



## **Minutes of the WADA Executive Committee Meeting 11 September 2013, Buenos Aires**

The meeting began at 8.30 a.m.

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

THE CHAIRMAN called the meeting to order. He acknowledged the support given by the IOC in assisting with the meeting. The arrangements (transport, accommodation and meeting venue) had been made courtesy of the IOC and WADA was very grateful for that support.

He congratulated Japan on its success that weekend with Tokyo being the successful bid city for the 2020 Olympic Games. He had said at the time that Japan had been a very significant and good contributor to anti-doping and, from the point of view of the Olympic Games, it was reassuring to know that a city in a country that was a strong anti-doping country had been successful in being awarded the Olympic Games.

He acknowledged the new people at the Executive Committee meeting. He welcomed Mr Francesco Boza to his first meeting; Australia had just gone through an election process and did not have a sports minister, but the alternate attending his first meeting was Mr Andrew Godkin. He also welcomed all of the members and said that he was sure that WADA would be able to do a number of good things that day in the interest of the common objective: the world of anti-doping.

He distributed the roll call and asked the members and observers to sign it.

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; Mr Craig Reedie, IOC Vice President; Mr Fikile Mbalula, Minister of Sport and Recreation, South Africa; Mr Gian Franco Kasper, IOC Member and President of the FIS; Mr Francesco Ricci Bitti, President of the International Tennis Federation and President of ASOIF; Mr Ugur Erdener, IOC Member, President of World Archery; Mr Michael Gottlieb, representing Mr Edward Jurith, Senior Counsel, Executive Office of the President, ONDCP, USA; Mr Teru Fukui, Minister in Charge of Sports, Japan; Mr Godkin, representing Mr Don Farrell, Minister for Sport, Australia; Ms Valérie Fourneyron, Minister of Sports, Youth, Non-Formal Education and Voluntary Organisations, France; Mr Francisco Boza, Minister of Sport, Peru and President, Americas Sports Council (CADE); Mr David Howman, WADA Director General; Mr Rune Andersen, Standards and Harmonisation Director, WADA; Mr Frédéric Donzé, Director of the European Regional Office and IF Relations, WADA; Dr Olivier Rabin, Science Director, WADA; Ms Maria José Pesce, Latin America Regional Office Director; and Mr Olivier Niggli, Legal Director, WADA.

The following observers signed the roll call: Andy Parkinson, Benjamin Carlier, Yasuhiro Inomata, Taro Ide, Naoki Himiya, Shin Asakawa, Yaya Yamamoto, Ichiro Kono, Adam Pengilly, Christian Thill, Frédérique Privat de Fortunie, Richard Budgett, Françoise Dagouret, Patrick Schamasch, Paena Galane and Hajira Skaal.

#### **– 1.1 Disclosures of conflicts of interest**

THE CHAIRMAN asked if there were any conflicts of interest that the members wished to disclose. He noted that this was not the case.

### **2. Minutes of the previous meeting on 11 May 2013 (Montreal)**

THE CHAIRMAN drew the members' attention to the minutes of the previous Executive Committee meeting. To his knowledge, there was nothing outstanding from contributions submitted since the papers had been distributed. Did anybody wish to raise any matter in the minutes? Was it the members' wish that he sign the minutes as an accurate record of the proceedings of the previous meeting on 11 May 2013 in Montreal?

## DECISION

Minutes of the meeting of the Executive Committee on 11 May 2013 approved and duly signed.

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

THE DIRECTOR GENERAL informed the members that his written report was a little longer than usual as it included the directors' reports, and he did not intend to go through those, although if anybody had any questions regarding those individual reports, they could be put and he would answer them as appropriate.

Regarding the UNESCO convention, there were 174 ratifications, soon to be 175 as Tuvalu had sent its ratification documents to Paris and he hoped that they would be received before the conference of parties being convened in Paris at the end of the following week. There were some issues with UNESCO staffing in respect of the international convention, and the members would see that WADA had seconded a member of its team to Paris for a period of time, to help organise the conference of parties in particular. This was only a stopgap measure, as WADA could not afford to have somebody within UNESCO full-time at its expense, and he assumed that, when Dr Julien returned to Montreal, UNESCO would look at a full-time person from its own staff. One of the interesting matters that had occurred as a result of the conference of parties was the monitoring programme of governments that had ratified the treaty. 128 countries had responded to the questionnaire regarding that monitoring, and he would be interested in the final report, to be tabled the following week.

The UNESCO voluntary fund continued to be of great help to the continuation of anti-doping throughout the world where resources were scant. There had been 30 applications for funding from that fund to be dealt with early the following week.

With Interpol and the WCO, work continued as normal. WADA did not yet have a secondee within the WCO in Brussels, and was seeking some government to help it in that respect by seconding an agent, as the French had done with their agent to Interpol, and he looked forward to discussing that with anybody who might be interested.

The legal report was clearly set out, with cases clearly delineated. He did not intend to go through any of them or cover the issue of data protection, other than to say that WADA had received considerable assistance from the European governments over the past few months and he expected that, when the European Parliament resumed, matters about which WADA had been concerned would be addressed during that particular term.

The members would see the vacancies for the standing committees. The request for nominations had been circulated among all of the stakeholders. The deadline for receipt of nominations was 19 October, so he asked the members to refer to their individual groups to ensure that appropriate nominations were made by that time.

Regarding the NADOs and those that WADA was assisting as it felt that they were the strong countries requiring national anti-doping programmes, the first country on his list was Brazil. WADA was quite disappointed at the progress made in Brazil with its national anti-doping agency. WADA had been promised for some years that the programme would be put into place through financial commitment from the government. A law had been passed and two people had been hired but, since then, nothing had really happened. WADA representatives had been to Brazil many times and had spent tens of thousands of dollars in trying to assist Brazil get up to speed, and he was disappointed with the lack of progress. That disappointment was highlighted by the decision taken in relation to the revocation of the accreditation for the laboratory in Rio de Janeiro, and he realised that that was a separate item on the agenda, but it had stimulated government action, and the members would have read the letter from the minister indicating that the government was committed to a NADO and would be taking steps in 2014 to ensure that the money required would be committed. He looked forward to that. As far as the laboratory was concerned, Brazil could of course look to a fast-track process to retain or regain accreditation, but WADA had to be fully alert to the fact that that took many months and would not be in place in time for the FIFA World Cup in Brazil. WADA had discussed the matter with FIFA. FIFA was alert to the issue and would look to transporting the urine samples to another laboratory out of the country. He hoped that the laboratory in Rio might seek approval to operate as an approved laboratory for blood testing during the event. It would have to apply and meet the criteria but, if that were the case, FIFA would ensure that the blood samples were analysed within the Rio laboratory.

The members would see the progress occurring in Belarus, with help from UK Anti-Doping.

WADA was planning a visit to Egypt to assist with the development of the NADO and to look at the opportunity that the country might have to develop a laboratory.

The Japanese ADO was assisting the Indians to overcome what he had to describe as practical problems that had occurred upon the change of leadership of the NADO in India.

In Nigeria, WADA needed the commitment that the government had voiced to be put into operation and financial assistance, and he hoped that the Nigerians would show that commitment in the lead-up to the World Conference on Doping in Sport.

In Russia, the NADO had up-skilled, there had been some increase in financial support from the government, not to the hoped level, but it had increased, and WADA would continue to work with RUSADA with help from the Norwegians to ensure that its programme was of a higher quality.

In Turkey, the NOC had accepted responsibility as the NADO. WADA still had to deal with football to ensure that it came on board within the national programme in Turkey and was proceeding in a very satisfactory and responsible fashion.

He had mentioned Jamaica briefly in his report. A full update had been received from the Jamaican NADO. WADA would probably visit the agency again over the coming weeks to ensure that the progress reported was going in the right direction. There had been some media concerns expressed by the previous CEO of the agency that WADA had felt required some investigation.

Kenya was really still standing still, and WADA had some issues in relation to the attempts that it had made to conduct an investigation into the allegations made about doping among the long-distance runners. Several statements of commitment had been received from the new government, but they had not turned into action. It was difficult to advance the matter where WADA had no mandate to undertake any inquiry under the current Code.

Looking at the communications report, he emphasised the benefit of running a programme at the World Games in Cali, Colombia. WADA had a team at the Francophonie Games in Nice and a team that had assisted the Canadians at the IPC Swimming World Championships in Montreal.

A report from the Athlete Committee could be seen within his report, and he was sure that Ms Scott could elaborate on that if necessary.

Regarding the education report, he emphasised two issues. The first was that WADA had convened a meeting of the IOC, the IPC, UNESCO, the International Fair Play Committee, and the International Council of Sport Science and Physical Education and, for the first time, the people responsible for education programmes within those bodies had discussed a way forward to avoid duplicating effort, expense and resources and to develop a common message with the application of a tool that could be used by all. That was a significant move in the right direction for all.

There had been an opportunity to promote WADA in Cannes through a unique programme, a competition for young people around the world to express creatively how the fight against doping in sport might be furthered, and the agency had put in place a strategy to implement those creative works. He would report further on progress in that regard in November.

The final issue in relation to education was the development of a module in relation to universities. WADA had worked with FISU to create a university e-text book, with the help of the Koreans and the organising committee in Korea for the Gwangju Games.

Regarding the RADOs, a key priority for WADA, 123 countries were covered through RADO projects, and he complimented the NOCs for working well with the governments in each of the 123 countries. If it were not for the partnership between the NOCs and governments, the RADOs would not succeed, and it was an example of how partnerships could further the fight against doping in sport through this method.

Regarding the ABP, the members would see elsewhere in their papers the technical document for approval in relation to the steroid module. This was a significant advance in relation to intelligent testing, as well as in terms of the creation of a profile for athletes through urine samples. It was something he was sure would be discussed later in the agenda.

He advised the members of the projects currently in place in relation to the development of ADAMS: the steroid module, the whereabouts mobile app, which would be made available also to DCOs to help them conduct their work in out-of-competition testing. WADA had worked hard to ensure that, with the IOC, the ADAMS requirements for the Winter Olympic Games in Sochi would be in place, and the Code changes would have to be implemented in ADAMS to ensure that it was up and running with those changes as soon as possible.

In his section on management, he had referred to the need to recruit extra people to take account of the impact that the Code changes would have on WADA's work. The members would see in the budget the budget for five new people within the management team. Most of those people would be highly technical anti-doping specialists, because the work required of WADA in that area was of the utmost importance as far as the technical document on test distribution planning and so forth was concerned. The workload would increase as a result of the changes to the Code, and he looked to approaching that with responsibility and appropriate hiring.

For the Winter Olympic Games and Paralympic Games in Sochi, the teams had been named and were listed in his report. Mr Parkinson from the UK would chair the Independent Observer team for the Olympic Games, and Ms Grimm the Paralympic team. WADA had reduced the numbers of the team members in comparison to those sent to Vancouver.

INADO had 36 members, and WADA had been asked to try to encourage NADOs to join the organisation. The organisation existed primarily as a result of an annual grant provided by WADA, so WADA wanted to encourage it to increase so as not to be reliant on that money in the future.

He had mentioned food contamination in his report. Since writing it, a delegation had come to meet WADA from Mexico. There had been a number of recent clenbuterol cases in Mexico which he suspected were the result of contaminated meat. The outcome of the meeting with the officials from Mexico was that WADA would be travelling to Mexico the following week to meet with health department officials and others so that an appropriate research programme could be put into place. The idea for the research was that WADA hoped to be in a position to be able to tell, on a clenbuterol positive, whether or not it came from food contamination and the ability to do this would depend on what was made available to WADA by way of samples in Mexico. Dr Rabin would be leading the team.

He emphasised the promotional issue that WADA had worked on with the anti-doping agency in Spain. There, the marketing tool of seeking support from sponsors had worked very well to gain extra money for the NADO. WADA was looking to pilot this further with Spain to expand it for the benefit of other NADOs and then clean athletes, and he would report further in November.

The paperless project was proceeding. WADA had worked closely with USADA, and he hoped that it would be implemented appropriately, perhaps by the end of the year but certainly at the beginning of 2014.

Statistics formed the subject of another paper, and he would wait until that paper came up to report further.

The Better Practice project had been advanced in Cali with the World Games, and he hoped that WADA was proceeding towards a model that all major games organisers could use to develop their programmes for major events. WADA would develop that further with the benefit of the Commonwealth Games in Glasgow in 2014, so as to be in a position to publish that model by the end of the following year.

Other matters not included in his report included a brief summary of what was going on in the major leagues in the USA. Hgh still formed the focus of advances in testing programmes. The NFL was undertaking some form of research, having promised to introduce Hgh testing the previous year. The Major League Baseball people were testing for Hgh. The NHL was considering it. WADA knew from recent contact with the National Basketball Association that it was looking to change its collective agreement regarding its anti-doping programme. The major issue that had occurred among the major leagues over the past few months was the information that had come from the Biogenesis clinic, a wellness clinic in Florida. A total of 13 baseball players had been charged as a result of the information; 12 had accepted sanctions, and one was fighting the charge. What was more important was that information relating to athletes from other sports had been received and passed on to WADA, which had passed it on to the relevant IFs for consideration and use if appropriate. The members would see in relation to the major leagues the number of tests conducted in 2012. Almost 25% of the tests analysed at the WADA-accredited laboratories had come from the major leagues. He would refer to that later when the subject of statistics came up.

WADA had had the benefit of being in Buenos Aires to be able to meet with the Argentinean Government and president of the NOC. The law in Argentina would be finalised that day or the following day by the senate, meaning that the legal system in the country would be fully compliant. More importantly, the Argentineans were engaging WADA in the development of the programme that they wished to use at the Youth Olympic Games in Buenos Aires in 2018, and WADA would work closely with the organising committee in the realm of anti-doping, primarily in the education of athletes, as well as the testing programme.

He had met the president of the IWF, who had said that there would be an event held by the federation in North Korea, the first time that an event had been convened by the IWF in North Korea with the participation of athletes from South Korea, and also with the participation of a doping control programme. That was a significant advance that followed WADA's visit to North Korea late the previous year.

MINISTER FUKUI said that he appreciated the kind support given by the members to Tokyo winning the bid and above all expressed his respect for Turkey and Spain in their excellent efforts in the bidding process. In his presentation, the Japanese prime minister had announced that there would be a Sports for Tomorrow initiative with a ten-year objective which went way beyond the Olympic Games, so Japan would become a nation of sports as declared by the prime minister. Above all, anti-doping was one of the top priorities of the Japanese Government and within the programme, in order to promote the anti-doping systems, the Japanese Government and JADA had made a joint declaration together with the Japanese pharmaceutical association. Japan therefore took the responsibility to hold a successful edition of the Olympic Games very seriously and he very much appreciated the support and advice given by the members.

MR BOZA thanked Mr Howman for his report. Two weeks previously, WADA had decided to cancel Brazil's laboratory accreditation. He came from the region in question and Brazil would be hosting two of the most important sport events in the world in 2014 and 2016. Maybe there could be a fast-track procedure or something to give the region the opportunity to ensure that all the rules could be fulfilled to guarantee success for the area. He was the first to say that the rules should be clear to all and fulfilled, but the two events were very important for the region and America, so perhaps some kind of fast-track procedure or something could be organised to help the Brazilian Government fulfil all the requirements, WADA's standards and the new Code and have a laboratory for the 2014 and 2016 events.

MR RICCI BITTI thanked Mr Howman for the very extensive report and announcing the steroid module, which would be an improvement of the system. He thanked Mr Howman also for the document that he had privately been given, so he would not need to raise the questions he had raised at the previous five meetings. It was a huge document, so it would have to be analysed. To remind his colleagues, he had made a request for more detailed information, and it had undoubtedly taken a lot of time. He had asked for information on the situation regarding the UNESCO convention and ratification, and also the law and situation of legislation in the countries, the institution of the NADOs and the funding authority of the NADOs. He thanked Mr Howman very much.

This also gave him an opportunity to say a few words about sport's position on the internal document. To be constructive, and to be brief, because this kind of internal document could create some misunderstanding, he wished to reiterate the position of the IFs on the sport side. First of all, he recognised that WADA had made unbelievable progress in ten years which was very useful to the fight against doping in sport and integrity in sport. The Code was a very good example on the regulatory side and there were many other examples, such as the important statistics. This was the second or third time he reiterated this: the sport side believed that it could not fight doping alone and badly needed the partners on the government side. In spite of different attitudes among the different countries, he was happy that the table was much bigger than it had been some time previously, meaning that there were more NADOs, more sensitivity about the matter and there could be better cooperation.

What was still on the table of the sport authorities, having asked for compliance for the Olympic Games in Athens in 2004, was the effectiveness of the system. He reiterated the concept of service and what he meant by service. When WADA had been created, the concept had been that the IFs or sport authorities would take care of the top of the pyramid, the RTPs, top athletes and top international competitions, and the NADOs would complete the work country by country for the base of the pyramid. In that context, what he wanted to encourage in a constructive manner was the concept of service in the terms mentioned in the Director General's report. WADA needed to be more active in providing assistance to better NADO activities and when NADOs did not exist, and coordination when the NADOs were very good and existed, and there were examples of good NADOs in several important countries, WADA needed to coordinate the effort with the IFs. The system was currently not effective enough. Coordination meant the following in relation to testing: a sole authority in competition to protect the athletes, coordination in the testing plan and full exchange of information between the IFs and NADOs in the countries. This was what he meant by service. Service meant to assist the stakeholders to be more effective in cooperating, and this was going to be a challenge for the new WADA president and Executive Committee in his opinion. He did not think that this was revolutionary. A lot of money had been invested and a great deal of

attention had to be paid to the matter. This was not criticism; it was constructive considerations based on his experience in the field.

He was very happy that a list of countries in which WADA was active had been mentioned. This was the first time. Jamaica, Brazil, Russia, Egypt, India and Nigeria had been mentioned, and it meant that the Director General had been sensitive to what he had been saying. He had been in Brazil, where there had been a coordination commission, and he had serious concerns. He had received a presentation that had not been satisfactory at all. He had received a nice brochure, but a brochure was not enough. He recommended that WADA help the sports to be effective at least in that country, in which the most important event in the world would be organised. He was talking about Sochi, in Russia, and Rio de Janeiro, in Brazil. The IFs needed to convince the authorities that they did not have to do what they had been asked for the Olympic Games, or the FIFA World Cup, but that this was important for the countries themselves and the fight against doping in sport, and WADA had to help.

PROFESSOR LJUNGOVIST thanked the Director General for his extensive and detailed report. Regarding the UNESCO convention, good progress had been made and continued with respect to the countries signing up. His question related more to the implementation of the convention. He came back to this over and over again. He asked how WADA could assist countries implementing the intention in the UNESCO convention in terms of appropriate legislation. A report had been written, initiated by UNESCO and written by Professor Houlihan from Loughborough University, and it showed clearly that much needed to be done in terms of introducing appropriate legislation in the countries around the world. In what way could WADA assist?

His second question related to what Mr Ricci Bitti had said. It was of great concern to the Olympic Movement to find in the report problems related to NADOs in larger countries, and that both upcoming hosts of the Olympic Games were listed as being problematic: Russia and Brazil. What could a timetable look like in terms of remedying the situation in those two countries, particularly with respect to the laboratories? He knew that there were discussions and questions related to the Russian laboratory, as there was a laboratory in Moscow that had experienced problems, and there was a possible satellite laboratory to be established in Sochi, and that posed further problems, having a satellite to a laboratory that already had problems that needed dealing with. In Brazil, what did a fast track really mean in terms of a timetable? FIFA could not make use of the fast track at its upcoming World Cup. It was a very short time for the IOC to make use of a laboratory that had not been operating at all or very much before the Olympic Games in Rio de Janeiro in two years' time. What would a fast track actually mean in terms of a timetable? There was also the question of the necessary experience to be obtained by the laboratory before making use of it at the Olympic Games. The FIFA situation was difficult enough for FIFA, but the number of samples taken during the World Cup was not that high, whilst at the Olympic Games there would be 5,000 or more samples taken over a period of two weeks. How the Brazil laboratory would cope with that without having gained proper experience over a lengthy period of time was a major concern.

THE DIRECTOR GENERAL responded to the comments and questions. He thanked the minister from Japan and looked forward to working with Japan further. WADA had had very good experience in the past of doing that, so it was more a continuation of work together than the commencement of it and he looked forward to going to Tokyo in the coming months.

He thanked the minister from Peru for his comment. The members would see in the documents the strategy for laboratories in the future and the region in question was one in which WADA felt there should be more laboratories, and so it was an issue about which WADA was very aware and he looked forward to working with the minister and his colleagues in that regard.

He thanked Mr Ricci Bitti for his comments. He would be happy to talk further about the paper, as it was quite complex but it did cover the issues in a way in which he thought provided the information that Mr Ricci Bitti had been seeking. WADA tried to undertake its activities with the suggestions raised in mind. WADA had certainly put a lot of time into the development of NADOs. WADA had tried in the past to create more opportunities for the IFs to have partnerships with the NADOs, and the symposium in March the following year would provide another opportunity to do so. It would be one of the foundations of that symposium to ensure that the coordination did take place. It was a very necessary process and the pyramid constructed had to be worked with to ensure that the athletes, particularly those commencing their careers, were tested appropriately.

He thought he would have to divide Brazil into two parts. The first issue of course was the NADO, and WADA would continue to try to help, provided Brazil showed some reciprocation to that guidance and help. WADA went there, got told all the right things, and then left and nothing happened. He did not want to be too blunt, but that became a waste of time, so WADA had to see

some signs from the other side before continuing those efforts, and he hoped that that would occur as a result of the letter received from the minister.

He told Professor Ljungqvist that the UNESCO convention and implementation of it would be discussed at the conference of parties in Paris the following week. WADA would address the very issue that Professor Ljungqvist had raised. What was UNESCO doing about monitoring the legislation that it had committed to undertake for trafficking and distribution, and the issue in relation to supplements, another issue that needed to be dealt with directly by signatories to the convention? He expected some discussion about it at the conference and he would report back in November if not earlier. The Houlihan report had been partly commissioned by WADA, so WADA was partaking as much as it could to encourage UNESCO. WADA was not UNESCO and did not have any power to partake in its discussions except as an observer. WADA did express views very forcefully as an observer.

He had been asked to respond in relation to the technical issues regarding the laboratories. He would attempt to do so, but he might need some help from Dr Rabin. With Russia and the laboratory there, that was an ongoing issue to be addressed with the transfer of accreditation to the facility in Sochi, and that was under constant review and would be reviewed in the normal fashion.

With Rio de Janeiro, the laboratory director had visited Montreal the previous Friday and WADA had indicated the steps that needed to be taken to address the issues. The laboratory there was very dilapidated and not really suitable for what WADA required. There was a new building, and he had been told that that should be available for occupation by the laboratory the following April, although he was not sure whether that was optimistic. Once the laboratory was in place with the new equipment, he thought that the matter could be fast-tracked then rather than before that time, and he was looking probably at the beginning of 2015 when they ought to have completed the fast-track process. The idea for FIFA had already been discussed with FIFA. FIFA had acknowledged that it would probably be impossible to have that in place for its event. FIFA had looked at the possibility of a satellite laboratory in Brazil, and had decided for technical reasons that that would not be possible, so FIFA was currently comfortable with the transport of the urine samples out of Brazil to a laboratory, probably in Europe, specifically to advance the steroid module, and that would be of help to everybody. He hoped that the Rio de Janeiro laboratory would seek WADA approval to analyse the blood collected during the event, but the number of samples for the FIFA World Cup was in the hundreds whilst, for the Olympic Games, it was in the thousands. WADA would work hard to ensure that the laboratory was in place for the Olympic Games in 2016 provided it had the commitment.

MR REEDIE observed that there were different competences: there was a responsibility in the hands of the IOC during the Olympic Games, there were responsibilities to the organising committee and to the host government because, in the main, the payments and costs of the very substantial testing done during the Olympic Games were down to the organising committee and not the IOC and, in a confused situation, he really believed that WADA might have to be a little bit blunt again and have a clear position paper saying what it needed done for an effective NADO and to deliver a fast-tracked and accredited laboratory with a timeline. A paper should come out of the Executive Committee meeting with the situation and the timeline necessary to get to a situation that would work because, ultimately, it would be the responsibility of the Brazilian Government to deliver both, and he thought it would help the minister in Brazil if he knew exactly what that timeline was and what the requirements were. Anything that saved doubt in that situation seemed to him to be of help.

THE CHAIRMAN emphasised one or two matters. He thanked Ms Fourneyron who, at the conference of parties the following week, would deliver a speech on his behalf as he would be unable to attend the event in Paris. He repeated that WADA needed support from the government members for secondment to the WCO in Brussels of an officer who could perform similar work to that currently being done at Interpol by the seconded police officer from France. WADA would be very grateful for any support.

He acknowledged that there had been very good support from the European governments of the legislation on privacy and data protection going through the European Parliament. At that stage, there seemed to be a recognition of the difficulties in that legislation, and WADA needed to maintain the pressure and continue to monitor and make the submissions on that. As he had been strong in some comments in the past, he certainly wanted to acknowledge that the support of the European governments had been very good.

Mr Howman had given a synopsis of the Athlete Committee report. It was in item 7 in the agenda; he was not proposing that it be read out but, to the extent that the synopsis had been

given, and Ms Scott was present but had to leave early, he asked if there were any matters in that report about which the members wished to ask Ms Scott. Were there any questions or comments on the Athlete Committee report? If not, he would deal with it very quickly under item 7.

MS SCOTT said that a successful and very productive meeting had taken place in Singapore, and a meeting following that had taken place with the IOC athletes' commission, with which the Athlete Committee had a good relationship. One of the biggest components of the Athlete Committee meeting had been dedicated to the development of an athlete-friendly version of the Code, and that had ended up being much more complex than originally expected, so this would continue to be a big project for the Athlete Committee and one to which it would be committed. It was of great importance to have a version that athletes would be able to understand. When athletes understood, there was more buy-in, and the anti-doping movement really needed buy-in from all stakeholders, especially the athletes; also, when the athletes could understand and feel that they were a part of it, there was much greater uptake. She would be happy to take any questions then or later on during the coffee break.

THE CHAIRMAN said that, regarding Brazil, he heard what Mr Reddie had said but, having read a very extensive report on visit after visit by WADA, the progress had simply not occurred and promises never honoured, and there was no doubt about what had to be done. He indicated that the intention following the legislation, which had passed through all stages of its parliament, had been to employ some 30-odd people; but, at the last count, three had been appointed, and the promises had never allowed the personnel to actually do the necessary work. In his view, it had to be elevated to the political level. The IOC had a lot more persuasive power than WADA, but WADA would continue to give every form of support and work with the IOC as he had in the past, although he did think it would probably have to be raised to the political level for there to be recognition and realisation that time was fast running out for the delivery of that particular aspect of that big event in 2016. He did not mind work being done to make sure that there was absolutely no doubt and spelling it out in writing. He would not simply throw the ball back to the IOC, but said that the IOC had more influence on the political level, and it seemed to him that the will was lacking on the political level. People had the best of intentions but could not operate without the budgetary support, which had not been forthcoming, and the political will.

## DECISION

Director General's report noted.

- 3.1 IOC correspondence – the future of the fight against doping

THE CHAIRMAN referred to the IOC correspondence on the future of the fight against doping in sport. The members had before them a paper that had come from the work of an IOC sub-committee, pointing out areas in which it was believed that progress could be made to ensure a better fight against doping in sport. He thought it was appropriate to understand that nobody would argue that everybody should not be subjected to scrutiny and he would welcome any scrutiny on the basis that it was constructive for any organisation, including WADA. He knew that some strong views had been expressed on that paper by a number of the public authorities, but he would welcome discussion. Were there any questions or comments in respect of the papers before the members?

MS FOURNEYRON thanked the Chairman. She was delighted to meet the Executive Committee members again. She congratulated Japan and Tokyo on their victorious bid and thanked Mr Howman for his excellent report.

She came back to the letter sent by the IOC. She thanked WADA for circulating the letter, because it opened up a debate and raised questions regarding the positioning of the agency and the role of WADA. When she had read the letter, she had found herself thinking that there were many points on which she agreed, but also points on which she disagreed entirely. Europe agreed with the IOC's vision on the need to emphasise research when it was directly linked to stepping up the efficiency and effectiveness of the anti-doping programme, and to promote the collection of information, work with the NADOs and the sharing of information, and obviously that had to be a two-way process. She also agreed that there had to be an effective and targeted education and prevention strategy. Preference should be given to quality rather than quantity in terms of testing, and that was what the NADOs were increasingly doing. Those were the points on which she agreed, but she also wanted to highlight some points in the letter with which she did not agree, which should be debated, with a view to a constructive approach. Cooperation among WADA, its stakeholders and other parties was indispensable, and this had been recalled on several occasions. The agency could give advice on how information could be shared and on Code compliance, etc. Nevertheless, WADA could not do all the work for the stakeholders. The main role of the agency



was supervisory. The agency could not be held responsible by certain stakeholders who might not be Code-compliant. The agency could not be in a position to shoulder the responsibility of the stakeholders regarding laboratories, NADOs, IFs, etc. It was important that this regulatory and supervisory position be maintained. Another point in the letter invited WADA to look at improving participation and cooperation by governments. Some of the European members had been somewhat surprised by the finger pointing. Proposals for improvement should concern everybody. Financing the fight against doping in sport was a very important matter, and not only did the governments fund 50% of WADA's operational budget; they also funded the NADOs, the customs and police activities, research and, more often than not, their own national sports movements and federations. The athletes of some federations had asked for more to be done in anti-doping, but the responsibility should not be given only to the governments. There had to be commitment on the part of the governments, and it was more than just joint and equal financing, which was no longer really equal within WADA.

There was one point that should be dealt with more seriously, and it was in the final sentence on the final page, which said that the money spent on the fight against doping in sport was money that could not be spent on the development of sport. She thought that the reverse was the case; it was not the fight against doping in sport that would handicap the development of sport. That point had to be considered. The letter had been debated already, and there had been an exchange of correspondence on it. There was now a new IOC president, so it was a good time to think about the direction to take in the fight against doping in sport, and how the sport movement and governments should cooperate to ensure that they continued as genuine partners. WADA might also perhaps look at its own constitution and make proposals; in any case, Europe would be fully involved in those essential debates on the status of the agency.

MR RICCI BITTI said that he had made his point previously, so he did not wish to repeat himself, but he wished to make some points to clarify what he had said. He had not really been considering the text mentioned by Ms Fourneyron. He agreed on almost everything. He believed that the regulatory role was the main role of WADA but he wished to refer to the service role. He reminded those who had not been there at the beginning that WADA had been a testing authority, so many federations had accepted, rather grudgingly, that WADA had basically terminated that role, for a number of reasons. His interpretation of service was to assist the NADOs that were not in Europe. Ms Fourneyron represented Europe and Europe was perhaps ahead, but there were not enough NADOs to implement cooperation that was effective. That had been his complaint. And when the NADOs were effective, it was necessary to coordinate in a complementary way with a transparent exchange of information, and he wanted WADA, which was the best monitoring authority, to assist and service, he meant help, the existing NADOs to do a more coordinated job, and those that did not yet exist to start work. It was as simple as that. He believed that energy and resources would be wasted on both sides if not, and he was not referring only to testing. Regarding the finance issue, he appreciated the efforts of the governments, but he had been considering only pure testing investment, and NADO investment, not customs and other duties. Anyhow, he appreciated the support of the governments, which was very welcome, but would also like to make WADA operate better by improving the budget. Having said that, he thought that there was some misunderstanding about the last sentence. One of the primary missions of the international organisations and national organisations was to develop sport or society through sport, so the money to be spent on doping was very important as it preserved the integrity of sport. There were not many resources available and, if more were spent on doping, there would be no money left in the pot to develop sport, so there had to be a balance. This was a growing concern. The sense of the sentence was that there were not unlimited resources to devote to anti-doping, so WADA had to be more effective. Sport had many other duties to perform, so that was the sense of the sentence.

MR FUKUI said that Japan was currently realising that it was at the point at which it had to think about really reinforcing anti-doping activities and the government needed to make huge efforts to that end. The essence of such reinforcement had to lie in education, education and education. He drew an analogy to the scientific papers, with the example of how one overcame temptation. This was done only through childhood experiences, the kind of education that people from the early stages of their lives experienced, and only with that could it be achieved.

MR GOTTLIEB said that, from the viewpoint of the USA, the independence of WADA was key. There were times when service activities and service-related functions were entirely appropriate. Mostly, however, WADA's role was as an oversight and monitoring body. That endeavour, what brought the members there that day, was an equal partnership between the government authorities and the sport movement, and another leg of that stool was WADA, an independent

WADA that was not subordinate to either of those partners or sides, and he was particularly optimistic, especially based on the comments that morning, that that could be achieved.

PROFESSOR LJUNGOVIST said that he had some further comments to make on the paper. He did not know whether it had been sent for information only or for discussion, but it was being discussed and that was very healthy. Mr Ricci Bitti had referred to the early stages of WADA. The previous day, in the lobby, he had been asked by journalists about milestones in the fight against doping in sport, and he had mentioned two. One was when the sport movement had woken up, and that had been related to the famous case of Ben Johnson in 1988; there was no doubt that that had been a wake-up call for sport leadership. The second milestone had been the creation of WADA. Its existence had been an enormous success, and it was of colossal importance in the fight against doping in sport and cleaning up sport, so he would like to see discussion based on that fact, and that was how the sport movement saw it. Enormous progress could be made when there was full agreement. He agreed with Ms Fourneyron that the final sentence could be read in different ways. Of course, a good fight against doping in sport meant the development of the sport, but it had to be seen in the way in which the creation of WADA had been looked upon, and he remembered well that he had seen before him an agency that had completely taken over the fight against doping in sport and made an organisation that had lifted the burden from sport, which had been an increasingly complicated and costly exercise. WADA had never got the funding and he deplored that, but that was a fact. The sports movement and federations had experienced increasing costs to conduct the fight efficiently. Some 250,000 tests were being conducted per year in the laboratories, each costing close to 1,000 dollars on average. WADA did not have that funding; it should have been totally different. The consequence was that the sport movement still had to conduct and pay for all the costs related to testing, and the negative side of that had been experienced by WADA: that many anti-doping organisations did not conduct proper testing as they could not afford it. The members had often discussed the matter of why there was so little testing for EPO and Hgh, etc. One answer was that they could not afford it because they had to develop their sport in other ways as well. He asked the members to look at the message sent in that context. He was extremely happy with the cooperation, but had experienced some disappointments that had resulted in less efficient anti-doping activity than had been hoped for. That went back again to the increase in costs and competition for money within federations. He saw it in his own federation and country. There were arguments in his own country about why so much money was spent on testing. That had to be done, and it was very much supported by his government. He had wished to give that historical background as to why feelings were expressed as they were, but the basic message to the governments was that the sport side was extremely happy with the governments' contribution and cooperation but had the feeling that it could be done better. The sport side could undoubtedly improve too.

MS SCOTT added to what had been said, and wished to place the matter in a broader context, keeping the athletes in mind. She emphasised the critical importance of agreement and conciliation within the movement, as the athletes really needed a unified commitment to anti-doping. She fully recognised that debate was healthy and productive most of the time, but she feared that, while the anti-doping movement was debating, the doping movement was unified and working together and making great gains. Clean athletes relied on the anti-doping movement to protect them and their rights and the integrity of sport, and the movement needed get together and work as hard as possible with a singular focus and one goal in mind. She did appreciate the work that had been done thus far and the cooperation was incredible, but one could not forget the end goal. WADA had to keep that in mind and continue to work together. It was urgent and it was important.

THE CHAIRMAN brought the debate to a landing. He had spent some time the previous day reading the constitution and he suspected that most members of organisations did not often bother to read their constitutions. It had been interesting. There was a very clear message in article 10.1 whereby the Foundation Board was obliged in particular to ensure the independence of the foundation and transparency in all of its activities; nobody had said anything contrary to that that day, but he did think that the word 'independent' was important. He had looked at other areas and objects, and the word 'service' did not come into the constitution anywhere. There were words that might denote that, or be considered to reflect service, such as 'promote and coordinate in conjunction with public and private sporting bodies'. He thought that it might well be an appropriate time to ask the management in light of the discussion regarding the paper tabled at the request of the IOC, so that was why it was actually on the agenda, to have a look at the mission statement, to see if there was a clear message in that that incorporated the views expressed, and clearly that unity was important at the same time as independence was important and, ultimately, one could lead a horse to water, but one could not make it drink. That was an expression used all around the world; it was used often in his country, and WADA had gone through the process of trying to get compliance, and it had been a vexed issue throughout WADA's

existence, and WADA had postponed it a number of times, but the regulatory body that WADA was had had to reach a conclusion on the question of compliance, and WADA had found ways of pushing, pulling, cajoling and getting 650 signatories to the Code around the world to the point of compliance, and WADA should always look for ways and means of doing it. However, there was a time when one said that one could not take it any further, and that horse would not drink. Therefore, WADA had to have that independence to make that statement in respect of compliance. Nobody would argue that it was about quality, that a lot of the revised Code would bring WADA to practising on quality rather than quantity going forward. Additional expenses would be incurred, and those expenses were about ensuring that there were risk assessments done in the future, understanding that one size did not fit all, and working out what testing should be done in laboratories for specific sports. A lot of tests were not currently being done by sports that should be doing them. The debate had probably been generated by the fact that comments had been made that all of them could do better, and that was a simple fact: they could all do better. He believed that the will was there and they could all achieve it, with the aid of the reviewed Code and the goodwill that had been generated since WADA had commenced. Perhaps the members might look at the mission statement in the light of the comments made that day, and the paper circulated, and see that the mission statement and the constitution emphasised those sentiments to make sure that the guiding principles were clearly stated, and therefore the meaning of what WADA was trying to achieve was not lost because there was not a clear statement guiding WADA. Would the members be happy to proceed on that basis, and perhaps a report could be brought back? It might well be that nothing needed changing but it was worthwhile, a dozen or so years after the constitution had been written, to ask whether WADA had a clear statement of what it was trying to achieve. He had not found the word 'service' there, and he was the first to admit that WADA might be a regulator, but that should not prevent WADA from providing every bit of assistance that it could to all of its constituent members, and that might have to be emphasised. He concluded the item by indicating that the management would be requested to examine the current documentation that underpinned the organisation, the constitution and the mission statement, and report back on changes if any at the Executive Committee meeting in November.

MR RICCI BITTI thanked the Chairman and supported his proposal, and was keen to see what the management could produce on the matter. The feeling in sport was that enough money was spent, but it needed to be more effective, and WADA with its independence was in the best position to be a clearing house and also a body to assist, advise and monitor the cooperation between the two sides.

#### DECISION

Proposal to examine the WADA constitution and mission statement and report back on any changes in November approved.

- 3.2 Working Group on lack of effectiveness of testing programmes – stakeholder feedback and changes

THE CHAIRMAN explained that the item was on the Working Group on the lack of effectiveness of testing programmes and the stakeholders' feedback. At the previous meeting, that feedback had been tabled and the Executive Committee had decided to circulate that among the various stakeholders, seek comments and report back on those comments, so he asked the Director General to report further.

THE DIRECTOR GENERAL said that the papers set out the report from the working group with the comments received from stakeholders recommendation by recommendation. The executive team had looked at the comments and grouped them into six categories, and referred them and the recommendations to the Code Drafting Team, and many of the items, if not all, were addressed by the Code Drafting Team in the revised Code and standards. Within the executive summary prepared for that meeting, the members would see under paragraph a) on the second page a list of the major items regarding the first category, intelligent and effective anti-doping programmes, so they had effectively been dealt with by the Code Drafting Team. The second group of recommendations that the management had felt ought to be categorised in the way in which they had been linked together was compliance. The members had had a report in May on compliance and approved the strategy and would be getting a more detailed report on that in November, and again those aspects of the working group report had been taken into account and would be part of the report in November on compliance. That left four other categories: laboratories, result management, research and education, and governments. The issues in relation to governments were those that needed to be covered by the UNESCO convention, and WADA had referred those to UNESCO and they would be a matter for discussion at the conference of parties the following week.

Three other categories required discussion in his view, the first of which was laboratories. One of the major recommendations from the working group was that there be no oral communication between ADOs and laboratories before the sample analysis was completely concluded and documented. WADA had become aware of many verbal discussions prior to the first sample being complete and recorded in ADAMS. That could lead to suggestions of false negatives as a result of the communication or a failure to report positives. It could also infer that there might be unsavoury communications taking place between an ADO and a laboratory, for instance involving money to make a test go away. WADA was aware of both situations and the reason for the recommendation was to preclude them. When the recommendations had gone out for discussion, the laboratories had disagreed quite strongly, saying that they needed regular communication with the ADOs, one to discover whether there was a TUE in existence, and another to talk about one or two of the substances within the ISL, such as corticosteroids. That was an issue that needed some discussion around the table.

Item d) was related to result management and many stakeholders were voicing their increasing concern at the cost of result management, not necessarily the cost of CAS or tribunals, but the cost of lawyers, and WADA was finding that legal fees for cases were going up and up because in his view the lawyers were spending far too many hours on the cases and WADA needed to look at ways and means of ensuring that the result management process was more streamlined. It was not an issue that could be dealt with by the Code; it needed to be addressed by discussion with those heading the tribunals, as they were responsible for the legal behaviour before them and they could confine it if they so desired; but again it was a matter on which he would be interested in hearing comments.

Item e) was research and education, and a motion had been approved that morning, directing that research projects for social science be targeted at projects that WADA needed to advance the fight against doping in sport, and it had been suggested and agreed by everybody and might be part of the Health, Medical and Research Committee report later that day, that that also be part of a policy decision for science research projects. Those were the topics isolated by the management that did require specific discussion, but he would be happy to answer questions in relation to the other parts of the report.

THE CHAIRMAN said that the Director General had concentrated on three sections, c) d) and e), but he invited comments or questions on any part of the report.

PROFESSOR LJUNGQVIST said that there was one item that required further explanation. Based on experience and many years in laboratory work and analysis of samples, he thought it should not be totally prohibited to make telephone contact between laboratories or ADOs. There could be matters that needed to be discussed on a confidential basis. It was an unfortunate restriction that could hamper the efficiency of the work.

THE CHAIRMAN asked how Professor Ljungqvist would explain the belief that, on many occasions, through those telephone calls, certain things did not happen. Wrong information was being given and consequently false negatives occurred in the end. Did Professor Ljungqvist see any difficulty in such communication being copied to WADA by way of some discipline to avoid problems that there was a belief were occurring?

PROFESSOR LJUNGQVIST said that there could of course be a requirement to report such contact.

MR REEDIE said that he had a comment on item d). He had one general comment and one detailed comment. This was a formidable piece of work, to look at a big report and analyse it in the way that had been done; it helped WADA move forward in a very good way. As far as dispute resolution and result management were concerned, he had taken the matter up with the CAS people, who had come back with what they had done over the past two years, which was that they had tried to institute cases with single arbitrators and hold the proceedings by videoconference to reduce their costs. There was no comment at all that lawyers were charging too much money. There was one specific observation, that two major IFs, the IAAF and UCI, always passed cases down from the IF to the NFs, and that just made it more complicated, as NFs were more likely to get it wrong and therefore there were appeals and it increased costs. It could well be that WADA might want to discuss that with the CAS people and maybe the IFs themselves. The IOC had raised it with the IAAF at the world championships in Moscow, so the IAAF was aware of it, but WADA would be asking it to make a major change to its rules. The CAS thought that it would reduce the number of cases and, if one reduced the number of cases, presumably one could reduce the costs. That having been said, he did not think that there were any particular thoughts by the CAS to do anything else that would reduce the CAS costs going forward, so the two practical ideas would be

to speak to the UCI, the IAAF and the CAS, and secondly to find some way of persuading lawyers to charge less.

THE CHAIRMAN wished Mr Reddie good luck with the last point. He gave Mr Reddie some feedback on the issue of legal costs. WADA had put to the CAS that it might consider an award on costs at the conclusion of each case, and he gave an indication that, in the Contador case, memory told him and he knew that his colleagues would be able to give him the details, around 300,000 dollars had been spent on legal costs, and his memory also told him that not a lot less had been spent by the UCI, which had been in WADA's camp on that particular case. He thought that, in the submissions made, Contador's legal costs had been in excess of 1 million dollars, so that was one case, but involving a very wealthy and successful sportsman, and he was assuming that he had been able to pay and he had had more than one legal firm. WADA had had to seek an adjournment at one stage because, one week before the start of the hearing, WADA had been served some 2,500 pages of pleadings. This was the example to which Mr Howman had referred, about how the lawyers were escalating the costs. His question to the CAS had been, why not some damages, in the context of giving an award at least for appropriate legal costs. The legal costs received in that award had been some tens of thousands (around 40,000) and WADA had spent 300,000 dollars, so WADA had been successful but it had cost WADA 260,000 dollars net. Was it any wonder that the legal costs could blow out from time to time in the WADA budget? When WADA had put that to the CAS, the response had been that it was necessary to be careful because how could the CAS decide which litigant was wealthy as against somebody who had no money but surely had a right of access to justice and, if it started picking winners by giving awards because it thought that somebody could afford to pay the costs of the successful party, it might get it wrong and might turn away people who should otherwise have access to the CAS. WADA had not got too far on that particular point. WADA had also put similar points to the CAS about single arbitrators and not always going to fresh hearings on appeal, using transcripts and evidence to cut back. Why would one pull in the same witnesses from all around the world when they had already given evidence? Surely their evidence had been tested under cross-examination, and could be submitted in written form. WADA had continued to try and keep the cost down but had not had a lot of success with the CAS. It was a bit of a report back on the suggestions made in the Pound report, and WADA had made some effort to deal with them, but he would appreciate it if anybody else could give suggestions about how WADA might keep such costs down.

MS FOURNEYRON thanked WADA for the extensive documentation and the work done on the effectiveness or ineffectiveness of the fight against doping in sport. It was important, as Mr Howman had said, that, at the UNESCO conference of parties, the entire report be discussed and WADA provide a general response on all of the points. It was true that, on the matter of the communication between the ADO and the laboratory, when there was necessary communication, that should be documented or made known to the agency. That was something that could be supported. As to the CAS, perhaps there could be a particular chamber dealing with doping matters and some form of specialisation would make it possible to reduce costs.

THE CHAIRMAN thanked the members for their worthwhile suggestions. It was important to report back to the Executive Committee that all of the recommendations had been effectively dealt with, and the Executive Committee should ask the management to report back in November. There was a comment on all of the submissions from the stakeholders, in some cases a WADA view and in many cases a note that this required further discussion, which was what the item that day had been about. It was important to have a plan that said that one could draw a line under that, because it had been reported back on, and some of the reports back might indicate that there was nothing further that needed to be done, and many would say that it had already been picked up and would be part of the new Code, but he thought that a one-line comment on each was needed, so as to be able to say that each point had been dealt with. It was clear that some points had been concluded already, and some were still open, so he suggested closing those that were open with a report back where necessary on each item in November.

#### DECISION

Working Group on lack of effectiveness of testing programmes – stakeholder feedback and changes update noted.

#### – 3.3 2012 statistics

THE DIRECTOR GENERAL said that the annual statistics report was 157 pages long and it was the first time it had been reported to that extent with the detail within it. It was a result of ADAMS and the availability of the information in ADAMS and the fact that all of the accredited laboratories used ADAMS. There were six sections in the report: the first was the 2012 figures by laboratory,

the second was the figures by substance, then there were figures by sport, and then by testing authorities. Finally, there was a section on blood results and blood testing, so that had been taken out in relation to the passport. The members did not have a copy of the report in their papers, as it was too long and too big, but it was posted on the website and, if any members wished to have a copy, he could give them a copy or direct them to the website.

WADA had some substance in the statistics, which people had been asking for for some time. That provided information that WADA would analyse to look at issues such as trends, but more importantly the quality of testing that had been raised many times that morning. The breakdown showed 274,000 urine tests. 65,000 of those had been conducted by the major leagues in the USA. Deducting that, about 209,000 tests had been conducted by WADA's stakeholders. Of those, 28,000 had been in football, 27,800 had been in athletics (so almost as many tests had been conducted in 2012 by athletics as football), 20,000 had been conducted in cycling and 13,000 in swimming. Those were the key sports with more than 10,000 tests. The breakdown per sport showed who had actually collected the sample, the testing authority responsible. Looking at the breakdown, about 25% of the 209,000 tests had been conducted by sporting federations, balanced by not just NADOs but other testing authorities, and when he said not just NADOs, there were testing authorities on the list that he had not thought even existed, so there were signatories that were football associations within Brazil and so on. There was quite a significant breakdown of testing authorities, and he would look at that to show the members in a better form what could be analysed from the figures. He did not expect anybody to have read them yet, and he did not expect much discussion until that analysis was provided, and he would do that and have a report available in November. In the meantime, if there were any comments or questions in relation to the report, he would be happy to accept them.

THE CHAIRMAN said that the report was clearly for noting and the Director General would give a focused summary in November, which would assist and save the members from going through all 157 pages of figures. It was very interesting, because everybody tended to go to their own sport or country when they saw documents like that to see how they were performing. More importantly, it was worth looking at it on a national basis to see which sports were doing what. The message that the members would see loud and clear was that not as much blood testing had been done as should have been in some sports and, for example, where Hgh was likely to have been a drug of choice, there had been no tests at all. That was the side that, going forward with the assistance of the Code review, WADA would have to focus on, that quality rather than quantity.

#### DECISION

2012 statistics update noted.

- 3.4 Social science research programme – the way forward

THE DIRECTOR GENERAL said that the paper spoke for itself. He sought approval from the Executive Committee that the direction of the research grant programme and education was a targeted approach to funding research. He wanted to specify areas on an annual basis that required research based on the needs of the global anti-doping community, so he was asking for a decision that that be reflected within the policy and referred back to the Education Committee for implementation.

MR GOTTLIEB said that he was present as Mr Jurith's deputy. Mr Jurith was the Chair of the Education Committee and he wished to state his strong support for the proposal. He believed that, given the limited resources available, the approach was sound and would yield the greatest results.

THE CHAIRMAN asked if the Executive Committee approved the proposed new direction of the social science research grant programme whereby it would take a more targeted approach to funding research projects. The Education Committee, with the assistance of the WADA management, would identify on an annual basis specific areas that required further research based on the needs of the global community. The amount of money would remain the same, so the amount of money allocated to the research programme would not change with regard to that already approved.

#### DECISION

Proposal regarding the future of the social science research programme approved.

- 3.5 Standing committee chairs 2014 – Athlete, Education, Health, Medical and Research

THE DIRECTOR GENERAL stated that the paper again spoke for itself. The convention of WADA was that two chairs for the working groups came from governments and two chairs came from the

sport movement. There had been suggestions that Ms Scott be appointed chair of the Athlete Committee for a period of three years commencing 1 January 2014 and that, for the Education Committee, Mr Jurith be reappointed for a three-year term. There were two other positions, one of which was filled by Mr Reedie as Chair of the Finance and Administration Committee, and the Health, Medical and Research Committee was currently chaired by Professor Ljungqvist, and WADA would hear in November from the sport movement as to who might be named as the chair of the Health, Medical and Research Committee. There were two positions he sought confirmation for that day: the Athlete Committee, to be chaired by Ms Scott, and the Education Committee, to be chaired by Mr Jurith.

THE CHAIRMAN asked if the members were happy to support those two nominations.

#### DECISION

Proposed nominations (Ms Scott as Chair of the Athlete Committee and Mr Jurith as Chair of the Education Committee) approved.

- 3.6 WADA President and Vice-President – nomination process

THE CHAIRMAN said that there was a paper in the members' files on the nomination process. Whilst there were some days left before nominations closed, the IOC had advised WADA that its nomination for president was Mr Reedie, and he was sure that there would be no further nominations there, and there had been one nomination for the position of vice-president, and the members would be aware that the positions held by him and Professor Ljungqvist would expire on 31 December and the election of both posts would take place in November in Johannesburg.

#### DECISION

WADA president and vice-president nomination process noted.

- 3.7 World Conference on Doping in Sport - update

THE DIRECTOR GENERAL said that he was sure that the minister from South Africa would wish to say a few words about the progress being made in relation to the convening of the World Conference on Doping in Sport in Johannesburg. The management team put together for the purpose of organising it was working very hard. As usual with the conduct of such major events, there were matters that needed to be dealt with but, with the commitment and help of the minister, WADA was dealing with those. There had been more than 750 registrations to date, and that number did not include observers and the media, so he was expecting a good turnout and more people to register. Registrations were coming in on a daily basis. He wished to ask the minister from South Africa to report a little further.

MR MBALULA informed the members that the logistical and financial difficulties encountered were not insurmountable. There had been effective intervention and there was a contingency plan, so he guaranteed that everything would go according to plan. He looked forward to meeting everybody in Johannesburg. Everybody should be ready to come to Johannesburg and those who had not registered should register. He had interacted with the Supreme Council of Ministers of Sports in the African continent, briefed them on progress and encouraged them to come; they had committed and would register. He was waiting for the members in Johannesburg.

#### DECISION

World Conference on Doping in Sport update noted.

### **4. Finance**

- 4.1 Finance and Administration Committee Chair report

MR REEDIE said that the first item was the minutes of the Finance and Administration Committee meeting held in Lausanne in July. Everybody had been present, minus Mr Chamunda, who had unfortunately been unable to attend. The committee had looked at the 2012 accounts and the internal memorandum received from the auditors who year after year gave WADA a clean bill of health in terms of how finances were being handled. The committee had looked at the contributions that were being paid up to date and had seen that, in the main, these were acceptable; one or two countries always paid late but, in the main, the money was coming in and there was an up-to-date set of contributions.

The committee had looked as always at the budget against actual figures for the six months to 30 June 2013, and Ms Pisani had just sent him the figures for the following month, none of which had given any particular cause for concern, although the committee had mentioned the increased cost of CAS appeals. The committee had suggested or dealt with a revision of the 2013 budget and had then gone on to probably the biggest item, which was the first draft budget for 2014, with which he would deal in some detail. As always, the committee ran a cash forecast for the years ahead, which was in the papers, and looked at investments and, as he always said to people who came to the meetings, WADA did not risk public money, either holding it in cash at derisory rates of interest or holding it in some form of secure guaranteed project, normally in the bond market, to try to achieve a slightly higher rate of return, but no risks were taken. He was prepared to take any questions on the minutes.

#### DECISION

Finance and Administration Committee Chair  
report noted.

#### – 4.2 Government/IOC contributions

MR REEDIE said that the papers were before the members and they could see the amounts invoiced and collected, and the committee had shown those countries that had yet to settle, but WADA was well through the collection period and, unless Ms Pisani told him differently, he did not think that there was any particular cause for panic at present. At the end of it, one would see that WADA was at roughly 96% as of that date with effectively another three-and-a-half months of the year to go, and there was a list at the back page of the separate sheet which showed the total of additional contributions received from the public authorities, with quite a substantial contribution in 2013 from Japan for the Asian RADO and from the Russian Federation.

#### DECISION

Contributions update noted.

#### – 4.3 Quarterly accounts

MR REEDIE said that the half-yearly accounts showed in great detail total monies received and spent and, as always, as the year went by, the 'profit' figure went down as WADA spent routinely and collected less in terms of contribution revenue. The members could see again the actual against budget figures for the period ending 30 June 2013.

#### DECISION

Quarterly accounts noted.

#### – 4.4 Revised budget 2013

MR REEDIE said that the revision to the 2013 budget had been approved by the Foundation Board in November 2012 and he had expected at that time that the deficit would be around one million dollars. The revised budget indicated that the deficit that year would be around 236,000 dollars. That represented additional revenues and proper management of costs and he thought that the Finance and Administration Committee had regarded that as pretty acceptable.

#### DECISION

2013 revised budget update noted.

#### – 4.5 Draft budget 2014

MR REEDIE said that the document on the strategic and operational plans for finance over the years was quite substantial, 25 pages in length, and it itemised the expenses estimated for practically every area of operation, and that, in financial terms, gave the members item 4.5 attachment 2, which was the first draft budget for 2014. The Finance and Administration Committee had been asked principally by the public authorities members on the Finance and Administration Committee to present it on two bases: a zero contribution increase basis (and the request had come principally from public authorities in Europe, the USA and elsewhere), and then the Finance and Administration Committee had also shown a budget with a 2% increase in contributions. The difference between the two that time, and it had come in a suggestion from the public authorities, was whether there might be some way of defraying some of WADA's high costs without necessarily turning round and asking for more money on an annual contribution basis. The committee had looked particularly at the very considerable travel costs that WADA had been meeting for both Foundation Board and Executive Committee meetings, and had asked the public authorities if they would be prepared to meet the costs of their delegates coming to the meetings,



and they had agreed to consider that fairly readily, so he had taken the suggestion to the IOC and the IOC had said that, if the public authorities were prepared to do that, it would too. The end result was that, in very round terms, WADA could achieve an increase in revenue of roughly the equivalent of 2% of contributions by not spending money on travel. At the end of the day, however, even if WADA were to do that, there was a limit to the number of times the committee could keep pulling financial tricks out of the hat. He had to hope that, sooner rather than later, the period of financial austerity would begin to reduce and that the public authorities and Olympic Movement could get back to more regular contribution increases, which was the situation that WADA had always wanted.

The final piece of paper was the cash flow situation, which showed where the accumulated unallocated cash at the end of 2012, which was around seven million dollars, would decrease on certain assumptions depending on whether there was a zero increase or increases of 2% or 3%. Nothing had changed in principle. If WADA were not careful it would use its unallocated cash and would have to say that it needed much larger contribution increases than would otherwise have been welcomed. That was the situation. Whatever WADA was going to do, he suspected that the saving on travel costs would be welcomed, which would help the situation. He would hope that, at the same time, a pretty strong statement could be made to say that 2014 would be the last year WADA would do this and that, in 2015, WADA would start to get normal contribution increases. He would be happy to take any questions but these papers were all in the form to which the members were used. The members could see what WADA expected to spend and collect, and the deficit at the end for 2014 with a zero contribution was about one million dollars and, with a further 2% contribution on top, would be about half a million dollars. That was currently affordable.

THE CHAIRMAN asked the members for their thoughts.

MR KASPER had a question on the draft budget on page 24 of the document concerning SportAccord support. SportAccord had been able a few years previously to introduce and manage a special department particularly for the small and non-Olympic sport federations, and he saw that the so-called collaboration agreement would end in the middle of 2014. Would the federations not be able to continue with the special service or was there an intention that the agreement on the WADA side could be continued? There had been a 50/50 split of contributions between WADA and the IOC. Would there be a similar agreement for the future?

MS SCOTT said that she did not profess to have any financial expertise whatsoever but, looking through the contributions from the countries to the anti-doping movement, she noticed how small the amounts were and how little was actually being spent on a movement that was of such critical importance, not just to sport but to society as a whole. It was always a mystery to her why WADA could not seem to convince people to increase contributions. This went so far beyond the Olympic Games, it reached into gyms, in schools, and the amount was so small and she was not sure that everybody understood the imperative importance of backing the movement with the resources it needed to be effective and successful. That was just a comment, but she asked how the athletes could help appeal for greater funding and be more effective in generating support for this because it was important.

MR FUKUI said that the Japanese Government was certainly prepared to cover the travel costs of its members. Mr Reddie had said that WADA had to be ready for regular increases in contributions in 2015. In Asia, at the Asia/Oceania intergovernmental meeting, the possibility of increased budget to WADA had been discussed, and the Asian region had concluded that, if the WADA budget were to be increased, it would be prepared to cope with this through a special formula created so that the Asian members could equally share the burden. They would be prepared to deal with this.

MR BOZA noted that CADE had taken a decision to agree to an increase in 2% and he had been surprised about the small amounts that some countries were paying. He was an Olympian and believed that it was necessary to be more aggressive in the anti-doping concern that affected everybody, governments, IFs and specifically the athletes. He thanked Japan, Asia and Oceania, which would contribute to an increased budget, but he thought that it was necessary to convince every WADA stakeholder about the importance of the movement. There was a financial crisis but, given the importance of the movement, everybody should be more conscious that this would have an effect on the whole world and future generations. He thought that, in his region, it would be hard to get agreement on the transport cost proposal, and he would prefer to have an increase in contributions from the countries. He proposed increasing the contributions, but every country should do this. The Executive Committee should stress the importance of anti-doping and suggest voluntary increases, and more in the developing countries, WADA needed to help them to increase education programmes, which was why it was so necessary to work together.

MS FOURNEYRON thanked the members. She echoed what the other members had said on the quality of the documents. Before she spoke about the 2014 draft budget, she had a question on the 2013 contributions. A number of countries had not yet paid their contributions, including countries such as Kenya that had had difficulties, mentioned for example in the Director General's report. What had the situation been in 2012? Was this non-settlement an extension of dues from 2012? Did the countries always pay at the very last minute or were countries accumulating arrears year by year?

Work had been done by her Belgian colleague, Mr Muyters, with other countries, to think about the budget for WADA and look into ways of changing the funding mechanism for WADA. In the opinion of Europe, which was the major contributor to WADA, funding was needed to pay for WADA's programme of activities. Europe wanted to help WADA find means to adjust the budget. The governments had looked at a few points and the first point was, based on the strategic plan, that the objectives had to be prioritised, so it was necessary to identify programmes for which more money was needed. For example, the research budget should be given priority as research was needed to improve the effectiveness of the fight against doping in sport. How to fund additional tests conducted and financed by WADA was another point that should be given priority. The meeting and travel costs had been discussed, perhaps videoconferencing could be used, and governments could pay for their travel without penalising members who would not be able to cover the costs. There had been talk about greater access to the reserve fund. Before voting on the budget, there should be consideration given to the impact of the Code modifications, as the Code to be approved in Johannesburg would have financial implications. What would the consequences of Code modification be? As to the voluntary contributions, with the contributions from Canada, Russia, Quebec and Japan, WADA had additional revenue, but there too it was important to ensure equal funding on both sides.

MR GOTTLIEB said that, because there had been much discussion about the contribution sheet, he wanted to state that earlier that day he had been able to deliver a signed MOU to significantly close the remaining funds that were due to WADA and he fully expected the USA to be fully compliant as had been the case in the past.

THE CHAIRMAN made a couple of points before asking Mr Reddie to respond. He drew the members' attention to page 4 of the draft budget. In the legal and finance section, on the first line, there was an additional 350,000 dollars of expenditure required and, on the left, in the salary benefits and social charges, two others in the department and one that was being added, which was in the fourth last line, noted as 150, so the net cost in legal was about 200,000 dollars, all from the Code review. On page 11, the top line said six additions, an additional 546,000 dollars, and the bulk of those in standards and harmonisation would be related to risk assessments and test development plans, and the work that would be needed particularly with the IFs in determining what the doping programme should contain. It was part of the cooperation and working together and the provisions were there. He knew the difficulties that there had been in the past, for example, that not enough blood testing had been done for certain sports, and WADA would develop programmes and work cooperatively, but it meant people, so he was suggesting that, with the review of the Code, there be an additional 750,000 dollars in those two items. There might be others, but he had picked up those two.

The second point was that there was a particular propensity to say that the members were prepared to pay for the cost of coming to meetings, and Mr Reddie had pointed out that that could be done once, but rabbits could not be pulled out of the hat all the time. There seemed to be a willingness to do that; he had never heard anybody make a comment about reducing the size of the committees. There had been another suggestion about paying for specific assets from either the governments or the sport movement. Ms Fourneyron had pointed out that, if one looked at the costs contributed by the governments of Canada and Japan and others, there was already a greater sum being contributed by governments than sport on that basis. One or other might want to contribute to the development of ADAMS, which he would gladly welcome, but he had not heard any suggestions there. He thought that it was coming down to whether the members were prepared with the offsets of about half-a-million dollars for travel costs for meetings to acknowledge that the extra 750,000 should be spent, so WADA would already be 250,000 behind, with what had to be put into place the following year to deal with the new Code, and the second question was whether the members would be prepared to agree to an additional 2% on the basis that offsets had been found. He thought that Mr Reddie would be grateful if some guidance were given on that.

MR REEDIE took the questions in order. He told Mr Kasper that all that had been done was to record the contractual arrangements with SportAccord. He had met with the new president of SportAccord in Barcelona and his understanding was that he wished to continue with the unit in

question, and he would have thought that it was a good thing, as it provided a very good service to a number of federations in Lausanne. Mr Howman was currently discussing the implications of that with the chief executive. He was sure that those would come to fruition before the final figures were put to the meeting in November and, as yet, he had not asked the IOC what it was going to do, as it had had a few other things on its mind that week, but he would be doing just that. He had recorded the current legal situation, which was to run through until the middle of the year. The original intention had been to fund it until it could stand on its feet, and those negotiations were under way and being dealt with by Mr Howman.

He would love to be able to tell Ms Scott to have a go, and he thought that the athletes of the world deserved better. People clearly did not listen to him. Perhaps they would be more affected by an appeal from athletes. It was necessary to understand that the current distribution of funds was set by governments; they decided how to allocate the contributions, whether across continents or within continents. In many cases, when looking at South Africa, for example, the South African Government funded a lot more than its normal share, because it effectively picked up the relatively small assessments that were made on smaller African countries, when in fact it would cost almost as much money to collect the money, and it might well be that governments at some stage would be prepared to revisit the distribution. He knew not.

He was grateful to his colleague from Japan and he thought it was great that Asia would put a special formula together to meet increases and he was hugely encouraged. For Mr Boza, who had fled the room just when he had wanted to speak to him, he agreed with the matter of being more aggressive and that the amounts were small. Mr Boza had then gone on to say that he wanted more things done, which was fine but he would only get more activities if he paid a little bit more money for them. But then, rather confusingly in his mind, Mr Boza would rather have an increase than meet travel costs, which was not what the Finance and Administration Committee believed, as most of the other governments had said that they would rather meet travel costs than pay an increase.

The committee was well aware of Mr Muyters' suggestions but had never been able to decide as a group on the priorities in terms of activities, as WADA had always managed to find just about enough money to do what it needed to do, and he suspected that that would happen only in a real crisis. It was only when people began to face serious financial difficulties that they were prepared to say that they would accept not to do certain things. WADA had actually managed in the nicest possible way to muddle through. The additional costs from the Code were almost entirely people; there were many more things to do as a result of the world adopting a new Code, which he assumed would be done, and it would not happen in entirety in 2014, it would happen in instalments in 2014. WADA would not be hiring eight or nine new people on 1 January, as there would be a lot of work to do. The committee needed to think about cost instalments over the year. That again very roughly was where WADA was.

As to payments, Kenya always paid and, looking back to 2012, WADA had actually collected 99.92% and it was at 96.4% in 2013. WADA collected pretty well, and had had a spectacular year in 2011, collecting 100.02%, so he was not that concerned about government contributions. Looking at the ones missing, there were some big ones in South America. Brazil paid late and always paid late, and he was sure it would pay, as would Venezuela.

He thanked Mr Gottlieb. When he had met Mr Gottlieb the previous night, he had immediately asked for the cheque without knowing that Mr Gottlieb had had it in his pocket. In financial terms, attack was the best means of defence!

Wearing his WADA finance hat and also as an Olympic Movement representative, the Olympic Movement was happy to meet travel costs but would be reluctant to meet travel costs and another 2%. Those were his instructions. He left it to the Executive Committee to guide the committee. He thought that this was in sufficient form to go to the November Executive Committee meeting; possible adjustments might be needed after negotiating with the Sport Accord Doping-Free Sport Unit and in how to bring on the new salaries to be paid, and people were going to have to decide which option they wanted to accept and, at that stage, he would certainly remind people that, at some future date, they would have to go back to regular and identifiable contribution increases.

THE CHAIRMAN said that Mr Reddie had indicated that he had been given fairly good guidance going forward, making it clear that the sport side was prepared to pay the travel costs or a 2% increase but not both, and he presumed that there were similar sentiments on the government side, bearing in mind that there were offsets with the travel costs and additional costs with the new Code, and there was still a shortfall. WADA had managed to keep the reserves. They had been running down, but slower as WADA had cut science research. One million dollars had come out just like that. WADA had dropped back on some of the programmes to ensure that it did not run out too

quickly. There was the conclusion that WADA must get back to a cost of living increase. It could be done the following year, but it certainly could not go much past the following year. It was important to come to the meeting in November with a clear understanding of what additional contribution the members wished to make. He suggested the budget be prepared on the travel expenses or a 2% increase, or both. The more WADA got, the more it could do. WADA had cut down on science but had also reduced the testing contracted by WADA in recent times to plug some gaps where testing had not been done. WADA had cut that back significantly, using the budget for some of the other areas that it believed were important. He thought that those thoughts expressed would certainly assist WADA and the Finance and Administration Committee and Mr Reddie in finalising the budget for November.

#### DECISION

Draft budget 2014 update noted.

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

#### – 5.1 Code and International Standards review

MR ANDERSEN said that the Executive Committee members had before them the draft Code version 4.0, which was attachment 2 to agenda item 5.1. The draft version was based on the discussions held at the previous Executive Committee meeting, and there had been further advancement to that document. At that meeting, the members had received the results of all the stakeholders' comments received since November 2011, and after three consultation cycles. Through discussions and resolutions at the May meeting, the Code Drafting Team had made appropriate changes and posted the official version 3.0 on the WADA website at the beginning of June. The Code Drafting Team had met a number of stakeholders, including IFs, NADOs and governments, and received additional proposals for improvements to the Code and the international standards. It had, in addition, received very useful suggestions from legal experts and others from the sports movement, NADOs and governments. Since the previous Executive Committee meeting in May, the Code Drafting Team had met three times to consider and incorporate the improvements that could be seen that day. Mr Young would take the members through those changes.

MR YOUNG said that he would talk about the proposed Code changes in terms of five general themes: being tougher on the real cheats, and the primary piece of that was a four-year ban for intentional doping; a series of special issues that arose regarding social drugs, substances of abuse, recreational drugs, or whatever misnomer one wished to put on that; investigations intelligence and substantial assistance; event testing and result management authority, the interrelationships with NADOs and IFs and major event organisations; and the catch-all category of legal and technical issues. He suspected that there would be less comment on the legal and technical issues than on the others. He was looking for direction in some cases, as he needed guidance, and approval in other cases, because this, with whatever additions the Executive Committee made that day, would go out and be published as version 4.0. He also asked at the beginning for continued feedback on the document and that the members give the team permission to make additional technical changes after the meeting if issues came to the team's attention. He would try to deal with the major changes.

The thought was to deal with each general theme and then take questions and comments after each. The first general theme was being tougher on the real cheats. When the members had approved version 3.0 of the Code, they had approved a change that said that, where there was intentional doping, the period of ineligibility would be four years and, where the substance was a non-specified substance, such as a steroid, hormone or a method, the burden would be on the athlete to establish that the doping had not been intentional. After the publication of version 3.0, additional feedback had been received from a number of stakeholders, in particular the IAAF and the IOC, saying that they could not have a situation whereby the athlete met that burden of showing that the doping had not been intentional by simply raising their hand and saying that they had not meant to dope. There had to be some criteria, teeth and standards there. So, in draft version 4.0, the Code Drafting Team had attempted to address that concern by saying that, for the athlete to establish lack of intent to dope, they had to provide corroborating evidence beyond their own word that included an explanation of how the prohibited substance had entered their body, so that gave more teeth to that criterion. That was what had been recommended. There had been other comments saying that even that was not strong enough and, rather than the athlete just providing an explanation, they really ought to have the burden by 51% of establishing how the prohibited substance had entered their body. So, the direction he required was, were the members

comfortable with the concept generally, with the athlete providing an explanation, or did they want the athlete to establish by 51% how it had entered their body?

On the definition of contaminated products, if it was a contaminated product, there was an opportunity for a reduction in sanction, and that dealt with some of the supplement cases. Before, the definition had said that the athlete had to use reasonable care to ascertain the product ingredients. The team had received comments that it needed to get more standards than reasonable care, so the response had been that athletes needed to look at the product label and the information available on a reasonable Internet search.

Lastly, under the existing Code, there was a split of authority in CAS decisions primarily involving supplement cases where the athlete clearly intended to enhance performance by taking the product but did not intend to take an ingredient that was prohibited. Some of those cases said that that qualified for no significant fault, because the athlete had not meant to cheat, and the other cases said that the athlete had intended to enhance performance and should have known better when taking the substance. The issue had been resolved in version 3.0, but the team had received additional feedback that it needed to refer to such cases, as they kept coming up over and over, and he proposed to add a comment that said that the debate had been resolved by the words that 'the athlete knew that there was significant risk that the conduct might constitute an anti-doping rule violation and manifestly disregarded that risk'; that was what one looked at in the context of one of those cases, not just whether the athlete had intended or had not intended to enhance performance.

Those were the three issues on dealing with the real cheats. Were there any comments or direction?

THE CHAIRMAN said that there did not appear to be any strong views or any views on that.

PROFESSOR LJUNGOVIST stated that comments had been sought on the requirement of the athlete corroborating the inadvertent use. The tougher that paragraph could be made, the better, because his experience was that the entourage and athletes were always very clever when it came to finding excuses. Therefore, the tighter the clause could be made, the better.

THE CHAIRMAN said that he thought that there was a fairly strong view that, if the athlete was able to say that there had been no intention, there had to be some clear evidence of the lack of intention; otherwise, the four years surely must stand. It was not simply a case of asserting, but actually providing evidence that made it fairly clear that there had been no intention. He thought that the Code Drafting Team should proceed on that basis. Mr Young was saying that, since the previous version, those matters had been raised by the constituency in the consultative process. It was the Executive Committee that made those decisions, so he asked the members to express views.

MR YOUNG said that, as for all of the changes in the Code that were of significance, they had been submitted to Judge Costa, the former chief judge of the European Court of Human Rights, for his observation and analysis. As the Code Drafting Team made such changes, it would give them to the judge to make sure that it was not overreaching and to be able to respond to critics who said that such changes would not be possible because of human rights.

The second major issue was social drugs, and he gave some background. Through the consultation process and version 2.0, there had been an article in the Code called 'Substances of abuse', and it had had two functions, the first being providing more flexibility in sanctioning, and all of the titles were misnomers, whether one called them substances of abuse, social drugs or recreational drugs, but he was talking about drugs that were more typically used for non-athletic performance reasons and for which the athlete could establish that they had not been used for athletic performance. The first part of the article had been to provide for more flexibility in sanctioning. That had garnered considerable support. The second part of the article had to do with dealing with the concept of rehabilitation. That part of the article had had good support in principle, but there had been pretty widespread comment on how this would work in practice. The team had talked about it at the previous Executive Committee meeting and no specific direction had been given to get rid of the substances of abuse article, but the Executive Committee had dealt with the marijuana issue (the biggest of the social drug issues) by raising the reporting threshold and, based on what had been heard in comments from the group, the Code Drafting Team had read the tea-leaves and eliminated the substances of abuse article entirely. It had since received feedback from a number of stakeholders, athletes and European governments, saying that WADA ought to maintain flexibility in sanctioning for those social drugs. The team had dealt with the problem that would be raised whereby one might get four years for a social drug because, after all, one did take such substances intentionally and so, if one took a social drug out of competition and happened to

test positive in competition and could establish that the use of the drug had had nothing to do with the competition, one would not get four years. That had been dealt with. What was not addressed in the Code was what happened for a specified substance such as marijuana or PCP, where an athlete took it out of competition, it had nothing to do with the competition, and the athlete then tested positive in competition, and one went to the specified substance article, and it had been changed to require that the athlete show no significant fault. The problem was that, if one had been taking PCP out of competition, it had been taken on purpose, there was no opportunity for no significant fault, and it would be two years. In the case of cocaine, it would already be two years as it was not a specified substance. Did WADA want to have more flexibility in reducing sanctions for those social drugs where the athlete could show that there had been no intent to enhance sport performance? If WADA did want to have more flexibility there, there were issues such as definition and names and such like, but he supposed he would appreciate feedback on that issue first and, if the members did not want more flexibility, the team would go on; if the members did want more flexibility, he would ask for help with better defining it.

MS SCOTT said that, talking to athletes, there was a variety of opinions on this and it really came down to personal values but, if she took this in the context of what WADA was about, it was about sport, and WADA ran the risk of alienating the athlete community by imposing inflexible sanctions for use of social drugs that were not designed to enhance performance. If athletes were out there knowing that WADA was chasing them for potentially having taken something at a party, she thought that their confidence would be lost. It was necessary to have the flexibility. Athletes were people too; it was not out of the question that they might step out of the moral bounds and take drugs at a party or whatever; WADA had to have the flexibility to not say 'two years and that's it'. Of course, if an athlete was taking cocaine, it was intentional, but it was necessary to stay focused on what the goal was and that was to eliminate cheating in sport, and taking drugs at a party was not cheating in sport.

MS FOURNEYRON said that the position of WADA to be able to incorporate this part on recreational substances to give more flexibility was undoubtedly a position she was willing to support, particularly with the change in thresholds regarding marijuana, but it was true that this led to the requirement to better define recreational substances if this was to be incorporated in the Code as proposed by WADA.

THE CHAIRMAN gave some figures for 2012 in the area of cannabinoids, narcotics and stimulants. For marijuana, there had been 406 cases, for alcohol, 5, for cocaine, 59, for methamphetamines, 31, and then there were the lesser known ones such as fentanyl, 5, methadone, 1, morphine 14, oxycodone, 6. What worried him with bringing that back in was that he had no difficulty with the Code containing some details, but it seemed to him that, if WADA moved back in with a definition and cocaine, PCP, etc., the next push would be on to include amphetamines and then, all of a sudden, the Code would start to deal with all sorts of things that were properly contained in the List. He was not suggesting that the principle espoused was wrong, and this was of huge concern for most governments. He hated the description 'party drugs' and 'recreational drugs'; there were two types of drugs in his view, performance-enhancing drugs and legal drugs, and too many people were in cemeteries in his country and all around the world because it had been seen as an acceptable practice, so it was in that context that he knew there would be a huge backlash from many governments in the world if WADA were seen to be soft by putting it into the Code. He heard what the athletes were saying, that they ought not to be penalised, and he thought that a sensible decision had been made regarding marijuana. He guessed he was just trying to bring it back to the point whereby guidance could be given to the Code Drafting Team that did not start to mix up what the Code should contain, a statement of principles, and what might be specific to particular drugs that young people took, rightly or wrongly.

MR GOTTLIEB agreed fully with the Chairman. That said, this was all about athletes, and young athletes. He had a tremendous amount of respect for Ms Scott and her perspective. He was talking about the partnership, and the governments were partners and had international and legal obligations, which would become complicated if one started defining this even further in the Code, so the best way to handle it would be by making comments in the List and dealing with substances that way. He did not have any particular language to offer. He did not think of these as social drugs, party drugs, or recreational drugs. His government's obligations had to do with all the listed substances on the UN conventions, and some of the ones that the President had just ticked off were part of the obligations, so he urged treading carefully if this were to be reintroduced as suggested.

MR KASPER fully supported what had been said. There was a discipline in his sport that had a major problem with such drugs, and he could tell the members very honestly that, if WADA were to

become flexible, at the starting point and starting tower, there would be only marijuana smokers, so this was a real danger and was why he proposed having no flexibility included.

PROFESSOR LJUNGOVIST agreed that this was certainly a tricky matter. He would have thought, though, and this was more a question to Ms Scott, that the raised marijuana threshold would have solved the problem for the athletes. Had it been discussed among the athletes in that way or not? The introduction of flexibility had not achieved much, he thought, so he was reluctant to reintroduce it. He thought that the athletes' arguments had been satisfied by the elevation of the marijuana threshold. Had it been discussed from that point of view?

MS SCOTT replied that it had been discussed and the athlete community was generally quite satisfied with the elevated marijuana threshold, but the concern was that there were other drugs that could show up as a positive test when they had not been taken to enhance sporting performance. That was the concern. Marijuana had been taken care of. There had not even been consensus at the IOC athletes' commission meeting. Many had felt it should stay and a few had felt that it should be taken off. There was no consensus and she thought that it was based on morals and values. The question she had was, how did this serve the sporting movement? She understood it from a social perspective and would agree with calling social drugs illegal or illicit, but the focus was on the sporting movement and athletes, and WADA ran the risk of alienating athletes. She thought it was a risk.

PROFESSOR LJUNGOVIST thanks Ms Scott for that clarification. As to her concern about the future of other drugs, they would be dealt with in the same way as marijuana had been dealt with. That was an annual review that the List Committee would make to take care of those concerns. He did not think the concerns were particularly valid.

MS SCOTT appreciated what Professor Ljungqvist had said. That was probably the clarification that had been needed. She thought that the general understanding of this was that something might have been taken intentionally but not in a performance-enhancing context. If that was how it would be dealt with, she thought people would be very satisfied.

THE CHAIRMAN said that cocaine was generally performance enhancing, as he understood it. The marijuana one had been one where, because of the long period of time it stayed in the system, there had been penalties handed down to those who had taken it ten days previously, but not to enhance their swim or run in ten days' time. It was important to be careful when going elsewhere. His worry was not the principle being espoused, as one had to be realistic and live in the real world, but when WADA started putting these things into the Code. If one took such drugs, the intent was usually there; athletes did not do it because somebody gave them cocaine by mistake, so there was intent, and how could one then argue that it had not been intentional? Penalties in respect of cocaine had rarely reached the full two years. He did not know that one could rely upon decisions taken in result management. He did not know the answer; he knew that there were governments around the world that would oppose if WADA were to indicate a certain softness in the Code. He was looking for ways in which the List might deal with the problem. It was a flexible thing. The List was changed every year. One could change the Code only every six years. He was looking for guidance.

DR RABIN said that there was always flexibility in the List to qualify the substances as specified or non-specified. Within different groups, there had been discussions in the past to possibly extend the ban to out of competition, to be consistent with other drugs that might have some social connotations but were also being used for doping purposes, so it would be an imperfect solution because of the mix between the risk of abuse for social activities or performance-enhancing or doping activities. This was the reality being faced in addition to the fact that more drugs were being seen coming into the market by the dozen every year. The List Committee was very much aware of this. It could try and find some strategies but also needed guidance in that area.

THE CHAIRMAN asked whether the members would be happy that it remain out of the Code but that it be referred back to the List Committee to see if it could be qualified in some manner through the Prohibited List process? He did not want to ignore the valid points made and wanted to live in the real world. At the same time, he worried about getting substances such as cocaine into the Code, as he thought that WADA would never stop once it started down that track. If the members were happy to proceed in that way, he would ask Mr Young to continue with his presentation.

MR YOUNG pointed out that, with respect to cocaine, it might be fairly easy for the List Committee to do because the active ingredient of cocaine itself was what would cause performance enhancement. The metabolites found later were essentially dead in terms of stimulating effect, so

the List Committee could say that, if active cocaine were found, it would be banned and, if dead ingredients were found in competition, it would not be banned.

The next point was investigations. In version 3.0, the team had added investigations to the article on testing in response to feedback received from a number of stakeholders, particularly ADOs. Intelligence gathering had been added to one of the purposes of testing and investigations. That made sense in light of the effectiveness of testing report. Then there was the issue of how intelligence figured into substantial assistance. The proposal heard but not implemented was that an athlete or other person ought to get substantial assistance not only if their efforts led to an anti-doping organisation discovering or bringing an anti-doping rule violation, but merely if they gave the ADO useful intelligence, and the team had not accepted that one, that one could not be an athlete who said that they would admit to doping and explain how they had done it but would not talk about anybody else in their sport that they might know about. The other issue on substantial assistance related to that was that an athlete could get credit for substantial assistance provided to a criminal or disciplinary authority, but only if an ADO got that information. It did not work if the athlete said that they were cooperating with the criminal authorities and providing information, but neither the athlete nor the criminal authorities would share that information with the ADO, because at that point one could not assess the value of that information, so that finished that particular point.

THE CHAIRMAN concluded that he thought that there would be general agreement with that proposal. In his country, in a couple of football codes, the information had come initially from the Australian Crime Commission, but the Australian anti-doping agency, whilst it had had the information passed on, had been obliged to gather the same witnesses and get the information again, so surely the athletes should be forced to give the same information again to the ADO. There would be broad support for that.

MR YOUNG stated that the next general theme was event testing and result management, and it had to do with the relationship between NADOs and IFs and major event organisations. In response to feedback at the previous Executive Committee meeting, the team had made a number of changes, and a couple of other changes had been made in response to stakeholder feedback. He dealt with the situation whereby a major event organisation or IF contracted with a NADO to collect samples at their event. Mr Ricci Bitti had made the point that, if WADA did that, it understood that the NADO might collect additional samples and might ask for a wider menu of analysis to be performed by the laboratory, but needed to inform WADA about that, and so the team had added a provision to the end of that paragraph that said that, if the major event organisation or IF asked, it had to be notified if that happened.

The next provision added was a clarification, and that was that, if the IF contracted with a NADO to do testing at its event, it could say in the contract whether or not it would allow the NADO to collect additional samples or run additional tests; therefore, if it did not want that happening, it would be part of the contract.

The next topic in the area was testing at international events. There had been an issue that had had to be dealt with and he would explain how it had been dealt with. It was up to the IF or major event organisation to decide what the event period would be. Sometimes there were very long event periods, and sometimes there were event periods, such as the opening of the Olympic village, which occurred way before the athletes travelled to the event, so what would happen when the NADO wanted to test the athlete at home? Was it allowed to? Would it need to get permission? When it did that test, would it be an in-competition test or out-of-competition test? It would normally be an out-of-competition test, as the athlete would be tested at their house and had not gone to the event yet and would not go for a week, so there were lots of questions on how to deal with that. The Code Drafting Team had dealt with it by saying that the IF or major event organisation got to define the event period and the venues and, within those venues and event period, it had exclusive jurisdiction subject to all the rules that were currently in place. If a NADO wanted to test there, it had to go to the IF and then WADA and so on, but what was protected was the event period and the event venues. The NADO would be able to test people at home and, if the IF or major event organisation wanted that NADO to have to coordinate with it, that was their right, but at least they could do tests and they would be out-of-competition tests. The second thing that the team had added was that, where that happened, when a NADO did testing outside event venues during the event period, the result management for that test, if it turned out to be an anti-doping rule violation, would be done by the NADO that had initiated the test unless the rules of the IF or major event organisation provided otherwise.

THE CHAIRMAN concluded that Mr Young had given some clear indication of what was proposed.



MS FOURNEYRON wanted to pick up on the aspects of control and the relationship and cooperation between the organisers and the IFs and NADOs. It was important to be able to make progress and allow NADOs to perform additional tests at their expense when authorised by the IF or major event organisation, but NADOs should always be able to perform tests at major events on their territory. The proposal to have an agreement on the competition period, including several days or weeks before the event, to give the NADO an opportunity to intervene and ask for the IF's authorisation, would perhaps create a challenging and somewhat excessive environment.

MR RICCI BITTI referred to what Ms Fourneyron had said. He had past experience in this field and agreed that there had to be a very strict definition of the competition period, and there should be a sole testing authority to protect the athlete. There had been abuse in the past. An athlete could not be tested on the same day by two authorities. He agreed that it was necessary to be strict and the competition period had to be the competition period. In competition, the athlete had to be respected. Past experience was terrible. This was one of the problems relating to collaboration between different testing authorities. This was something he had wanted to say following the statement by Ms Fourneyron. This was a principle that he strongly believed was to the advantage of all involved.

He thought that Mr Young had mentioned a notification concept. There were three major federations that delegated to the national federations. It was easy for them at the beginning but became more complicated later on when the NFs were not equipped to deal with the matter. There were IFs that followed the centralisation principle, which was the best in his opinion, and he was referring to result management obviously. He had two comments. One was regarding the additional testing. When the IF acted as a testing authority, it acted on a kind of contractual basis, based on the menu approved by WADA. The Code currently allowed, and he was not against the principle, but he did not want to be liable, for the laboratories and NADOs to perform additional tests, which he welcomed, which could be useful, but in the meantime the contract was not signed. He thought that the provision should be amended, so that the ADOs that requested the additional tests should find some result management authority, because he thought that there was a legal consequence to that. There was not only a liability consequence. Result management for additional testing, even with notification, was a step forward, he agreed, but it did not change the context in terms of responsibility. He was very worried about receiving result management for something that had not been decided. How could that be solved?

Regarding the missed tests, the new Code was a custodian and the custodian had not always done the test that had led to the sanction, so the current process was the one he preferred and he did not understand why it had been changed, as it looked more logical as it currently stood and not as was recommended.

MS SCOTT said that she wished to go back to article 5.2.6, which had been amended to propose that an IF or major event organisation limit the additional testing by a NADO. This actually concerned her a lot, as she could not imagine any possible reason that an IF or major event organisation would not want further testing or analysis completed by a NADO other than if it had something to hide or was fearful of the results. She had to put on record that she disagreed with this amendment, and thought that, if additional testing and analysis was needed, it should not be limited through a contract.

MR RICCI BITTI said that he fully agreed. He did not want to limit but did not want the liability for this.

MS SCOTT said that it was worded that they might limit the testing.

THE CHAIRMAN understood that Ms Scott was concerned about the last sentence on page 2. Mr Ricci Bitti was saying that he did not mind additional testing being done, but the result management costs would have to be met by the NADO.

MR RICCI BITTI agreed that this was what he meant, and that he referred to the menu established by WADA, which was different.

MR YOUNG said that he had just heard that the Code Drafting Team should take out the ability to limit by contract additional testing or menus but would make sure that the result management responsibility rested, if the ADO did that, with the ADO unless the IF or major event organisation said that it wanted it. It might be the case that the IF said that it wanted it, but he would take 'unless provided by contract' out and make clear that result management responsibility for the additional tests or menus initiated by NADOs was the NADOs' responsibility, and that would apply in two places. It would apply where an IF contracted and where it was at an event venue and a NADO asked WADA for permission to test and WADA agreed, which had happened only a couple of

times. That would be fine and, if WADA agreed, it would be the NADO's responsibility to do the result management. Was that what Mr Ricci Bitti was looking for?

MR RICCI BITTI said that the problem was more contractual and that there were difficulties agreeing with the people concerned. The reference had to be the menu. If somebody were to perform additional tests, it would be necessary to establish who was going to be taking care of result management, as this could involve a lot of money. He would prefer to keep the current process that assigned result management authority to the ADO. The ADOs were the best placed to assess the missed tests.

MR YOUNG said that this was not anything that had been changed since version 3.0, which was why he had not raised it. It took three missed tests for an anti-doping rule violation. What happened if two were IFs and one was a NADO, and the last happened to be a NADO (or happened to be an IF)? The team had been trying to have a formula so that everybody knew who had result management responsibility.

MR RICCI BITTI asked why it was not working like that currently. He asked for a reason for the amendment.

MR YOUNG said that the reason was that some people wanted the responsibility and some did not, and it currently tended to be the last one, whoever had the third test, who had result management responsibility. There had been feedback that it was not really right. One might be sticking an IF whereby it had to deal with two NADO missed tests or vice versa. The team had tried to standardise it, and one could come up with lots of different ways to standardise. One would be whoever had the most or whoever had the last, but the team had tried to standardise it with whichever organisation had the record keeping for whereabouts. He would follow the guidance of the group, but he thought it would be good if it were standardised.

MR RICCI BITTI said that he understood but it could have huge consequences. He did not know the best solution. He felt that it was something that could have been kept as it was.

THE CHAIRMAN said that he did not think he knew the answer either after that discussion.

MS SCOTT apologised for interrupting. She had to leave early. She asked Mr Pengilly from the IOC athletes' commission to take her seat and apologised again for having to leave early. She wished the members well for the rest of the meeting.

MS FOURNEYRON said that there had not really been a long debate about the competition period. Everybody knew that testing was more effective before rather than during competition. For large international competitions, the majority of countries wanted to test athletes before they left for international competition. Then there were disciplines for which there was a series of international competitions that took place one after the other, and in different continents, so the competition period could be over two or three months. The issue of delineating the competition period was very significant.

MR RICCI BITTI agreed fully with the minister and said that his sport was very strict and had made agreements with the NADOs for weeks prior to major competitions in the larger countries. Cooperation among organisers, IFs and NADOs was important and was something that should be debated fully.

MR YOUNG said that he thought that a change had been introduced to deal with the issue raised. Even during the event period, a NADO had a right to test outside the event venues so, if there was an athlete who was still home during the event period, the NADO could test. Exclusivity was at the event venues. If the athlete was travelling between competitions, one could test the athlete on the road between the event venues, and those would be out-of-competition tests, so one would know what the menu would be. He thought that the change dealt with that concern but preserved the overall balance between the major event organisation and the IF on the one hand and NADOs on the other that let the IF or major event organisation be the boss of testing at their events.

THE CHAIRMAN said that some progress had been made, but there were suggestions in the paper and on the slides, and he would look to having them agreed with unless there was somebody who wanted to argue against them and offer an alternative. He wanted to see if some progress might be made. It had got a little bit confusing earlier and perhaps if the Executive Committee tried to stick to the proposed process, it might be a little easier, although he suspected that the issue in which the Executive Committee had got a little bogged down had been a complicated one.

MR YOUNG said that the good news was that, for the changes he was about to discuss, he was not begging for guidance so much as reintroducing the changes to make sure that everybody was on the same page.

The next issue was when there were disputes over the authority to conduct result management. Result management always belonged to the entity that initiated the testing; that was easy when there was sample collection but, when there were other kinds of cases based on information other than a positive test, the question was who had result management authority. The old language had been the ADO that had discovered the violation, and there had been dispute over discovery, so the team had suggested that the ADO that first provided notice to the athlete. That meant that, when one brought the case, one had result management jurisdiction.

The last group of cases were legal and technical changes. If the members had a problem, they could raise it then or at the end. He would not expect so many problems.

Article 2.1.2 was the anti-doping rule violation for presence of a prohibited substance. It was a positive test. It said that, if there was a positive A and the A was confirmed by the B or the athlete waived the B, it would be a positive test. It did not really deal with the situation whereby, instead of having separate As and Bs, one split the B sample, so this would be a change to the Code that simply threw in another provision that said that, if the B was split and the first bottle was positive and the second bottle was positive, that would be an anti-doping rule violation for presence.

The next change had to do with the presumption that WADA-approved methods were valid. The team had put it in in response to the legal cost issues, so that WADA would not have to fight battles over every single method. The feedback had been good, saying that one could not just tell the CAS that WADA said that all methods were valid, and there had to be some opportunity for the athlete to challenge that and, regardless of what the Code said, that was what CAS panels were going to do, so make it clear that it was a burden shifting and the burden would be on the athlete if they wanted to challenge a WADA-approved method.

The stakeholders had told the team to go back to the two out of three List criteria from the 2009 Code, and that was what had been done and could be seen in version 4.

In the existing article, there was a comment on testing between 11 p.m. and 6 a.m., and this had been a response in part to Judge Costa's comments that there needed to be serious suspicion if one was to do that. Another sentence had been added to that comment that simply made it clear that the serious suspicion was not an element of an anti-doping rule violation case, unlike criminal search and seizure. For example, if an athlete tested positive in a sample collected at midnight, the athlete could not go back and try to defeat that positive test by saying that there had not been sufficient grounds to test in the first place.

On multiple violations, in the 2009 Code, there was a big chart listing different combinations of anti-doping rule violations and what a second and third violation meant. That had been reduced to a fairly straightforward formula. There had been some criticism that the formula was hard to understand. It might be hard to understand; it was not complex, but it was written in a very long sentence that made it look complex, so that would be broken down into a) b) and c) and, just for good measure, in the explanations and examples that were part of the appendix to the Code, there would be examples that dealt with different types of second violations, so the operation of that provision would be very clear.

Article 10.9 was the provision that did two things: it talked about the circumstances whereby an athlete who wanted to return from a suspension had to repay CAS cost awards first and, second, it dealt with the allocation of repayment of prize money. Judge Costa had been clear in his opinion that he did not think conditioning return to competition on repayment of CAS cost awards was proportionate and would withstand a human rights test so, based on his opinion, the team had taken that part of the provision out and had left the rest of the provision to deal with the allocation of repaid prize money.

The statute of limitation was ten years, and that was what it had been in that provision of the Code for some time. The trigger had been when an action was commenced. There had been some question over what it meant when an action was commenced, as that was not a defined term in the Code, so the team had fallen back on something that was defined in the Code, which was when an ADO gave an athlete or other person notice or reasonably attempted to give notice, so that was the trigger that stopped the ten years running.

On government cooperation and sharing of information, a minor technical change had been requested by CAHAMA. It talked about rules, regulations and policies, and administrative decisions had been added.

The independence of NADOs was something that had already been changed in version 3.0.

Before he got to the international standards, he asked whether people had questions or comments on the technical changes.

THE CHAIRMAN said that a multitude had been covered and asked whether anybody wished to make a comment on any of the points.

MS FOURNEYRON asked about the matter of minors who wanted to return to training before the end of their ban when they were not international athletes or national athletes. What had been done about that issue?

MR YOUNG replied that that had not been changed for the current draft and he would accept whatever guidance was given. There were lots of different ways in which minors were already given flexibility and more favourable treatment in establishing the original sanction. He had been reluctant to make changes to the return to training article, because that was one whereby, if the door were opened, a number of organisations would say that their sports were different to everybody else's and they ought to be able to return to training as well. A number of comments had been heard along those lines at previous meetings. The team would do whatever was required but that had not been changed.

THE CHAIRMAN asked Mr Young to spell out what the current draft contained in respect of returning to training. That would of course apply to minors, with the caveat that minors were frequently dealt with in sanction terms differently in the first instance.

MR YOUNG said that the Code article was 10.12.2, and the general rule was that, during the period of ineligibility, the only interaction that could be had with one's team or club was anti-doping education. One could not train, be an official or compete with them. The team had made an exception and had not limited it to team or individual sports, saying that athletes could return to train (not compete) during the shorter of the last quarter of the period of ineligibility or the last two months of the period of ineligibility, so there was a special window in the general rule that, in the period of ineligibility, one set out for a return to training and that applied to everybody. When talking about recreational athletes or minor recreational athletes, one did not have to test them or have anti-doping rules apply to them; that was completely optional at the discretion of the ADO, but the way in which the rule was currently written was that one did not have to test or have the rules apply to such recreational athletes, whether they were minors or not but, if one did test them and applied the rules to them, the Code scheme in terms of sanctioning would be applied, and that included what ineligibility meant and the return to training rule.

THE CHAIRMAN asked if there was anything further in respect of the multiple matters under the legal and technical changes. If not, he proposed moving to the standards.

MR YOUNG said that he would not take up the members' time summarising the changes to all the international standards, but would be happy to take comments. He did want to raise one thing for decision. Mr Howman had talked earlier about the situation in which a laboratory had a positive screen for a beta-2 agonist or a glucocorticosteroid. The status quo was a telephone call to the ADO, the ADO said TUE, and that was the end of it. He had got the impression from the earlier discussion, and he might be wrong, that it was the sense of the Executive Committee that, under those circumstances, that particular communication should be in writing and WADA should get a copy of it so that it could play its oversight role in making sure that there really was a pre-existing TUE. As long as it was in writing and WADA got a copy of it, then it was okay that the laboratory did not go ahead and spend the money on confirmation. He wanted to make sure that he had it right.

THE CHAIRMAN said that that had been his understanding. The thought had been that the phone call should not be prevented but that there should be a record backed up with reference in writing and a copy to WADA.

MR YOUNG said that that was the only specific point on which he thought there needed to be clarification.

MS FOURNEYRON referred to the Prohibited List. She assumed that it would be the same as the previous year. She had concerns about the existence of two lists, and the fact that the use of product might not be considered to be doping in training but was considered doping during competition.

THE CHAIRMAN apologised for interrupting, but wondered whether Ms Fourneyron might raise the matter under the next item.

MR YOUNG said that, just to be clear, if WADA were to move to a single list, which had been discussed on and off from the beginning of the Code, that would have to be a very significant Code change. The details of the List were a totally separate topic.

THE CHAIRMAN indicated that the Code Drafting Team would probably have its final day the following day, picking up on that day's discussion, and then producing the final copy, which would in turn be translated into French for responses one more time. The document would then be produced so that it could be the subject of final debate and approval in November in Johannesburg. He thanked the members of the Code Drafting Team who had carried out an enormous task. There had been 4,000 proposals for change, and well over 300 individual submissions and numerous iterations of the Code, which made it very clear that this was the wish of the constituency. The consultative basis made it clear that the outcome was what the world of anti-doping and sport wanted. He thanked the team again for all of that, as it underpinned WADA's very existence, and he thought that the members could look forward with confidence to a much better Code to allow WADA to carry out its work more effectively, with implementation at the beginning of 2015.

## DECISION

Code and International Standards review noted.

### **6. Science**

#### – 6.1 2014 Prohibited List

PROFESSOR LJUNGQVIST informed the Executive Committee members that the List had been produced as a proposal by the List Sub-committee and presented to the Health, Medical and Research Committee a few weeks previously, and confirmation had been received from the Health, Medical and Research Committee with respect to the proposal. One of the important comments to make was that there was no major change to the Prohibited List, or at least not very significant changes; they were more editorial and adjustments related to adequate terminology but nothing really substantial, deliberately so whilst awaiting the outcome of the Code review and the decision in November. Based on what would be decided with respect to the Code, the List Committee foresaw more discussion on various matters for the following year's List.

DR RABIN added that the fact that the Code had been discussed and the issues of preference or importance of the different criteria had not been resolved was certainly an element that had pushed the List Committee members to defer some proposals; also, the fact that the Winter Olympic Games would be held in February meant it would be quite complicated to make major changes to be implemented as of 1 January 2014 when the Olympic Games would be taking place a few weeks later. WADA had been producing the Prohibited List for ten years and was reaching a certain level of stability, which was welcomed by stakeholders in terms of visibility on the List of Prohibited Substances and Methods.

The first change appeared in section S1A on exogenous and anabolic steroids. A small change had been made to reflect the work done with the WHO to ensure that the international non-proprietary names were properly reflected in the Prohibited List, and this was something WADA had wanted to do and, for an international standard, WADA could certainly expect the best review from the organisations in charge. Small changes had been made that were just a matter of conformity with international nomenclature as established by the WHO.

Minor changes had also been made in the section on other anabolic agents, and they applied to the whole section on anabolic steroids. The changes were to the explanation of what was exogenous and what was endogenous, nothing of substance but rather a small clarification.

In section S2 on peptide hormones, the releasing factors initially included in the first sentence so de facto covering the whole section had been distributed between the different sub-sections, just to illustrate the fact that the last paragraph of S2 referred to substances that were well identified and for which there had been no need to prohibit the releasing factors, so this was a clarification but a matter of accuracy from a scientific point of view.

There was another example in S5 of the INN being changed for chlorthalidone. It was a very simple change, nothing of substance, and there was also the introduction of a new class of diuretics, the vaptans, known in pharmacology as drugs having a particular effect on the vasopressin receptor, and there were now well-described effects and products on the market, which he believed should be added to the Prohibited List. Although it was covered by the fact that all substances with a diuretic effect were de facto covered by the List, it had been felt that it was important to add the example as well.

A small change had been made in section M1 of the List, referring to blood transfusions. The balance in the List was that it was a document used by scientists and physicians and legal people, but also for educational purposes. To reflect the scientific element, it had been specified that homologous was also called allogeneic transfusion in medical terms, and the Health, Medical and Research Committee had thought that it would be useful in terms of clarification in the List.

Section S6 on stimulants was probably the section in which there were the most changes. Some substances had been transferred from section S6a on non-specified stimulants to section S6b, and this was reflected with an indication that the substance had been moved. The INNs had been reviewed for several substances and it had been felt it was important to be coherent and include those in the section.

Only wording had been changed in the section on substances prohibited in particular sports. There had been wording for alcohol that it had been felt was not necessarily clear when referring to haematological values, and providing reference to the equivalence to blood alcohol concentration to the value of 0.10 grams per litre was probably more specific.

Those were the minor changes for the Prohibited List, but he would be happy to answer any questions the members might have.

MR PENGILLY said that there had been a discussion earlier on related to substances of abuse, and that the situation would be transferred to the List, and he wondered how that fitted in with approving the List at that moment in time.

THE CHAIRMAN replied that it did not. The clear indication of the meeting had been that the Code should not contain those provisions, but it ought to be dealt with in the List, although the List Committee would have to meet on that. It had just concluded its considerations at that stage so it would not happen for that year, for 1 January 2014.

MR PENGILLY surmised that any changes would come into effect on 1 January 2015.

THE CHAIRMAN responded that that would be the case for any changes.

MR REEDIE said that that must be when the Code came into effect as well, so it would probably better to get it right later on rather than double-guessing then.

THE CHAIRMAN said that the existing situation would continue, but it was a matter to be referred to the List Committee to deal with the following year, and that time the following year there would be a decision on any changes to the List which would take effect contemporaneously with the new Code.

MS FOURNEYRON said that she had to come back to the issue of the Code to thank everybody for all the work done on the development of the Code, the translation of the Code and the meetings to try to progress together, which had resulted in very high quality work. She still had some difficulty understanding the need for two lists, and the idea of having a substance that would be a non-doping substance during training but then considered doping in competition. There were products that enhanced performance during training, for example corticoids, so how could one protect the health of the athletes, having seen plunging rates of cortisolemia in training? Something needed to be done about that. She asked about the general feeling for each substance: what was analysed in terms of increased risks, and what were the elements regarding new EPOs, CERA, etc., and what was the general feeling about such substances?

MR RICCI BITTI said that he wanted to echo what Ms Fourneyron had said and thanked all those involved for the unbelievable job done on the Code and international standards. He had a question, which might be out of context, but his sport had received many questions about hyperbaric treatment and did not know how to answer them. Some countries forbade it and some did not. It was more a legal than a scientific matter and he sought an answer.

MR GODKIN said that, under S2, the clause of substances with similar chemical structure and similar biological effects had dropped down to the bottom of that classification. Under the current Prohibited List, it was applied to S2.4 and he would see great benefit in making it clear that the clause applied to S2.4 as well. He raised for consideration whether there was any benefit in some of those peptides becoming very prevalent in some of the investigations being specifically identified under S2.4, for example CJC-1295.

PROFESSOR LJUNGOVIST said that he would refer to Dr Rabin for some of the questions that had been raised, as he had not been present at the List Committee discussion.

In response to Ms Fourneyron and her question about one or two lists, this was a discussion that had taken place repeatedly, even before WADA had been established and, after thorough

analysis, the conclusion had been reached that there should be two lists, one for training and one for in competition. There were several aspects related to it and investigations had been carried out among stakeholders earlier on regarding that. He did not know about the extent to which it had been specifically requested during the recent Code procedures. He had been involved in discussions many times and the conclusion had always been to preserve the two lists. Should WADA decide to reconsider it, it would need a thorough review and circulation among stakeholders, as he knew that there were very strong opinions in the sport movement. One fear was that, if everything were also banned in daily life, outside competition, huge amounts of TUEs would be requested for various substances. That was a practical point. This was certainly something that would require a very thorough review and questions among stakeholders for proper feedback. Perhaps it was worth doing again but it would certainly require a great amount of work.

DR RABIN said that he did not have much to add, but it had been thoroughly discussed within the List Committee, and there had been two perceived options. One option would be to start with the list of substances prohibited at all times, and add only a few substances or classes, which had not been deemed very satisfactory by some of the pharmacologists. The other way would be to include at all times substances prohibited in competition only as of then. Two elements had been taken into account. The amount of TUEs would probably increase substantially, and there was also the risk that this could have for athletes to access benign substances such as alpha-adrenergic substances used to treat cold or flu symptoms, and it could create an element of concern regarding the ability of athletes to use minor substances. The compromise found after discussion had been to stick to the current structure. It did not mean that it could not be reviewed in the future but, for the time being, there was a pretty unanimous perception by committee members.

For the question on the general feeling on the Prohibited List, a lot could be said on the matter but, in summary, he thought that the risks currently seen were related to the substances being developed by the pharmaceutical industry. It was known that the components used by athletes in their doping strategies came from the abuse of pharmaceutical substances. It was good that WADA was drawing closer to the pharmaceutical industry. Regarding the other question on the various types of EPO, he thought that they were relatively well identified, although they were hard to analyse, but it was already possible to see on the horizon generations of substances that would have the same effects as EPO, hypoxia-inducible factor stabilisers, and WADA was already working with the pharmaceutical industry to prevent the risk of use of such substances, since a number of them were in relatively advanced stages of development by pharmaceutical companies. It would be possible to take the substances orally, facilitating the work of dopers, as they would no longer have to inject themselves, so work was being done. The previous week, a teleconference had taken place with a company developing the substance that had approached WADA, so there was real progress in terms of relations with the industry to better respond to the future threat.

The Australian representative had mentioned another threat, peptide hormones. Those who had followed the debate on the future risks knew his position on the matter, which was that hormones would be a genuine problem, particularly those that were identical to hormones secreted by the body, endogenous hormones. It was known that the variety of peptides, the fragments of hormones with which WADA would have to deal, sometimes had properties that were quite surprising, and were widely available on the Internet even before the substances were approved by the industry and medical regulatory agencies. A great deal had been heard about specific peptides, and these formed part of the wave of peptides that WADA currently had to deal with. That was a clear threat. Designer drugs were another problem, as currently there were dozens of designer drugs on the market, often for recreational use, but they also had amphetamine-like properties, used to such an extent that all the authorities seeking to control the substances had huge problems dealing with the 40-70 new substances appearing on the market every year. There was a real problem there, and it was emerging among the athlete population, which was a young population and might be tempted to use such substances.

As to Mr Ricci Bitti's question on hyperbaric treatment, this was not prohibited. There were two factors relating to some technologies provided on the market. One was the relationship to the percentage of oxygen, and whether it was hyperoxic or hypoxic, and both could have an effect on the ability to transport oxygen in the body, and then there was the pressure, hypobaric or hyperbaric. None of those were prohibited. It was more an issue of enforcement and probably education for some of the ADOs if they tried to enforce bans on methods not currently prohibited.

To answer Mr Godkin, it would be fairly simple to consider whether this was a concern, and he would be happy to hear from his legal colleagues on that, simply to move the final sentence to the top of the S2 section by including in the first line the fact that other substances with similar biological effects or of a similar chemical structure were also prohibited in the section, and that would be a simple way of resolving the issue.

THE CHAIRMAN said that the top table had come to a similar conclusion. Perhaps at the end of 4, the line at the bottom could be added and then repeated at the bottom. The concern that Australia had was that the final line referred only to the paragraph above it, and not to the first 1-4 in S2 so, if it could be amended to get the final line to apply to the whole of S2, he thought that the objective would be met. That would be incorporated in the decision.

He asked the members to approve the 2014 WADA International Standard for the Prohibited List.

#### DECISION

2014 WADA International Standard for the Prohibited List approved.

#### – 6.2 Research projects 2013

DR RABIN said that it was a long presentation that he would try to make as smooth and sweet as possible. He asked the members to look at the screens, and he would go over some of the key figures for the 2013 research projects, as well as the recommendation of selected projects put forward by the PRP and the Health, Medical and Research Committee.

To start with, there had been a record number of applications that year, probably 50% more than in previous years, so he hoped that it showed the dynamic behind the programme and the interest from different teams, and the members should be aware of the additional amount of work required from independent reviewers as well as members of the PRP and Health, Medical and Research Committee. There had been a total request for 23 million dollars, which of course had had to be reduced, made by investigators from the five continents (it was always good to keep the international programme very active), representing more than 30 countries. In the end, 29 projects were being recommended by the Health, Medical and Research Committee for approval, worth 3.4 million dollars, which was only 15% of the total amount requested but already represented a little more than the 3.3 million dollars allocated for research in 2013, so the good news was that there was certainly a great deal of interest, and there were definitely some very interesting projects, but the not-so-good news was that the entire 2013 research budget for the grants proposed would already be spent. Regarding distribution between the different continents, as usual Europe was taking the lion's share of the proposals, probably also reflecting the fact that, in Oceania, he knew that Australia gave very active support to research projects, so researchers in that area of the world were probably more tempted to apply locally. The same applied to the Americas with USADA and the PCC. There were fewer teams in Asia coming to WADA, and this was something that WADA was trying to address with the major countries in that continent. There was still a very reasonable success rate of 28%. WADA had been closer to 45% in the past, but 28% was still reasonably good. Beyond the percentage of projects approved, it was necessary to bear in mind the quality and impact of the projects on the overall development of anti-doping capacity. Most projects had been reduced in terms of cost and that also reflected the fact that some research teams went to WADA with projects to be carried out over a three-year period, and WADA might reduce those to a proof of concept or proof of principle to allocate only one year's worth of budget. The members would see 'follow-up' when he presented some of the projects, and that meant that the project had been approved initially but was conditional to some successful results before WADA considered extending the project.

He went through the proposals and started with the aspect of conflicts of interest, which was something that WADA took extremely seriously. Of course, there were always members who were more or less associated either directly or indirectly to research teams applying for grants and, when such conflicts of interests had been identified, the members of the Health, Medical and Research Committee had been asked to leave the room during discussion of the project and when the proposal had been finalised by the committee members.

The first project proposed was headed by Dr Wang, looking at the influence of traditional medicine on endogenous steroids in the global context. It was known that there were some traditional medicines that did contain anabolic steroids, and the question was, what was the impact and how could they be measured, including with IRMS? This was not a very costly project that could be of particular interest in relation to anabolic steroids. In Asia, the T/E ratio was much lower for genetic reasons, so the minor influences of such medicines could have an effect on the ability to interpret some of the profiles.

The second project, headed by Dr Davies in Australia, referred to the support of the quality of results by the anti-doping laboratories, and it was necessary, in order to provide accuracy, to have reference materials and, when a particular reference material had been identified as a key



metabolite of testosterone, it was deemed important to have the substance reference material provided to the anti-doping laboratories, and for a modest cost.

The third project was headed by Mario Thevis, from the German Sport University in Cologne. The use of dry blood spots was of high interest globally speaking, not just in anti-doping and the project focused on how to use just a drop of blood, dried and put on absorbent paper, and which could be shipped and analysed for a whole set of substances. This was something that WADA was interested in exploring to see how this could be applied to anti-doping tests and, if it was successful as it was in forensic medicine, WADA could think about integrating it in the global testing strategy for minimal invasiveness for the athletes.

The first follow-up project was on the profiling of minor metabolites by the team of Peter Van Eenoo in Ghent, Belgium, and it was believed that it was very important to extend IRMS capability. WADA was working with ultrasensitive methods and IRMS and had made some very significant progress over the past few years, and how to integrate more than simply a few major anabolic steroids for IRMS analysis could be extremely helpful in the ability to detect anabolic steroids, which represented over 50% of adverse analytical findings every year.

Dr McLeod's group in Australia proposed looking at a fraction of the drug metabolites that had been largely ignored by anti-doping in the past. Everybody had heard about the threshold for salbutamol, for example, but nobody took into account the sulphate fraction, which represented more than 50% of the total metabolism of salbutamol. It did not mean that WADA wanted to apply this approach of sulphate ester analysis to salbutamol, but there were other substances that were mainly metabolised as sulphate substances and WADA wanted to address this more specifically to see how to further gain in sensitivity in the analysis of some of the substances, in particular anabolic steroids.

The next project, again by Mario Thevis in Cologne, Germany, was to identify some long-term metabolites of drugs. This was something that was being seen increasingly frequently, and WADA was strongly supporting the anti-doping laboratories in that direction, how to analyse long-term metabolites with the more sensitive analytical methods, how to better apply IRMS, which was also something WADA wanted to integrate as part of the project, and there had recently been dozens of cases reported related to the ability to analyse new metabolites or long-term metabolites of anabolic steroids, so there were windows of detection that were expanding, thanks to the ability to integrate these new methods.

He referred to another follow-up project, which he hoped would be the conclusion of several years of research in EPO. The group of Dr Pascual at the University of Barcelona in Spain had been working with WADA's support for several years and had identified which part of EPO was really specific to endogenous EPO, so one could really isolate endogenous EPO and whatever was not endogenous EPO would by definition be exogenous, so he hoped to be able to put the final touches to the project which would help WADA to have a better approach to EPO analysis and more sensitivity at the molecular level.

From the same team, Professor Ricardo Gallego was heading a follow-up project looking at the ability to look at GH secretagogues. Ms Fournayron had asked about releasing factors, and this was exactly what he was talking about here, not trying to have a specific approach substance by substance, which required tremendous resources, but rather trying to have a more global approach for the category of GH secretagogues. If athletes wanted to move away from GH but still benefit from GH, they could take a GH-releasing factor, and this was happening and WADA was really monitoring several of these substances.

Another follow-up project, headed by Professor Ueki, was on the ability to use the chemical properties of some of the glycoproteins, in particular lectin, for the benefit of analysis. This was something that had been applied for EPO analysis in a project WADA had been supporting for several years which he hoped would soon be coming to fruition. WADA hoped to be able to apply this approach with lectin interaction on a more global scale with all the glycoprotein hormones, so this in fact also supported what he had been saying earlier about the risk faced with hormones and peptides in doping.

The next project was headed by Dr Gundersen from Oslo in Norway. More and more questions were being raised about the long-term impact of anabolic steroids on muscle, and there were some current theories that there was a 'memory' of physical activity and maybe of doping in muscles, which meant that, for a period of time when muscles had been exposed to training or doping, even during the detraining period, there would be a memory of the doping phase and then the ability for the muscle to recover much faster or regain some properties much faster when exposed to effort, training or doping regimens, so that project looked at that particular aspect and the possibility to

measure the long-term effects of anabolic steroids on the muscle, and the members would see another project later on that was also related to that aspect.

The follow-up project by the team of Professor Botre in Italy was about liposome-vehiculated insulins, and Professor Botre proposed looking at the encapsulation of insulin in liposomes. The Health, Medical and Research Committee preferred to focus on the liposomes, which by definition were not natural vehicles found in the body but could be used for doping purposes, and there had been some customs seizures, in particular in Italy, associating liposomes with drugs seized from athletes, so this was an element on which WADA wanted to clearly follow up and he believed that it could be the final touch to the two previous projects developed by Professor Botre.

There was another project by Dr Pitsiladis from Glasgow, and WADA had given support to the first project, which had demonstrated quite eloquently the concept of molecular signature. Dr Pitsiladis had been providing WADA with a breakthrough on EPO, clearly showing that, based on the genes activated, up-regulated or down-regulated when athletes were exposed to EPO, one could really derive a molecular signature of doping with EPO. That was a very interesting field that WADA had been working on for some years, since 2005, and really there was a breakthrough in humans based on the work conducted by Dr Pitsiladis, and the committee believed that it was very important to support the project, with the possibility in the future to derive specific molecular signatures for EPO abuse and maybe other drug abuse.

Professor Chi was heading one of the projects related to blood transfusion. In the past, WADA had explored the possibility of the impact of blood transfusion on the transcriptome; in other words, how genes were transcribed into proteins in the body. Past projects had not been very successful. WADA had often seen changes, but usually those changes were very short in terms of presence in the body. The body had an ability to clear up extremely quickly. The team of Professor Chi proposed to look at the red blood cells and within the transcriptome of the red blood cells for those changes when red blood cells were stored for a long period of time in a freezer or a fridge, which was a fairly interesting and innovative approach.

The next project came from Professor Chiamulera in Italy, and was one of a number of projects on nicotine and the effect of nicotine. There was a wealth of literature on nicotine, but paradoxically there was not much that was really related to the impact of nicotine on physical ability and in particular what would be considered as a reliable measurement of physical ability. This project opened a fairly wide window on the effect of nicotine and in particular the oral form of nicotine with snus, which was popular in Scandinavia and Switzerland in certain disciplines, in ice hockey in particular, so this was a way of exploring the effect of nicotine in a well-controlled environment.

Dr Baoutina in Australia had proposed a fairly interesting project, which came at the end of a lengthy effort to detect gene doping with EPO. Her team had done a superb job for the analysis of gene doping, and was now proposing how to transfer all the work to WADA-accredited laboratories. The fairly large project proposed had been reduced to address how to format the gene doping analyses into an I cell environment, so all the requirements could be taken into account possibly to implement gene doping testing by the time of the Olympic Games in Rio de Janeiro.

Dr Rane's project was also a follow-up project. Dr Rane had received several projects from WADA over the past six or seven years, and was a very successful researcher in the field and was bringing interesting information related to the changes of endogenous anabolic steroids, with the perspective of the ABP and the perspective related to the steroid module, and he was looking at the effect of contraceptive steroids on the steroid module. It was important to understand that WADA had started with a fairly macro approach to steroid profiling and, the more WADA progressed, the more it needed to fine-tune the tools and the confounding factors. Contraceptive steroids were certainly one of the confounding factors for female samples and, by integrating the results of this project, he believed that WADA could be more precise and accurate in how it detected abnormal variations in the steroid profiling of female athletes.

Professor Backer had been working quite extensively on beta-2 agonists, and WADA was developing its ability to establish thresholds for beta-2 agonists, in particular salbutamol and terbutaline. Terbutaline was a bit of an issue because, whether taken orally or inhaled, one ended up with similar concentrations in urine, so WADA needed to improve on its strategy to be able to detect routes of administration and distinguish between inhaled and oral, and Dr Backer was one of the leading experts in the world in that field.

Professor Dickinson was closing the final gap remaining on the effects of beta-2 agonists. WADA had looked at different posologies and different regimens of use of beta-2 agonists by inhalation. The last step was long-term use of inhaled beta-2 agonists to see whether there was an

effect on performance. That was the final touch, after which he believed that WADA would have covered the different aspects related to beta-2 agonists, which was quite important, as this was a widely used medicine around the world to treat asthma.

The next project was a follow-up project headed by Professor Mazzarino on the modulators of anabolic steroids. Still in the same vein of the development of the ABP, WADA knew very well that some anti-fungal drugs such as ketoconazole (so the family of azoles) could have an effect on steroid profiling. WADA knew the effect of ketoconazole, but wanted to look at other azoles and how they affected steroid profiling. This was very important for the ability to interpret abnormal steroid profiles. If there was an effect by azoles other than ketoconazole, WADA might have to look at the substances in the urine samples of the athletes or in the blood samples to make sure that it had a good interpretation of the variations of the steroid profile.

Professor Paulsen in Norway was heading a project to look at the long-term effects of anabolic steroids on muscle. The fact that anabolic treatments could have a long-term effect on muscle properties had been reported about four or five years previously by a team in Sweden, and WADA wanted to follow up on that because, potentially, if that was demonstrated, not only in terms of quality of the muscle with the number of nuclei per muscle cell, but also in terms of the physical properties of the muscle, that could have an impact on the length of sanctioning for athletes taking anabolic steroids.

Professor Forsdahl from the University of Tromsø proposed to research the effect of selected synthetic cannabinoids. He made the link with what he had been saying earlier about the number of designer drugs: there were more and more synthetic cannabinoids being released on the market, legal or illegal, and he still had a lot of questions about the metabolism of a lot of these synthetic cannabinoids and how to properly interpret the use of these substances, and this was certainly something that the project addressed. This was a follow-up project for a minimal amount of money, and he believed that it was certainly well worth supporting.

Professor Schmidt from the University of Bayreuth in Germany had been working for a long time and was one of the major developers of the carbon monoxide method for the measurement of the total mass of haemoglobin. WADA wanted to ask him to look more specifically at the effect of cobalt on the stimulation of erythropoiesis, and he had come to WADA with a fairly large project that had been reduced by the Health, Medical and Research Committee to deal primarily with the effect of cobalt, which it was known could have an impact, and cobalt was not currently prohibited per se and not tested for in anti-doping laboratories.

There was a project from Dr Ventura in Barcelona trying to look at the alternative metabolites of glucocorticosteroids, and how to distinguish between the prohibited and allowed routes of administration of glucocorticosteroids. WADA was discussing very intensively with colleagues in the medical department to try to separate the prohibited and allowed routes of administration, as there was still an issue with intraarticular and periarticular administration, which WADA needed to address, as well as the time for return to competition. This window, once WADA had those two variables, would enable WADA to establish thresholds for glucocorticosteroids. If WADA could identify some metabolites that would be specific to some routes of administration of glucocorticosteroids, that would be quite a step forward.

The next project was a follow-up project by Dr Sterk in the Netherlands, working on clenbuterol metabolism. It had been said earlier that WADA was still seeing a significant number of cases of athletes being caught for clenbuterol, and the intake of clenbuterol was apparently related to meat contamination. Unfortunately, in some countries, the residual concentration of clenbuterol in meat was extremely high, almost at a pharmacological level, if not above. This was an issue of health for those exposed to contaminated meat, but also an issue for WADA in anti-doping and how to distinguish between meat contamination and pharmaceutical intake for doping purposes.

Dr Jacobson was looking again at an old paper from Jordi Segura, trying to distinguish between the different enantiomers of salbutamol. The work had been practically half-finished by Dr Segura, showing different ratios between the R- and S-enantiomers of salbutamol. This team wanted to readdress the issue with more accurate and modern analytical tools, and he hoped that they would be able to make a distinction, either between the ratios or the substances themselves, that would indicate the route of administration of salbutamol. That would be more accurate than the mere threshold, which was what WADA currently had.

Professor Mario Thevis from Cologne was looking at the characterisation of the urinary metabolite profile of human insulin. Insulin was still an issue; WADA could detect the pharmaceutical forms of insulin, not necessarily the endogenous forms, and the recombinant form of endogenous insulin, and this was what the project was looking at. The team of Mario Thevis in

Germany had been one of the leading teams in the detection of insulin in the past, so he believed that he could certainly address the issue again.

Dr Ventura from Barcelona was looking at the effect of tea consumption on steroid profiles. It might be surprising, but there had been a couple of papers over the past two years in scientific literature linking in vitro, not in animal or human models, the ability of some metabolites of tea or wine (or substances that could be found in wine or tea) and the effect on steroid profiling, so again, to close the door and measure the impact if any of food consumption on steroid profiling, this needed to be addressed in vivo.

Professor Peter Van Eenoo from Belgium had put forward a proposal to research the effect of long-lasting testosterone. There was a formulation of testosterone that was what experts referred to as testosterone esters that had been produced and he was not quite sure that there was the full ability to detect this new form of testosterone over a long period of time. WADA had already had a project by the team of Günter Gmeiner in Austria the previous year, so this was a complementary project and he believed that, with a combination of the two projects, WADA could try to address the issue of testosterone esters much more efficiently than it currently did.

There was a project by Peter Van Eenoo on the effect of TB-500, another of these peptides released. It had been identified in horse riding and the doping of horses. The team of Terry Wong in Hong Kong had developed a detection method and WADA wanted the capacity to apply or adjust the detection method for human samples, and this was what the project was proposing, with the possibility to provide certified reference material to all the anti-doping laboratories.

He added what was referred to as the targeted projects. He had just presented the projects coming to WADA from different research teams, but sometimes there were areas of concern that were not fully addressed by the projects that WADA received, so WADA felt it was important to go to research teams or make calls for proposals so that these particular areas could be properly addressed. Obviously, WADA had been working actively on the decision limits for the Hgh assay, so this was something WADA was completing. The other aspect of Hgh detection was the markers approach, and WADA was working very actively with the London laboratory, which had been a pioneer laboratory for the markers approach, and WADA wanted to validate the platforms that could be used for the detection of the markers reflecting Hgh abuse. WADA had also had some excellent results with technology known as SOMAmers. This was new technology applied to detect proteins, and there was a company in the USA called SomaLogic. WADA had had a proof of principle project with them and their results were absolutely breathtaking, and WADA wanted to continue with them to carry out a second proof of principle, which would probably be a bit costly but, if successful, would open the door to the validation of molecular signature with the new approach.

Regarding the comparison between isoelectric focusing and the SDS method for EPO, WADA really wanted to strengthen the technical document and see whether there was a need to prioritise some of the methods or the way in which they were sequentially applied to enhance WADA's ability to report EPO cases.

Finally, as he had mentioned, WADA wanted to continue exploring the aspects of clenbuterol metabolism related to meat contamination in Mexico, but not only in Mexico, also in other countries, such as China, as had been discussed in the past. This completed the projects proposed for approval.

THE CHAIRMAN thanked Dr Rabin for the information. Were there any questions or comments?

MR REEDIE said that, as a humble finance man, it had actually been quite difficult for him to understand a lot of that. Dr Rabin appeared to be quite fond of laboratories that got grants for a number of different projects. Was that because the same department was particularly well staffed or was it because of particular scientists? Was the head of the department particularly good? Why did Dr Thevis of Cologne University seem to be one of Dr Rabin's favourite people? Should he be disappointed when Dr Rabin said that WADA had had a success rate of 48% and was now talking about a success rate of 28%?

MR BOZA said that he was curious, as he had seen that the majority of the projects were concentrated in Europe and Oceania. Had there been no interest or no projects from the other continents? Which criteria were used to select the projects?

MR PENGILLY asked about an update on the Hgh situation related to Sochi and the Veerpalu decision.

His other question was about meat contamination, and he believed it had been said at one of the Foundation Board meetings that FIFA had done a study, and he was interested to find out

about the differences between what the Executive Committee was currently looking at and the FIFA study that had taken place in the past.

MR RICCI BITTI stated that Mr Pengilly had anticipated his question on Hgh testing.

DR RABIN responded to the questions. In response to Mr Reddie's question about multiple projects from the same teams, usually teams in anti-doping laboratories were really well-versed in research, and Professor Thevis headed a unit at the Cologne laboratory that was dedicated to research. His job was to identify areas in anti-doping for research, so it was not very surprising that they were one of the teams providing WADA with a lot of projects. Several had been rejected; not all were accepted. When the same researchers were involved in projects, WADA took into account the fact that, if they requested salaries for the projects, these would be proportionally reduced by the number of projects, so WADA did not allocate the financial share of the projects for the salaries in the same way for one or multiple projects. WADA had even in the past questioned the teams very specifically on their ability to deliver, and he assured the Executive Committee that the group in Cologne did deliver.

The success rate had decreased that year, but he thought that WADA should be satisfied overall that it had covered what the Health, Medical and Research Committee and the PRP considered to be the essential projects. It did not mean other projects could not have been funded, but it was necessary to be reasonable with the amount of money available. There had been a total request for 23 million dollars, which was completely unrealistic, so it was necessary to be selective and he tried to promote quality and applicability in the anti-doping system and community.

Regarding Mr Boza's question about the selection criteria and the impression that the projects were region-specific, he thought that first of all the independent reviewers, the PRP (project review panel) and Health, Medical and Research Committee members plus the WADA science staff judged on the quality of the research and the ability of the laboratory to deliver. If it was a good project, it would be funded by WADA, whatever the region. The fact was that, and that might be an issue of interest or ability to reach out to certain regions in the world, fewer projects came from Latin America than Europe. There was a long-term tradition in the fight against doping in sport in Europe and devoting money to the fight against doping in sport. He saw some projects coming but WADA might think about how to promote the programme in all of the regions. As some of his staff members came from Latin America, he could assure the members that WADA sent this information to universities around the world, including in Latin America.

Regarding Hgh, he could give the scientific part of the answer. Following the Veerpalu decision, WADA had gone back to the drawing board. To establish the decision limits prior to the Veerpalu case, WADA had had to rely on what had been available, meaning excretion studies and research, as well as about 3,500 tests conducted at the time by anti-doping laboratories, and WADA had compiled all the information to get decision limits. Following the Veerpalu case, WADA had collected all the information from the anti-doping laboratories on the tests conducted for Hgh, and he was talking about more than 21,000 samples and values compiled, and all of this had been placed in the hands of statisticians, two independent teams, with only one request: to give the decision limits calculated. One team had got back to WADA already with values that were extremely similar to the values initially established, showing that the initial work conducted had been very valid from the biostatistical point of view. WADA was discussing with the second team and he hoped that it would also confirm those values, and it would be a matter of re-implementing the values in the guidelines to ensure that the samples were collected and tested in real time for Hgh.

Vis-à-vis Sochi, if all went well he thought that it would be a matter of weeks before the decision limits could be re-established officially, so he hoped that that would be way before the Olympic Games in Sochi.

On the issue of meat contamination with clenbuterol and the FIFA study, the approach taken by FIFA had initially been to look at excretion studies of the pharmacological form of clenbuterol. It had not conducted excretion studies with contaminated meat. WADA had focused more on the aspect related to contaminated meat, and it had been working with the Mexican authorities for almost two years to put the study in place, and he was pleased that a delegation had gone to WADA to discuss how to implement the study. WADA was constantly in contact with FIFA to work out how to address the issue efficiently. He thought that WADA really had to conduct the study with contaminated meat to distinguish between contaminated meat exposure and therapeutic exposure to clenbuterol. He would have liked to address this earlier, but WADA needed to work with the authorities in the countries concerned.

THE CHAIRMAN said that the committee was asked to approve the funding recommendations for the 29 projects presented to the members as the scientific research grants for 2013. Did he have the members' approval?

#### DECISION

Proposed research projects 2013 approved.

- 6.3 Strategy for the development of the anti-doping laboratory network

THE CHAIRMAN reminded the members that there had been a brief discussion on the matter in May, and WADA had adjourned the item for consideration by Professor Ljungqvist's committee, the Health, Medical and Research Committee, and the paper was back before the members.

PROFESSOR LJUNGOVIST stated that an agreement had been reached with respect to the ten points presented to the Executive Committee in May. The Health, Medical and Research Committee had reviewed the proposal and decided to add an eleventh point, which was point 11 in the document, which meant that the committee had realised the need for laboratories to establish cooperation and perhaps contractualise operations when new methodologies were introduced for new substances and methods which could not be expected to be applied immediately by all the laboratories, but for which WADA might need a few laboratories that could work on those particular projects or methods for later development and distribution among future laboratories. It satisfied a very clear need to quickly and efficiently and safely adopt new methods when needs arose. The document had been reviewed later by the Olympic Movement and there was one point to which the Olympic Movement had strongly objected, point nine, which suggested that satellite laboratories should not normally be established, and the standpoint was that such laboratories should be a decision for the host cities or countries to take and not for WADA to establish a principle. The four latest winter Olympic Games had required satellite laboratories, as there did not tend to be laboratories at winter sports resorts. Salt Lake City had had a satellite laboratory from the Los Angeles laboratory, Turin had had a satellite laboratory from Rome in Turin, Vancouver had had a satellite laboratory from Montreal, and Sochi now faced a similar situation, so this was inevitable and it should be a matter for the organisers and not for WADA. Of course, the laboratories would have to meet the requirements of accreditation and competence and so on. It might be a little (or even much) more expensive, but it was up to the host city or country of those major games.

MR REEDIE stated that he thought that the point 9 bit applied only to Olympic Games and it would not apply to the Youth Olympic Games, so it was not a universal thing; it was just the degree of interest of the IOC in the Olympic Games. He was not familiar with any other multi-sport games that did that. He was trying to think about the Asian Games, Commonwealth Games or Pan American Games.

DR RABIN said that the Pan American Games did it as well.

MR RICCI BITTI said that the principle was fine, but a big event needed to have the freedom to choose.

THE CHAIRMAN said that he recalled the discussion in WADA and WADA under no circumstances had wanted to tell any bid city what it should put into its bid. Bid cities now appeared to be putting in the satellite facility as part of their bid, as they believed that there was some advantage, and WADA could not deny that there was some advantage. WADA's view was that it was up to the event organisers to decide if that was critical to their bid. Where WADA came from was that it had seen for Sochi a figure of 40 million dollars being bandied around for a laboratory that would be working for two weeks, and he wondered whether, if that sort of money was going into two weeks, it was essential or whether there was another alternative. He had not particularly wanted to tell any bid city what it should or should not do. There had been some thought that, if that 40 million went into the Moscow laboratory, and there were a decent transport system, maybe it could have managed to deal with it. WADA had simply wanted to send out the message that it ought not to be part and parcel of bids for major events, particularly the Olympic Games. Australia had made a decision it had never been thanked for when Sydney had bid for the 2000 Olympic Games, believing that nobody would come to Australia unless Sydney paid the air fares; now everybody paid air fares. That was the background to the discussion, not to tell the Olympic Movement, but to say that it ought to be a matter for the individual bidders and event organiser, but to think about the expense for just two weeks.

MR REEDIE said that he understood that. He thought that it could be covered by removing the second two sentences of paragraph 9. The London laboratory had not been big enough to do what it had needed to do, and it had been necessary to build a satellite one anyway, and the person who had paid for it might well become a TOP sponsor of the IOC. There were pluses and minuses in all

of that. It was actually a request of the IOC in the bidding documents that a laboratory be there, so it really did not fit for WADA to express a view on that. He was familiar with that, because he had ended up chairing the committee at one point and he wondered whether WADA might not need one more efficient laboratory in Eastern Europe. WADA would need expert advice, as that was a part of the world in which WADA seemed to have the occasional problem.

MS FOURNEYRON commended the excellent quality of the work and the long-term accreditation approach, as well as the strategy for the laboratories. They should be created according to regional needs, but also in accordance with quality criteria. Recommendation 3, according to which the Executive Committee should confirm that no additional laboratory would be approved Europe with the exception of the reaccreditation of Turkey, seemed almost excessively restrictive with regard to the other measures and decisions taken elsewhere on the need to have the network properly linked and qualitative in terms of positioning. Was it not too excessive and restrictive to include those measures in recommendation 3?

THE CHAIRMAN replied that this had been mentioned. He wondered if, after the fifth word 'that' the words 'in principle' might be added, that might leave the door partly open for a case that could then be put, not only for Europe but other regions as well. Would that overcome the difficulty without destroying the message that WADA wanted them in South America and Africa?

MS FOURNEYRON responded that that proposal would be most satisfactory.

THE CHAIRMAN asked if Mr Reddie wished to formally move that the final two sentences in point 9 be deleted.

MR REEDIE said that he was trying hard to be realistic, and thought that the first part of point 9 was fine, but WADA should not tell the Olympic Movement that this would cost too much money and ask it to apply for a satellite laboratory.

PROFESSOR LJUNGQVIST said that perhaps it was a question of semantics, but he would rather delete point 9, as he did not think that the first two sentences were very good either. It was up to the event organisers to determine whether or not it was necessary in a particular case. He would rather delete that point entirely.

DR RABIN made one point: the idea was not to prohibit the possibility of satellite laboratories, but more to allow the WADA Executive Committee to have a view on the need in some cases for satellite laboratories. There were some major events that would certainly deserve the support of satellite laboratories, and other events for which WADA could seriously question the validity if not the sustainability of having satellite laboratories for a limited number of samples, or sometimes the great cost provided to support the establishment of an anti-doping laboratory, and the great cost was not only in terms of financial resources but also human resources for the organisers and WADA. The idea had not been to prohibit the principle, which was embedded in the ISL, but more to allow the flexibility for the review of a case and the need for satellite laboratories.

PROFESSOR LJUNGQVIST said that he did not want to prolong the debate but he agreed with Dr Rabin; it showed that the clause was not necessary, as WADA would have control of any satellite laboratory since it needed accreditation by WADA, so he thought that that was enough.

THE CHAIRMAN said that the aim had been to try and see the use of the funds put to something permanent. It had occurred to him that the clause might be shortened even further to read that 'the Executive Committee to support usage of existing laboratories for major events where practical and acceptable to major event organisers.' How did that sound? There was a message asking for thought about it, but it would be up to the major event organisation to make the decision. Would that be acceptable to everybody?

On that basis, there were 11 recommendations before the members. Did he have the members' consent to approve those 11 recommendations in their amended form (recommendations 3 and 9)?

#### DECISION

Strategy for the development of the anti-doping laboratory network approved.

#### – 6.4 Technical document on endogenous anabolic androgenic steroids (EAAS)

DR RABIN said that he would do his best to be short and straight to the point. This was a fairly important document, and he would try to highlight why in the slides, first of all because it had been the longest-serving technical document at WADA. TD EAAS had been initially established in 2003 and had come into force in mid-2004, meaning that it had been in force for nine years and, in a constantly evolving environment, this was quite a record. The initial document, like some of the

initial WADA technical documents, had been too lengthy, detailed and wordy, and there had been a feeling among the Laboratory Committee members that WADA needed to provide additional explanation for more education and to ensure harmonisation between the different anti-doping laboratories. He believed that that time was to some extent behind WADA, hence the proposal for a document that was more straight to the point. Science evolved daily and the document was way out of date in certain areas related to anti-doping testing, so it had needed more than a brush-up, rather a complete review in terms of how some of the issues were being addressed. Now that the ABP was in place, steroid profiling was becoming a reality, and WADA needed to address or fine-tune some of the tools supporting the ABP, so this was something that had had to be done.

Finally, there was the whole section on IRMS, which was currently embedded in the TD2004 EAAS, which had had to be removed and treated separately, because WADA wanted to focus more on the aspect of analysis of anabolic steroids in the document, and also because there were still some elements being discussed on IRMS that had to be finalised by experts in the field, and it had been felt that it was important not to further delay the approval of the TD EAAS.

Looking more specifically at the process, it had taken several years to produce the document, and he was personally happy that the process was at an end, because there had been many iterations to make sure that the document would be accepted. It was very important to include the steroid module, as this was certainly a tool that would make a significant impact on the fight against doping in sport. There had been different meetings to establish the variables, included as part of the steroid module. This had been achieved, and there were currently six concentrations of anabolic steroids, plus the T/E ratio, which was still a very useful tool (although far from perfect) embedded as part of the variables to be monitored in the steroid profile. The two-step procedure, the initial testing phase and the confirmation procedures, was also well described in the document, as well as something that was very important and was not heard about too frequently but was becoming more and more important for analytical work: the uncertainties on measurement, and how one could reflect on the quality or the certainty of a given measurement was a big issue in analytical sciences and in all accreditation bodies and, since WADA was at the forefront, it wanted to integrate that element as part of the technical document. With the trend related to the ABP, WADA was also moving away from population-based reference values and towards individual values, and that also tied in nicely with the research projects approved that would also be giving additional tools to address the individual variations related to a lot of environmental factors.

The elements were really very clear in the new technical document on what triggered on the basis of the adaptive model in ADAMS an abnormal profile, what was now called an atypical passport finding, so this was very well defined. Also reflecting what he had been saying about the confounding factors related to the steroid module, ethanol and alcohol affected the T/E ratio as well as some other variables, so one had to take that into account. He had mentioned ketoconazole earlier and there could be some other azoles. Microbial contamination was also an issue that needed to be taken into account. All those elements had to be taken into account in the analysis of an adverse analytical finding or an atypical finding. This was how the document reflected on those different elements. The objective was to have the IRMS criteria addressed in a separate document that would probably be called TD2014 IRMS. WADA was currently working on that with the experts, and that would certainly be one of the major items discussed at the Laboratory Expert Group meeting in November. That concluded his brief presentation. He would be happy to answer any questions the members might have.

THE CHAIRMAN observed that this was very exciting. It was the technical document that would underpin the steroid passport, and he had had an opportunity to mention that to the public authorities members in a report to the IOC a few days previously, and the question had been where science was assisting the fight against doping in sport, and this was one of the more exciting things coming WADA's way. He hoped that all the documents would be ready for the formal launch in November of the steroid passport in Johannesburg. This was a brand-new tool. Thinking back to the meeting in Stockholm four years previously, the ABP or blood profile passport had finally been put on the table, and it had been a long time coming. Thinking about what had happened in the four years since then, he was confident that this would have a similar record as the years went on. As much as the members sometimes had a glazed look when they looked at the technical documents, this was the document that would underpin a very valuable tool. If there were no questions or comments, a decision was required that the Executive Committee approve the new technical document on endogenous anabolic androgenic steroids, measurement and reporting, TD2014 EAAS, to come into effect on 1 January 2014.



## DECISION

Technical document on endogenous anabolic androgenic steroids approved.

### **7. Athlete Committee Chair report**

THE CHAIRMAN reminded the members that the report had been dealt with earlier on.

## DECISION

Athlete Committee Chair report noted.

### **8. Any other business**

### **9. Future meetings**

THE CHAIRMAN said that the final matter was future meetings. For the benefit of the members, he confirmed the dates of the World Conference on Doping in Sport, to take place in South Africa in November. He looked forward to seeing the members in November. He referred to the meeting dates for the following year in Montreal.

He acknowledged the IOC for its support and the arrangements made for WADA to hold the meeting in Buenos Aires, all graciously delivered through a fair bit of work from the IOC. It had given many who were not part of the Olympic Movement an opportunity to observe one of the more historic meetings of the IOC. He acknowledged former IOC President Rogge's unswaying support to WADA and believed that that ought to be recognised. He was assured by his own discussions with the new IOC president that he was a strong supporter of anti-doping, so WADA could look forward with confidence to IOC guidance and support in the future.

For the sport members of the Executive Committee, it had been a long week, so he thanked them for their fairly spirited contributions. He acknowledged the interpreters, the hotel staff who had set up the sound system and meeting format, and lastly the WADA team for their excellent and professional work and logistical support that had enabled WADA to deal with its business. He wished all the members a safe journey home and looked forward to seeing them all in November in Johannesburg.

## DECISION

Executive Committee - 12 November 2013;  
World Conference - 12, 13, 14 and 15 November 2013;  
Foundation Board - 15 November 2013;  
Executive Committee - 17 May 2014;  
Foundation Board - 18 May 2014;  
Executive Committee - 20 September 2014;  
Executive Committee - 15 November 2014;  
Foundation Board - 16 November 2014.

The meeting adjourned at 2.30 p.m.

## FOR APPROVAL

JOHN FAHEY, AC  
PRESIDENT AND CHAIRMAN OF WADA