

Minutes of the WADA Executive Committee Meeting 10 September 2012, London, UK

The meeting began at 9.00 a.m.

1. Welcome, roll call and observers

THE CHAIRMAN formally declared the meeting open, and acknowledged the tremendous support that WADA had received from the IPC to have the meeting in London. He extended WADA's gratitude to the IPC for that assistance. The fact that the members were in that historic building was in itself a moment that he thought they would remember with fondness as time rolled by. He had not known much about the Guildhall when he had left Australia, but his wife had told him that it was where Prince Charles had married Camilla; they had had a blessing in the church afterwards but the civil service had occurred in the Guildhall, so, if his wife was accurate, that was one moment of recent history. The members were in a very special hall and it was a delight to have this opportunity to do their work in such surroundings. He also congratulated the BOA and LOCOG, particularly the WADA member, Mr Reddie, and acknowledged him for the role that he had played in the extraordinary successful Summer Olympic Games and Paralympic Games and, in acknowledging that great success, it had been tremendous that the IPC had given WADA the opportunity to see some events and attend the closing ceremony.

Only one person was missing from the meeting: Mr Fetisov. He welcomed Mr Tremain from New Zealand. Everybody else had been present on other occasions. He thanked Mr Tremain for his sterling effort in chairing the pre-meeting of the government members.

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, Member of the IOC Athletes' Commission; Mr Jaime Lissavetzky, WADA Executive Committee member for Europe; Mr Tenzo Okumura, Minister in Charge of Sports, Japan; Mr Craig Reddie, IOC Member; Mr Patrick McQuaid, President of the UCI; Mr Fikile Mbalula, Minister of Sport and Recreation, South Africa; Mr Chris Tremain, representing Mr Murray McCully, Minister for Sport and Recreation, New Zealand; Mr Gian Franco Kasper, IOC Member and President of the FIS; Dr Patrick Schamasch, representing 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; Mr David Howman, WADA Director General; Mr Rune Andersen, Standards and Harmonisation Director, WADA; Dr Olivier Rabin, Science Director, WADA; and Mr Olivier Niggli, Finance and Legal Director, WADA.

The following observers signed the roll call: Hiroshi Furuta, Mikio Hibino, Naoki Himiya, Robin Guy, Lane MacAdam, Shuaib Manja, David Gerrard, Javier Odriozola, Andy Parkinson, Bill Rowe, Andrew Ryan, Christian Thill, Adam Pengilly, Françoise Dagouret, Keith Mason, Justin De Allende, Ricardo Mackenzie, Yaya Yamamoto, Shin Asakawa and Ichiro Kono.

– **1.1 Disclosures of conflicts of interest**

THE CHAIRMAN asked if there were any conflicts of interest that the members wished to declare.

2. Minutes of the previous meeting on 17 May 2012 (Montreal)

THE CHAIRMAN drew the members' attention to the minutes of the previous Executive Committee meeting on 17 May. Were they happy for him to sign them as a fair and accurate record of the proceedings of the meeting?

PROFESSOR LJUNGOVIST referred to the first paragraph on page 34 of the minutes. There was a word missing which totally changed the meaning of what he had been trying to explain. On the third line, the minutes stated that, "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 a good approach...". The word "not" was missing after "probably", and it was important.

THE CHAIRMAN said that the word "not" would be added to ensure the correct meaning of Professor Ljungqvist's particular contribution.

DECISION

Amended minutes of the meeting of the
Executive Committee on 17 May 2012
approved and duly signed.

3. Director General's report

THE DIRECTOR GENERAL informed the members that his September report included brief reports from his directors, from whom they would hear in greater detail at the November meetings, but the members would see reports on education, communication, etc., in his report. He would not discuss those himself but was certainly able to answer questions in relation to them.

Looking at some of the content, the first issue was UNESCO. There would soon be 172 ratifications; Lesotho had ratified completely, and the Dominican Republic had its document in Paris awaiting the sign-off by the lawyers of UNESCO. Circulated with his report was a draft copy of the UNESCO report on legislation, which WADA had partially commissioned. That was for the members' information and he could take their comments back to UNESCO if they had any. It was not a WADA report, although WADA had partially paid for it, but it gave an indication as to where governments were in respect of legislation. WADA continued to have an issue with UNESCO in relation to its commitment to the convention, because of the change to staffing. UNESCO's income had been cut by a considerable amount due to some countries withdrawing their financial support for the time being, and UNESCO had looked at ways and means of structuring; unfortunately, that meant that WADA did not have a full-time person looking after the anti-doping convention. He was in constant communication with UNESCO to find ways and means of remedying that, and he would be having a discussion the following week.

On Interpol and investigations in general, the chief investigations officer, Jack Robertson, would report to the Executive Committee in November, but not to the Foundation Board, as he would want to raise issues that were more of a confidential nature and certainly not for the media, but matters were progressing in a pretty satisfactory way in terms of the way in which information was being accumulated and shared with those who could use it.

He would not comment on the legal cases; if there were any issues that came out of any of those cases, questions could be asked and Mr Niggli was present to answer them.

The working committees represented an important item. The nominations would close on 15 October, there were vacancies in each of the committees, Finance, Education, Health, Medical and Research and Athletes, and WADA needed nominations to fill those vacancies. The process was that the chair of each of the committees along with the President and himself looked at the nominations and made a determination on how the vacancies should be filled on the basis of the normal balance required; in other words, a continental balance, a sport versus government representation balance, and a gender balance, and WADA made sure that all the issues relating to countries were also covered. In other words, WADA did not want a situation whereby one country had too many members on the committees, as that would be perceived as unfair. By November, WADA would put to the members the composition of the working groups for 2013 and onwards.

In his report, the members would see that he identified some of the NADOs that he thought required some help from WADA. Brazil and Russia were two priority countries that had been on the list for some time, obviously because they were hosting significant events in the near future. There were still some issues that needed to be resolved in both countries, and the IOC was working with WADA in terms of visiting to see if matters could be accelerated, but there was some frustration, particularly in Brazil, in that regard. WADA was looking at a way of unblocking a bureaucratic issue to ensure that anti-doping in Brazil was on the front page and not on the back page. Ghana was a country that WADA felt needed some help and there would be a deputation from WADA going to Ghana the following week. He welcomed the assistance that WADA was getting from the South African Institute on Drug-Free Sport in Africa, which had been very useful in mentoring Nigeria, and he was hopeful that it could help WADA again with Ghana. Turkey was another country with which WADA was working. There had been a hiccup with the development of a NADO with government backing, and WADA had had to go back and talk to the NOC about how anti-doping could be made to work in that country.

There were two other matters he wished to raise under this segment: regarding Jamaica, he had received a letter from the prime minister of Jamaica the previous week inviting WADA to return to the country, to look at the way in which the anti-doping programme was being run so that WADA could report to the members, and this invitation was primarily as a result of issues widely circulated in the media in London during the Olympic Games.

The final aspect was the African Zone V RADO, which was headquartered in Kenya. The President would be visiting Kenya in October, following which ways and means of improving that particular part of the world would be discussed.

ADAMS had been used successfully at the Olympic Games and Paralympic Games. WADA was moving to enhance ADAMS as was reported on a regular basis. A phone application would shortly be introduced. WADA was negotiating with the telephone service providers to ensure that it would be in place in a matter of weeks, although he never liked predicting a time.

He had taken the liberty that month of attaching a list of activities required of the WADA management team by the Code and the members as WADA's policy decision makers. It was quite a long list, and he had often been asked which items he would take off that list. That was not for him to do; it was a policy issue on which the Executive Committee or the Foundation Board should direct the management, as the management had been directed to include the activities over the years. What he could do and was doing was prioritise the way in which they were approached, and he could provide a list to anybody wishing to see one in November. He needed to remind the members that there had been no increase in staffing since 2004, although there had been an increase in the activities required of the staff on a meeting by meeting basis because people wanted WADA to do more. Many of the signatories expected that the WADA staff members were supposed to do the work required of them at the result management stage, so the staff were being pulled and twisted in every which way. If they turned such a request down, they were criticised, and if they picked such a request up, they were

also criticised because they had not prioritised other issues. It was quite a difficult position to be in. The staff responded to the best of their ability, but there were matters that the members might like to think about before November in terms of that list and whether they wanted any of those matters to be taken off the list or substituted and whether some of the innovative ideas in terms of projects needed to be maintained.

Regarding the World Conference on Doping in Sport, the conference dates were 13-15 November 2013 and the Executive Committee would meet on 12 November, so the first meeting taking place in Johannesburg would be on 12 November, and that would be the normal November Executive Committee meeting, obviously with the major item being the revision of the Code and standards. Then there would be a Foundation Board meeting on the morning of 15 November to discuss the various provisions before the conference closed, and then in the afternoon of 15 November there would be the normal November Foundation Board meeting. WADA would be providing the members with a draft agenda at the November meeting to discuss the matter more thoroughly then. His team was going to be travelling to South Africa to meet with the hosts the following week. For the September Executive Committee meeting, WADA was proposing to meet in Buenos Aires, because the IOC session would be held in Buenos Aires from 6-10 September, and many of the WADA members would be there for that. Mr De Kepper had agreed that it would be sensible to convene the Executive Committee meeting on 11 September in Buenos Aires to take advantage of everybody being there and ensure convenience for those members taking part in both meetings.

Regarding the Olympic Games, WADA joined with the President in congratulating Mr Reddie and LOCOG, and thanked them for the hospitality granted to the WADA teams. The Outreach team had probably had one of the best locations in the Olympic Village, with a very successful arrangement that had worked well. The Independent Observer team had delivered its draft report to the IOC, and he was expecting feedback from the IOC over the next few days. If there were changes required as a result of any factual mistakes, they would be made, and then the report would be posted. He anticipated that that would be done within the next week or ten days. Similarly for the Paralympic Games, the teams had just finished and the activities had been highly successful. He had been told by the leader of the Independent Observer team that the report would be on his table by the time he returned to Montreal.

Regarding INADO, the members would all remember that WADA was helping in the resurrection of the group that was responsible for the NADOs and being an effective secretariat for them. WADA was funding INADO reasonably significantly in the same way in which it funded SportAccord. The first board meeting had been held in London the previous week, and it had been decided that the office would be established in Bonn, Germany, and that it would hold its next meeting in March, at the time of the NADO symposium that WADA would convene in Lausanne. Joseph de Pencier was the CEO of INADO and Mr Koehler was the WADA member on its advisory group.

He made only brief mention of the USADA inquiry. He would not say anything about the matter until it was completed. WADA's job was to monitor. Once the reasoned decision was handed down, WADA would have a right of appeal to the issue, like other parties, and it was most unwise for there to be any comment in relation to any aspect of this until the proper role was completed.

He highlighted the growing evidence of doping at a level below elite athletes. It was a growing issue, and was one that had been highlighted by the European Union in a paper prepared by the Danish presidency at the beginning of that year. The paper had indicated a major issue in sports clubs in Scandinavia in particular, in which steroids were readily available and becoming more readily available. That was a matter that worried WADA, along with the fact that the trickle-down effect of doping was getting into leisure sports. There had been an example two months previously of a recreational athlete in his forties being found positive for EPO. There had been another example of a recreational athlete in a country in the world who happened to be a member of his sport's federation also testing positive also for EPO. He was raising this as it was not

really within WADA's mandate, but it was within the mandate of governments. It was becoming a societal issue, as had been predicted, and it was something about which WADA continued to be very concerned. WADA had a project in South Africa looking at doping among high-school or secondary-school athletes, and again the incidence of the taking of steroids was one that was on the increase. When he mentioned doping, he wanted to give two snapshots. This was probably the best excuse that had ever been heard in relation to somebody taking EPO. The excuse coming from the athlete was that, on the day of the event, heavy rainfall had caused water to stream over hidden medical waste somewhere near the racecourse. As she ran, EPO-laced rainwater had splashed onto her shorts, thus contaminating her urine when she had later provided a sample during the doping control. That was a snapshot to give the members an idea of the information that came onto his desk on a regular basis. Another snapshot that was a little more perturbing was a major league baseball case from the USA, in which one of the leading players had tested positive for synthetic testosterone. The lead investigators had found out that there had been a purchase of a phoney website in order for the athlete to lay a trail of digital breadcrumbs, suggesting that he had ordered a supplement that had caused the result and therefore allowed him to raise a defence of no fault because he had innocently purchased the product from the website. One could start to understand the degree to which people were going to avoid detection or sanction. In that particular case, there was a major inquiry, and it looked as if the athlete's agents had been involved in establishing this fake website. WADA was confronting those kinds of issues in its world and, in a greater world, two weeks previously, there had been another example of what people were doing to cheat: a competitor in an international Scrabble competition had been expelled for cheating. WADA was involved in these societal issues that it could not control, and he thought that WADA needed to take note of that, and he was not even getting into plagiarism, although he had been told the previous week that 10% of one class at Harvard had been picked up for plagiarism the previous month. It was an issue that was bothering WADA, and WADA's values were being tested in ways and means by others in society, which should give a bigger reason for WADA to exist, to return to the proper values of sport.

Regarding the issue of food contamination, WADA had no current concern; it had one or two queries, but no examples of any contaminated food in Mexico or China at that time. WADA was constantly vigilant in relation to the issues and was looking to see what might be on the horizon or actually in place. The IOC would report on this, but some of the samples stored from Athens had been retested, and there had been some positive results, which revealed the very important aspect of storage, the deterrent component, but there were some matters about which WADA needed to talk with the IOC in relation to protocols and how to determine which of the samples stored should be retested, so it had entered into a discussion with the IOC in that regard because it was an important matter for the IOC and others storing samples.

There was a list of special projects. The paperless issue had reached the stage whereby it needed to be advanced by those in the field. WADA had commissioned a project through IBM, and it would cost WADA more than 100,000 dollars to pursue that. It seemed that the priority should fall with the NADOs doing the work on a daily basis, and one or two had piloted and had in place paperless methods. WADA would raise the issue with INADO and talk to it about how it could proceed. It was a major IT issue and one in which WADA would like harmony among those who collected samples so that there was one system; but, for WADA to achieve it, a significant financial commitment would be required. If the members wanted WADA to take that step, it could, but it would cost a six-figure sum.

WADA was advancing the issue of statistics in the way in which he had mentioned in May. WADA had commissioned a statistician and he hoped to have some information on the table in November as to what could be done in relation to the information that had been collected over the years. Significantly, from that year onward, WADA would have much better material from those who used ADAMS and, again, it came back to ADAMS and the need from the management's point of view to make ADAMS mandatory.

In terms of statistics, the members had before them the 2011 laboratory statistics, which would be published by WADA in the next week or ten days along with the statistics received from IFs and NADOs. That was just to be noted; there was no need for approval.

The better practice concept was moving a little bit slowly. WADA had arrangements with a couple of IFs and a major games organiser to progress what he would have to describe as pilots, but they were specific pilots, as each sport was specific and had its own needs. WADA could help with better practice, but it required commitment and resource from the other end to make it work and, in some situations, the resource was so limited that WADA was practically required to carry out the practice rather than assist with it. It was a matter on which a questionnaire would be issued in the coming weeks. WADA would go to the IFs to ask them where it could help with this better practice concept.

Regarding IT, WADA had been in discussions with various IT deliverers over the past few months and would be signing a contract with a new IT provider in the coming weeks, and he thought that it would provide WADA with a much more efficient and effective system.

Regarding risk assessment, WADA was signing a contract with the insurance company that was going to look very carefully at how risk assessment could be properly put into place. That report would take some months to put together; it would be done in three stages and, hopefully, by May the following year, he would be able to advise on how that had progressed.

Finally, in his report he had mentioned the working group that had been established in relation to the ineffectiveness of testing. The first teleconference of that group had been held; WADA had provided the group with more information, and he expected that the members would convene again in the coming weeks in order to report to the Executive Committee in November. There had been one withdrawal from the group shortly before its first teleconference by a person who had indicated that he was willing to partake on behalf of governments or NADOs, so there was the potential to fill that vacancy with another person from governments or NADOs.

There were two other matters about which he wished to advise the members. There was a research project commissioned by WADA in relation to investigations on performance-enhancing substances and trafficking, which Letizia Paoli and Sandro Donati had written. It was going to be released in October, under the title "The trade in doping products and the challenges of supply reduction", so it was a matter that was extremely interesting and the report was a good one. When WADA had it, he would make sure that the members had access to it.

There had been a lot of conjecture as to how much money was spent by federal agencies in relation to investigations. BALCO had cost the US Government, on top of the salaries involved, 60,000 dollars, and he had been told that the total cost of the whole investigation had probably been less than a million dollars. Obviously, it was a significant amount of money but, when one looked at the implications and the consequences of the investigation, he thought that the members would understand that the cost was nowhere near the amount conjectured by the media.

MR MCQUAID commented on the USADA investigation. It was not on the merits, as he did not know anything about it; it was on some of the points in principle that were in place and which the UCI felt had been overlooked.

THE CHAIRMAN intervened reluctantly, noting that he was a little concerned that WADA would get into a discussion. This was an in camera meeting, but the information tended to find its way out despite the members' best intentions. There was a process there about which WADA had to be very conscious, so he asked the members to confine their comments. There was a requirement on the part of USADA to give a reasoned decision, which he understood had not been done. That had to be delivered to the

athlete, the UCI, USADA and WADA. There would then be a right of appeal on the content of that reasoned decision by any one of those and, when that right to appeal expired after 21 days, WADA had a further 21 days, if it wished, based upon that reasoned decision, to take issue. There was a whole process that WADA was in the middle of and, with regard to a comment that was directed at whether that process was right or wrong, he suggested that it was not the time to make that comment. Of course, Mr McQuaid had the right to make a statement, but he would not like to see the due process interfered with by comments made then. He would be happy to take any of those comments at the end of the period of rights of the various parties, which would be at the next meeting, presuming that the reasoned decision was given in the near future. Hopefully, that would help Mr McQuaid, and he asked Mr McQuaid to proceed within those parameters.

MR MCQUAID said that he would proceed. He agreed with what the Chairman had said, but he felt that there were still issues of fundamental fairness of importance to athletes. When athletes were asked to stick to the rules and follow fairly strict rules, and when authorities might be seen not to be doing that, it needed to be questioned. It could be questioned at that point in time or at the end of the process.

THE CHAIRMAN said that it should be questioned at the end of the process. On any other occasion he would be happy to give Mr McQuaid the opportunity to do so.

MR LISSAVETZKY referred to the ad hoc working group on the ineffectiveness of testing. Taking into account the fact that NADOs conducted 85% of tests worldwide, he proposed including a representative from INADO in the working group, which would be beneficial to all involved.

DR SCHAMASCH thanked Mr Bouchard and his team for their excellent collaboration during the Olympic Games. The second thing mentioned in the Director General's report was that of the problem of doping on an intermediate level. It was an important issue and should also be tackled by Interpol, as this was where the money was. It was not the 25,000 or 30,000 top-level athletes who made the money, and organised crime was fully aware of that. It was something that was being dealt with by the governments but should also be tackled through the collaboration with Interpol.

MR TREMAIN raised the issue referred to in the report regarding ADAMS. He understood that, for a number of countries that had gone down the path of alternative systems, there had been an understanding that there would be a project that would work towards compatibility of those systems with ADAMS. Clearly, there were some financial issues faced by WADA and some priorities that needed to be judged. He wanted to be clear about that particular priority because, if it was off the table, countries such as New Zealand and others that did not have the ADAMS-based information system clearly needed to change their own strategy country by country, because they wanted systems that integrated and were compatible but, if this was not going to be a project that made ADAMS compatible with the likes of SIMON and others, clearly countries such as New Zealand needed to have a different strategy.

PROFESSOR LJUNGVIST said that he had read with great interest the report by Mr Houlihan, and the sport side expected that the governmental side would take the necessary action to implement the UNESCO convention. He was very pleased about the number of countries and the percentage of the world population that had signed and ratified the UNESCO convention but, as he had emphasised on two occasions at the conference of parties in Paris on behalf of the IOC, he was looking forward to the implementation of the UNESCO convention in terms of appropriate legislation in the countries around the world, and the report showed that there was a lot that needed to be done by the governments around the world. He asked the government representatives to help WADA out with this very important matter. It was one of the major reasons for which WADA had been created 13 years previously. He asked everybody to read the report carefully and take the necessary action.

The sports movement agreed with what had been said by the Director General, and was a little worried about the large nations such as Brazil and Russia that were going to be hosting major events and that had inadequate NADOs and infrastructure for anti-doping activities. It was worrying. The Russian Winter Olympic Games in Sochi were not far away, and he was not speaking on behalf of FIFA, but he knew that FIFA was very concerned about the situation in Brazil, since its event would be taking place two years before the Olympic Games in Brazil. He knew that WADA had a plan to take action, and perhaps it needed to be clearly implemented and it should be explained to the Brazilians that the lack of action needed to be corrected.

He also wished to comment on retesting. There was some experience with retesting or further analysis of samples that had been stored during the eight-year period of the statute of limitations which allowed for further analysis to be made of samples that had been stored for various reasons. The Olympic Movement had done that, and had started collecting samples at the time of the Olympic Games in Athens. The first time the retesting procedure had been used was right after the Beijing Olympic Games, when the Olympic Movement had become aware of substances that had been available for doping but for which there had not been the necessary analytical methods in place. Some athletes, even very important ones, including a gold medallist, had been found to have doped after the Olympic Games, weeks and months later. About 100 samples from the Turin Olympic Games had been retested, since there had been information about the possible use of substances that had been unknown at the time of the Olympic Games, but nothing had been found. The same had been done for the Athens Olympic Games, and some athletes had been found, to his surprise, but there seemed to be some positive samples that were being reviewed by the IOC Legal Department. This retesting was important. He agreed that, based on the experience that the IOC and WADA had, it was necessary to get together and look at what recommendations could be given regarding the retesting procedure. There were other organisations that did the same thing (he knew that the IAAF was doing it), and they needed some guidance, so it was time to review this and come up with recommendations with respect to the retesting procedure.

MS SCOTT emphasised that, with regard to the European Union data protection draft regulation, the athletes universally supported keeping sport at the heart of the conversation. Since the whereabouts programme had come into effect, the athletes had been prepared to share information and participate in that capacity in the fight against doping in sport, and they really believed in its importance and that it was critical to continue that fight.

She remembered commenting at the Foundation Board meeting about one-and-a-half years previously that the situation in Russia was rather alarming, and now, about 16 months out from the next Olympic Games, she had noted one of the comments, that the full implementation of smart testing needed to be looked into. As the event was so close and it was such a time-sensitive situation, when could an update on that be provided? From a conversation with a group of athletes about a concentrated effort going forward, the possibility of free circulating doping control officers had been suggested, or a kind of diplomatic passport. It was known that a visa was needed to enter Russia, but perhaps these DCOs did not need a visa because, when they entered the country with their visa, the red flag was raised, so the possibility for a DCO to enter the country unnoticed and perform testing had been raised.

MR GOSAL said that there were only two countries in the Americas that had not signed the convention, and he was working with them to get that done. With regard to the situation in Russia and Brazil, perhaps WADA could work with the IOC when the Olympic Games were awarded to a country to set up a mechanism whereby the convention had to be ratified or action taken by a certain date. That might solve some of the issues.

THE DIRECTOR GENERAL told Mr Lissavetzky that WADA proposed to add another member to the group and was suggesting that the member be the incoming chair of

CAHAMA, which would provide the necessary input that had been lacking because of the withdrawal of the previous person.

He thanked Dr Schamasch for the gratitude expressed by the IOC and would pass it on to Mr Bouchard, who was not present but was well known to all of the members. He was certain that Mr Bouchard would appreciate that.

With regard to doping at the intermediate level, which was something that had worried him for some years, he mentioned the intrusion of organised crime, which made significant profits for not much risk, and it was continuing. He had been in a local store in Montreal just the other day, and the shopkeeper had found out who he was, telling him that the chap down the road stood at the corner on a regular basis dishing out steroids, so it was so readily available, and WADA needed (and it came back to the comment made by Professor Ljungqvist) to determine whether this was a significant societal issue that governments should look at in terms of young people who were primarily using the substances to look good or be tough, but not for sport, and that was where the crossover was, as WADA was engaged in elite sport, but was finding these problems, and he thought that it was WADA's responsibility to deal with them or at least pass them on to those who could deal with them. WADA was doing that with Interpol, and the comment was a very wise one, and WADA would continue to do what he had just outlined.

ADAMS was a matter that had been the source of five countries' concern for some time. WADA had had to say that, if their system, SIMON, was going to be compatible with ADAMS, they would have to pay for it, as WADA simply did not have the time or the resource to give any more energy to that particular issue. WADA had said that it would love the systems to be compatible, but at the countries' expense. He thought that, if that message could be delivered to those who were part of that group and wanted to work with WADA, WADA would do that. A security issue had arisen, and the issue of compatibility that had to change every time WADA made a modification to ADAMS. There was a lot of work that had to be done on a regular basis to which the members should be alert.

Professor Ljungqvist knew his views on the report by Mr Houlihan: there was work to be done, and there was work to be done if WADA was going to be at all useful when it came to imposing penalties on the traffickers, as sport could not do that; the only ones who could were governments through their policing and so forth. It was being done in quite a number of countries, so he did not think that there was cause to be too pessimistic. There were many countries he could mention to the members in which there were severe penalties for those who had been found trafficking, but it was known that this had to be further expanded, as there were some countries in which criminals could rage freely.

WADA was working hard with Brazil, but did need help from its colleagues in FIFA and it had that. He had spoken to Professor Dvorak the other day about what might be done by WADA and FIFA together to help. WADA also needed help from the Latin American countries, which could assist WADA in ensuring that, with such big events taking place in their continent, these could take place with confidence that anti-doping activities were being carried out appropriately.

Russia was slightly different; it had an anti-doping agency and a laboratory, but the issue there was a question of quality and whether there were some issues that might amount to evading detection. Professor Ljungqvist had said previously that WADA should have somebody embedded in Russia for the whole period leading up to the Olympic Games. The only way in which WADA could be effective was by having somebody in the organisation for a long period of time. WADA did not have the resources for that. That was something that WADA would be prepared to do with the IOC or any major games organiser, but it did need the resources and it needed to be certain that the person required to conduct such an audit was secure, and this had been discussed very

carefully. It was something that was beyond WADA's present capability, but it was an issue.

Regarding retesting, he thought that a WADA representative should be sitting with one or two people from the IOC and working out a sensible protocol that could be used for all those storing samples. The IAAF had retested some samples that had been collected in Daegu and again found some positive cases, so the impact and effect of storage was very well known to WADA, and WADA would like that to be spread to other ADOs. WADA would suggest a meeting between IOC and WADA representatives.

Ms Scott would have heard his comment in relation to Russia and he did not disagree with what she had said. He thought that getting people to travel visa-free was an issue of sovereignty that was far beyond WADA's capacity. He found it very hard to get back into Canada on a regular basis. It normally took him an hour and he thought he was a reasonably safe person. That just showed the security required and that was the issue WADA faced. WADA had ensured that DCOs working in Russia, for example, got multi-visit visas, but everybody knew that as soon as a person entered a country his or her details went into a computer and that computer could distribute the information to anybody. It was an issue with which WADA would simply have to work. WADA certainly appreciated the athletes' commitment to whereabouts. The athletes had been very strong on whereabouts and WADA was trying to do everything to make it as easy as possible, particularly with the introduction of the phone application, which would be available in a matter of weeks.

WADA was encouraged by the Canadian help with ratification by the countries in the Americas; there was only Honduras to go and he thought that Canada had done a significant amount of work as the lead party from that part of the world. WADA was very grateful for that. The idea about working on the bid process was something that WADA had raised with the IOC. There were conditions attached for those bidding for the 2020 Olympic Games, and WADA hoped and expected that, once the city was determined, it would work alongside the IOC to ensure that the anti-doping programme was the best it could be.

MR REEDIE said that he thought it would be fair to say that the IOC had had for some time conditions applying to candidate cities; it was when candidate cities suddenly changed all their arrangements that trouble occurred. It was not a new idea. The IOC had told candidate cities for a long time that the requirements of a successful bid would be proper anti-doping regulations and requirements in the country; the problem with Brazil was that it had changed its own system.

THE CHAIRMAN agreed that they over-promised and at least gave the clear indication on the way through of under-delivering, but WADA would continue to work with the IOC to do its best for those major events.

After that day's meeting, he would be heading to France for a series of meetings, and would then be having further meetings in Europe, and the purpose of the trip was in relation to the European Union's draft regulation on data protection. This was an issue of great concern to the Olympic Movement as well, and it was using its best offices to influence those who would be making decisions in Brussels. There was now draft legislation that had been exposed and, if it continued in its present form, WADA would have some real problems in respect of sport, and the crux of the issue came down to what the legislation described as an imbalance between the controller of an event, e.g. the IOC, and the athlete (or data subject as the athlete was described in the legislation), so much so that that imbalance and the influence that the controller had over the poor athlete, who had little say in matters, meant that consent could not be given by the athlete. Everybody knew that the anti-doping programmes were based on athletes who consented to give samples to undertake the anti-doping programme in whatever form the Code allowed that programme to be implemented. If the consent law could not be there, clearly the athlete could not sign up to an event like the Olympic Games and, if an athlete did sign up to an event like the Olympic Games, clever lawyers would say that

any positive that came out of any programme could not be used because of the imbalance and the implied lack of consent because of what he had described as the imbalance. That was the crux of it. It had far-reaching ramifications for anti-doping and for sport. The IOC and almost all other major event organisers in the world now adopted the WADA Code as part and parcel of the programme; the consent, if it was withdrawn, meant that anti-doping would simply cease, from a European perspective as well. WADA was endeavouring to point out to the legislators that it believed it was an unintended consequence of the way in which it had been drafted; it might have an application in other parts of society, but sport clearly was an exception to it all and WADA must continue, so he particularly appealed to members of the public authorities around the table and in the room to keep an eye on this and do their best to influence those who ultimately would sign off on whatever legislation was approved by the European Parliament on this particular issue. He knew that sport, through the IOC, was doing its bit to do some lobbying and bring some common sense into it.

The point had been made a couple of times that the reports that dealt with governments of the world had to be taken seriously and actioned by the governments of the world. The Houlihan report was still in draft form and he believed that it should not just gather dust. He wanted to see what the lessons were when the final report was delivered, and that would be very soon, that could be actioned by WADA in a programme to ask for better support from governments in the world. He looked at what everybody knew was necessary to be compliant: education, and he could turn to Japan and say that, in Japan, there was a module in every school for children on the evils of doping in sport. There had been pilot programmes in countries such as Oman and Mexico, but these had not been extended, as WADA needed take-up from governments. There were some programmes on which WADA was still working that might help at the university level, but education was a government responsibility and this was of course education in public health and wellbeing of the community, so he appealed again to the governments to take that on board as and where they could.

He thanked the Director General for the comprehensive nature of the report.

DECISION

Director General's report noted.

– 3.1 Standing committee chairs 2013 - Finance and Health, Medical and Research

THE CHAIRMAN stated that the members would see from the one-page paper before them that they had an obligation before that year was out in the normal cycle of matters to appoint the chairs of the Health, Medical and Research Committee and the Finance and Administration Committee. The committees themselves were appointed by the committee chairman in conjunction with the Director General and the WADA chairman, so it was necessary to have the committee chairmen in place so that, by the time the November meeting took place, discussions would have been held on who should be in the committee and, in the case of the current chairmen, their terms elapsed at the end of that year. In that regard, Professor Ljungqvist, the Chairman of the Health, Medical and Research Committee, had indicated that he had been given a task by the IOC that would conclude at the end of the following year and he believed that any role he had on that committee should run the same term as the responsibility he had as an IOC representative on the board, and the recommendation was that he be appointed for one year only. The same issue did not apply to the Chairman of the Finance and Administration Committee and it was perfectly open for him to be appointed for a further term of three years. If the Executive Committee did it that day, it would allow the two chairmen to proceed and get the rest of the committee in place. That was why it had been brought forward, because the three years expired at the end of that year. He did not think that much needed to be discussed and he suggested that the recommendation might be that Professor Ljungqvist be appointed for one year, 2013, as the chair of the

Health, Medical and Research Committee, and that Mr Reddie be appointed for three years, commencing 1 January 2013, as chair of the Finance and Administration Committee. Did anybody wish to make a comment or discuss, or were the members happy to approve the recommendation?

DECISION

Proposed standing committee chairs (Professor Ljungqvist as chair of the Health, Medical and Research Committee for one year and Mr Reddie as chair of the Finance and Administration Committee for three years) approved.

4. Finance report

– 4.1 Finance and Administration Committee Chair report

MR REEDIE said that he was thrilled to be reappointed chairman of the Finance and Administration Committee and thought that, with a bit of luck, life would be easier over the coming three years than it had been for the past three.

The finance report was in five sections, the first four of which were effectively the means of getting to item 4.5, describing the various steps taken to get from where WADA had been to where it was. The Finance and Administration Committee had met in Lausanne on 20 June. This meeting had been a bit earlier in the calendar year than the committee would have preferred because of the Olympic Games in London, meaning that the Finance and Administration Committee had had only five months of practical experience of the income and expenditure in 2012 and, in the members' papers, they would see that there were some six-month figures, but the committee had been operating on slightly less information. The members would see that the Finance and Administration Committee had reported that the whole question of accounts and internal memoranda had been acceptable; that had been done at the May meetings in Montreal. The committee had looked at government contributions, the various accounts figures (the three months until the end of March, etc.), and the revised budget for the current year, and had seen some increases in income and expenditure and some decreases in expenditure, and the end result had been almost a zero difference, although some of the items in the various headings were slightly different, and the committee had then produced the draft budget with which the members would have to decide what to do, in terms of how they submitted that to the Foundation Board at its meeting in November. Those members who had been through the exercise for a few years, particularly from the government side, would know that they had recorded that there were significant financial pressures on them. The Finance and Administration Committee knew that; the government representatives on the Finance and Administration Committee had asked for the budget to be presented with two options, one with a 0% contribution increase and one with a 2% contribution increase. There had been some thought, particularly from the government side, that WADA should always produce a completely balanced budget. If that was the decision, the Executive Committee was asking the Finance and Administration Committee to remove 2.5 million dollars' worth of activity from the agency's current practice. WADA had built up, over a number of years, what he chose to call "unallocated cash" through a combination of good housekeeping and good luck, particularly in collecting from governments and then from the IOC contributions from previous years, so WADA had built up a substantial unallocated cash situation, and it was clearly the view of the Finance and Administration Committee that, while there was an element of financial pressure upon governments and to a lesser extent on the IOC, WADA use that unallocated cash to maintain the operations of the agency. If for whatever reason the decision was that a balanced budget was to be presented, the Finance and Administration Committee would not wish to be responsible for the reduction of 2.5 million dollars' worth of activities; it would have to tell the Executive Committee

that it was the Executive Committee's call and not the Finance and Administration Committee's call. It might be prepared to help in the process, but it would be the Executive Committee's call. The Finance and Administration Committee had gone through the figures presented with a fine-tooth comb on every aspect, particularly expenditure, and had tried to check and make sure that this was as reasonable as it could possibly be for the year ahead. The committee had produced a cash forecast as part of the 2013 budget which the members would see before them, and they could see the results of their actions in terms of contributions or not. The committee had looked at all of WADA's investments and was happy with them; the interest income figure was lower than would have been expected simply because interest rates worldwide were much lower, and the only way in which one could do better would be by taking risks, and WADA did not take risks because in the main it was dealing with public money. If it were WADA's own money, the IOC would be prepared to have a much wider investment policy, and its own policy had turned out to be successful, but it was dealing with IOC money and not public money. WADA did not take risks and that was the correct thing to do.

DECISION

Finance and Administration Committee Chair
report noted.

– **4.2 Government/IOC contributions**

MR REEDIE drew the members' attention to the updated figures on government/IOC contributions. There was a historical regional split on contributions, and the document showed separate and extra contributions received from public authorities, a not insubstantial amount of money, and then showed the detailed breakdown for the contributions that year. WADA was up to somewhere in excess of 97% collection to date, which was better than the previous year, so all credit to the WADA team and the public authorities for actually paying their contributions in time. There were two particular countries that had quite big payments due, one was Ukraine, and he thought that he might be able to remind the NOC president that, if he was thinking of bidding to host a future edition of the winter Olympic Games, it would be good news if he paid his WADA contribution. The other country was Brunei. He would have thought that Brunei was the one country in the world that could pay its WADA contribution very quickly out of loose change on the bedside table. The members should not believe that Brunei was in any financial difficulty, and perhaps WADA should speak to the Asia office and chase that up. There were some other countries that owed WADA money and WADA would press on to collect that in the normal way.

DECISION

Government/IOC contributions update noted.

– **4.3 Quarterly accounts**

MR REEDIE said that the members would see the accounts to 30 June 2012. Again, they showed the same pattern, which was that, in the first half of the year, WADA collected most of its contributions and paid only 50% or less of its costs. They had come out as the Finance and Administration Committee would have expected them to. The attachment to that was his favourite calculation: the actual expenditure against budget for the period ending 30 June 2012. Again, there had been nothing there that had caused particular surprise. The easy way was to look at it quickly and get worried if anything was over 50%. It was a bit simplistic, as some things ran ahead of others. The committee had looked very closely at ADAMS and IT costs, which had become an absolutely central part of the operations of the agency. ADAMS had been dealt with in the revised budget for 2012, and it had been a major project. He had struggled with it for about 12 years and hoped that WADA had got it right, because it was by a distance the biggest database that WADA had and it was what the athletes wanted to use, and the

Director General had made a very clear point that, if other people wished to become compatible, WADA would be happy to help them, but at their expense.

DECISION

Quarterly accounts noted.

– **4.4 Revised 2012 budget**

MR REEDIE said that there was no major difference in the revised 2012 budget; there was a variation in some of the accounts, as the committee had known that a little more would have to be spent on IT and a little less on standards and harmonisation as the actual Code work had been completed.

DECISION

Revised 2012 budget noted.

– **4.5 Draft budget 2013**

MR REEDIE said that the Finance and Administration Committee had started by looking at the strategic and operational plan, which broke down every piece of expenditure and showed why a budget had been built based on these assumptions. The draft budget was in front of the members. As requested by the public authorities, the Finance and Administration Committee had shown the figures at a 0% increase and at a 2% increase. These figures could be changed very quickly. The expenditure figures would not change but the income figure would. The basis at the end of the day was on the very last piece of paper in the files, at the end of 4.5, which showed the effect on unallocated cash and how quickly WADA would go through it. If it had no increases in contributions in 2013, it would effectively be operating on unallocated cash of less than a million dollars by the end of 2014. The situation did not change; it was just how quickly WADA ate into the little bit of additional money that it had. It was the view of the Finance and Administration Committee that contributions should be increased; it did not believe that, even allowing for the difficult situation, it would persist as severely as it had in previous years to 2013 because, if WADA did not have increases in contributions, it would run out of its unallocated cash and would then have to come back to the public authorities and say that the contributions would have to go up by a lot more than 2%, or it would have to reduce costs, and it was quite clear that the Executive Committee would have to make that call.

The finances were currently in good order; WADA was collecting contributions well and keeping expenditure under close review and the future was, he hoped, as he had described to the members. The issue was what the Executive Committee did in November when it put a budget to the Foundation Board and invited an agreement on the contribution increase level. As always, it was the view of the Finance and Administration Committee that it would be unrealistic if it did not try to do that regularly and in steady amounts rather than do nothing and then come back with a very large increase that the governments might find pretty unpalatable. In the current budget, 2% was roughly 600,000 dollars, of which the governments were invited to pay 300,000 dollars worldwide. This was loose change on the bedside table. He would be happy to answer any questions.

THE CHAIRMAN observed that this was not a matter that required a decision, but the members had the outcomes of the Finance and Administration Committee meeting and its deliberations and proposals, and some options before them, but he thought that Mr Reddie would like to hear the members' thoughts.

MR TREMAIN referred to the last page, which was the projection of unallocated cash. This had fallen from 6.1 million to 3.7 million to 924,000 dollars. Looking at the balance sheet, how did that differ from the reserves or equity, which was some 39 million

dollars? That was a significant level of equity on the balance sheet. Could Mr Reddie just explain how the unallocated cash differed from that?

MR LISSAVETZKY referred to item 4.4 on the revised budget 2012, and wanted to point out that ensuring substantial extra income, more than 400,000 dollars, was a remarkable achievement. Perhaps the extra income could be used to lower the budget deficit in order to have a more balanced budget, but in any case Europe suggested that, in the future, such incidental extra income be used primarily to lower the deficit.

Regarding item 4.5, unfortunately he had to reconfirm Europe's position regarding the 0% growth for the governments' contribution to the next budget, considering that unfortunately the global financial situation remained extremely difficult. He had to reiterate the request to the WADA management to propose concrete action to reduce expenditure and reach a better balanced budget.

MR GOSAL referred to the contributions of the countries and regions. Did the Finance and Administration Committee decide on those?

THE CHAIRMAN responded that the formula had been based on a UN formula, as he understood it.

THE DIRECTOR GENERAL explained that the formula had been agreed upon by governments in 2001, based on a number of aspects. In fact, the discussion had been led by Canada, but the division between the regions had been made at that meeting, an ICGADS meeting in Cape Town. That was where each of the regions had been allocated a certain amount, and the governments had agreed. Within the regions, it was up to the regions to determine how the breakdown should be made, and the members all knew that there had been a number of discussions in the Americas to come up with a formula. It was not a WADA issue; it was left up to the governments to do it. The actual breakdown was in the Convention.

THE CHAIRMAN said that there was discussion on it from time to time, as was healthy, but that was the history.

MR REEDIE responded to Mr Tremain. The Finance and Administration Committee presented its accounts under the IFRS and one needed to have an advanced degree in accounting to be able to pick out from that set exactly what was happening. The difference between the equity that Mr Tremain described and the unallocated cash was that WADA had to hold, and did hold, its foundation capital, as an agency set up in a foundation under Swiss law, and WADA needed to hold a certain amount of capital. WADA had a litigation reserve of 1.5 million and a practical operational reserve of 2.4 million, and the rest of it, which came to somewhere over 11 million dollars, was commitments made to medical and social science research. All of that accounted for most of the equity stated there. WADA tried to operate on a cash basis, and had built up this cash so, rather than putting it into a separate cash fund, the Finance and Administration Committee had kept it flexible because it had actually foreseen the kind of situation with which WADA was currently faced.

He thanked Mr Lissavetzky for his kind words about generating additional income. At the same time, WADA had also been faced with some additional costs. WADA had the transition costs particularly in the IT department; this was part of the ADAMS exercise. There had been an increase in operational costs, and an increase in Montevideo office registration costs. WADA had also saved money, which had helped the situation, as it had not had to pay for a full Athlete Committee meeting as it had been hosted by the Japanese Government; there had been a decrease in Science Department costs and a small decrease in TUE and Athlete Passport costs so, at the end of the day, having raised additional income, it had not been possible to just take that additional income and apply it to new projects. That raised income had met additional expenses with which WADA had been faced.

He noted Europe's opinion on the contribution increase or lack of it with which it would be comfortable, and no doubt that particular issue would be revisited in November.

He remembered that government contributions were agreed upon regionally by governments. If WADA had the ability to do that, it might do it slightly differently, but it did not.

THE CHAIRMAN said that this was a work in progress. A recommendation would be asked for from the Executive Committee in November to be taken to the Foundation Board on the 2013 budget. He asked the members to consider the paper from the Director General at the end of his report. If the members looked at that paper, they would see that, every time the members came to the meeting, they gave an additional task to the management team to perform, but did not give additional resources. As the Director General had said, WADA had the same number of staff members as it had had back in 2004, but WADA had significantly more work to perform because that management team was asked to do things and things arose anyhow in the normal course of evolution in any organisation; so, when it came to doing additional work and performing additional tasks and being even more effective, resources were necessary and WADA had to try and do its best in a prudent manner to keep pace with the demands made on that management team. So, with all of that in mind, he asked the members to look at what capacity they had. He had always believed that, in organisations to which he had belonged that were of a charitable or foundation nature, the members had a duty and an obligation to their personnel. In excess of 50 people had committed their lives to working in anti-doping in WADA, and he would hate to think that they walked away from a meeting where money was getting less, worrying about whether there was any security in their work. He knew that the world was full of insecurity, but many of these people had moved from their country of origin to Canada or elsewhere, and that was a fair sacrifice to make and there was invariably a personal expense attached to that. The level of confidence that the members could give these people in the context of security of ongoing funds was, he believed, an important factor in their productivity and how they performed. He knew that they would continue to do what the Executive Committee asked them to do that day and on other occasions, but he asked the members to keep all that in mind in terms of how effective they were. There was absolutely no way that WADA had won the fight. In his view, he feared that WADA was not as effective as it could be. Could that be the result of a lack of resources? He was not suggesting that it was, but WADA had a long way to go and had to continue to get better and focus and, although it could develop good strategy, it also needed those resources. So, with that mild lecture, he left the members to contemplate what might be a thought for November.

MR WARD said that he wanted to applaud Mr Reddie and his Finance and Administration Committee on the thorough job that they had done, especially with regard to strategic and operational plan explanations. He thought that the Executive Committee was kicking this down the road; he did not think that the economic conditions were going to change. He thanked Europe for unveiling where it stood. The USA was right there also in challenging conditions as it moved forwards with a four-year drill, with regard to the elections there, and potential sequestration and debt limit issues as it went into the final part of the year. Moving into November and looking at 0%, he knew that, at the previous Executive Committee meeting, the members had asked for that hard analysis on where WADA was actually going to try and cut, maybe to the bone and through some meat on what the members wanted to do with regard to WADA. He thought that, if the members waited until November and sat around and had that conversation and did not move forward in order to look at serious options versus a 0% or 2% increase with a projection of where WADA was going to be with regard to reserves, the members would be doing a disservice or kicking it again to 2013 as they looked at 2014.

THE CHAIRMAN responded that Mr Ward's point would be noted.

DECISION

Draft budget 2013 noted.

5. World Anti-Doping Code

– 5.1 Code implementation and compliance report update

MR ANDERSEN said that the members had the so-called “green dot” report in their folders; it had been updated since the May meeting. He had been asked to report at the Executive Committee and Foundation Board meetings, and he could report that, prior to the Olympic Games in London, great efforts had been made in order to get the NOCs up and running, and WADA had succeeded in having all 204 NOCs up and running with contributions from ANOC, the IOC and the ANOC representative on the Executive Committee, Mr Reddie. All in all, WADA was on the right track, based on the criteria on which the Executive Committee had based the Code compliance report. He would be happy to take any questions on the report.

THE CHAIRMAN asked whether there were any questions or comments on the progress report on the current state of play.

PROFESSOR LJUNGOVIST said that he wanted to make sure that WADA was involved in some way or another. He understood that there was revision or amendment of Spanish legislation taking place, and if that was right it was important that WADA monitor any amendments in order to avoid any later surprises, as Madrid was a candidate for the 2020 Olympic Games. Of course, Spain was observing the necessary compliance requirements, but he asked that WADA be involved in monitoring in order to avoid a surprise opinion from WADA at a later stage which could be embarrassing.

DR SCHAMASCH asked whether he might raise a flag with regard to Brazil, which was still missing two green dots on the table. When talking about compliance, it might be the right time to raise a yellow flag at that stage.

On behalf of the NOCs, MR REEDIE thanked Mr Andersen and his staff, and in particular some of the RADO people, especially those in Africa, who had helped greatly to bring a number of smaller NOCs to a state whereby WADA had been able to declare them compliant because, just before an Olympic Games, the last thing the IOC wanted was to have an NOC coming to the Olympic Games that was non-compliant, so the IOC and the NOCs certainly had been very grateful for the assistance that they had been given, and in fact the NOCs had worked quite effectively to get this done. Sometimes it was not an easy job, but it had been a notable success. The issue was, if the Code was changed, how to involve NOCs in the future to avoid having to go through the exercise again before the Olympic Games in Sochi or Rio.

THE CHAIRMAN responded that that was of course the evolving challenge; when reviewing, it was necessary to effectively start the process of reaccreditation or reevaluation for compliance purposes. He knew that, as a representative of ANOC, Mr Reddie had made quite an effort earlier that year to work on NOCs and ensure that, in the lead-up to the Olympic Games in London, there would be no embarrassing moments.

MR ANDERSEN told Professor Ljungqvist that WADA had close cooperation, almost on a daily basis but at least on a weekly basis, with the Spanish Government, as it had with other countries, such as Portugal, Argentina and Uruguay, so WADA was working closely with the governments on legislation and he was confident that the work was going in the right direction for all the countries he had mentioned.

Brazil had been mentioned before and it was important to continue, and important that the IOC and WADA work together on the issue, also with the help of FIFA, as there needed to be some efforts or pressure placed on the Brazilian Government to achieve what WADA sought to achieve in Brazil.

THE CHAIRMAN informed the members that, as they were aware, the report would be given at each of the meetings going forward.

DECISION

Code implementation and compliance report
update noted.

– **5.2 Code review**

THE CHAIRMAN drew to the members' attention the fact that the Executive Committee ultimately ratified the changes, if any, that would go forward through the review process. The Executive Committee members were the decision-makers in respect of any of those articles that were the subject of comment, discussion or submission, and that had been ongoing and WADA was about to develop a further iteration of the amendments, which would happen in a short period; he thought that it would go out in October. The drafting team had holed up at the Sofitel Hotel at Heathrow over the past two days and had worked assiduously to bring something to the Executive Committee meeting, so he gave the floor to Mr Andersen, who would be assisted by Mr Young, to take the members through what was a very draft paper. He thought that the members would be happy to hear about those items and any other items that Messrs Andersen and Young might wish to raise that had come up in their deliberations over the weekend, or that anybody at the table might wish to raise.

MR ANDERSEN said that Mr Young would present the five issues that the members had before them and maybe some additional issues, and he would be happy to receive additional comments from the members. Discussions were needed in that forum and direction was required, as a process was beginning during which submissions would be received from all stakeholders by 10 October, there would be comprehensive meetings on the standards and the Code later in October, and this would be discussed based on the comments received, but also on comments and discussions that had taken place with many stakeholders from around the world. He had been to many meetings and conferences presenting the Code review changes, and good feedback had been received from many stakeholders and submitted to the meeting held over the previous two days in Heathrow. There had been meetings with SportAccord in Quebec City and a number of IFs, ASOIF, AWOIF, the recognised IFs, the IOC team sports and individual sports. The Code Review Team planned to continue to discuss and have meetings with various stakeholders across the world so as to be well prepared when it met from 13 to 19 October in order to present version 2.0 of the draft Code to the Executive Committee in November. The team continued to encourage stakeholders and signatories to provide input on the process and the topics that were being discussed that day or any topic that any stakeholder would like to present and, in that respect, huge efforts were being made by the WADA management and others in order to meet representatives from sports and governments around the world. Any meeting attended with stakeholders was being posted on the WADA website in the Code review section so that everybody could see where the team members had been, whom they had met and some of the outcomes of the meetings.

Before diving into the five issues, MR YOUNG gave the members a quick helicopter view of the changes made in draft 1.0 from the previous Code. There were some changes that were there to make things clearer and more simple, some that were there to provide more flexibility in dealing with people who violated the rules but were not real drug cheats, and then lots of changes that addressed more effective ways of dealing with those people who were real drug cheats. A new article 2.9 had been added that dealt with complicity and covering up doping, the substantial assistance provision had been made much stronger so that it better assisted in cases based on investigations and intelligence, and the normal eight-year statute of limitation had been extended to 14 years for serious offences such as trafficking, administration and the other most serious violations, including cover up and complicity. There was a provision that said that all samples were to be analysed for the full menu of prohibited substances unless there was an agreement otherwise between the organisation and WADA based on smart testing principles, and then finally, and one of the most important, was that, for serious

violations, the normal period of ineligibility was going to go from two years to four years. He wished to spend just a second on that. The comments on that thus far had been strongly supportive. At the end of the day, before the Code was finalised, WADA might get a legal opinion that that was not violating human rights or other legal principles, but he felt comfortable that it would end up being supported. That was something that he would be very happy to talk about.

Moving on to the list of the five issues that had been identified in advance and about which he wished to talk to the members, the first was the Code version of the Osaka rule. In draft 1, the members would see article 10.15, and it provided that, for major anti-doping rule violations, that person would not participate in the next edition of the Olympic Games. That was what the Code version of the Osaka rule was. The feedback on that had come largely from two areas. First, a number of organisations had been opposed to it, because it resulted in unequal treatment and sanctions: there was a different sanctioning regime for Olympic athletes and non-Olympic athletes. The Olympic athletes would get two years, four years, or whatever it was, and the sanction for an Olympic athlete would also consider future ineligibility, which might or might not have an impact on the two or four years. The second group generally supported the Code version of the Osaka rule, with one caveat, which was that it got to use it too. The group wanted its own Osaka rule. There were not many people who said that they thought the Osaka rule was fine limited to the IOC. The problem was that, if others were allowed to have an Osaka rule, WADA would have an unharmonised mess on its hands. He illustrated the point with the case of a North American swimmer who had committed a steroid violation. The arbitrator facing the imposition of a sanction in that case would have to consider the proportionality of the effect of the Osaka rule Olympic ban, the effect of a FINA ban from the world championships or other world cup events, a Pan American Games ban, a potential BOA rule (in the case of a Canadian) for a ban from his country and, interestingly enough, while the Osaka rule had been before the CAS, he had had the pan Pacific swimming nations come to him and ask for a rule that said that, if somebody had ever doped, he or she would be ineligible to compete in the Pan Pacific Swimming Championships, so they wanted an Osaka rule too. That meant that the arbitrator who needed to figure out the sanction was highly likely to impose a sanction of less than the normal term because of all the other down-the-road consequences, which actually weakened the fight against doping in sport rather than strengthening it. The result was that, if there were an Osaka rule for the Olympic Games, there would be multiple opportunities for other organisations to have the Osaka rule, and that would be a problem. One of the things that had been heard as a possible solution to that was that one of the reasons for the Osaka rule in the first place had been that there had been only two-year bans. If the four-year ban that was in the current draft of the Code were kept, that would go a long way towards solving the problem that had generated the Osaka rule in the first place. Those were quick comments on point number one; it would probably be useful to have a discussion on that immediately.

THE CHAIRMAN agreed with Mr Young and asked if there were any questions or comments.

MR MCQUAID acknowledged the difficulty in terms of introducing it and other major events because, if the Olympic Games got it, everybody would want it. If the four-year sanction were handed down to athletes, an Olympic Games would come in within that period, but the point was, how often would four years be given to athletes and under what circumstances? It had been seen that very few four-year sanctions had been handed down over the past few years.

PROFESSOR LJUNGQVIST echoed what Mr McQuaid had said. This was something he had commented on a number of times. He had said previously that he had the feeling that, if the option of a four-year ban had been used, the Osaka rule would be obsolete, and therefore he thought that it was vital to have the four-year ban clause respected and clearly defined. What did a serious offence mean? To him, EPO or steroid use was a serious offence and should automatically lead to a four-year ban, and it was very

important that this be respected by the CAS so that no manipulation could be carried out to make it three-and-a-half years and give athletes an opportunity to qualify for the next Olympic Games. He could see the great advantage of having a fixed period that covered the concern expressed through the Osaka rule and having that respected, but he asked for a careful definition of what a serious offence meant. As he had said earlier, the four-year ban possibility had been given because of the recent research findings that steroid users could benefit way beyond the two and even four years from their steroid use. That should be borne in mind when what it meant to have committed a serious offence was finally identified.

MR TREMAIN said that this was further complicated by the likes of the Rugby World Cup, which had its own set of rules, so he supported the move to the four-year ban criteria.

THE CHAIRMAN concluded that a clear indication had been given that, if four years meant four years, the concerns expressed that had brought about by-laws in the past such as the Osaka rule could be addressed without there being specific reference to an event. There would not be enough pages to cover the various world championships and sports in the world. He thought that a clear indication had been given.

MR YOUNG referred to the requirement of performance enhancement as one of the three criteria for putting a substance or method on the Prohibited List. Currently, there was performance enhancement, spirit of sport and detriment to health; any two of the three got one there. The proposed amendment said that one had to have performance enhancement and one of the other two. Those in support of the change basically made two arguments: that there were the real cheats who were trying to enhance their performance, and that was what the efforts in the Code should focus on, and a hugely disproportionate share of the anti-doping resources at least in some areas was being spent on people who were not the real cheats. It was not his team's job in the Code to do the work of the List Committee, so it was not trying to pre-judge what the List Committee would decide was performance-enhancing or not performance-enhancing in some sports and not in other sports. What it was appropriate for him to comment on was the impact of that change in individual cases and, to the extent that anybody was concerned that WADA would lose cases because of adding or changing the criteria, the answer was that WADA would not, and he gave some examples of how the team had tried to deal with that. His point was that, if WADA put a substance on the List and an athlete tested positive for it, it was doping, and the question of whether it had been performance-enhancing ever or in the athlete's case or under any circumstance was simply not an issue in the case. The athlete had had notice, had used it, had tested positive, end of story, and the way that this had been articulated in the revisions to the Code, and he read the relevant section quickly: "WADA's determination of a prohibited substance and prohibited method that will be included in the List is final and shall not be subject to challenge by an athlete or other person based on the argument that the substance or method did not have the potential to enhance performance". The comment to that was, "The question of whether a substance or method meets the criteria in article 4.3 in a particular case cannot be raised as a defence to an anti-doping rule violation; for example, it cannot be argued that a prohibited substance detected would not have been performance-enhancing; rather doping occurs when a substance on the List is found in the athlete sample, and then the athlete is unable to establish no fault or negligence". In response to a matter raised at the previous meeting by Professor Ljungqvist, which was that scientists were sometimes used to making decisions based on data, and sometimes they did not have data on performance enhancement, and so the List Committee's job was hard, he understood that and the List Committee had to operate how it currently did, which was by using data if it had data and good judgement otherwise, and so a comment to the List Committee's work was that, "It is understood that, for many substances, especially new designer drugs, there may not be studies that establish the potential of the substance to enhance performance; in such cases, the decision whether a substance is put on or left off the List is left to the expertise and judgement of WADA". One could add four more sentences to make clear the point that WADA would do its best to put

things on the List that it thought were performance-enhancing but, when they on the List, that was that, although he did not think that that was a worry that the members should have.

PROFESSOR LJUNGOVIST agreed that this was a tricky matter, but wished to clarify that what he had expressed was more a personal opinion than the IOC's official opinion with regard to the Osaka rule. His personal feeling was that the four-year ban would cover the concern expressed with the suggestion of the Osaka rule.

Regarding the List, this naturally put a heavy responsibility on the List Committee and he could see a risk that the List Committee would be more reluctant to place new substances on the List, and that it could open the door for at least a period of abuse of new substances until the List Committee dared to formulate a position on particular substances. He understood what Mr Young was saying from the legal point of view that what was on the List was banned, whatever the reason had been for placing it on the List, but he could see that it would be a tough job for the List Committee that could slow down the procedure when it came to introducing new substances and the reluctance from the List Committee to do that until it had some sort of clear evidence that would be very difficult to show, so he still had some reservations with respect to the proposal and would rather stick to the present wording, which had been good for the committee's work. He had been chairman of the List Committee for many years and knew its work very well, and it worked well, so he did not fully understand why one should change a system that was working well to something that might not work as well as it was currently.

MS SCOTT asked, as the List Committee currently existed, how heavily the performance-enhancement aspect of a substance was weighted against the other two principles when deciding to put it on the List. Mr Young had described how it would work in terms of the Code and not being challenged legally, but could WADA not weight it so heavily that it did function as a big part of a substance being put on the Prohibited List?

MR ODRIOZOLA said that CAHAMA had not reached consensus regarding the potential to enhance performance as a criterion for putting substances or methods on the List, but practically all the members were in favour and welcomed the proposal.

THE CHAIRMAN said that it was clear to him that, if it was on the List, then there was no argument in any court; it had been determined as performance enhancement by virtue of the fact that it was on the List and, to the credit of the List Committee in his time, it had put things on and taken things off, and that was a very good reason why the members should recognise again that, as scientific and medical knowledge altered, there had to be the flexibility to do that. The concern that everybody had, and they dared not speak its name, was that there was one particular substance into which so much resource was being put, and it was clear in most of the cases in which sportsmen and women had been sanctioned for the use of that particular substance that it was not performance-enhancing. The other issue was that the members sat around the table as sport administrators and government administrators and there was a government factor to that which created its own difficulties, but he had to say that, if WADA was to be effective and make the best use of its money, there had to be a focus on performance enhancement, but those safeguards had to be there to ensure that it had not been made so tough that the List Committee would feel powerless to interfere. He did not believe that it had in the past and could not reason why it would in the future, and it might decide that certain substances were performance-enhancing in some sports, as it did now. He thought that there was a section for some sports on alcohol and he could well believe that alcohol was performance-enhancing in some instances and could think of many other instances when it was not. The List Committee had been prepared to make decisions and he had confidence that, as it had operated in the past, it would continue to do so in a most sensible and evidence-based manner in the future. In the meantime, perhaps WADA could put its resources into performance-enhancing substances. That was his view, listening to the arguments on both sides, without suggesting that that was where it would finish up.

MR YOUNG said that he thought that more comments would be received on this. Some people thought that it was working and others thought that it was not working at all. He respected Professor Ljungqvist's view that the List Committee might be more conservative, but it did work for WADA, and so WADA would continue to receive input on that.

PROFESSOR LJUNGOVIST added that he realised that the reservations he raised were a little against the general concept of doping, because people were taking performance-enhancing drugs and therefore logically performance enhancing should be a compulsory requirement. Intellectually, that made perfect sense but, in reality, he wished to express some concern, which could cause the members to think it over again. He understood that the present rule was not intellectually perfect because, with two out of the three criteria being sufficient for placing something on the List, one could put anything on the List, because taking substances without medical indication was by definition against the spirit of sport and also medically it could be dangerous to health if one did not need the substance, so neither way was perfect; it was just a way to choose a better way than the other, and he took the arguments and realised that it was no easy matter, so it would probably be returned to, as Mr Young had said.

MR YOUNG said that the next issue was the elimination of the B sample. As the members knew, historically and in the existing Code, there had to be a positive A sample and a positive B sample in order to have a presence violation. In draft 1, the B sample had been eliminated. Feedback on that had been almost universally negative, and it came from both sides of the aisle. It came from the groups that fought for the rights of the accused, saying that WADA was taking away the accused athlete's rights. Interestingly, it also came from the other side of the aisle, from people who prosecuted cases, and they said that it was sometimes helpful in a case in which there was a chain of custody or other issues to have an A and a B sample that came to the same positive result, and the presence of B samples had been found to be very helpful when it came to retesting samples. So, there was not much support for the elimination of the B sample but, with that said, there had been a number of other comments that that did not mean that the stakeholders were happy with the particular analytical environment and the way in which things worked. People were concerned that there was not enough geographical distribution of laboratories, that WADA had not approved more hospital pathology facilities and things like that to do sample analysis, that the performance of the existing accredited laboratories was not uniform, so he thought that, if those issues were to be resolved, that would be the dog, and the Code language and the ISL language would follow along, whatever the resolution, so there would probably be some combination of two samples, but whether it was as it currently was or whether it responded to the way in which those issues were addressed, one would have to see, and a lot about that would probably be heard in the review of the ISL.

MR TREMAIN asked about the incidence of A sample results differing from B sample results.

MR YOUNG responded that the incidence was very, very low. Occasionally, there was a laboratory mistake; other times, there were situations whereby something had happened to the sample, such as an EPO sample in which an athlete might have got a little laundry detergent that had caused the B sample not to be positive, not because it had not been there at one point, but because it had gone away. There were some circumstances in which a B sample result had protected an otherwise innocent athlete, and there were some circumstances in which a B sample result had allowed a dirty athlete to get away with it, but overall there were not many of either one of those.

MR LISSAVETZKY said that Europe recommended retaining the B sample in the Code as it was considered crucial to maintaining the credibility of the anti-doping programme, and CAHAMA offered to look carefully at this issue and proposed taking the lead to carry out a feasibility study on the elimination of the B sample.

MS SCOTT said that, as she was present as a representative of the athletes, the athletes almost universally and overwhelmingly wanted to keep the B sample, and part of that was because of the communication strategy around it from the very beginning: it was understood by athletes that the B sample was there to protect them and was a security and safety measure. Taking that away would really create a lot of upheaval and problematic situations for athletes, so the athletes were definitely in favour of keeping the B sample.

PROFESSOR LJUNGOVIST said that everybody knew his position on the matter and it had been clearly expressed in the minutes of the previous meeting, so he would not repeat it but, in his experience, which was pretty lengthy, and in response to the question, he had no confirmed case in which the B sample analysis had protected an innocent athlete, but he had a lot of cases in which the B sample analysis had enabled cheats to get away with it because of the mishandling of the B analysis. That was the situation. He knew of one case, but he did not know what the final answer was. It was rather a possibility of protection for dirty athletes and, if that was what the athletes wanted, he was a little surprised. The cost aspect was not terrible. This had been looked at, and the cost aspect was not that much, but it was more a matter of logistics. It was easy to arrange for a B sample analysis during an event such as the Olympic Games or a major event in which all the people were in place, but logistics were quite complicated when it came to the B analysis of positive out-of-competition testing samples, when a laboratory was in one part of the world and the athlete might be in a totally different part of the world. This was all rather complicated, but the most important aspect of it was that it served as a protecting mechanism for dirty athletes rather than the opposite.

MR YOUNG said that he took on board what had been said and went on to item 4, which was a new anti-doping rule violation to point 10 that had been added to the Code and that dealt with prohibited association. He had heard strong support for the principle and a lot of very valid concerns about the way in which it had been written. He discussed the principle. There had been lengthy debate about the problem of the athlete entourage. There was an example in athletics whereby Tim Montgomery and Marion Jones had been training with Ben Johnson's coach, who had been held ineligible for life, and nobody had been able to do anything about it, because there was no rule that said that they could not train with whoever they wanted to, despite the fact that the person had been banned from sport forever. There was a more recent example involving Victor Conte traipsing around London representing athletes. Victor Conte had been convicted criminally for doping athletes on a very grand scale. The problem with the Victor Contes of the world was that they were completely outside WADA's jurisdiction. WADA could not bring him before any kind of tribunal for an anti-doping rule violation, but there had to be some way of telling athletes that they should not be working with Victor Conte, who had had his day in court and been convicted of doping. There was agreement on those principles, but the devil was in the detail of writing it. One of the points made in the comments that had been heard absolutely loud and clear was that the athletes could not be put in a position of guessing whether or not somebody met the criteria. That was totally fair. It might be the case that the appropriate response to that was that there was no anti-doping rule violation until the athlete had been told that such-and-such a person should not be dealt with. In that way, there would be no question of notice. There had been questions about how somebody would go on the list. It was pretty straightforward when one had had a sport anti-doping rule violation and one was banned, but what could one do with the Victor Contes of the world who had no period of ineligibility? One of the things that had been discussed and about which more would be heard in the comments to come was that, when somebody had been convicted of a crime or had a medical licence taken away or been convicted following a full administrative proceeding, for a period of eight years from that conviction, that person should not be dealing with athletes and the anti-doping world could tell an athlete that this was a person not to be dealt with for that period. So there was some devil in the detail of the

language that had been absolutely correctly pointed out by people, but there seemed to be support for the general principle.

MR KASPER added a small detail to make the whole thing more complex: he had a case in his sport whereby a coach had been convicted but he was married and his wife was quite an active and successful athlete. What should be done in this case? Was the WADA Code requesting that they divorce? It sounded ridiculous but it was not an easy question.

MR YOUNG responded that it was necessary to be careful when describing what type of relationship was prohibited.

THE CHAIRMAN said that it was not an easy matter, but thought that everybody would acknowledge, as there had been considerable discussion in recent years of the entourage, which of course was a broad description that covered many individuals, that there was a degree of influence over most athletes that sometimes made the athlete the least guilty of the perpetration of performance enhancement because of that sphere of influence that was there and, to the extent that it was possible to reach out and there was that mutual acceptance of decisions that were taken by a correct result management process, there was some chance of ensuring that those who were leading to a doping offence could be dealt with in the same fashion. He thought that everybody would want to see something there; he accepted that there were some difficult decisions to be taken regarding the manner in which it was drafted, but he was sure that the wisdom of the team would come up with an outcome.

MR YOUNG said that item 5 opened up the floor for a more general discussion in the context of the Code of the relationship between sport and government and particularly what stakeholders saw as the responsibilities of governments to help and cooperate in anti-doping matters. A new article, 22.2, had been added to the Code under Involvement of Governments, which said that, "Each government shall put in place a proper legal basis for cooperation and sharing of information with anti-doping organisations and sharing of data among anti-doping organisations as provided in the Code." A piece of that dealt with data protection and a bigger piece of that dealt with cooperation generally between government agencies, be they customs, law enforcement and the like, and the people trying to enforce anti-doping rules. The feedback received on that had been strong and universally favourable, with the exception of European governments, their point being that it was not the job of the Code to tell governments what to do; that was the job of the UNESCO convention. The people who were in favour of this took that point, but would respond by saying that it was the job of the Code to state what the expectations of the stakeholders were, and that was the purpose of the whole section, so he had read article 2.2, but 2.1 also said "each government will", 2.3 also said "each government will" and 2.4 also said "each government will". That was not something that the Code could bind governments to but it was a clear statement of expectations, and that appeared to be the issue.

DR SCHAMASCH said that he thought that this was so important and he thanked UKAD for the fantastic efforts made at the time of the Olympic Games, demonstrating that the sharing of intelligence could be such a great success, so it was important to find a place for such an amendment.

MR LISSAVETZKY said that CAHAMA recommended amending the relevant wording to properly reflect the fact that article 22 referred to expectations rather than obligations for governments.

THE CHAIRMAN said that, when Dr Schamasch had responded with the UKAD example, it had gone through his mind when Mr Young had been talking. The members had the Houlihan report before them which showed a wide disparity of application from the various areas of the world in terms of how they dealt with the issue and, in some countries, there was a criminal sanction applicable to doping. That was the view of the governments of those countries, and they had implemented laws accordingly. In some other countries, such as his own, there was legislation that backed up the sharing of

information, and he had been conscious that that be looked at by UKAD when forming, and it had come to the memorandum of understanding approach, so it had had a protocol in place to allow for the sharing without there being the legislation, and he thought that was what WADA was looking for. It would be better if information were shared. How it was done, and the word was "shall" and not "must", was up to the individual country, but it ought to be part of the process of each country looking at the information that it got and asking how it could use intelligence better. If there was some obligation there, then he did not believe that what was being proposed and the change would mandate that obligation, but it would certainly give them an understanding that there was an expectation to use the words of the Council of Europe that Mr Lissavetzky had referred to, that this issue should be addressed, so he said publicly with his public authorities hat on that he would like to see a lot more cooperation in many countries of the world in comparison to the current situation, and he believed that spelling this out in the way in which the drafting team had picked up the recommendations spoken to by Mr Young would be a positive step forward. He did not think that anybody disagreed with the principle; it was a question of how to make it work in practical ways, and nobody would suggest for a moment that WADA had the right to tell governments what laws to make. WADA could only point them in the right direction and encourage them to develop some process that allowed for a better outcome, and a better outcome was what was being sought.

MR YOUNG said that the team had been very sensitive to this in the last revision to the Code, and frankly had taken Mr Lissavetzky's point the previous time. Looking at article 22, it was clear when it said that, "Each government's commitment to the Code will be evidenced by its accepting the UNESCO convention", that was the legal obligation, and then it went on to say that, "The following articles set forth the expectations of the signatories", and so the team had heard that comment loud and clear the previous time and had simply added another expectation that the people around the table thought was important.

MR TREMAIN said that he was keen to discuss item 6.4 in the Code, which was the recommendation that all samples must be tested for everything, with the exception of specific circumstances, and he was keen to do so for a number of reasons. Firstly, everybody was obviously in difficult fiscal circumstances, which had come to the fore when discussing the budget, but he was very much in favour of going down the track of smart testing principles on the basis that there were certain sports, certain histories and certain endeavours in sport in which he did not believe that all substances needed to be tested for in every sample. The issue also manifested itself on a practical level, with the debate that might take place at that point or later on about the number of laboratories around the world to which the authorities could go for testing. If WADA was to maintain the recommendation, which was that all substances be tested for, WADA was probably limiting itself to a limited number of laboratories that could be used, as each laboratory would need the very highest level of technology. However, if WADA were to follow smart testing principles and if it were very focused on the ABP, WADA would not necessarily need the high level of laboratories. Oceania only had one laboratory, and it was very difficult at times for some of the smaller nations to get samples to the laboratory within the 36-hour period, so he would like some discussion on this. He would prefer to see a smart testing regime in place and access by a wider number of laboratories that could test, particularly the blood level for the ABP, and he would like some discussion on that.

PROFESSOR LJUNGQVIST said that the point raised was very important and needed to be looked into carefully by the Code Review Team, because experience and history said that substances that came on the market were often observed by anti-doping agencies or a laboratory that found that something was going on and they developed a method for that particular substance, and the question then was when the full menu was decided upon and on what criteria. If all samples should be analysed for the full menu, there had to be a definition of the full menu, because substances came on the market when discovered by a laboratory and the laboratory developed a method for detection. Was WADA expecting that every laboratory should immediately have the full competence

to do the full menu? That was simply not possible as it did not work that way. A laboratory worked out a method for a new discovery. There was the EPO and Hgh story, the history that was convincing that this was an evolution over time, so one had to be very careful when phrasing this wish and identifying what substance was part of a full menu and when, and on what criteria. WADA could never reach a situation whereby all laboratories were immediately at exactly the same level doing everything, particularly for newly discovered substances. This was a very important matter that had been raised.

MR YOUNG responded that what Mr Tremain had said was exactly what had been received in the comments and exactly what had been in the heart of the drafting group when it had written this. The issue was that the status quo was not smart testing and, in some cases, it was stupid testing to collect samples and leave out the analysis for the things that one should really be looking for; so, looking at the article and the comments, it was admittedly a little schizophrenic, as the article said that testing would involve the full menu and all methods, and then one read the comment that said that of course WADA would develop a process to work with people and exchange information, and it ended up saying that the objective of the article was to extend the principle of smart testing to the testing menu so as to most effectively and efficiently detect doping. There was probably a better way to mesh the heart of the comment with the literal language of the provision, but everybody was on the same page. When he and Professor Ljungqvist had worked together on the THG cases, there had been only one laboratory in the world that did that, so that was something it would be necessary to be mindful of in the language.

THE CHAIRMAN said that he thought that the sentiment was nevertheless that, if WADA did not expand out the capacity to test more broadly, then WADA would again not be as effective as it should be, recognising all of the limitations that could be there, some effort and flexibility in the drafting to allow it. The Executive Committee would be fully aware that it had approved the establishment of pathology units for the ABP and, where a void or a lack of access for that particular programme was seen, on application, they could be accredited. He thought that Dr Rabin knew this in detail; but, a couple of years later, after approval, there had not been one application. One said to oneself that, if WADA was not giving access for these purposes, there was something wrong with the way in which it was dealing with the issue more broadly. The more difficult problem was that simple facts would show (and he wished WADA had better information, but anti-doping organisations did not always give WADA the information they were obliged to give it and it tended to rely on laboratories for its statistics) that there had been menu shopping, so a sample went in and a few boxes were ticked and others were not. Therefore, a less expensive analysis was done but, in the process, the drugs of choice that ought to be detected through a full analysis were simply not being tested for; there was no effort being made. Then, when one saw the break-up between urine and blood, and if one took out a sport about which WADA had been fairly critical in the past, baseball in the USA, and the contribution it made to the number of blood tests, there was almost a negligible amount of blood testing occurring around the world. In fact, the second big one was the effort made by cycling through the ABP from the point of view of contributing to some number at least of blood tests. This was what WADA had to overcome. The members were kidding themselves if they did not at least ask for EPO to be looked for in every sample that went to a laboratory, and that was what was happening, because that was a bit dearer than the bare minimum that many people who were seeking testing to be done were currently asking for. This was the dilemma. He acknowledged that it was a difficult one, but WADA had to somehow ensure that there was an accessibility and an affordability in the whole process and, if WADA could find a way to expand what was being done, he believed that would lead to a better outcome.

MR MCQUAID made a point on the situation of athletes giving information in return for reduced sanctions. It was a new area into which WADA was getting and he had nothing against the authorities using every method possible to try to catch cheats, but he had a situation that had appeared recently in the media in which there were several athletes who had given evidence in the USADA case, had admitted to doping and were

currently competing in all the major races and even winning some of them, and it was an issue about which clean athletes were commenting that they were uncomfortable. Whilst he did not disagree with going down this route, WADA needed to be very careful about how it was structured.

THE CHAIRMAN said that it was currently in the Code and he did not know if there had been submissions to eliminate it from the Code; it was there at the moment. As to the USADA case, he had no idea who had and who had not given it; he had seen media speculation, but it was necessary to be careful until seeing exactly what was being done with the decision and it was certainly the subject of discussion. WADA had used the carrot and stick approach on a lot of occasions and, if WADA was to be effective, he was interested in asking any athlete where he or she had got the substance from. If that led to WADA picking up a person taking a performance-enhancing substance that was on the List, WADA wanted to find and root out that person who was contaminating sport. He would hope to see it stay; he understood what Mr McQuaid was saying. Everybody had been brought up not to tell on others, and that was an admirable principle, but it was not the real world and not conducive to finding the real cheats. He would simply say that WADA had to be cautious and others would know better than he did, but he thought that that had been in the Code from the day it had started.

PROFESSOR LJUNGOVIST said that he did not think so; he thought that it had come in with the 2007 revision. The only IF with experience in the matter had been his own, the IAAF, which had had it in for a couple of years in the 80s and early 90s but had done away with it as it had not worked. Athletes had not wanted to point fingers at others, so the clause had been eliminated after some four or five years. He did not have the exact history. He had nothing against it being there but it had not been efficient in his experience. He did not know what the experience had been over the past four years.

THE CHAIRMAN reminded the members that the Code was there to protect the clean athletes of the world and one way of protecting the clean athletes of the world was to get rid of the cheats and, if WADA had people providing performance-enhancing drugs, there had to be some sort of carrot there that allowed WADA to catch that person. The point was noted; the members would no doubt see further comment on that as the process went on.

MR ANDERSEN said that he would take on board all the comments and direction given by the Executive Committee and continue to consult with the stakeholders. The written submissions would be received by 10 October from the stakeholders, and the team would meet in October and present in November to the Executive Committee as the steering group a draft proposal, which the Executive Committee would have the opportunity to look at and change before version 2.0 was submitted on 1 December.

MR REEDIE said that he thought it would be fair to put on record that there would be a very close discussion, certainly by the Olympic Movement stakeholders, of the current draft in mid-September, and that would colour the views of a number of people around the table. He hoped that the WADA representatives would meet with the IOC people because, certainly as far as the Osaka rule issue was concerned, that was probably the most important meeting that they would have, and the Olympic Movement people would then have to make up their minds what their attitude was in terms of instructions to the sports representatives in the same way that the government representatives had their instructions, so that, by the time of the November meeting, there would be an Executive Committee that had been briefed properly on what it wanted, so that the members did not slip off into personal views on performance enhancement or Osaka rules, and would be able to deal with the whole issue of general principles. There was actually a lot of work to be done, not only by the Code Review Team but also by the stakeholders, and then there would be a lot of work to be done all together before November.

THE CHAIRMAN encouraged all the stakeholders to put their submissions together as and where they saw it appropriate. The more input, the better informed the Executive Committee would be and hopefully the better the outcome, so it would be a busy time

from September to the next iteration of the draft, which would go out on 1 December and no doubt attract further comment into the earlier part of the following year. Ultimately, the May meeting of the Executive Committee would wind the process up. There was still time and obviously a lot more debate; the Executive Committee would have to come to results in May the following year.

DECISION

Code review update noted.

6. Science

– 6.1 2013 Prohibited List

PROFESSOR LJUNGOVIST said that the List Committee had speeded up its procedure for that year, because the meeting had been held early in September compared to on other earlier occasions. It had conducted its job in the usual way with several meetings during the year to be ready to present the final proposal to the Executive Committee that day. He also mentioned that the chairman of the List Committee would certainly have to step down, as he had been appointed medical director of the IOC, so there would be a new List Committee chairman the following year, and he was confident that there would be the necessary competence to succeed.

DR RABIN took the members through the proposed changes to the 2013 List, which would be displayed on the screen as he spoke.

The first proposed change was a clarification in the S0 section, which was fairly large, to make it clear that substances that were only approved for veterinary use were prohibited under S0. Sometimes substances were for both human and animal use, and the aim was to specify that these were not substances also approved for human use.

In the S1 section, the members would see some changes in the nomenclature of some of the anabolic steroids listed. This was highly technical, but he indicated that this nomenclature had been reviewed by the IUPAC, which was the international organisation in charge of the normative nomenclature of chemical substances, so WADA had linked up with this organisation, which had kindly fully reviewed all the names of the substances on the List and suggested some clarifications and slight modifications in some areas. It was very highly technical.

There was also a proposal to move insulin from the S2 section to the S4 section. This had a technical implication, which was that, in S2, all the substances that triggered the release of insulin would be considered to be prohibited, because also the releasing factors were prohibited in this section, whereas, in S4, the prohibition of insulin was very specific. This had come from many discussions in the List Committee on antidiabetic drugs, of which many were sold on the market, and the issue had been almost a cascade, when talking about how to focus the fight against doping in sport, that was a very good example, because all the substances that would trigger the release of insulin, including many of the antidiabetic drugs, had de facto fallen under S2, so that had created an issue, and the List Committee proposed moving insulin to S4, and that had also been recommended by the Health, Medical and Research Committee to focus on insulin. It did not discard all of the work that was being conducted with the antidiabetics; it simply gave a little more time to review the section, which included many substances, including some that had absolutely no effect on performance and a very limited risk for the athlete's health, quite the opposite, in fact.

In S3, there had been a clarification and a slight change. The clarification was on the isomeric coverage of the substances; in fact, the previous wording had been returned to as the new wording had apparently created more confusion, in particular among non-scientific people reading the List, so it had been agreed that WADA should go back to examples of D- and L- isomeric structures of beta-2 agonists. It had also been necessary to take into account that fact that, in some countries, the dose of formoterol allowed was

sometimes higher than what was recommended by the manufacturer. This had been taken into account and a proposal had been made to increase the delivered dose of formoterol to 54 micrograms over a 24-hour period. This was a technical element that would certainly facilitate (only in some countries) the use of formoterol for the control of asthma.

Moving on to S5, he made one point on the local administration of felypressin. The aim had been to be a bit more consistent on the wording. In addition, morphine had been deleted. There had been a good comment received from one of the stakeholders indicating that morphine did not have a threshold, which was technically true, so it did not quite fall in the same category as the other substances presented in the list of examples under S5, and that it should be removed, which had been accepted by the List Committee and the Health, Medical and Research Committee.

Probably the most substantial change proposed for 2013 was in M1 and M2. WADA had been made aware of several forms of manipulation of blood, and there were some technologies out there which were quite questionable to say the least, but which were being proposed to athletes. A laser could be inserted into the vein (or even an artery, but more likely the vein) of an athlete to expose blood cells to a laser beam. This was quite dubious in terms of technology, but it was proposed to some athletes, and was certainly of some concern in terms of medical practice. There was very little literature in support of such methodologies, but these could be seen to be blooming in some areas of the world. There was a proposal to expand on the scope of the M1 provision, no longer referring to enhancement of oxygen transfer as was currently the case, but to refer more generally speaking to the manipulation of blood and blood components, which would then make it possible to be more specific in the prohibition of some of these methods. The members would see in M1.3 that any form of intravascular manipulation of the blood or blood components by physical and chemical means was prohibited. This had come as a strong suggestion from the Health, Medical and Research Committee after the List Committee meeting, but with the support of the chair of the Health, Medical and Research Committee, Professor Ljungqvist, it had been possible to interact with all of the List Committee members, and they fully supported the wording. Any form of blood manipulation or manipulation of any blood component would be prohibited, and some of the limitations had been taken into account in the wording that had been proposed, so now that this element had been taken into account, M2.3 no longer existed, as it was embedded in M1.1 and M1.3.

The next change was in the gene doping section. Every year, there was some change in this section, and it became almost a joke between the Gene Doping Panel and the Health, Medical and Research Committee, but it showed the dynamic behind gene transfer science and the way in which it was integrated by the experts of the Gene Doping Panel. Until one of those cases came up, which would then probably define the scope of what needed to be prohibited, this was something that was subject to a lot of adjustment in the years to come as science made quite substantial progress.

For the stimulants, again what had been removed the previous year regarding the clarification on the D- and L- isomers of these chemical substances had been removed. Also, with regard to the labelling of the drugs, oxilofrine, which also had another name that could be found commercially as well as on certain Internet websites, methysynephrine, had been proposed as a clarification.

There had been no particular change in S7, S8 and S9, which took him to substances prohibited in particular sports. There had been no change to P1 on alcohol, but there were some proposed changes to P2. The first one, and this came from a lot of interaction that the Medical Director and members of the List Committee, in particular Dr Schamasch, were having with the IFs to try to understand why some of them wished to prohibit beta blockers in the P2 section. As WADA engaged those IFs, he realised that sometimes there was not a lot of ground behind the prohibition, which led to the removal of some of the IFs, for example, for 2013, the proposal was to remove boules and bowling and power boating from the beta blocker section. There had then been a letter

from aeronautics proposing the removal of beta blockers. That had also been discussed as part of the global review of beta blockers, not with the List Committee members (it had come after the List Committee meeting), but it had been found to be a logical request and it was proposed that this be taken into account as quickly as possible for the 2013 List. This completed the proposed changes for 2013 and he would be happy to answer any technical questions the members might have.

MR LISSAVETZKY expressed the satisfaction of the Council of Europe science group regarding the permitted delivered dose of formoterol.

PROFESSOR LJUNGOVIST said that the members had heard the full proposal and it was up to them to decide that it be published by 1 October that year at the latest.

THE CHAIRMAN said that it was also in hard copy before the members. The resolution required was that the Prohibited List as presented for 2013 and tabled at the meeting be approved and published; it had to be in circulation by 1 December to enable everybody to get ready for the following year.

DECISION

2013 Prohibited List approved.

– 6.2 Research projects 2012

THE CHAIRMAN told the members that this was the moment in the year when the Chairman of the Finance and Administration Committee was the least comfortable because, in the space of half an hour, WADA spent more money than at any time of the year.

PROFESSOR LJUNGOVIST said that he would give a brief introduction, but this was an important item on the agenda. The money being spent was so vital to anti-doping activity, and this was one of the great achievements that WADA had made during its existence, namely to allocate research money to centres around the world that had aided WADA in its activities to a large extent. The members had before them a document that showed the importance of and effects of the research money allocated over the past few years. The document was a series of articles showing the importance of what was being done in terms of research and science regarding anti-doping activities in particular in relation to the Olympic Games. It had appeared just before the Olympic Games in London and he advised the members to have a look at it as it was very interesting and worth reading.

That year, WADA had for the first time applied the three-step procedure leading up to the recommendation before the members in terms of the allocation of research money, meaning that, based on the requests for support, WADA had carried out the usual peer review procedure with independent reviewers who had looked through all the applications, and some had passed the examination and gone to a project review team that had looked into them from a different point of view before they had reached the Health, Medical and Research Committee. At the recent meeting, it had been decided to propose support for the research projects about which Dr Rabin would provide details.

DR RABIN said that he would guide the members through some of the elements of the research applications received for 2012 by WADA, starting with the number of grants, 71 that year, which was a substantial reduction compared to previous years, and he saw it as a sign that WADA was addressing some of the issues put before it, so it was probably a good sign, for a total amount of 15 million dollars, which would not be spent that day, of course, as only a fraction of those projects had been selected for recommendation. It was always good to receive applications from all over the world. This was what WADA wished to see, even if it was realised that WADA had to select some projects from different regions based on their scientific merit and contribution to the fight against doping in sport. A total of 26 projects had been selected for recommendation that day worth 3.2 million dollars, 22% of the total amount requested and, as the

members would see, Europe represented the lion's share, then Oceania, and then the Americas and Asia. In North America in particular, but also in Asia, there were some very strong anti-doping organisations that had budgets allocated for anti-doping research, so some of the countries or regions were already covered by consortia of NADOs. This represented an overall success rate of 37%, which, according to international standards, was reasonably high, so there was a good coverage of recommendations for approval of all the grants submitted to WADA. Of course, an exercise that was not always very pleasant, but that was justified in terms of reduction, involved reviewing the finance applications coming with the projects and also the reduction of some of the projects. This was something that was carefully reviewed by the independent reviewers and the different panels or committees reviewing these grants.

He had been asked the previous year to give more of a context for each research project, in particular the expected outcomes and the contribution to the fight against doping in sport so, that year, the members would see he would go through each project one by one, saying a few words on each. He would not dwell too much on each project, but the members were welcome to ask questions, and they would see in their folders that a lot of information was already provided along with an executive summary for each project.

He would start with the project by the Cologne laboratory, which was about the detection of AICAR by IRMS. AICAR was a substance that was not officially on the market, and WADA had heard a lot of rumours about the abuse of this substance. Unfortunately, it was also the product of human metabolism, so WADA had to distinguish between what was produced endogenously and what was taken exogenously by the athletes. IRMS was certainly an option for this, and it was a follow-up to a previous project looking specifically at the possibility of detecting AICAR by IRMS analysis. In that sense, he hoped that the project could really contribute to the detection of the substance.

Next was a project from China studying the detection of testosterone manipulated with C13 labelled standards. The idea was to be able to break the molecule to facilitate the detection of the isotope ratio of testosterone, because it was known that there were some illegal testosterones designed to mimic the isotopic signature of the human body, so this project should help reveal those illegal testosterones, and he believed that it was a project that was of interest.

The next project, from Australia, was about liquid chromatography high resolution for the detection of peptide hormones in urine. Peptide hormones were reasonably complicated to reveal, but there had been significant progress in the mass spectrometry method which, it was believed, if well applied, could help WADA in the detection of peptide hormones, so he certainly hoped that such a methodology would simplify the detection of peptide hormones and facilitate the detection of this class of substances and reduce the overall cost of analysis for peptide hormones.

The next project, from the Barcelona team in Spain, was an extension of a previous project. Multiple year projects were sometimes submitted to WADA and the committees recommended that the study be moved into a pilot project so, when the pilot project was successful, one needed to consider the possibility of extending the project, and this was one of them. It looked at the phase 2 metabolites of some of the substances, in particular testosterone and two other anabolic steroids. The team had identified some interesting metabolites and the idea was to synthesise them and make sure that they could be revealed by anti-doping laboratories, so it was an interesting project focusing on the improvement of detection of anabolic steroids.

There was also a project from Belgium, which was also an extension of a previous project, again showing that some of the projects were moving along very nicely, with the possibility to include some of the new markers that had been found by the team and how to use them in terms of detection, in particular adding the new metabolites or substances

as part of the steroid profiling, which was a very active field of activity at WADA, potentially in support of future implementation as part of the ABP, so he believed that it was a project that was developing nicely and the recommendation was to extend this project.

Still looking at the detection of hormones, peptides or proteins, there was a project by a team in Grenoble, France, looking at the absolute quantification of proteins. The current problem was that, in order to quantify proteins, internal standards were needed; this was a technical element but, to make sure that the quantification could be as precise as possible, such standards were needed, and this team, which had been involved in the Rome symposium the previous year, was an internationally renowned team producing such international standards, so there was certainly an interest, and the team had been asked to focus more specifically on Hgh detection because, if WADA were to move Hgh detection to mass spectrometry methods, it would gain time and certainly reduce costs.

The next project looked at the detection of esters of testosterone, a form of testosterone that was harder to pick up with the current analysis, and there had been some information that this form of testosterone could be used by some athletes, so the methodology itself did exist but was not optimal for the detection of that form of testosterone, which was very attractive to those athletes either wishing to recover faster or bulk muscle mass. This project could certainly optimise the detection of this form of testosterone and facilitate the revelation of cases of athletes using the substance.

Still looking at anabolic agents that WADA knew was the class of substances widely abused by athletes in many different sports, the next project sought to look at the sulphate fraction of steroids. The anti-doping system for historical reasons currently focused a lot on the gluconide fraction of anabolic steroids; WADA also wanted to look at the other fraction, which could help to reveal new forms or new metabolites of steroids, or facilitate, in combination with what was currently being done, the analysis of that class of substances. As the members would see, there was quite a bit of emphasis on anabolic steroids.

Continuing, there was a new approach proposed by the laboratory in Châtenay-Malabry near Paris to look at the mass spectrometry approach. Following the symposium held the previous year in Rome, it was believed that this was one area of great interest to anti-doping, as it would certainly guarantee some flexibility and would improve the detection of this class of substances as well as support the ABP, so there was quite a bit of emphasis on the metabolism of anabolic steroids and revealing some new metabolites for the detection of this class of substances.

As the members knew, the detection of autologous blood transfusion was certainly still a challenge that WADA was facing, and many hypotheses had been looked into and many investigations conducted. This was certainly a very difficult area, but this project proposed by a team in San Diego in the USA looked at the physical differences between stored red blood cells and fresh red blood cells and how to reveal them by capillary electrophoresis, which was a detection method that was gaining importance in laboratories and WADA should consider applying more thoroughly in anti-doping.

The next project was a fairly interesting one from New Zealand, based on the fact that some peptides, when released into the body, were cut in a sense and a fraction was not used, whereas the other fraction was used by the body, and this was the case for EPO. There was a kind of proEPO that was cut, and the idea of the group was to look at the fraction that was being cut which was not EPO, but could reveal the fact that, when exogenous EPO was given, there was an imbalance in the ratio, so that was certainly of interest. It had been explored for insulin in the past, not entirely successfully, despite the fact that the concept had been good. He believed that this concept was very interesting and, if successful for EPO, could give another angle on the detection of EPO.

The next project was on the detection of autologous blood transfusion, which was still a challenge. This project sought to look at the surface proteins of the red blood cells and try to identify some specific changes. This was something that had been explored in the

past, not with the same proteins, as new proteins were regularly added to the list of known proteins at the surface of red blood cells. The interest was that it had been shown in the past that the differences could be revealed; the problem was that, when the red blood cells were reinfused in the body, the differences usually lasted only for a few hours, so he hoped that it would be possible to extend the window of detection with these surface markers and make it a valid test for anti-doping.

The next project came from Austria, and was for the detection of Hgh and the markers of Hgh. One of the issues currently being experienced, and the members might have heard that two cases had been revealed at the Paralympic Games of Hgh abuse with the markers approach, was that the current tests used were based on radioactivity; radiolabelled molecules were used that could not be implemented in all laboratories. This project looked at the possibility of using markers other than radioactivity, and potentially having the same sensitivity so that it could be deployed in all the WADA-accredited laboratories.

The next project came from Cologne. Metabolomics was an area of high interest. It was a kind of macro view of some of the changes in the body that could reveal the abuse of doping substances. The group in Cologne, Germany, was not an expert group in metabolomics, but it was proposing an integrated approach to metabolomics, and he knew that the group was highly skilled at looking at anti-doping issues, and the committees proposed the study, which it was known worked in animals for anabolic steroids, so there was certainly a high potential for applicability in anti-doping.

Another project was combined with the C9 project that he would present shortly. Dr Pitsiladis in Glasgow had the fairly unique profile of working with very elite athletes, some of the top elite athletes in track and field, long distance runners in Kenya in particular, and also sprinters, but this project focused on the possibility of detecting EPO in these athletes. This was an extension of a previous project with a slightly different angle, but he had revealed some very impressive changes at the genomic level in the genes and expression of the genes of these athletes when under the influence of EPO. It was probably one of the most convincing studies seen to date and Dr Pitsiladis proposed continuing the project, looking at the metabolomic aspect. He had referred to metabolomics earlier with the Cologne project, but this project was looking at a more macro approach that could be detected in urine, so it was certainly a project of interest, in particular combined with the other project on the detection of EPO using microdoses. The first approach had been using regular doses of EPO and there had been massive changes on the modulation of the genes of these athletes, so combining the two plus what had been achieved to date, and also in connection with some of the studies being conducted by other teams in the world, he believed that the project certainly had great potential, and certainly combining the two as he had expressed to have a more global view.

The following project was interesting and it was certainly more forward-looking in the sense that epigenetics was still an area that was quite difficult to address because it was the post-transcriptional changes that could occur on the proteins expressed by the genes and it was all the modulations at the gene level. It was something that was fairly new in science, and it had been discussed for the first time at the symposium in St Petersburg in 2008, and he believed that there was an interesting probe to be tried with the project presented by Patrick Diel in Cologne as he was really into that field and took the anti-doping perspective, so there had been the feeling that it would be very good to try to address this, to maintain the cutting edge of the potential application of epigenetics in anti-doping.

The members might have heard mention in the past of the detection of plastic residues in the blood that could be an indication of blood transfusion. It had been quite highly exposed in one of the cases two years previously, and it was known that phthalic-free bags did exist; they were still plastic bags, but they did not release the same kind of residues and there was certainly an interest in looking at the kind of changes these bags

could provide at different markers that could be followed by the anti-doping laboratories, so this project looked into these DHP phthalic-free bags.

Another project from Italy looked at a different angle, basically how some drugs could modify the metabolism of other drugs using the same kind of enzymes; in other words, when the body processed a drug, it used a metabolic pathway and there were other drugs that were not necessarily prohibited that could interfere with the metabolism of the drug to the point that they became masking agents. All this happened in the liver, and the metabolism of drugs was well known, but WADA had never taken the angle of looking at other drugs that could significantly interfere with the liver metabolism of prohibited drugs, so the team in Italy was proposing exactly this, focusing in particular on the glycolisation of these substances, looking behind the usual masking approaches being considered by anti-doping with other classes of drugs.

With the next project from Germany, there was the possibility of looking at microRNAs, which were small fractions of nucleotides that were released in the body and could be used to reveal modulation of the genes or use or abuse of substances. This project looked into this and WADA had asked the project scientists to focus in particular on erythropoiesis, with erythropoiesis-stimulating agents, all forms of EPOs and how they could affect the small fractions of RNAs that circulated in the body. The team was well known in the field, addressing some of the aspects related to gene doping, and had been working with WADA for several years.

The next project was very practical. He had been referring when presenting the List to the fact that WADA was currently reviewing with the IFs the effects of beta blockers, and this was a form of feedback to WADA from a federation, namely archery. WADA had approached the IF and asked about the effects of beta blockers in archery, and the IF had asked WADA to help look into the matter, so that was a very practical application trying to address a very specific point in the List, and it had been found to be reasonable. WADA had worked with the team in the past on benzodiazepines, which were not prohibited, but the federation had asked whether they should be prohibited in archery and maybe in other sports. The answer had been no, but the federation wished to address, following a similar protocol, the issue of beta blockers in that particular sport, so that had also been recommended for approval.

Still on the list of substances prohibited in particular sports, he referred to alcohol and the proposal from the team at the anti-doping laboratory in Barcelona which wanted to look more into the effect of alcohol and the steroid profile in particular. It had been published that a fairly large amount of alcohol could affect steroid profiles; this was something that had been known for several years in anti-doping, but the question was whether there was a continuum in terms of effect or whether there was a threshold that triggered the effect. That had to be better defined, and was the objective of the project, with a very direct and practical application into the steroid profile and the application of the ABP.

The next project was a follow-up of all the work being done with the team in Denmark on the thresholds for beta-2 agonists. The team proposed looking more into two aspects of the metabolism of beta-2 agonists. One was the ethnicity aspects, which WADA did not necessarily believe was of interest, so it proposed asking the team to focus more on the hydration effect and how it could affect the concentration of beta-2 agonists in the athlete's urine. The aim was to have a practical outcome from the project, which was really about taking into consideration the hydration status of the athletes to reveal risk of abuse of beta-2 agonists.

The next project came from Cyprus and also looked at the metabolism of some drugs and how two drugs combined could affect the way in which they were tested by anti-doping laboratories. He referred to a very well known combination of a beta-2 agonist, namely salmeterol, with a glucocorticoid, fluticasone, and how one could eventually affect the other one, so there were some practical outcomes on the way. The project

would look at these two classes of substances, which were very often combined in asthma treatment.

The next project was by an investigator from New Zealand, who had a great deal of expertise in nicotine and had come to WADA to look more into nicotine, which was on the monitoring programme and was a substance into which WADA looked very carefully in particular for its effects on performance and also the risk to health, not necessarily smoking, but really the substance itself, nicotine. This was one of the most modest requests that had been seen over the past ten years, and he believed that the project was worth considering for approval.

The next project from China dealt with the longitudinal analysis of the detection of endogenous anabolic steroids. Keeping in mind all the work that WADA was trying to develop with the ABP and the steroid module of the ABP, it was always important to take into account the Asian population, because it was known, for reasons he would not go into, that there were different metabolisms among the Asian population and a direct effect on the steroid profile. It was something that he would like to incorporate in more global thinking about the development of the steroid module, also having access to data from the Asian population. Some remarkably good publications had come from Japan, and additional elements were also coming from China which deserved consideration.

The final project came from the consortium of researchers from Australia and France and proposed looking more into the effect of altitude on blood variables. The ABP did take into account this confounding factor of altitude. WADA had some historical data from other fields, but had never really generated at a research level a finer approach on the altitude effect, and this was exactly what this project proposed: to look more into the specific effect of altitude and the way in which the haematological module was applied as part of the ABP with the influence of the altitude factor, which was very important, and he hoped through the study to have a finer analysis following a cohort of athletes, and to refine the way in which altitude was taken into account as part of the ABP.

This completed the 26 projects recommended for approval by the Executive Committee, and if the members had any questions he would be happy to answer them.

MR TREMAIN said that his team was recommending that the Executive Committee support the projects, so his question was not a scientific one. He did not pretend to be qualified to comment on the veracity of the projects. His question was a broader one that went to the heart of the comments made by the USA and Europe about no support for an increased budget. If the Executive Committee ratified the proposals, did the research projects become a fixed expense for WADA in the following year's budget or did they remain variable? If some kind of prioritisation of expenditure were necessary, what would that look like? That would crystallise very clearly the decision to be made about supporting an increase or a budget deficit. He would be interested in Dr Rabin's comments, as he was obviously no scientific expert and had been advised to support all the projects; but, if WADA were trying to have a break-even budget, he imagined that this was one area that could be up for discussion.

MR REEDIE responded that these projects were approved in the 2012 budget and not the 2013 budget and, clearly, all the money would not be spent over the last two or three months of the year but the commitment would be there.

THE CHAIRMAN said that he thought that it was also fair to say that the entire appropriated amount was invariably not spent, as there was a slice that was kept for a reactive research programme that responded to issues that arose, and that occurred every single year. There was an out-of-session process to approve those: firstly, there had to be funding available, secondly, it required the consent of the chair of the committee, himself and the Director General, so that particular amount did not exhaust what would be available, but the members had seen a multi-year spend in all of those projects. Once the contracts were signed, WADA would be committed for 2013 and 2014; he could not recall one going past the two-year mark. So it was not the total spend and he could only refer to what Mr Reedie had indicated.

In light of past perceived difficulties, he asked Dr Rabin to assure the Executive Committee that, in the context of the evaluation of the 26 projects recommended out of the 71 received, there had been strict adherence to the conflict of interest protocol and policy.

DR RABIN replied that Professor Ljungqvist, as Chairman of the Health, Medical and Research Committee, had been extremely vigilant to ensure that the people left the room when projects with which they were associated had been discussed.

THE CHAIRMAN interrupted that he did not need the details; there was nothing in the paper that suggested that the conflict of interest policy had been applied. He thought that it was a good thing in light of the perceived difficulties; he understood there had never been an actual difficulty in the past that had prompted WADA to develop a conflicts of interest policy, but maybe in future presentations Dr Rabin might put in a paragraph to reassure the members that this had been followed. He was not interested in the details and he was sure that none of the committee members was interested in them either. He recommended that the Executive Committee approve the 26 funding recommendations for the research proposals 2012.

DECISION

Research projects 2012 approved.

– 6.3 Implementation of mandatory methods by laboratories

THE CHAIRMAN said that, as the members would see, in the context of the recommendation, that WADA recommended that the management continue to closely monitor the final stages of implementation. This programme seemed to have taken forever. WADA had dealt with it for some years, but the point that was probably relevant was that WADA continued to make progress even though it had not reached the finishing line. In the context of the recommendation from the management that WADA leave this till the next meeting of the Executive Committee and consider it again then, he got concerned that WADA kept putting things off. Was the pressure there and was there an actual belief from the management that these people would be brought over the line the next time? Otherwise, constant deferral to him was not a satisfactory way of operating.

DR RABIN responded that substantial progress had been seen by all the laboratories in the acquisition of the equipment needed and the implementation, so there were signs that things were moving in the right direction. It was probably a matter of time and acquisition of the equipment as well as the expertise in each laboratory to be able to implement the methods, so he suggested to the committee to defer or empower the Science Department to follow up on the implementation of the methods and refer to the Executive Committee only if there was an issue.

THE CHAIRMAN asked if two months was time enough to make further progress or for the Executive Committee to make a decision.

DR RABIN replied that further progress would be seen, but not all of the laboratories would have crossed the line in November. It was more likely that all the laboratories would have all of the methods implemented by May 2013.

THE CHAIRMAN said that he was happy to make that recommendation, but asked Dr Rabin to keep in mind that May the following year would surely have to be the drop-dead date on this issue. WADA could not keep suggesting that it would give more time, otherwise it would not be achieving the outcomes that it should be. He put the recommendation in the papers to the members, which was effectively deferral for a further report in November.

DECISION

Proposal regarding the implementation of mandatory methods by laboratories approved.

– **6.4 Strategy for future development of the anti-doping laboratory network**

DR RABIN said that there had been information presented at the May Executive Committee meeting; a paper had been put forward to inform the Executive Committee of some of the different aspects, angles and perspectives on the matter. WADA was still in the process of collecting information, in particular from anti-doping laboratories or potential future anti-doping laboratories. WADA had not received the full expected information so continued to engage laboratories and their NADOs to receive the proper information. There was also additional time needed to fully assess anti-doping development in the regions to come back in November with all the information for review and decision by the Executive Committee, which was why he proposed deferring until the next Executive Committee meeting in two months' time.

MR MBALULA said that it had been noted in the report that the South African anti-doping laboratory was lagging behind in terms of implementation of IRMS testing; at great cost, the laboratory had purchased the required equipment for IRMS testing and would be implementing testing within the next few months, but he also wanted to question whether this was in keeping with the WADA objective to perform approximately 40 IRMS tests per annum. Did it make sense to compel laboratories to purchase such expensive equipment when such tests were adequately performed by other laboratories? This money could be more productively spent elsewhere and, in view of the discussion on more targeted testing and requiring laboratories to conduct more analytical testing on samples, he also asked if the current requirement that the laboratories perform a minimum of 3,000 tests in order to maintain their accreditation was a logical one. This put the laboratories and NADOs under immense pressure.

THE CHAIRMAN suggested that the first matter was a subject that had come up for discussion a number of times and the view had been expressed that, if one could contract out and was getting it done by contracting it to some other laboratory, then surely one was fulfilling a role, even if one had not the expensive equipment to do the testing. He would let Dr Rabin provide a formal response to that.

Regarding the point on IRMS, it had been pointed out that South Africa had been contracting that to another laboratory, and he would get Dr Rabin to respond more fully to that and the issue of the 3,000 tests.

DR RABIN started with the issue of the 3,000 mandatory samples. Looking at the percentage of adverse analytical findings, 3,000 tests meant only with 1% of adverse analytical findings 30 adverse analytical findings per year, so about two to three per month, which was considered by the experts in the field the minimum to maintain good practice on the process and the ability of the laboratory to report properly and in a sense also be able to maintain the capacity of reporting adverse analytical findings, so it was really a technical consideration given to maintain good practice and proper processes and training of reporting in the anti-doping laboratories. That was one of the key explanations in support of the 3,000 samples.

Coming back to IRMS, this was a recommendation initially made by the Ad Hoc Group on Laboratories and endorsed by the Executive Committee. IRMS had been applied in science for more than 15 years and there had been a very strong feeling by the laboratory experts that it was needed more than ever before in anti-doping not only because, as he had been explaining previously, there was more and more risk of testosterone abuse and abuse of other anabolic steroids, but also because IRMS was going to be applied to other analytes to reveal anabolic steroids and other substances. He had mentioned AICAR earlier; this was only one field of potential application. For cortisol, there was a method that had been developed and, in particular, in support of the ABP and the steroid module, IRMS was certainly going to be more requested of anti-doping laboratories. Knowing the prevalence of abuse of anabolic steroids, it had been considered to be a sensible recommendation to implement IRMS in all the anti-doping laboratories.

DECISION

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

– **6.5 Technical document on decision limits**

THE CHAIRMAN said that this was an item that required a decision by the Executive Committee and it flowed on from the members' approval earlier on in the meeting of the prohibited substances and prohibited method for the 2013 List. It was of a technical nature; it related to volumes and a decision already taken and a variation of those volumes. That was his layman's interpretation. Perhaps he had missed a number of things and Dr Rabin might like to provide a better explanation.

DR RABIN said that the fact that the List had been approved with a modified concentration for formoterol which had been increased was a technicality; then there was the technical element that had to be taken into account regarding the way in which the laboratories were going to report formoterol, so this adjustment had had to be made to the document in order to be consistent with the List for 2013. Again, the only change in the document was for formoterol on page 2, not only for the threshold, which was now at 40 ng/ml, but also for the decision limit, so this was only to match the change that would occur in the 2013 List.

MR REEDIE said that he had read the paper with great interest, particularly the equations on pages seven and eight which made the IFRS almost as straightforward as two plus two. Having digested it, he was reasonably convinced that the Executive Committee should vote in favour of the proposal.

THE CHAIRMAN said that the decision requested was that the Executive Committee approve technical document 2013 DL to come into effect as of 1 January the following year, and that related to inhaled formoterol having the levels in accordance with what the paper stated.

DECISION

Technical document on Decision Limits approved.

7. Any other business

8. Future meetings

THE CHAIRMAN asked the members to focus briefly on future meetings and note particularly the September 2013 Executive Committee meeting in Buenos Aires, which would be on Wednesday 11 September; so, at the conclusion of the IOC meeting, WADA would have its Executive Committee meeting there the day after, by virtue of endeavouring to ensure that there was a limitation on travel for those who would be in South America anyhow, otherwise it would have been a case of going home and then going to Montreal the following week. He thought that that was a good idea and the IOC had also indicated that it thought that it was a sensible idea. He looked forward to seeing the members in Montreal for the meeting of the Executive Committee on Saturday 17 November and asked them to note and take with them the reminder for the World Conference on Doping in Sport in Johannesburg from 13 to 15 November and note again that the Executive Committee would be meeting on Tuesday 12 November. So, whilst that was a reminder note, it did not cover the Executive Committee; it covered the conference only, so the members had to be there a day earlier.

He thanked the members for making the effort to be present at the meeting, and for the contributions that they had made throughout the day. He thought that the Executive Committee had made progress as usual, and it had given the team a lot more work, in particular the drafting team. Nevertheless, he knew how important the outcome was in

terms of what WADA was endeavouring to achieve; the Code in itself was the basis upon which WADA operated. He thanked the members and the staff: it was a logistical exercise significantly larger when it came to a city such as London as compared to everybody turning up in Montreal where everything was in place. To ensure that the table would be set up, the lectern right, the technology backing it up, simply getting the room set up was quite a logistical exercise, so he thanked the WADA staff who had done that and ensured that the members had all had their papers at the earliest possible time and that travel arrangements were made in a manner that caused the least inconvenience. He appreciated the skill set provided by the interpreters, and the extraordinary venue and hospitality extended over the past few days by the IPC. WADA was very grateful to the IPC for allowing this to occur, and he had always been of the view that, if WADA was to be relevant, it had to be seen in other parts of the world; therefore, the chance to visit other cities occasionally was a very good message that could be given, and this had been done in a most seamless manner even though he knew that countless hours of effort had been put into it to ensure that it occurred that way. He asked the Executive Committee members to applaud the staff and interpreters. He closed the meeting by wishing the members a safe trip and he looked forward to seeing them again in November.

DECISION

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,
Buenos Aires, Argentina;
Executive Committee - 12 November 2013,
Johannesburg, South Africa;
World Conference - 13, 14 and 15 November
2013, Johannesburg, South Africa;
Foundation Board - 15 November 2013,
Johannesburg, South Africa.

The meeting adjourned at 3.30 p.m.

FOR APPROVAL

JOHN FAHEY, AC
PRESIDENT AND CHAIRMAN OF WADA