressed by the Laboratory Expert Group, and six months should be enough for the laboratories to revalidate their methods and make sure they met those requirements. It was up to the Executive Committee to decide whether it wanted to expand this beyond 1 January 2013. It was a point that could certainly be taken into consideration, but the technical view from the Laboratory Expert Group was that six months should be sufficient for the laboratories to cover this ground and make sure that they met the requirements.

THE CHAIRMAN said that the Executive Committee was being asked to approve the revised version of the technical document on minimum required performance levels for the detection and identification of non-threshold substances to come into effect 1 January 2013.

#### DECISION

MRPL technical document approved.

#### – 10.6 Sharing of costs of EQAS with anti-doping laboratories conducting blood testing

DR RABIN said that, the previous year, WADA had transferred the cost of the blood EQAS programme to the laboratories for 2012 and beyond. The point had been discussed and approved by the Executive Committee. After this decision, a request had been received from WADA-accredited laboratories (at least, those doing blood testing) to ease this transfer by covering part of the costs at least for one more year, and it was hoped that WADA would cover half of the costs. This was something that could be considered if WADA agreed to reduce the education programme for 2012 and allow the money to be used to cover half of the cost of blood EQAS for the laboratories, which was quite doable and would certainly facilitate things, at least for the time being. WADA had clearly stated that it would not go beyond 2012, but this would facilitate the period of transition.

THE CHAIRMAN said that the decision required was that the Executive Committee approve payment of half of the costs associated with the blood EQAS programme for that year, to lessen the financial burden on participating anti-doping laboratories. That was 65,000 Swiss francs.

DR RABIN clarified that this was a transfer of money that would still be within the pool of money set aside for laboratory activities; it would simply be moved from education EQAS samples to blood EQAS samples.

THE CHAIRMAN concluded that there would be no additional burden on the budget, as the money would come from the existing pool of funds.

## DECISION

Proposal regarding sharing of costs of EQAS with anti-doping laboratories conducting blood testing approved.

### **11. Education**

#### – 11.1 Education Committee Chair report

MR KOEHLER stated that Mr Ward would provide an update on the Education Committee meeting that had taken place some weeks previously in Montreal.

MR WARD said that, on 26 and 27 April, an Education Committee meeting had taken place in Montreal to discuss current and future WADA education programmes. With respect to education resources, the Education Committee had determined the need to seek guidance on how to ensure that all educational materials were accessible to those with disabilities. It had been recommended that the department include provision for the translation of resources in its budget, that WADA continue to offer education and information tools free of charge, that WADA partner with ADOs in the development of new materials, and that it consider exploring new partnerships for the development and implementation of education programmes. The Education Committee supported the department in the development of online resources for parents and seeking new ways of reaching schools, including developing a dedicated section of WADA's website for this area.

With regard to model guidelines, the Education Committee supported the department's plan to rework the current model guidelines for core information and education programmes; it had discussed education symposia, and the committee supported the department's plan to continue the regional education symposia in 2013 and recommended hosting the symposium in Latin America, given that three high profile events would take place in the region in the coming years, namely the 2014 FIFA World Cup and the 2016 Olympic Games and Paralympic Games.

The Education Committee had looked at the education provision of the Code and had agreed to provide feedback and recommendations for a review of the education provision of the WADC. It had reviewed marketing tools and recommended looking into having an international play true day to promote anti-doping education, and the Education Committee had also recommended developing a programme that would allow schools to become play true schools.

For funding for the social science and research grant programme, the Education Committee had agreed to recommend to WADA's Finance and Administration Committee that the budget for social science research be increased to 400,000 US dollars, given that 600,000 dollars had originally been outlined for the 2013 social science research grant programme five-year plan.

For social science research grant programme priorities, the Education Committee had recommended maintaining the current research priorities. It had recommended requesting that the WADA Executive Committee and Foundation Board expand the areas of research to include studies in management, economics and law. With regard to recommendations for funding and social science research projects, the Education Committee had accepted an ad hoc social science research working group recommendation for projects to fund as part of the 2012 grant programme. The committee would recommend eight projects totalling 209,901 US dollars to the WADA Executive Committee for funding and, following his comments, Mr Koehler would give further information on the projects.

Areas for additional research included recommending seeking proposals for a targeted research project, looking at how international organisations approached translation of



educational material in order to inform WADA's practice. The Education Committee had also indicated that targeted research could be used to target certain countries or regions to obtain more data from those countries and, with regard to increasing regional representation on social science research, the committee had identified a need for more effort promoting research in Africa, Asia and Latin America, and had recommended publishing the call for proposals in different languages, but to continue to accept applications only in English and French.

### DECISION

Education Committee Chair report noted.

#### – 11.2 Social science research projects

MR KOEHLER mentioned that the WADA website contained all of the research projects done to date, along with all of the outcomes, and also (tabled one and a half years previously) the five updated Ws, the what, why, who, when, where and how, putting all of the research together and providing a sensible approach as to how anti-doping organisations could use it. Several were using the research to develop their education programmes. The UCI had based its new revised education programme on the research that had been conducted through the WADA programme.

That year, 19 research applications had been received. This was an extension of the previous year's programme, because the committee had realised that the research projects that WADA had had not been of value to fund, so there had not been a lot of funding in the previous round, and this was the continuation of the 2012 funding project, or an extension to the 2012 funding project. All of the projects were available in a binder; there were about 800 pages, but the members were welcome to read about them if they were interested.

He provided a summary of the projects conducted to date. A total of 19 applications had been received from 13 countries; the majority came from Europe. The committee and the ad hoc working group had realised that this was a natural approach, because there was a long-standing European involvement in anti-doping, although there was a need to promote other regions that were underserved. The process followed with the research projects was that every project that was receivable, meaning that it was complete, went to two peer-reviewers, and then to the WADA ad hoc working group, consisting of four social science researchers, and from there it went to the Education Committee for recommendation to the Executive Committee, which was what was being done that day.

As Mr Ward had mentioned, eight open research projects were being recommended that day for funding, totalling 209,000 US dollars. The first project looked at the athlete entourage and the coach, and at the coach's role in anti-doping. The project specifically asked whether failure on the part of coaches to address the issue of doping was an actual approval process of doping, so, by saying nothing, the athletes felt that they had the right to dope, and looked at the whole idea of the intervention coaches should be making when it came to anti-doping and the proactive roles they needed to have. This research would be needed to reinforce the need for all anti-doping organisations to start focusing on educating coaches, to look at the relationship with the ICCE, for the education of the global framework of coaches, and to provide more guidance on what WADA could do to target coaches and how WADA should be addressing them. That project was for 18,000 dollars.

The next project looked at athletes who were managing pain, as a lot of athletes were taking permitted substances to manage pain on a daily basis, and whether there was a correlation between pain management and moving into doping practices over time. WADA wanted to understand the vulnerability factors within the transition periods of the athletes and when the athletes might be moving into using doping substances. It would strengthen the need to involve another member of the entourage, the physician, and

WADA had recently launched, together with the Medical Department, the sport physicians tool kit, and the UCI was seeking to establish an online programme with WADA for the sport physicians tool kit. This also made it possible to make sure that WADA was targeting the right interventions among physicians and athletes in general.

The third project looked at current methodology about evaluating an existing tool and seeing how it worked across different countries and being able to validate the tool so as to look at measuring attitudes and beliefs and behaviour of athletes from different populations, so it would allow that tool, once approved, to be used by all anti-doping organisations.

The next project was a unique project from a region underserved in terms of social science research: China. The original application had been for a lot more, and the committee had agreed to partly fund the project and get information from China that was necessary in order to know about the attitudes, beliefs and behaviours, and it was using existing tools, so the methodology was already there, to get a better understanding of how to target the population and whether there was a difference in requirements for education messages.

The next project really dealt with taking existing literature and trying to find out whether there was a correlation between athletes choosing to dope, whether it was a personal choice or whether it was situational: whether the athlete, put in a certain situation, was more likely to dope. This would obviously help WADA to further understand what it needed to do when it came to the vulnerability of athletes and where it needed to target actual messages and increase existing data in the field.

The following project was a unique project as it looked at identifying athletes with disabilities, and it would be the first project involving such athletes and looking at the use of nutritional substances in sport. It would help expand and compare the differences, if there were any, between able-bodied athletes and athletes with disabilities in terms of the health considerations related to nutritional supplements.

The penultimate project dealt with the idea of looking at sanctioned athletes and understanding where they made the decision to dope and getting a better understanding of the trigger factors and what made them turn in that direction. WADA did not have a lot of research to date on sanctioned athletes and this was one project that already had access to those athletes and had already set up potential interviews to help get a better understanding of vulnerability factors.

The final project being recommended by the Education Committee for funding looked at the lack of physical activity from athletes who were not always engaged in training and were not as active as other athletes and whether that had been a factor in them doping, so taking the short cut and using prohibited substances to reach a goal that could have been reached through spending more time on the field, and it would help WADA understand where physicians could intervene to help with better diet and nutrition with the athletes when faced with doping. Those were the recommendations put forward by the Education Committee.

THE CHAIRMAN asked if the members were happy to approve that the recommendations of the Education Committee for grants to be allocated to social science research projects under the 2012 social science research programme be the ones submitted by Mr Koehler for the members' consideration that day.

#### DECISION

Proposed social science research projects approved.

#### **12. Athlete Committee Chair report**

MS FISCHER introduced herself. She came from Sweden. She used to be a snowboarder and had competed for ten years at FIS World Cups and World Championships. She had participated in two editions of the Olympic Games and currently worked as a doctor in Sweden. She had been on the Athlete Committee for five years and had been to the Beijing Olympic Games with the WADA Independent Observer team and had gone with the Outreach programme to Singapore for the Youth Olympic Games.

In February, she had chaired the Athlete Committee meeting that had taken place in Tokyo on the occasion of the Japanese Anti-Doping Agency's tenth anniversary and the committee had been grateful to have been invited there by the agency. There had been seven new members joining the committee that year, so Mr Howman had given them comprehensive information on what WADA was doing and, for the new members, that was very important, as they needed to know about the work done by WADA.

The topics discussed by the Athlete Committee had included supplements; the members had said that they did not really know why athletes used supplements (most of the committee members did not). As an athlete herself, she had always been told by the Swedish Ski Federation and the Swedish NOC not to take supplements. The group had suggested the possibility of pooling resources for a global supplement study to take place and calling on the governments of the world to regulate the supplement industry and educate athletes on the risks and dangers of taking supplements.

The Athlete Committee had also discussed the possibility of ADOs applying fines and financial penalties to compensate those athletes who had been financially penalised by those who had cheated. Currently, athletes received medals but no proper recognition.

The committee had also discussed athlete entourage and she was happy to hear this issue also being discussed by the Executive Committee. The members wanted to see bans enforced on members of the athlete entourage, who should be held responsible and should not easily be allowed back to sport, especially not to train young people.

The committee had discussed or criticised UNESCO somewhat, talking about how to uphold the convention. As a major player in the fight against doping in sport, UNESCO was active in the recognition of countries that were signatories to the Code, but it should also be for those that were lagging behind, and the Athlete Committee had asked what was happening to the countries that did not implement anti-doping programmes.

With regard to whereabouts, it was important that athletes get information and education to fully understand their responsibilities. Currently, the information was not sufficient and there was still some confusion among some athletes. The committee had asked for coordination between the NFs and IFs and NADOs, as it appeared that it was currently inadequate.

The most important thing for the next year would be the Code review, and Mr Niggli had provided an update on the process in Tokyo. She assured the members that the committee would discuss the Code, as it was the most important thing for athletes.

The next meeting of the Athlete Committee would be held in St Petersburg in September.

Having heard the figures from the Director General, the Athlete Committee had expressed a great deal of concern about EPO testing and blood testing, and really wanted to emphasise that it was important to increase EPO testing and catch sophisticated dopers. Likewise, the Athlete Committee encouraged the major leagues to test for Hgh. If they did test, they would set a good example to athletes and organisations. It appeared that the players' union and the major leagues were saying no and that might be one of the things that the Athlete Committee could work on.

The committee had also talked about laboratories. There were still athletes who did not trust the laboratories of other countries; this was sad and probably there was no

proof, but it was a feeling that some of the athletes had, so harmonisation of detection levels and quality of analyses were essential to ensure that the athletes could have faith in the results.

THE CHAIRMAN appreciated the fact that Ms Fischer had made the effort to attend the meeting. She had contributed greatly to the work of WADA. She had volunteered to assist WADA in Beijing and Singapore, as she had mentioned, and would also be going to London as one of the Independent Observers, so he thanked her personally for her contribution. It had been put to him sometimes that usually only about half of the committee turned up to the meetings. WADA had deliberately planned for a large committee, as most of the members were current athletes and events required training and competition. WADA sought a good cross-section of athletes who always turned up to the meetings; this had been the case in Japan and he was sure that it would be the case in St Petersburg. For the following year, WADA was looking for somebody else who might wish to generously host the Athlete Committee meeting and, if any members wished to raise a hand and say that they wished to host the Athlete Committee meeting in their part of the world, he would be very grateful to hear from them.

MR MCQUAID asked a question in relation to the major leagues. He had recently heard a comment, and he wanted to know what level of anti-doping activity would be carried out with the US basketball team, which would be taking part in the Olympic Games in London, prior to the Olympic Games.

THE DIRECTOR GENERAL answered that the responsibility for basketball testing lay with FIBA but, as with the major league players who went to the Olympic Winter Games (for instance hockey players), there was a relationship between FIBA and the NBA to ensure that those players from the NBA (and not only the USA, as there were many countries represented at the NBA) were tested pursuant to the WADA Code in the lead-up to the Olympic Games and of course during the Olympic Games. That agreement would be in place; he was not sure about the actual testing, and it might be necessary to talk to Dr Schamasch about what was going on with the IOC.

THE CHAIRMAN added that the players had to be available for testing in the lead-up to the Olympic Games for a set number of months.

MR ODRIOZOLA asked Ms Fischer if she had any contact or links with the players' unions, or whether the Athlete Committee proposed having some in the future.

MS FISCHER responded that she had been invited together with Mr Moreno to go to a meeting in Madrid in September. Also, Frankie Fredericks and Claudia Bokel had met with them once. The Athlete Committee was thinking of inviting them to its next meeting in St Petersburg to hear them, as it thought that it was important to communicate. When she had been in Madrid and it had been possible to talk, the union had no longer appeared to be so tough. Communication was necessary. The Athlete Committee still believed that the rules should be the same for all athletes, regardless of sport, continent or union.

THE CHAIRMAN thanked Ms Fischer.

#### DECISION

Athlete Committee Chair report noted.

### **13. International Federations**

– 13.1 Anti-Doping Organisation symposium

MR DONZÉ said that he would be extremely brief, since there was a fairly extensive report on the anti-doping symposium in the members' files and he would present the issue in more detail the following day to the Foundation Board.

#### DECISION

Anti-Doping Organisation symposium update noted.

#### **14. Any other business/future meetings**

THE CHAIRMAN asked if anybody wished to raise any other business. He thanked the WADA staff and the team at the back of the room for working hard to prepare the meeting room and papers and enable the members to have a very productive meeting. He acknowledged and expressed the appreciation of the Executive Committee for the work carried out.

#### DECISION

Executive Committee - 10 September 2012,  
London, UK;  
Executive Committee - 17 November 2012,  
Montreal;  
Foundation Board - 18 November 2012,  
Montreal.  
Executive Committee - 11 May 2013, Montreal  
Foundation Board - 12 May 2013, Montreal  
Executive Committee - 21 September 2013,  
Montreal

The meeting adjourned at 5:00 p.m.

#### FOR APPROVAL

JOHN FAHEY, AC  
PRESIDENT AND CHAIRMAN OF WADA