



Minutes of the WADA Executive Committee Meeting 20 September 2018, Eden Island, Mahe, Seychelles

The meeting began at 9.30 a.m.

1. Welcome, roll call and observers

THE CHAIRMAN welcomed the members to the WADA Executive Committee meeting. There was clearly much to talk about that day.

He was afraid that he had to start with a problem: WADA had been much troubled in the media recently by leaks from the Executive Committee to media outlets. Clearly, that was not helpful, and it had become acute. Only the previous day, at lunchtime, Mr Cosgrove had asked for copies of a letter and that they be distributed among the members of the Executive Committee, and that had been done promptly. The first thing he had seen when he had woken up that morning had been that letter on the BBC. That meant that there was no way that WADA would be able to run governance properly in that institution. He would open up the floor and he would be very interested to hear any reaction from the members of the Executive Committee to the situation.

PROFESSOR ERDENER fully agreed with the Chairman. As Executive Committee members, they had to keep their documents very confidential; otherwise, all sorts of discussions could easily be published by members of the media. He thanked the Chairman very much for the warning.

For the record, MR COSGROVE took it that the Chairman was not accusing him of leaking and asked him to confirm that.

THE CHAIRMAN confirmed that.

MR COSGROVE advised that he could confirm, the previous day, he had been made aware of the letter, having read the minister's reply to WADA, and he confirmed that he had e-mailed the Director General and asked for a copy. He could also confirm that, when he had got that copy, he had discussed it with other Executive Committee members and he had written back to the Director General asking him to release it fully and also to confirm whether all documentation (formal and informal communications) on the Russian issue had been released to the Executive Committee members or whether there had been a limited release (the letter in question had not been released until the previous day) and, if all documents had been released, excellent; if not, he had asked him to release them and the reply he had received, to paraphrase, was that there were thousands of communications between the President and Director General and staff of WADA and no release of those had occurred. The Director General might wish to reflect on that.

MR BAUMANN said that the two issues had to be separated. For the documentation on the Russia case, there was a separate agenda item; as to the leaks, he believed that the members had to be much stricter, and he recommended that the management and Executive Committee request that the leadership investigate and whoever was responsible for the leak should be excluded from the Foundation Board or whatever body it was. There was no other option. If it had been a member of staff, they would have to face the consequences.

MR RICCI BITTI expressed solidarity with the Chairman and the management in relation to the very unfortunate happening. What had happened was totally unacceptable in his opinion. If one wished to work in a cooperative manner, and he was referring to the leaking of the document, he thought that WADA should spend time investigating where the leaks were coming from, but he could not fail to mention a certain declaration that had been made, and he had not appreciated

learning that certain members had a position and had expressed it before the meeting that day. That was undue influence, and he recommended that people not repeat such acts.

THE DIRECTOR GENERAL stated, for the record, that he had indeed indicated that probably there had been hundreds, even thousands of exchanges with the Russians, because WADA had been working on a number of topics over the past few years, in particular rebuilding RUSADA. He had said that all of the issues were reported regularly to the WADA Foundation Board at every meeting as to the progress of the matters.

THE CHAIRMAN told the members what he proposed to do. One of the more critical journalists had been brave enough to write that, if the person's aim had been to discredit WADA and spark widespread outcry, then mission accomplished; however, it neglected how the actual process, however wrong many deemed it to be, had been carried out, and that was actually a pretty reasonable comment from outside the room. Secondly, under the general principles of Swiss law, WADA was a foundation under Swiss law and he referred members in particular to by-law 6.8. As members of the Executive Committee, they were bound to fundamental ethics principles, so that was serious. Picking up on suggestions made to him, he proposed instituting an investigation to see if it might be possible to identify the source of the leak and, once that had been done, he would go back to the members and take whatever the appropriate action was. It did present the management with an issue on how it distributed papers. That would be taken on. He was sorry to have to start with that. Those with any kind of mobile device would have noticed that there had been quite a lot of media attention recently.

The following members attended the meeting: Sir Craig Reedie, President and Chairman of WADA; Ms Linda Hofstad Helleland, Vice-President of WADA, Minister of Children and Equality, Norway; Ms Beckie Scott, Chairman of the Athlete Committee; Mr Francesco Ricci Bitti, President of ASOIF; Professor Ugur Erdener, IOC Vice President, President of World Archery; Mr Jiri Kejval, President, National Olympic Committee, Czech Republic; Mr Patrick Baumann, IOC Member, Secretary General, FIBA; Ms Danka Barteková, IOC Member and Member of the IOC Athletes' Commission; Mr Piechota, representing Mr Witold Bańka, Minister of Sport and Tourism, Poland; Ms Amira El Fadil, Commissioner for Social Affairs, African Union; Mr Marcos Díaz, CADE President; Mr Toshiei Mizuochi, State Minister of Education, Culture, Sports, Science and Technology, Japan; Mr Cosgrove, representing Mr Grant Robertson, Minister of Sport and Recreation, New Zealand; Mr Edwin Moses, Chairman of the WADA Education Committee, Chairman of the Board of Directors, USADA; Mr Jonathan Taylor, Chairman of the WADA Compliance Review Committee, Partner, Bird & Bird LLP; Mr Olivier Niggli, Director General, WADA; Ms Catherine MacLean, Communications Director, WADA; Dr Olivier Rabin, Science and International Partnerships Director, WADA; Mr Julien Sieveking, Legal Affairs Director, WADA; Dr Alan Vernec, Medical Director, WADA; Mr René Bouchard, Government Relations Director, WADA; Mr Gunter Younger, Intelligence and Investigations Director, WADA; Mr Rodney Swigelaar, African Regional Office Director, WADA; and Mr Frédéric Donzé, Chief Operating Officer, WADA.

The following observers signed the roll call: Tatsuya Sugai, Yukihiro Naruse, Jun Kondo, Chiel Warners, Sergey Khrychikov, Shin Asakawa, Fukuei Saito, Maren Aasan, Eva Bruusgaard, Rune Andersen, Andrew Godkin, Andrew Ryan, Machacha Shepande, Hannah Grossenbacher, Michael Vesper, Richard Budgett and Yewbzaf Tesfaye.

– **1.1 Disclosures of conflicts of interest**

THE CHAIRMAN asked the members if they had a conflict of interest in relation to any of the items on the agenda. In the absence of any conflict of interest, he would continue.

2. Minutes of the previous meeting on 16 May 2018 in Montreal

THE CHAIRMAN drew the members' attention to the minutes of the previous meetings, which had been circulated in advance on 11 July to make sure that the total volume of paper would be

less than before. A number of observations had been made and included in the minutes, which were submitted for approval.

DECISION

Minutes of the meeting of the Executive Committee on 16 May 2018 approved and duly signed.

3. Director General's report

THE DIRECTOR GENERAL informed the members that they had his report in their files and, since there was a heavy agenda, he would not go into what was written therein. There was also a separate bunch of documents that had been available for download, including the legal report with all the ongoing cases and so on. He made a few remarks and drew the members' attention to a couple of points.

The first point in the legal report was on the Froome case, about which he was sure all of the members had read in the media. If there were questions, his colleagues would be able to answer them. The first thing he wished to state for the record was that the Froome case had not been exceptional in its nature because about 20% of salbutamol cases ended up that way; of course, the profile of the athlete and the media interest had been different, but the outcome had not been a total surprise. The second thing that was important to know was that the UCI had been in charge of the procedure; WADA had not been a party to the case. It had asked to be a party but had been refused by the UCI tribunal, so WADA had provided only expertise, in particular scientific expertise, over the course of the case. What had happened at the end, just before the Tour de France, was that a decision had been taken by the race organisers to exclude Mr Froome while the whole scientific file was under review, and the people at WADA had done their best to review the thousands of pages of scientific evidence to come to a conclusion before the athlete missed what was probably the most important race of the year. After the Science Department had reviewed thousands of pages, it had reached the conclusion that it was possible, given the evidence on the table, that the result of Mr Froome was compatible with a therapeutic intake of the product and, therefore, on those grounds, there had been no case to pursue because, if the dose taken had been legal or compatible with the rules, no case could be pursued. WADA had therefore looked at the scientific evidence and provided it to the UCI. The fact was that the situation in relation to salbutamol was not satisfactory. He thought that everybody agreed that it was a situation that was not black and white: it was grey. The rules said that, above a certain limit, athletes were given an opportunity to give an explanation as to why they had gone over the threshold. It would be much better to have a clear-cut situation whereby if they were above, there was a problem, and if not, there was not. The nature of the substance was such that it was not possible to distinguish between oral intake and inhalation. The Prohibited List Expert Group had been asked to look into it. WADA would continue to see if there were ways of improving the current system, but there was no easy answer because, if one raised the threshold, one would not detect anything, so there would be no point having the rule at all. If one lowered the dose permitted so as to never exceed the threshold, a lot of TUEs would be needed. It was in the hands of the scientists. He noted the complicated situation and the Prohibited List Expert Group would follow up on that. If there were to be a test that made it possible to distinguish between inhaled and oral intake, that would be perfect; however, thus far, it was not available and it was unlikely that it would be, he had been told.

Another case, discussed in particular by the public authorities in Europe, was that of Paolo Guerrero, a football player. WADA had no real role to play in that after the CAS decision. The player had gone to the Swiss Federal Court and had obtained provisional measures allowing him to partake in the FIFA World Cup on the grounds that the CAS's reasoned decision had not been published. As soon as the CAS reasoned decision had come out, the provisional suspension had been reversed. The player was currently suspended and was challenging the case before the Swiss Federal Court. WADA would make its usual comments before the Swiss Federal Court. The Swiss Federal Court was looking at the right to be heard and high-level procedural issues.

In relation to ADAMS, WADA was on track. A new whereabouts application would be launched very soon. It would first be tested with a small group of users. It looked very promising, and he thought that would be welcomed by the athletes and would make their lives a lot easier.

WADA had also started the paperless project, to make the whole system a lot more straightforward. The project was under way and he was happy with that.

On the International Testing Authority, there had been several exchanges during the recent months, and a request had been made for the chairman of the ITA, Ms Fourneyron, to be invited to talk. She would not be coming to the Executive Committee meeting, but WADA would invite her to provide a report at the Foundation Board meeting in November, so she would be invited to present an activity report on how things had been progressing. WADA representatives had been attending board meetings as observers, as planned. Some of the board members were present, but the report received was that they were organising themselves, looking at having a strategic plan, looking at recruiting people, and the organisation's first mission would be at the Youth Olympic Games taking place shortly in Buenos Aires.

WADA had received a request from the Australian Football League to become a signatory to the Code. It was the first professional league that had asked to become a signatory. WADA had looked into it. It was a national professional league, but it was a very important sport in Australia. WADA had gone to GAISF and had a discussion, and there was no IF claiming to be that sport; therefore, WADA had no conflict and would accept it as a professional sport in the same category in which Ironman could currently be found. That was by way of information and WADA would respond to the Australian Football League after the meeting.

THE CHAIRMAN noted that it was a big report as always. The Director General reported at that meeting because a lot of the other directors were not present at the September meeting, which was largely driven by the need to have the Prohibited List approved and published on 1 January.

MR DÍAZ added to what had been mentioned about the governance group. He was very pleased about the work that had taken place since the appointment of the new chairman. He referred to the expertise provided to the group, and there had been very good material; however, there was significant concern about one of the experts who had published a very inaccurate statement in social media following the group's last meeting. Confidential information from the group had been given out, not in a very good manner. Hopefully, that could be taken into consideration, as that kind of thing was unacceptable.

MS HOFSTAD HELLELAND thanked the Director General for the update. It was very encouraging that there were good dynamics about the way forward for the work of the group. She was pleased to hear about what had happened the previous week in Lausanne. She looked forward to the report from their next meeting, which she understood had been set for October. The group was looking at some of the most important issues with which WADA was currently dealing, working towards greater transparency for the organisation. She was sure that Mr Díaz and the Working Group on WADA Governance Matters would take that into account. Everybody should be happy about the progress made and make sure that the report would be a basis for the work on the way forward.

MR KEJVAL thanked the management for all the work done on the contract with Montreal International. Might it be possible to see the contract?

MR PIECHOTA confirmed that he was deputising for Mr Baňka, who could not be present (he hoped that the members would understand that family took priority), although he wished the members a very fruitful meeting. As to the Director General's report, he commented on one particular item, Operation LIMS. There was a statement in that part of the report about the fact that the Intelligence and Investigations Department had tried to provide its best external guidance and assistance to the IFs. In May 2018, however, it had become apparent that the majority of IFs were inadequately equipped to deal with the data provided. Issues had included the complexity of the data and IFs not having sufficient intelligence and investigative capacity. That was the issue that had been addressed in the past and he had suggested that the IFs seek assistance from the NADOs, and that had not been taken into consideration by WADA. He asked how the sport

movement assessed the situation and if there was any intention to address the issue in the future. Also, how did that statement fit in with the concept of Code compliance of signatories?

On item 3.1, Europe supported the work of the Working Group on WADA Governance Matters; however, the timeframe was very tight.

As to the Montreal International headquarters agreement update, Europe appreciated the outcome of the process.

MR MIZUOCHI indicated he would speak in Japanese and would address a few items one by one. He also wished to touch on the matter of documentation leaks which he would do so later. He firstly thanked the Director General for the detailed report on the various items and commended the other members of WADA management for their contribution to the fight against doping. He wished to specifically make reference to the progress being made with ADAMS including the paperless system. The Government of Japan would be working closely with the Tokyo 2020 Olympic and Paralympic Games organisers and the Japan Anti-Doping Agency to ensure the paperless system is delivered as part of the doping control process. He also indicated that Japan would continue its preparation for the implementation of spot analysis of dried blood samples. Furthermore, with the Laws on the Promotion of Anti-Doping Activities in Sport being passed in June 2018 and entering into force on 1 October 2018, the relevant authorities in Japan would be closely collaborating with one another to develop an intelligence sharing scheme. With the support of WADA and IOC, the Government of Japan looked forward to advancing the above-mentioned projects in order to achieve a "clean-doping free" Olympic and Paralympic Games in 2020.

MR BAUMANN thanked the Director General for his report. On the Working Group on WADA Governance Matters, he looked forward to seeing the results and the ideas that would be put forward at the next meeting; however, he warned that the working group should not go in a different direction, in that it was a partnership between public authorities and the sport movement and that remained the key thread, and that balance should not be changed.

MR RICCI BITTI thanked the Director General for his report. The sport movement fully supported the governance effort, but believed strongly that governance was the main problem in WADA. It was good to refine and improve, but it was necessary to be careful not to change the model. His concern was related to the composition of the Executive Committee, and that the procedure regarding the election of the president might be too complicated; but, apart from that, he fully supported the effort.

He reassured his Polish friend about the IFs. The ITA had been created to help the IFs. He noted the colleague's interest, but again recommended that the government representatives look more at their side: the NADOs. The sport movement had a long history (many IFs were not perfect) and tried to make the IF programmes better, but he believed (as a long-standing member of WADA) that there were many more problems at the NADO level. It was necessary to cooperate, and the IFs were cooperating; but, obviously, there were practical problems. He recommended that the colleague read the printed report (he would send him a copy) on how the IFs looked inwards and sought to be better every day. He appreciated the colleague's attention, but the NADOs had a lot of problems too. There were not enough efficient NADOs to cooperate, and the ITA had just been created to cope with all of that, so he reassured the colleague.

MS SCOTT made a comment on the Working Group on WADA Governance Matters. The position of the WADA Athlete Committee and its representative on the Working Group had been to increase athlete representation on the WADA Executive Committee by adding a member (perhaps the chair of the WADA Athlete Committee) as a voting member to the Executive Committee. It had been very disappointing to learn that that had been actively opposed. At a time when athlete representation was purported to be increasing and progressing across the sport movement, with athletes being added to executive committees and, in fact, the Olympic Movement had said that it empowered, promoted and ensured athlete representation across the board and in decision-making, that seemed a bit contrary. It had been disappointing to see that organisation not only moving away from athlete representation on the Executive Committee but also moving to a position

where potentially the standing chairs (including herself as a representative of the WADA Athlete Committee) would be asked to simply present their reports and not comment any further. The constituents were athletes. The policies and decision-making carried out in the Executive Committee affected and had an impact on athletes and it was strongly recommended by the WADA Athlete Committee that WADA continue to support and encourage input from the athletes.

MR PIECHOTA responded to Mr Ricci Bitti's intervention. He had not intended to argue about who was doing a better job; he had attempted to encourage cooperation between the IFs and NADOs because he thought both sides could learn from one another.

MR COSGROVE said that he had some questions on staffing. He noted that the Director General had not touched on the departure of Mr Koehler in his verbal report. Whilst he understood that they were personal matters, because they were human resource matters, he wished to ask a number of questions which he believed did not impinge on the integrity of that. Had attempts been made to persuade Mr Koehler to stay in his role? He noted that the members had not seen the resignation letter, which was an official document and he presumed that it existed. He would have thought it might well have been circulated. In the process of Mr Koehler's departure, had the President and Vice-President been engaged to assist, given that Mr Koehler had been number two in the organisation and a person who had been described in the newspapers as extremely committed to clean sport, and he had been held in the highest esteem and with the greatest respect? Had any interviews been conducted with Mr Koehler? He also noted with concern the other resignations of senior staff (Adam Klevinas and Drew Slack) and sought some reassurance that WADA was taking steps to ensure that it was not losing eminent folk, because that of course would weaken the institution, given that they were eminent folk with long institutional memories and world-class experience.

His other question related to staff numbers. He saw that they were increasing in the order of 121 staff members. He was not sure (and he would be interested in the Director General's comments) as to the link between increasing staff members and improvements or gains in the fight against doping in sport. One could argue that, to the contrary, the figures showed that fewer cheats were being caught at the same time as staff numbers were increasing. He would be interested if the Director General could provide some comments about the link between increasing staff resources and those objectives.

THE DIRECTOR GENERAL responded to Mr Díaz and the concern he had expressed regarding the social media posting. That was totally shared by the management. The issue had been raised with the expert. He had yet to receive an answer from that expert, but he informed the members that, unless he received clear confirmation that it would never happen again, WADA would finish the work with only one expert. There had been a number of discussions on that topic with the person, and he agreed that it was unacceptable.

On the Working Group on WADA Governance Matters, the work was progressing and the Chair of the group would come with recommendations in November. The difficulty with the group was reconciling the nature of the organisation (which was a partnership between sport and governments) and best practice in terms of governance, and the group was trying to find a reasonable combination that would meet the best practice requirements as presented by the experts and still allow for the nature of the organisation to be preserved. That was what would be on the table, and the board would have the opportunity to consider changes in November. There had been a positive spirit in the working group and a willingness to try to move things forward in the interest of the organisation. He hoped that that would continue.

To answer Ms Scott, he would not enter into the substance of the work of the group, as he thought it would be inappropriate to do that whilst the work was still ongoing. The athletes' position had been made very clear at the meeting by the athlete representatives. A number of things had been asked for the next meeting. The group was well aware of the position and was trying to find the best solution to match the nature of the organisation, the structure and best practice in terms of governance. It was not being ignored; it was part of the discussion, but it was a complex

discussion and he did not want to pre-empt the discussion that would take place at the next meeting.

He would share the information requested with Mr Kejval.

On Mr Piechota's question, he made a correction: the NADO had offered to help and WADA had not disregarded that. The bottom line was that WADA wanted the best success in relation to Operation LIMS. It was not easy; it was complex, it included a lot of data, investigation and bringing together evidence, so the management had slightly changed the strategy, and would be preparing the file for what were considered to be the best LIMS cases (the strongest), and would make sure that the cases went to the CAS in order to create a good precedent and ensure solid grounds for other cases to go forward. That was the direction in which WADA was heading, and Mr Younger could explain further if necessary.

In terms of compliance, it was necessary to be very careful, because the requirements for investigation in the Code were pretty general, but expecting every IF to be able to cope with matters as complex as the LIMS file probably went beyond the requirements of the Code, so he was not sure that the members were really talking about compliance: they were talking about a practical issue that needed to be solved.

He thanked the Japanese delegate for his update.

He thought he had answered Mr Baumann's question in general terms.

Adding to Mr Ricci Bitti's comment, as part of the November meeting, and based on the recommendation from the working group, there would be a clear process for the next election in November 2019. What would be on the table for the Foundation Board to approve this coming November, would include timelines, process, other requirements suggested by the Working Group on Governance such as criteria for independence, and so on. All that would be included in one document for approval by the Foundation Board so that everybody would know exactly what the rules and the timelines were.

In response to Mr Cosgrove's question, under Canadian law, employment matters could not be discussed and WADA was prevented from doing that. Legal advice had been taken. Mr Koehler had submitted his resignation through his lawyers and, since then, the discussion had been through legal counsel. The resignation of other members of staff in an organisation with 121 employees was nothing unusual. Mr Klevinas had gone to a private legal practice and was now working on a number of files for WADA from that practice, so he had probably made a good move, and Mr Slack had gone into cancer research, which was very honourable and WADA wished him well. If the measurement of efficiency was done using statistics on the number of staff members, he was not sure that Mr Cosgrove was looking at the right indicator. WADA had been doing a lot of things that it had not been doing previously (there was a new Intelligence and Investigations Department, for example). WADA was monitoring the headcount very closely and that was in line with the five-year plan. That should be the best indicator overall of what WADA was doing, and statistics on staff was clearly not the best indicator.

MR BAUMANN made two points. He recommended (and it was by no means a rebuttal of what had been said) that, if somebody had been appointed an expert in a working group and had leaked documents or made comments, given the conversation that had taken place at the very beginning of the meeting, trying to get a simple statement that they would not do it again was not enough; the person should be removed full stop. That was a personal opinion. In line with the initial conversation, he thought that the person (and he had absolutely no idea who it was) should be given the chop. It was as simple as that.

It was a fair question to try to understand what had happened with top members of WADA's management. It did not undermine the Director General's role in any way. The members of the

Executive Committee had always indicated satisfaction in terms of how WADA's staff members were managed. People came and went and that was absolutely normal in any organisation.

DECISION

Director General's report noted.

– **3.1 Working Group on Governance Matters update**

THE DIRECTOR GENERAL gave a brief update on the Working Group on WADA Governance Matters. The group had met on 5 and 6 September in Lausanne, and very good work had been done over two days under the new chairman, but it had not been possible to complete the agenda due to a lot of relatively complicated questions, so another meeting had been set for 22 October. The plan was still for the members to have a report from the chairman of the working group at the November meeting, and a number of proposals would be submitted to the WADA Foundation Board for approval. That was being prepared and the work was still on track. He would not go into the substance because the work was ongoing, but he was comfortable that good progress would be reported on in November to the Executive Committee and Foundation Board. He would ask in advance for the members' indulgence: the meeting would be on 22 October, which was actually the day before the documents were going to be sent out for the Executive Committee and Foundation Board meetings. It might be that the members received the report from the group a few days later. That was the only date on which it had been possible to get the majority of members to attend.

DECISION

Working Group on WADA Governance Matters update noted.

– **3.2 Montreal International headquarters agreement update**

THE DIRECTOR GENERAL stated for the members' information that the agreement had been signed and things were on track.

DECISION

Montreal International headquarters agreement update noted.

– **3.3 Cooperation agreements**

MR YOUNGER said that he had been a little surprised and concerned about the criticism itself and how the criticism had been forwarded to him in relation to the ICSS. The first criticism that had come to him was that WADA had not applied due diligence in relation to the ICSS upon signing the memorandum of understanding. He could assure the members that the department had the most thorough and intensive due diligence on every organisation and person with which it worked with, since the department's clients did not always have the best reputation; so, in that respect, due diligence had been applied.

The second criticism was that the ICSS was recognised by neither sport nor governments. WADA had found that the ICSS had memoranda of understanding with governments and international organisations such as UNODC, UNESCO, UNICEF, the OECD, the Council of Europe, Canada Center of Excellence, Institute Australia, the Community of Portuguese-speaking countries and the Government of Mexico. There were also memoranda of understanding with sport organisations: the NOC of Portugal, Italy, Spain, the German Soccer League, the European Professional Football League, the Sport Integrity Global Alliance with 120 members, the International Olympic Truce Centre (a cooperation between the IOC and Greece), and USADA. The ICSS also cooperated with law enforcement bodies, and had supported investigations in Canada and the USA, with FIFA and the Australian police, had alliances with the WHO and OAS, Europol, Interpol, FIFA, the IIHF, UNICEF and the UN High Commission for Refugees. It had been endorsed in many speeches by former ministers of sport, the US Department of Homeland Security, and Ms Condoleezza Rice, who had said that the ICSS was a perfect example of how sport organisations could cooperate with

governments. The Intelligence and Investigations Department had carried out monitoring on how the internet had reacted to the memorandum of understanding. 82% of all messages in the media had been neutral, 11% positive and 0.6% negative, referring to somebody who had previously worked for the ICSS (Chris Eaton, a former police officer who had resigned). In 2014, the former director general of WADA had spoken at an ICSS conference on corruption in sport and he had not been criticised for that. On data protection issues, there was a project with the Council of Europe and a guideline had been written on how to share information internationally. It also had a guide on good practices in investigation into match-fixing, guiding principles for protecting the integrity of sport, and he could mention more, and finally, in respect of funding, the ICSS was funded with the support of the Qatar Government, a start-up support fund for sport safety and the organisation would be reimbursed for all its activities at the end of the year by the Government of Qatar. He had found nothing about any investigations in relation to the FIFA World Cup bid, no government or law enforcement body had started an investigation according to open source research. It had a constitution as an independent organisation. He was not aware of what WADA had received by way of criticism and would be happy to hear the facts, but his work was based on fact and not on speculation.

He closed with some remarks as to why he was concerned about the suspension of the ICSS memorandum of understanding. Since he had been working for WADA, he was regularly asked by journalists whether his department was really independent and whether there was really no influence from the management. Until that day, he had been able to say that the Intelligence and Investigations Department was 100% independent. But, from that day, he was no longer so sure. At that time, there were four international reporting systems on sport: Speak Up! from WADA; Fair Sport (there was a memorandum of understanding), Sport Leaks and the ICSS. As communicated to the Executive Committee, he had been approached by the head of investigations of the ICSS, who had said that the ICSS had received doping allegations through its whistleblower system that it wished to share with WADA, as it had no expertise to investigate such matters. In order to be transparent to its informants, the ICSS wanted to sign a memorandum of understanding. As he was interested in receiving any information from any source that was related to WADA's mandate, he had requested that the Director General and the President of WADA sign the memorandum of understanding. Both had asked whether that was necessary to fulfil his mandate, and he had confirmed that it was. The daily work of the Intelligence and Investigations Department was determined by dealing with cheats, dopers and people who would most likely be labelled corrupt. As the members were aware, WADA currently worked with the man who had been labelled the biggest fraudster in sporting history: Dr Rodchenkov. As a reminder, because of the work of the Intelligence and Investigations Department, 90 of the 111 athletes due to attend the Winter Olympic Games in PyeongChang had not been invited solely because of intelligence provided by the Intelligence and Investigations Department. 100% of that information had come from whistleblowers. Could WADA afford not to work with them because most of them were criminals or dopers and therefore had a questionable reputation? Could WADA afford to say that, where there were only a few allegations, it was no big thing and therefore not worth following up on? What if one of the few was another Stepanov and WADA ignored them because of political reasons? Who did the members think would shoulder the blame? What would be the perception of the media or, even more importantly, of the athletes, about WADA's commitment if the ICSS disclosed that WADA was not interested in its doping cases? He could understand the concern raised that the ICSS might use the memorandum of understanding to enhance its reputation. However, WADA's due diligence on the ICSS had disclosed that it was very active in operational work in cooperation not only with international sporting organisations but also with governments worldwide. With his 35 years of law enforcement experience in all types of criminal investigations across the globe, he could assure the members that he was very careful when choosing who WADA worked with and how WADA worked with people. If there was no added value for WADA or if he saw that WADA was being used, then he was the first one who would cut ties. He also specified that the memorandum of understanding placed no obligation on WADA to share any information, confidential or otherwise, with the ICSS. Within the Intelligence and Investigations Department, he had, by way of best practice, separated the management of confidential information from investigations so that even the investigators did

not know the identity of the whistleblowers. With that methodology in mind, why should he share that information with externals? If a match-fixing case were reported to WADA, he would always share that information with a relevant law enforcement body first and not a private organisation. Of note there, he pointed out that the mandate of WADA's Intelligence and Investigations Department did not and would not cover match fixing. At current staffing levels, WADA was covering less than 20% of reported doping cases; therefore, why would he be inclined to expand the mandate? His pressing concern at that moment was that, since June 2018, he had been aware of around 20 cases of doping reported to the ICSS. He did not know the quality of the information, but he definitely wanted to have the opportunity to assess it. He considered that interruption and the proposed directive to cancel the memorandum of understanding a clear interference with the independence of the department. If the reputation of WADA was of concern (although there had been hardly any negative media feedback following the publication of the signing of the memorandum of understanding), he proposed that a solution would be to delegate the authorisation to sign an operational memorandum of understanding directly to the Intelligence and Investigations Department. That would allow the Intelligence and Investigations Department's independent supervisor to audit the ongoing benefit on a yearly basis. Therefore, he was eager to obtain clarification as to how to proceed with the ICSS and any other organisation that might wish to share such information with WADA in the future. Also, if WADA continued down that path, how might WADA restore the trust of the world in the independence of the Intelligence and Investigations Department? He would be happy to take any questions or provide more details if needed.

MR SIEVEKING spoke about the formal aspects of the signature of the memorandum of understanding by WADA, because it had been reported that there had been no consultation with the Executive Committee, so he had looked at the rule and wanted to underline that, by signing the memorandum of understanding, there had been no breach of any rule or policy; there was simply no rule on that point. As explained in the paper, more than 50 memoranda of understanding since 2006 had been signed and, of the 56, 30 had been signed by the Director General alone. The others had been signed by the relevant director of the applicable department. Of the 56, only one memorandum of understanding had been submitted prior to signature for approval by the Executive Committee. From a legal standpoint, it was not his responsibility to comment as to whether there was a need or not, although he would be happy to do so if necessary, but it was important to underline that, in that case, the regular practice in place since the creation of WADA had been followed and no particular by-law or policy had been breached.

THE CHAIRMAN observed that it was good to know that WADA was not in any breach of its own rules.

MS EL FADIL wished to reflect the view of the public authorities on that matter, and then she would discuss the point as a representative of Africa. The public authorities had expressed concern that policy matters such as signing a memorandum of understanding needed to be brought to the attention of the Executive Committee and the information should be shared with the Executive Committee members. That was the position of the public authorities.

Putting on her other hat, as a representative of Africa, she wondered whether it was the right of the management to sign and what the practice was. The information provided was that there were no rules and, therefore, if there were no rules, there was no breach of any rules. What did WADA want to do? Allow the management to sign memoranda of understanding without coming back to the Executive Committee, or say that the rules needed to be changed and that the management should come back to the Executive Committee if it wanted to sign memoranda of understanding? For the matter being discussed, the signature had already taken place. What was being discussed? What would WADA do in the future? Leave it in the hands of the management or take it out of the hands of the management? If so, the rules would need to be changed to say that memoranda of understanding should go to the Executive Committee for approval.

MR RICCI BITTI said that the Olympic Movement had strongly encouraged the creation of the Intelligence and Investigations Department within WADA with significant autonomy. The Olympic

Movement's position was that the autonomy should be related to the operation of the investigation. In that case, the Olympic Movement would prefer and recommended that the Executive Committee approve such matters. That would offer a certain amount of protection. He received a lot of invitations to cooperate with the ICSS and did so on occasion. He had been a speaker at the previous conference in Rome, but the Olympic Movement believed that a formal agreement had not been appropriate for many reasons he did not wish to repeat there. Autonomy was relative, and he was sorry to say that. He gave an example from his sport. The association of tennis umpires had gone to him one day and said that they wanted to be totally independent from the IF. He had responded that they could be totally autonomous and independent when they were in the chair; however, when they got down, they had to follow the rules of the house. That was what he meant by relative autonomy. He was sorry to have a different view on behalf of the Olympic Movement. The Olympic Movement would prefer it if, for strategic issues, the department were to come to the Executive Committee if it wanted to enter into an MOU with a third party. He wondered if, in the future, it would be necessary to mention the people concerned. Perhaps it would be enough to say that the stakeholders were concerned, and not New Zealand or the Olympic Movement. That was a very simple matter. He had never asked for a breach of the rules. His proposal was that WADA establish the policy and then an agreement on coming to the Executive Committee for approval for strategic issues.

MR COSGROVE noted that he wanted to take a little time; but, given that the New Zealand Government had been referenced in the correspondence, he had concerns with the process, and he put it that the process on the issue had been poor management practice, bordering on unprofessional, and he said that for a number of reasons. The ICSS document had been signed on 4 April and countersigned by the Director General on 14 May (it had not been signed by the Chairman), which was just before the Montreal Executive Committee meeting. Although there might not be a requirement to report on a memorandum of understanding, which was not a cooperation agreement (it was a memorandum of understanding as referenced in the WADA press release), he would have thought that, as a professional organisation, it would be prudent at the very least that a document like that be referenced in the Director General's report in Montreal. There had been no verbal reference at all and that was bad management.

The second point he raised, and he agreed with the Olympic Movement, was that there were questions particularly on the private funding matters in government and in private about how the organisation was funded and, in his view, there should have been greater due diligence on those issues.

The Director General, in a letter to a member of the ICSS (and not the CEO of that organisation who had signed it), had given details of those who had been opposed (the IOC and his government). He referenced that also, and he did not speak for the IOC, but certainly in the letter he had written he had not asked for the cancellation of the memorandum of understanding. He was pleased that it had been cancelled, for the record, but he had simply expressed concern on behalf of his government and asked if a way out of it might be sought if the Executive Committee were to request it. The Director General had not sought his permission (or the IOC's permission, he assumed) to divulge in public his comments. In that letter, why had the Director General said that the Executive Committee decision had been regrettable and further quoted 'please know that we regret this unfortunate development'? He found that rather distressing given that it seemed to imply that the Director General was saying that the views of Executive Committee members were somehow regrettable. He requested an explanation in respect of that. He thought that it was poor management practice. Nobody had actually asked for the cancellation of it. He took it that the President had not subsequently signed it; therefore, it was his understanding that it had not been legally enforceable anyway, because the President had not signed that document. He shared Mr Ricci Bitti's view. Whether or not there was a rule, he would have thought that the memorandum of understanding would have been referenced verbally, if not in writing, in the report in Montreal and, as a matter of good management practice, that, at the very least, the Executive Committee could have been given a heads-up to enable the members to raise concerns, valid or invalid, but he did object strongly to the references in the correspondence from the Director General about his

government's position and the fact that no permission had been sought in that respect. It was bad management practice.

MR PIECHOTA clarified the issue of the scope of cooperation between the ICSS and the Council of Europe, as referred to by Mr Younger. It was true that the ICSS was a member of the consultative committee of the enlarged partial agreement on Sport. The concept of membership was quite broad. At the same time, the ICSS had been refused an observer status next to the standing committee on safety and security within the Council of Europe. The second issue was the open question in the document on the possible WADA policy on the cooperation agreements. Europe supported the common policy that the management sign such agreements on behalf of the organisation, as that was quite typical; however, as stressed previously, the process of signing such agreements should be transparent, so they should at least be brought to the attention of the Executive Committee.

MS SCOTT noted that Mr Younger had reported that there had been hardly any negative feedback following the publication of the memorandum of understanding; in fact, the only media she had seen about it had been negative, and it had come from Declan Hill, the investigative journalist invited to present in 2016 who had done a lot of work on corruption and match-fixing, and he had expressed some very grave concerns about the partnership with Qatar. That was the only time she had seen it in the media and it had not been positive.

MR BAUMANN said that, on an operational side, if the Intelligence and Investigations Department had to do its work, that was the purpose of its role and that should be somehow allowed, but that did not require a public release of a memorandum of understanding with a third party. The job was done on a very operational level, and there was no need to disclose anything about that. If it was about making sure that doping cases were dealt with by WADA, it was part of the work of the department, but it should not become a media exercise, with a press release, etc. WADA did not need that. On the contrary, there was no reason to do that. That was one point. On the other hand, if information came in on a case not related to doping, the first thing Mr Younger would do was go to the law enforcement officials and not a private organisation, so he was sure that the ICSS could do the same.

THE DIRECTOR GENERAL noted that there were two questions on the table, one of which was about the kind of governance sought, and the other was about what to do with the specific ICSS case. There was still potentially information there that was of interest to the Intelligence and Investigations Department. In principle, he thought that WADA should be trying to get that information one way or another.

He told Mr Cosgrove that he accepted that he had not appreciated the political sensitivity of the matter. When he had put his signature on that document at the request of the Director of the Intelligence and Investigations Department, it had been business as usual and it had not even occurred to him that it should be included as a last-minute part of his report in May. Information about activities of this specific department had not been something he had been thinking about reporting on. He had taken note of the comments related to the way in which WADA had communicated with the Qataris. WADA had written to the person in question because he had been the contact person for that agreement, not the director general. He had noted the concern of the Olympic Movement as well. At the time, he had thought that both sides were comfortable with the position they had taken and expressed. Nevertheless, the point was noted.

On the specific question of expressing regrets, he simply had expressed regret to the ICSS that the I&I Department, having discussed that WADA would sign the cooperation agreement, then having to pull out of it. That had been a matter of simple politeness to the other party upon pulling out of something that it had expected would go ahead.

He understood that there were a lot of sensitivities about that organisation. He was still not 100% sure exactly why and therefore was asking under which terms would the members be comfortable for the Intelligence and Investigations Department to try to get that information?

THE CHAIRMAN said that there were two parts to that, and the second part was probably the easier of the two, which was that, basically, WADA lived and learned. If the Executive Committee was very content from an operational point of view that the independence of the Intelligence and Investigations Department was very important to WADA, then clearly the department should be given the right to do what it did very well. However, there was a suggestion that there could be a form of approach to that, which might need further examination or to be referred. He currently found it difficult to work out where the balance was; but, on the basis that WADA lived and learned, the management should be able to take some outside advice on where that balance should be and then come back to the members and say what advice had been received, so that, on one side of the balance, WADA left it entirely to Mr Younger and his team and, on the other side, there would be issues that would have to come to the full Executive Committee or a sub-committee, he did not know. If the members were happy with that scenario, it could be investigated. He thought it only fair to ask Mr Younger if he would be happy to continue to operate in that situation.

MR YOUNGER responded that he would live with whatever the Executive Committee decided. He was concerned about having access to the data. He referred to Ms Scott's comment. He was not interested in working with the ICSS, the organisation; he was interested in gaining access to the whistleblowers. He currently had no access to that information because of the interference. That was what concerned him and he hoped to receive clarification as to how to proceed.

MR BAUMANN stated that it was not acceptable to say that what was being discussed there was interference. It was a slap in the face to everybody sitting around the table and it was not a very correct way of addressing that. There was also a difference between independence and autonomy. WADA should simply find a technical way of getting an agreement with whoever had the data. That was a technical and operational matter, and there should be no cross-references that WADA was partnering with the ICSS or the ICSS was partnering with WADA. He was summarising, and that was more or less where WADA should stand. It was absolutely fair to try to get the data. There was no mandate to go beyond that. There was obviously the mandate to deal with the data and to do whatever job was necessary. As it related to the more general question, his recommendation would be that WADA did not need external advice; that was not necessary. There could perhaps be a list of groupings, of categories, of partnerships and memoranda of understanding submitted to the Executive Committee for information and then, if there were some sensitivities, it might be easier for the management to understand that it might be better to bring the issue to the table and talk about it. That might be a very simple way of proceeding and then, if it did not work, a different process could be considered.

THE CHAIRMAN thought that that appeared to be a pretty helpful suggestion.

MR RICCI BITTI clarified the position. There were two levels. The Executive Committee should not forbid getting information from wherever necessary and possible, but he did have some reservations, because the department's autonomy was not to go beyond the running of the investigation. The ICSS was a master at having memoranda of understanding. He knew the ICSS, and it was very active when it came to match-fixing; he had some doubts about doping. Autonomy was not without limits: autonomy was related to the operation of the investigation.

MR COSGROVE agreed for the record with Mr Baumann. There was no issue of interference; two stakeholders had raised concerns and the Director General had unilaterally cancelled the memorandum of understanding. He agreed with Mr Baumann. He did not think that WADA needed external counsel. It was appropriate that the Executive Committee give visibility to such things. Everybody had huge networks and could provide additional information about the issues, and then it would be for others or the Executive Committee to take those up. Out of courtesy and prudence, those matters should have visibility. He did not think that WADA required lawyers to tell it that; other organisations adopted that practice every day.

THE CHAIRMAN said, for the record, that he had not been suggesting that WADA take legal advice: he had been suggesting that WADA take advice, and there had been some good advice from the last three speakers. He suggested living and learning from the experience. As far as the

balance was concerned, WADA needed to do some work. As far as the ICSS was concerned, he suggested going back to it and simply trying to enter into a cooperation agreement.

THE DIRECTOR GENERAL suggested seeing on what grounds Mr Younger could get the information from the ICSS, and that could be discussed and reported on at the next Executive Committee meeting. The aim would be to try to reach some common ground.

MR COSGROVE noted that there were two issues: one was an agreement and another was gaining information. If the Director General was suggesting that attempts be made to obtain the information and then bring back the recommendations or the result of those to the Executive Committee, that would be appropriate; to then jump to a cooperation agreement would be pre-emptive. If they could get the data, that would be great. Then they should come back to the Executive Committee.

THE DIRECTOR GENERAL clarified that the problem for Mr Younger was that the whistleblowers talking to the ICSS needed some sort of undertaking from the ICSS, hence the legal connection. What was the minimum requirement to which WADA could agree so that the ICSS could pass on that information?

MR BAUMANN recommended that, if the ICSS had 20 cases, that would be it. If it got a 21st case, it should pass it on to Mr Younger directly. The ICSS should accept that it was the role of WADA to deal with anti-doping, and not the ICSS.

THE CHAIRMAN thought that it was about as clear as it could be. The Executive Committee would meet again in a few weeks' time to see how best to deal with the opinions expressed, but he was very sympathetic to the expert members of the Intelligence and Investigations Department that WADA had developed and WADA should try to not tie their hands too much.

DECISION

Cooperation agreements update noted.

– **3.4 Rodchenkov Anti-Doping Act**

MR SIEVEKING said that the sport movement had requested some information on the act, which had been referred to in the media. As the members could see in the paper, WADA had asked its US-based counsel to provide an opinion, so he was not sure he needed to repeat what the members could read in their papers. He would be happy to take questions and relay them to the US-based counsel. But just to summarise, the act in question was an act on the criminalisation of doping, an act that had been drafted and submitted to the US House of Representatives in late spring by an independent commission of the US Government. That act would penalise participation in doping and the administration of doping substances, and there was a specific aspect on the protection of whistleblowers and retaliation against whistleblowers, and it would penalise any act of conspiracy related to doping practice. He noted that it would apply worldwide, in connection with major international events. From what he understood from the US Counsel, Mr Young, was that there was a lot of uncertainty about the future of the act, as there was a long process involved before an act became law. It was only the beginning so, as Mr Young had concluded, not a lot could be predicted, but he would be happy to keep the Executive Committee updated about any progress or developments in relation to the act, although apparently it was currently still on a wishlist.

THE CHAIRMAN observed that the conclusion provided actually seemed pretty effective.

MR BAUMANN advised proceeding with caution. It had the potential to be extremely disruptive if it were even to go through the process of hearings. One possible positive point might be that, if one wanted to criminalise doping in the USA, it might not be too bad because at least there would be a proper act, and it might finally overcome the collective bargaining problem related to the professional leagues. What was really negative was that it could be a problem for everybody, not just IFs, but also stakeholders of WADA and governments, which had their own laws in their own countries and would suddenly be affected by decisions of the USA and the US attorney-general, who would suddenly be asking for evidence from around the world. That was very dangerous and

affected everything, professional and amateur events, so that could be extremely disruptive and very dangerous. Another point was that there was an attempt to create a separate list of performance-enhancing substances, and that could be equally disruptive and complicated. WADA should perhaps be monitoring and preventing, and not simply wait for next steps. Perhaps there should be some work behind the scenes to make sure that it went in the right direction.

THE CHAIRMAN noted that it was not an easy one for the Executive Committee to discuss. He certainly took Mr Baumann's point about variable lists of substances. WADA was familiar with that already and it did not make life any easier for WADA, as far as the USA was concerned, but he thought that the view was that WADA should monitor closely and keep regularly in touch with US advisers and be prepared to take action if necessary.

DECISION

Rodchenkov anti-doping act update noted.

– **3.5 Standing committee memberships 2019**

THE DIRECTOR GENERAL reminded everybody that the deadline for nominations for memberships was 5 October and, to be clear, since he had received a number of questions about it, that year the nomination process would be in accordance with the constitution. There would be no changes. If and when WADA received a recommendation from the Working Group on WADA Governance Matters, it would be included in a revised constitution, so the nominations in November 2019 might follow a different process.

DECISION

Standing committee memberships update noted.

– **3.6 Meeting documentation**

THE DIRECTOR GENERAL informed the members that the management had tried to limit meeting documentation by separating main documents from other documents available for members to read if they wanted, and he wondered whether the Executive Committee was happy with that; if so, the management would continue to do that in the future.

THE CHAIRMAN said that there had been some comment that the members received so many pieces of paper that there was not enough time to read them.

MR PIECHOTA thanked WADA for the effort made in terms of providing meeting communication. It was very user-friendly and made it possible for the members to be very practical in their work before the meeting.

THE CHAIRMAN stated that, as long as it remained user-friendly and not friendly to everybody else, he thought WADA was heading in the right direction.

DECISION

Meeting documentation update noted.

4. Progress of the anti-doping system

THE CHAIRMAN said that the presentation would be given by the Director General. By way of introduction, the very first page explained exactly why the paper was before the members.

THE DIRECTOR GENERAL informed the members that he did not wish to spend too much time presenting the document, but he wanted to take the members through the highlights. The document had been the result of the discussion at the previous Executive Committee and Foundation Board meetings in May, and it was a factual account of what had happened since WADA had had to deal with the Russian issue and what had changed within the organisation to better address it. A question had been put to WADA: if there were another Russian scandal, how would WADA address it and what would be the difference in the way in which WADA handled it?

The management had come up with six main issues. The first was obviously that the cheating had not been detected, for good reason. The second was that the laboratory had been involved, and that had also been undetected. The third was that there had been no proper channel for whistleblowers to provide information at that time. Athletes and people working in the laboratory might have had an opportunity to raise the matter had that been in place. WADA had been unable to investigate for a long period of time. No sanctions had been agreed, and there had been no clear delineation of responsibilities or any mechanism to resolve disputes. All of that combined had resulted in the situation. Before that, there had been things ongoing. WADA had recognised the need for investigation powers when working on the Code back in 2010, but that had gone through the process of Code consultation and then it had come into force on 1 January 2015. WADA had also established the Compliance Review Committee in 2014, and the aim had been to have an independent committee making recommendations to avoid political discussion on compliance issues. That was why WADA had created it. After the whole issue of Russia and the revelations, consultation, discussions and so on, an agreement had been reached in 2016 by the Foundation Board, and a number of recommendations and priorities had been approved. The members would see them listed in the document.

What was different then compared to previously? He would take each item one by one. First, there was the fact that the cheating had not been detected. Would it be detected henceforth? He did not have the answer. As clearly stated in the paper, the way in which it had been done and the involvement of state bodies would always make it complicated for a private organisation to deal with; but, clearly, the compliance programme had changed. WADA had moved from a compliance programme that had looked mainly at the rules to one that looked at practice, with audits and a whole process, involving a task force, the Compliance Review Committee, the Executive Committee and so on, and there was a legal framework, with the ISCCS, so the situation was clearly different to what it had been previously and the legal basis for compliance was different.

As far as the laboratory was concerned, WADA had a working group that had looked at it and the recommendation had been clear, with a focus on quality, making sure that WADA was more active and ensured that laboratories got audited, that there was ongoing proficiency testing and, on top of that, the fact that Speak Up! existed also had an impact on the laboratories. He gave the example of the Romanian laboratory. People from inside the laboratory had provided information, which had been used by the Intelligence and Investigations Department, and that had resulted in a change in direction of the laboratory. That had helped a lot.

Obviously, Speak Up! was not just a tool to report. It was also the whole legal framework surrounding it, with whistleblowers entering into an agreement with the organisation, and the relationship was managed by professional people. WADA had obligations to them and they had an obligation to WADA. Their identity was also being protected.

On the power to investigate, the new Code incorporating that had come into force on 1 January 2015, and then there had been the Pound and the McLaren investigations. The need for an internal investigation department had been clear to everybody for cost and efficiency reasons, which was why Mr Younger had been appointed and the Intelligence and Investigations Department created. With that had come the development of Speak Up! and a number of operations that were currently ongoing in the department, and the members would obviously have seen the reports from Mr Younger on various occasions.

Coming to the more legal aspect, outside the operational aspect, at the time, there had been no defined sanctions and no clear delineation of responsibilities. The development of the compliance standard (the ISCCS) had been the major breakthrough, because that was what had been missing, with everybody operating under the same legal framework, knowing what sanctions could apply and the process. That was a game-changer compared to what had existed prior to the Russian scandal. There was also now a mechanism in place which allowed for matters to be dealt with by the CAS, which would render decisions that everybody had to respect.

Operationally, WADA was in a very different position, with compliance, investigations, Speak Up!, laboratory audits and so on and, legally, WADA was also in a very different position because

it had the ISCCS, which had completely changed the landscape. There were things still ongoing. The governance review had been spoken about that morning. WADA wanted to enhance programme development, and that was part of the five-year plan, and the regional offices would be having one more staff member to help with regional development and compliance work among other things. There was a standard for education, which was part of a strategy to increase education efforts. The Code review was ongoing and, of course, the five-year budget plan had been approved the previous May at the Executive Committee and Foundation Board meetings.

Where should WADA go from there? There was a lot more that needed to be done. That was why WADA wanted to try some fund-raising strategies and get more money to be able to do that. WADA needed to revise its strategic plan, and there was some money that had been put aside in the budget to start that this year. The plan had been to work with the Boston Consulting Group on that because it had assisted with previous work and had a good idea of where WADA was going. WADA had not started because it was waiting for the governance group to achieve its work so as to have all the pieces together before starting. The work would include consultation with stakeholders to look at WADA's objectives and come up with the strategic plan to match them.

The progress of the anti-doping system document was before the members for discussion and to provide the facts on the current situation.

THE CHAIRMAN noted the major piece of work before the members.

PROFESSOR ERDENER congratulated the Director General on the great effort put into that important area. He wanted to say something about the ITA, because it had been, in his opinion, a very important step for anti-doping activities, and the ITA had officially started operations on 1 June. GAISF and Mr Baumann had, for some years, supported the Drug Free Sport Unit (DFSU). All the DFSU contracts with different IFs would be delegated to the ITA and the ITA had around 40 IFs contracted. That was really a very good amount and a good starting point, and the new offices were located next to the Maison du Sport International complex in Lausanne. Most of the ITA stakeholders were also located in the Maison du Sport International and the ITA worked closely with them, and that was another important point.

Another point related to efficient anti-doping activities was the Pre-Games Anti-Doping Task Force, in particular for the latest editions of the Olympic Games in Rio and PyeongChang. It had been strongly supported by WADA and also NADOs, IFs and, at that time, the DFSU. The task force activities had been very important, especially for the previous two editions of the Olympic Games.

MR MIZUOCHI said he wished to touch on the leaks of WADA documents. It was highly regrettable that the relevant documents to be discussed at this meeting had been leaked. The leak of information and the publication of it by the media was a big concern to him. That being said, as a host city of the Tokyo 2020 Olympic and Paralympic Games, Japan recognized how important it was to provide the a clean doping-free and fair environment for athletes. Adhering to the compliance program with the World Anti-Doping Code by all Signatories, NADOs and IFs alike, was necessary to achieve the success of the upcoming 2020 Games.

THE CHAIRMAN thanked the minister for his comment.

MS HOFSTAD HELLELAND thanked the Director General for an excellent review of the facts and the clinical recap of the discussion. There were several issues that went beyond WADA, related to the World Anti-Doping Code and the CAS. She wondered if it would be possible to carry out a review in relation to the new strategic plan because, when one developed strategy and plans for the year to come, one would always look back on previous years to see if the objectives had been met. That was an appropriate opportunity for the administration to look into an independent review together with the new strategic plan, and perhaps the Director General could comment on that.

MR PIECHOTA joined in on the congratulations on the work done on the document, but the governments always expected more, as the members knew. Therefore, on behalf of Europe, he encouraged the management to consider analysing the effectiveness of the actions, and he formulated some proposals on future work, in particular in relation to the examination of the

harmonised sanction system and ensuring the mutual recognition and enforcement of sanction work.

MS EL FADIL reflected Africa's position on the matter. Africa recognised the efforts WADA had made and believed the system had been improved significantly. It was clear that the system was getting better. Support should be given to the WADA management and the Code review process should be respected.

MR BAUMANN thanked the staff and the Director General for putting together the very comprehensive document, which was factual and certainly related to the matter at hand and the particular issue of what had happened in Russia. The discussion had been a little deeper and had gone beyond Russia. There had been a feeling expressed around the table (not necessarily by all) that WADA was not doing a good job and needed an independent review, and there had been a request for a conversation before giving it to a third party to discuss matters about which the Executive Committee members probably knew more. He certainly welcomed the opportunity to talk about it. The conversation had started the previous evening, and that was the sort of conversation the Executive Committee should be able to have. It was good to put what one felt on the table, which was why he believed it was appropriate for the Executive Committee to simply meet and discuss a specific point openly in camera without worrying about who was listening. It was between the members.

WADA had grown on the basis of a 50/50 partnership between the governments and the sport movement. Over time (and he apologised if he was going too far, because he was still relatively new to the organisation), having started as a form of cooperation, it had become something of a competition between the two parties, and that was certainly not what WADA should be. It was about working together to achieve better action and not trying to get the upper hand, which was sometimes what seemed to be occurring.

The sport movement was happy with what had happened, although it was certainly not happy about what had happened in Russia, but it was happy about how WADA had dealt with, changed and addressed things in a speedy manner, and it was known for a fact that there had been rumours circulating in 2010 about Russia, but it was only recently that WADA had had the tools to investigate and act.

From his perspective, and this was something that it would be worth addressing in the future, the sport movement felt it was WADA's job to fight for clean sport; therefore, it was also important to protect the athletes from suffering when sport was not clean. In the Olympic Movement's opinion, athletes suffered indirectly from negative consequences on anti-doping organisations, and they should not be used as a tool to bring about compliance. They should be protected in their own right and not used.

The second point was that the Olympic Movement believed that there had been very fast and necessary changes, including having a standard on Code compliance and the Compliance Review Committee and, as already said, it was a living document and there were certainly things that should be corrected or at least improved upon in the future. The Olympic Movement was currently working on a recommendation to be submitted to WADA, which stated that WADA should not be a sanctioning body but should address whether or not somebody was compliant.

To highlight what had been said, the sport movement had also contributed: it had set up the ITA. The IFs were certainly making sure that perceived conflicts of interest were dealt with by the ITA and he looked forward to the importance of the ITA being reflected in the WADA Code in the next round of drafting.

MR RICCI BITTI did not wish to repeat what Mr Baumann had said very well on behalf of the Olympic Movement. He welcomed the activity report. The Russian case had been a headache for many reasons, but also an opportunity, because WADA had had to take significant action, and that was positive in terms of the development of WADA. There were still some concerns among the Olympic Movement which he would recommend in the next stage on the mechanism of compliance, which was not entirely satisfactory in terms of consequences. In the framework of the Code review,

as Mr Baumann had said, the Olympic Movement would work to put forward its position. He reassured the government partners (and, unlike Mr Bauman, he was a very old member) and the Chairman, that the cooperation between the two parties was vital. He valued it greatly and, even though the environment had recently become confrontational, cooperation was vital. The sport movement could not do what the governments could do and perhaps the governments could not do what the sport movement could do. He hoped that the Russian case had been an opportunity. He congratulated the management on the work done. The IOC's activity would concentrate on the Code review, keeping an eye on governance issues and making the system more independent. The ITA was an action undertaken by the IOC, one of the two actors in the foundation of WADA. The IOC wanted the IFs to be a little more distant from the activities of the anti-doping system. The Olympic Movement would welcome the same effort on the NADO side and it was increasingly happening in many countries. He welcomed that effort. He hoped that the future would be much better and, as the Chairman of the WADA Finance and Administration Committee, he could anticipate that the 8% budget increase already approved would be very helpful, giving the management further opportunity. He fully supported the idea of the fresh strategic planning document because it was the right time, after all the turmoil, but he was less inclined to support an independent review, as he had already said at the previous meeting. They were the people who knew the problem better than anybody else, and he thought that they would be able to do that without incurring costs that could be assigned to something more useful.

MS SCOTT followed up on Mr Baumann's comments on the ITA. He had said that he would like to see the importance of the ITA reflected in the WADA Code, and she wondered if Mr Baumann could clarify that, because it was her understanding that the ITA was a service provider. She wondered if Mr Baumann could provide some explanation as to why he felt it should be reflected in the Code.

Regarding what Mr Ricci Bitti had said, she sought clarification on the comment about the NADOs working and following up independently like the ITA.

MS HOFSTAD HELLELAND spoke on behalf of all the governments. She appreciated the initiative to hold the informal meeting the previous day. The public authorities wanted to have very good cooperation with the sport movement; that was very important to them and it was key for an even stronger WADA. She thought that the previous evening had been a good start to that cooperation. The public authorities would also make an attempt at the next meeting in Baku so as to have an opportunity to meet and talk. She had heard Mr Baumann saying that it looked like it was a competition between the sport movement and the public authorities. A weakness with WADA for too long had been weak governance and public authorities, because sport ministers had constantly been coming and going and had not been sufficiently prepared, and there had been no dialogue. Nevertheless, the public authorities were currently speaking with one voice, so the public authorities, the continents and the sport ministers had good dialogue between Executive Committee and Foundation Board meetings, as well as meeting the day before and communicating in a different manner. They had established a secretariat, as the Council of Europe had provided money for a secretariat, so it was a success. It was not about competing; it was about balance, and a balance had been found between the sport movement and the public authorities, and she hoped that, in the future, the two sides would be seen as equal partners, which was also important in terms of the way forward and the objective of strengthening WADA.

THE CHAIRMAN thanked the members very much for their reaction to the report. It was really encouraging, and he paid tribute not only to the Director General but also to all the directors who had spent a lot of time compiling the report. With the members' permission, upon returning to Montreal, it would be posted on the website for others to read. He was also grateful for the various suggestions made. He was delighted to hear that there was a partnership between the governments and the sport movement. He had always believed that that had been done in 2001. If it had been strained and it was back now, that was a good thing.

Moving forward, he was encouraged to hear that looking at a strategic plan, bringing in the Boston Consulting Group and looking at GAP analysis or whatever might help WADA was being

planned. He noted the remarks. He told Ms Scott that, rather than conducting a debate about the ITA and the Code, he would ask her and Messrs Baumann and Ricci Bitti to explain to each other what they had meant by their remarks. There was a Code working group and it would take that on without the Executive Committee telling it what to do. He thanked those involved for that they had done; it had been productive in almost every way.

DECISION

Progress of the anti-doping system update noted.

5. Finance

THE CHAIRMAN asked Mr Ricci Bitti to take the members through the presentations.

MR RICCI BITTI reported that that meeting was perhaps the easiest, with no formal decisions to be made and only information to be provided. He would report as briefly as possible.

– 5.1 Finance and Administration Committee Chair report

MR RICCI BITTI reported that the meeting of the Finance and Administration Committee had taken place in Rome in July, attended by the Director General and the President, and he believed it had been a very interesting meeting, with full attendance. He summarised the meeting highlights. The members had reviewed the 2017 year-end accounts. The basic point was that the year-end accounts had been approved by the Foundation Board in May, and the Finance and Administration Committee had noted very positively that the year-end accounts had been much better for two reasons, one being that expenditure had been much less and income had been much higher, giving WADA an opportunity to have a far larger profit than the previous year, allowing WADA not to deplete the reserve. He had nothing to say, because the matter had been approved in May, but he wanted to note that there had been a very good result for many reasons, including additional contributions, less expenditure and more income.

He would concentrate on some recommendations that were very important for the future. The Finance and Administration Committee had reiterated a recommendation to the Executive Committee and the Foundation Board to review the distribution of contributions among the continents. The committee recommended that the governments review the distribution between the continents and within the continents, between the countries. The Council of Europe was a leader with respect to that, but the Finance and Administration Committee recommended that it was time to review the situation because it believed that Europe was rather overburdened, and it was time to look at the matter.

The money available allowed WADA to anticipate some investment and capital expenditure. He referred to ADAMS and the mobile application and so on.

Another important recommendation for the future was that, since WADA was no longer struggling to obtain money (as had been the case over the past 15 years) and had money available, it was important to start a key performance indicator (KPI) operation to evaluate the effectiveness of what the management and administration had decided to do. To date, the Finance and Administration Committee had always been looking to keep the figures in order, but it wanted to expand its mission to evaluate, on behalf of the Executive Committee, the effectiveness of the activity of the administration based on the increase in staff, capital investment and so on. That was a summary of the meeting highlights. It had been a very interesting meeting and the committee had given a lot of input for the following year, perhaps to be included in the strategic planning review.

DECISION

Finance and Administration Committee Chair report noted.

– **5.2 Government/IOC contributions update**

MR RICCI BITTI informed the members that, as of 24 August, the contributions had been at 97.23%, a little better than the previous year, and there had been additional important contributions, one of which had come from China (close to one million dollars), bringing the total figure to 1.3 million dollars. The outstanding contributions were obviously important and he mentioned those countries that had yet to pay: Venezuela (where the situation was very difficult), Brazil and Kuwait. The Finance and Administration Committee was satisfied with the contributions amount, as the members could see from the attachment. Attachment 2 was important, and he noted the close to one-million-dollar contribution from China.

DECISION

Government/IOC contributions update noted.

– **5.3 2018 quarterly accounts**

MR RICCI BITTI informed the members that, in relation to the accounts after the first six months of the year, everything was more or less in order. WADA's activity was very seasonal, as the members knew, with income coming in during the first part of the year and expenses distributed throughout the year, so attachment one showed a profit, but that money would be needed between then and the end of the year, although he believed that WADA would be on budget.

Looking at the income, the special contributions had increased significantly, which was good news. Looking at attachment two, the members would see the variance, although they should feel comfortable that expenses were 48% and not 50%, and there was only some discrepancy, which was well justified, such as for the Lausanne office, which held its big congress towards the beginning of the year (which was why it was over 50%), and legal issues. Those were the two items that were a little higher. The depreciation was another factor, because some capital expenditure had been anticipated, depreciation was going up.

That was the six-monthly information, which was not very significant in absolute terms, as he had said earlier, because of the very seasonal nature of the activity, but the Executive Committee could feel very comfortable.

DECISION

2018 quarterly accounts update noted.

– **5.4 Revised budget 2018**

MR RICCI BITTI asked the members to look at attachment one, the statement of accounts, income and expenses. There was an improved situation: the surplus was 1.3 million dollars instead of the budgeted 646 thousand dollars, and that also included a big increase in capital expenditure because the administration had decided to anticipate 940,000 dollars, which was a very significant amount, for expenses related to ADAMS and other investments that WADA needed. The revised budget showed that it was very good news, in that WADA did not need to deplete the cash reserve as budgeted, so it was a balanced budget, which was very encouraging, because the cash reserve would not be touched that year. WADA's policy was to deplete the reserve to a maximum of 500,000 dollars. The budget had been 474,000 dollars, but WADA did not have to deplete anything. That was the revised budget.

In terms of highlights, the various increases were offset by decreases in certain areas, such as education, the Executive Office and science and research. The depreciation had increased significantly because of capital expenditure. There was a total expenditure increase of 1.3 million dollars. Capital expenditure was 940,000 dollars, which was very significant. ADAMS was the most costly exercise in the history of WADA, but it was badly needed. The user-friendliness of ADAMS was very important for the athletes, and the athletes were WADA's clients and WADA therefore needed to give priority to that.

The conclusion was very positive. Including the non-depletion, WADA had a zero balanced budget. That was thanks to the major additional contributions. Due to the significance of the increase of 940,000 dollars, he asked the Director General to add to his comments. He was otherwise happy to answer any questions.

THE DIRECTOR GENERAL clarified that it was only a matter of timing. They were not new costs for ADAMS, and there had been a number of new projects in the ADAMS development plan, one of which was the paperless project. According to the plan, work was supposed to start the following year; but, given that there was enough money to do it and the IT Department had said that it was ready to move on, it had been decided that WADA would invest in that project this year, because the sooner things were completed the better. It was not a new activity; it had been part of the modules for ADAMS, but it was being brought forward given that WADA had the capacity to do it.

DECISION

Revised budget 2018 noted.

– **5.5 2019 draft budget**

MR RICCI BITTI invited the members to look at the summary in attachment two. The highlights were the 8% increase, and he reminded the members that it had been approved in principle for four years; so, with that 8%, WADA would obviously have a net increase in income of 1.1 million dollars and a total expenditure increase of 2.6 million dollars, mainly due to the Executive Office, branding and the World Conference on Doping in Sport planned for 2019 in Katowice, so that had to be budgeted under a very specific item that year. There were increases in education and assistance to NADOs. Science was going up again. Science had been sacrificed a lot over the past years. WADA had to increase again to help science be effective, so there was an increase of one million. There was also an increase for standards and harmonisation, regional offices and staff. The staff increase could be controlled, but it was based on the document presented to the members many months ago and, obviously, in every area WADA had to increase activities and take advantage of the 8% available. The depreciation decrease because of the 2018 anticipation was 250,000 dollars. ADAMS investment and mobile application investment had been anticipated for 2018, so there would be a decrease in 2019, hence a capital expenditure decrease of 1.4 million. The budget would be presented for approval in November, but the year presented showed a loss of 351,000 dollars in terms of excess of expenditure over income, which would lead to a depletion of the cash reserve of 481,037 dollars, so WADA would be back to the regime, which would limit the depletion of the cash reserve to no more than 500,000 dollars.

That was the budget for 2019. It could still be refined if requested. In general, however, that would be the budget presented in November for formal approval.

DECISION

2019 draft budget update noted.

– **5.6 Five-year budget plan (2018-2022)**

MR RICCI BITTI said that the item was the consequence of the decision of the Executive Committee and Foundation Board to approve an 8% increase for the next four years (which had therefore become five years of 8% given 2018 had also received the same increase). The management's original proposal had been 8% in 2018, 15% in 2019, 15% in 2020, and 5% in 2021, but had become 8%, 8%, 8% and 8%. That was to be approved every year, but the 8% format had been extended by one year so that it would be a five-year plan to include 2022, which could be linked to the strategic plan, allowing WADA to improve its activities. The members would see the summary attachment with the 2018 revised budget, the 2019 draft budget and then the three years after that. The good news was that the exercise would be planned to deplete the reserve again to 479,000 dollars in 2020 and then not deplete it in the last two years; but, obviously the Finance and Administration Committee was of the opinion that the administration would be able to save even more money.

The final recommendation of the Finance and Administration Committee was to have a greater reserve. The current reserve was enough to cover one-and-a-half month's operation, and the committee did not believe that was healthy for an organisation. There should not be too much reserve, but the committee believed that at least three to six months' reserve was the minimum. That was the recommendation of the Finance and Administration Committee and he asked the members to take note. Currently, there was a reserve that would cover one-and-a-half months of activity.

Those were his basic comments. The members had the cash flow projection for their information, reflecting what he had said in terms of cash depletion and the reserve. No cash depletion over the last two years would place the organisation in a better and safer situation.

The document reflected the adjustment to 8% per year as opposed to the percentages set out in the original document. The members would see a summary of the document in their files and the highlights of the five-year plan. WADA was growing for the first time after many years as an organisation. The Finance and Administration Committee recommended that the administration be effective, as there had been a big change in the cultural environment of WADA. There had been 15 years of struggles to get more money, and currently money was available. That had to be managed. The Finance and Administration Committee was recommending the introduction of clear KPI procedures to measure the effectiveness and, if something was no longer needed, money could be saved and invested in something more useful. WADA was at a crossroads and his recommendation (and he hoped that the committee would support him) was to be careful and effective, because the money was coming but it was obviously necessary to be very effective.

THE CHAIRMAN commented that it was a dream for him: he had never thought that WADA would have budgets at that kind of level. Clearly, the right man was doing the job and the wrong man had been doing it before.

MR COSGROVE thanked Mr Ricci Bitti for his good work. Budgets and financial documents were never easy, and he congratulated him on what he had done. He noted that there had been an allocation of 50,000 dollars for the following year's athlete forum. Had it been withdrawn and, if so, why? If it had been withdrawn, did that indicate that there was no provision for an athlete forum the following year and that, therefore, there would be no athlete forum?

In relation to the strategic plan, it had been noted that it had not started that year but other priorities had taken over, and he noted that 225,000 dollars had been allocated for the following year, with the hope that it might kick off later in 2018. He also noted that external professionals would be sought to help the management with that. Who was that likely to be? From what organisation? Who would be driving that and who would be overseeing that?

He referred to concern about communications, noting 140,000 dollars for a website, an expense for rebranding of 192,000 dollars and a refresh of 100,000 dollars, and the explanation in the papers was that 'the current brand won't likely get us where we want to go as it lacks the meaningful purpose and emotional kick that it needs to engage our audience and potential additional funding'. He would be grateful if somebody could explain to him what that meant. Given that WADA was an independent and transparent monitor for anti-doping, was it embarking on something different? He struggled to understand what that narrative was describing.

MR BAUMANN thanked Mr Ricci Bitti for the information. In light of the discussion held and highlighted in the Director General's report on seeking outside funding or sources of funding from corporate foundations and others, including private donors, where was WADA on that or what was the vision or objective, and how would that be tackled?

MR RICCI BITTI responded to the questions. On the external help, the staff had chosen to work with the Boston Consulting Group on the strategic plan. He noted the comment on the athlete forum and asked the Director General to provide the information. Communication and branding were very important, particularly after the Russian case, so the presentations received from the administration had been that it was necessary to concentrate on that. Obviously, it would be necessary to decide what rebranding meant and how to restore the organisation's reputation if it

was believed that the reputation or positioning over the recent period had been damaged. He asked the Director General to expand, but that was the meaning of the investment in that area.

THE DIRECTOR GENERAL responded to Mr Cosgrove. The answer to his question was yes, there was currently no plan to hold the athlete forum the following year. The reason was that it was thought that the priority for the following year was the Anti-Doping Charter of Athlete Rights. WADA had not yet decided how consultation on that charter would take place and when it would happen. There would be two big events the following year: the symposium in Lausanne, which would be on Code revision, standards and the charter, and that might be an opportunity for athletes to exchange views, and that was in the budget. Then, at the end of the year, there would be the World Conference on Doping in Sport. The discussion would be ongoing; the format might be different, but that would be discussed with the Athlete Committee in Baku to see how that needed to be progressed so that, at the end of the exercise in November the following year, there would be something in place.

For the strategic plan, the idea was to work with the Boston Consulting Group, because it had already worked on the strategy for collecting private funding and therefore already had an understanding of the environment. The Executive Committee would be overseeing the process and, ultimately, the Foundation Board would have to approve whatever strategic plan was proposed. There had been only preliminary discussion with the Boston Consulting Group on that, because it had been impossible to make progress before the conclusion of the governance review. In light of what he had heard, he thought that WADA should agree on a process, on how the strategy planning would take place and how there would be a consultation and, once the Boston Consulting Group had framed how that could work, there should be a discussion in the Executive Committee on the proposal.

The branding was related to a new strategic plan and the impact that it would have. He would not interpret the work, as that had come straight from the communications people, but Ms MacLean would be happy to explain. Basically, it meant that, once a new strategy was in place, it would be necessary to have look at whether the brand followed the plan or whether it should be tweaked to get the right message out.

THE CHAIRMAN noted that there was clearly much work to be done. He thought that Ms MacLean would talk separately to Mr Cosgrove about branding, timing and the strategic plan. He hoped that all of the members had had access to the reference documents, so as to avoid having quite such a heavy load to carry, but all the documents were there and he thanked Mr Ricci Bitti and the Finance and Administration Committee for the work.

DECISION

Five-year budget plan noted.

6. World Anti-Doping Code

– 6.1 Compliance Review Committee Chair report

MR TAYLOR informed the members that there were some specific cases to be dealt with that day; however, in the first report, he had sought to address some points raised in correspondence by Professor Erdener in relation to the ISCCS, the composition and workings of the Compliance Review Committee, and some general points of principle in relation to the AIBA case. There had been correspondence and the WADA President had responded to some of the points raised by the Vice-President, and he had sought to respond to the others in his paper. He was happy to speak to them now if necessary, although he was conscious that there were other matters to cover. He had tried to respond in detail and address questions or concerns. He would be happy to answer any comments or questions.

MR PIECHOTA made a statement on behalf of Europe. He expressed strong appreciation to the Compliance Review Committee for its work, and recalled that the establishment of the Compliance Review Committee, the adoption of its by-laws and the appointment of its chair had been

unanimously approved by the sport movement and public authorities, and he reminded the members that the independence of the Compliance Review Committee and the integrity of the ISCCS should be fully respected by all the signatories and should not be challenged.

MR BAUMANN reiterated the comment he had made earlier. He was very happy with the progress being made and the work done. There might sometimes be disagreement with some things, but he believed that the standards were living documents and, as such, it was everybody's right to make proposals if they felt it necessary within the context of the next round of discussions, and that did not in any way jeopardise the fact that it existed and it was there and it had to be preserved and even strengthened.

THE CHAIRMAN accepted that comment in the spirit in which it had been offered.

DECISION

Compliance Review Committee Chair report noted.

– **6.2 Compliance monitoring update**

MR DONZÉ told the members that they had a fairly comprehensive report on activities in terms of Code compliance monitoring, but he highlighted a few points, in particular the very significant work being conducted by ADOs all over the world and WADA staff. There was a great amount of work being done with the ADOs to make sure that they implemented the corrective actions they received from WADA as part of Code compliance monitoring and were not in a situation in which their non-conformities were escalated to the Compliance Review Committee and the Executive Committee.

The previous year, WADA had launched two main tools to monitor the compliance of ADOs around the world: the Code compliance questionnaire and the compliance audit. After they completed the Code compliance questionnaire, all of the ADOs (NADOs and IFs) had received corrective action reports from WADA that they were currently implementing. WADA had conducted nine compliance audits the previous year, and had conducted another nine that year, with another seven scheduled. In 2017, nine IFs and NADOs had been audited and in 2018 16 would be audited. The principle of the compliance audits was the same as the principle of the Code compliance questionnaire: at the end of the audit, the ADO received corrective actions, and it had a certain amount of time, depending on the seriousness of the non-conformity, to implement them. There were thousands of corrective actions, and it was very dynamic work, since WADA had to monitor implementation of the corrective actions, so it required quite a bit of work in terms of follow-up. The reassuring thing was that every action implemented contributed to improving the global protection of the integrity of sport. There might be minor actions or major actions and, throughout the exercise, quite a few ADOs had taken the opportunity to carry out a bit of introspection and strengthen their procedures even before receiving corrective actions. A good example of the work being done was what had happened in Argentina, which would shortly be hosting the Youth Olympic Games. The Argentinean NADO had been extremely active, implementing the corrective actions with the support of WADA and, a few weeks previously, it had been given the all clear. That process was detailed under the ISCCS. WADA had realised that it had a number of benefits because it was a very predictable process, the signatories knew what was expected of them, and the overwhelming majority of signatories implemented corrective actions within the time limit, with significant support from WADA. There was a very limited number of non-compliant signatories. There were currently only one in addition to Russia, which would be discussed later. The NADO of Mauritius was still not compliant. WADA had had a meeting with its representatives and they were working on outstanding actions, and he hoped the matter would soon be resolved.

Under the guidance of the Compliance Review Committee, WADA had been working on the development of a long-term multi-year strategy in terms of compliance monitoring. There would be a discussion around that table. He did not know when the next Code compliance questionnaire would be circulated among signatories, but it was necessary to ensure continuous monitoring of the signatories' activities. There were other elements that could also be used to ensure the

continued monitoring of signatories' compliance. The idea would be to discuss the strategy at the next meeting of the Compliance Review Committee on 3 October and then present the multi-year strategy at the Executive Committee and Foundation Board meetings in November. That summarised the highlights in relation to the compliance monitoring activities.

THE CHAIRMAN said that he was aware of the amount of work that was done in that area.

MR TAYLOR pointed out that difficult cases got a lot of attention and hard, diligent work on other cases (the majority) often did not. He wanted people not to lose sight of the fact that WADA's review of compliance by signatories had been, for various understandable reasons, an entirely perfunctory exercise some years previously. But now there was an extremely committed and hard-working Compliance Task Force and an extremely committed and hard-working Standards and Harmonisation Department and others who had transformed that landscape. When one heard about the process, and that there were thousands of corrective actions being implemented, it was easy just to let it go by without comment. But every single one of those corrective actions was one step towards ensuring the minimum standards that athletes and stakeholders everywhere were entitled to expect were being upheld and were uniform wherever sport was played, and that was the mission of WADA. Therefore, while it was necessary to discuss some important issues about difficult cases, the members should not lose sight of the work that was being done behind the scenes by WADA and that was, in his respectful opinion and in the opinion of the people on the Compliance Review Committee, impressive and important work.

THE CHAIRMAN was grateful to Mr Taylor for saying exactly that.

DECISION

Compliance monitoring update noted.

– **6.3 Russia**

THE CHAIRMAN informed the members that there were various pieces of documentation on their table. There were two additional pieces of paper, which he would leave on the table. One was an e-mail he had received the previous night from the IAAF athletes' committee which he had acknowledged and said would be made available, and the other was a communication he had received from the IOC athletes' commission which was on the table. It would not surprise the members to know that neither would add enormously to the members' store of knowledge when they came to discuss the item on the agenda. Nevertheless, those people having taken the trouble to be in touch, he thought that WADA should formally acknowledge receipt of the documents.

MR TAYLOR said that the members had a paper and various attachments to it. However, the paper had been written several weeks previously and things had moved on since then. With the permission of the members, he wished to spend a couple of minutes reminding the Executive Committee members about where they had been at the previous meeting and explaining where they had got to since then. In May the Executive Committee had asked the Compliance Review Committee to consider again at its next meeting both of the outstanding Roadmap conditions: the acknowledgement of the McLaren report and whether the correspondence received could be considered to satisfy it, and access to data and samples at the Moscow laboratory. The Compliance Review Committee had met on 14 June and had considered both items in great detail. The Compliance Review Committee had been fortunate to have in attendance several members of the WADA management, in particular Mr Younger, the Director of the Intelligence and Investigations Department, to explain the detail and the significance of access to the data and the samples at the laboratory.

Mr Taylor wished to spend just one minute making sure that everybody was clear why the data that WADA was seeking was needed. When one prosecuted an anti-doping case based on the presence of a prohibited substance in a sample, and he had done a few of those cases, there was a 60- to 70-page laboratory documentation pack, which contained all of the chromatograms or electropherograms, all of the laboratory findings and analytical data supporting the analysis that had gone into producing the adverse analytical finding, and that was needed in order to prosecute

the case. The LIMS database maintained by the laboratory summarised the key findings from the analysis of each sample, but it did not contain the 60-70 pages of supporting analysis that was needed to prosecute the case. To determine whether the 10,000-odd cases in the LIMS database that raised questions or indeed were downright suspicious were or were not in fact cases to answer, WADA had to get access to the underlying data. And, as Mr Younger had clearly explained to the Compliance Review Committee, WADA had to get access to the underlying data in a manner that allowed WADA to have a clear chain of custody and assurance that it was accurate, genuine and authentic data. When the Compliance Review Committee had heard that and considered the objections and arguments that had been raised by the Russian authorities, it had made a proposal to break through the deadlock and get WADA access to the data required under appropriate conditions. It had set out that proposal in a letter of 19 June (attachment 4), and the members would see that the Compliance Review Committee had explained its reasoning and its recommendation in some detail.

In relation to the first condition, the acknowledgement of the McLaren findings, the Compliance Review Committee had reflected on what had been discussed and agreed upon by the Executive Committee in Seoul in November 2017, which was that there needed to be a clear acknowledgement, not just that there was a systemic scheme, but that Ministry of Sport officials had been involved in it. In relation to the second issue, access to the data and samples, the Compliance Review Committee had set out its proposal to break the deadlock in the letter of 19 June. He understood that the Russian authorities were saying that they did not want to compromise the evidence as they needed it for their own investigations, and therefore the Compliance Review Committee's proposal had been that a very specific explanation of what was required be put to the Russian authorities, explaining how access could be provided to that data in a way that gave assurance to WADA that it was accurate and complete while allowing the Russian Investigative Committee to ensure that the integrity of the evidence was not compromised for purposes of its criminal investigation. The Compliance Review Committee had said that, if that access was granted or if an unconditional commitment was made to provide that access by a specific date in 2018, the Compliance Review Committee would likely consider the condition to be satisfied and recommend reinstatement.

That had then been communicated to the Russian authorities by the WADA Director General and President in their letter of 22 June (attachment 5). Attachment 6 was the response that had been received and which had been forwarded to the Compliance Review Committee. The Compliance Review Committee had met in August, had considered that response and had decided that it did nothing to meet either condition and, therefore, as matters stood, the Committee would recommend that there should be no reinstatement.

As always, the Compliance Review Committee had had another meeting by teleconference the Thursday before the Executive Committee meeting, during which it would consider any further documentation submitted by relevant stakeholders to see if it made any difference to the Committee's recommendations. The Compliance Review Committee had received, very late in the day, the letter from Mr Kolobkov dated 13 September, and had to decide whether or not that letter met the conditions set by the Compliance Review Committee in June.

On the first condition, Minister Kolobkov's letter stated that the Russian Federation fully accepted the decision of the IOC executive board of 5 December that was made based on the findings of the Schmid report. This was therefore effectively an acceptance of the Schmid findings. The Schmid report found that the institutional scheme, the disappearing positive methodology and the tampering with samples, in particular in Sochi, had happened as described in the McLaren report. Its other key finding was that Ministry of Sport officials had been involved, and it was said that they did not know how far up it went, but it went up at least as far as the vice-minister. Those were significant findings, so by accepting the Schmid report the Russian Federation effectively accepted the McLaren findings, including not only that the doping scheme existed but also that Ministry of Sport officials were involved in the scheme. That was a significant acknowledgement in the judgement of the Compliance Review Committee, and its recommendation was that it be accepted as meeting the outstanding condition of acknowledgement of the McLaren findings. The

members would recall that, when the Schmid commission report had come out, Professor McLaren himself had said publicly that he was happy to see it because it endorsed his findings, and that was the view of the Compliance Review Committee as well.

On the second condition, the members would see before them the statement made by the Minister of Sport and that it was a specific commitment to provide as soon as possible to an independent expert agreeable to WADA and the Investigative Committee access to the analytical equipment to retrieve, under the supervision of the Investigative Committee and under conditions that preserved the integrity of the evidence, an authentic copy of the LIMS data and the raw analytical data mentioned in the letter of 22 June, and that was the chromatograms and electropherograms and so on. So there was a specific commitment to give access to an expert to the instruments that had produced the data, so to get an authentic copy of the hard drive and take it away, and that was a big step forward. The commitment was not unconditional; it was subject to the consent of the Investigative Committee, and to the Compliance Review Committee that conditionality was not acceptable. The Minister also said that access would be given as soon as possible, but with no specific date or deadline, which the Committee also regarded as unacceptable. He would come back to that point. It would be necessary, once that data was received, for WADA and the IFs to review it to determine whether or not it showed that there was a case to answer. It might well be that the majority of the 10,000 or so cases in the LIMS database would be determined upon review of the underlying data not to be cases to answer, whereas a minority might be determined to be cases to answer. In some cases, there might be a middle ground in which upon review of the underlying data it was determined that the samples themselves needed to be re-analysed. Not all of the samples were left, there were some 2,500 or more; but if it was concluded that there needed to be re-analysis of specific samples, and those samples were still at the Moscow laboratory, that would be communicated to the Russian authorities, and the second commitment made by Minister Kolobkov was that in such cases they would work in a spirit of cooperation with WADA and the Investigative Committee and in compliance with the criminal procedural code to enable the independent re-analysis of the samples in accordance with the ISL. That specific commitment was important, but once again to the extent there was any conditionality to that commitment, in the eyes of the Committee it was not acceptable.

The analysis of the Compliance Review Committee had been set out in a letter that was before the members dated 14 September, explaining why the Compliance Review Committee considered the letter from Minister Kolobkov to be important, to contain useful commitments, but also explaining that the conditionality in the commitments was not acceptable. The Committee was therefore recommending that RUSADA be reinstated but subject to the two conditions set out in the letter, which were a crucial part of the recommendation.

Before he went further, he wanted to note that this was a majority recommendation by the Compliance Review Committee. His esteemed colleague and friend Ms Scott disagreed with the recommendation, and he respected her disagreement, but he was clear and stated that he remained of the view that the recommendation made by the majority of the Compliance Review Committee remained the correct one. Everybody wanted (he hoped) to get that data, and the only issue was how to get it. As he saw it, the only issue was whether the Compliance Review Committee should say that the authorities must give WADA the data before reinstatement, or whether WADA should say that Russia could be reinstated subject to a condition to provide the data. It would be perfectly reasonable for people to disagree about which of the options was the correct one to take. It was his considered judgement, and that of the majority of the Compliance Review Committee, that the right option to take was to reinstate immediately, but based on the conditions set out in his letter of 14 September, and in particular based on the Executive Committee passing a resolution using the exact wording he had highlighted in grey in his letter. He asked the Executive Committee to make a resolution in the terms set out in the highlighted grey language and not otherwise. The conditions were crucial. Without going into the detail (although he would be happy to discuss if people wished), in his judgement the compliance system in place in 2015, when RUSADA was declared non-compliant, was not as strong as it could be and had not proven capable of forcing access to the data. In his view, reinstatement subject to the conditions specified by the CRC would

put WADA in a stronger position to demand and require and achieve access to the data and the samples, which was what everybody wanted, because RUSADA would then come under the new compliance regime, set out in the ISCCS and related changes to the Code. But this would only work if reinstatement was done on the very clear basis that the data had to be provided by a date certain, with no conditions, no excuses. The deadline was to be decided by the members of the Executive Committee, and they would see that the Compliance Review Committee had not been able to agree on a recommendation as to what the deadline should be, but they had agreed that there was a clear urgency, and it should be fixed for the soonest date that was reasonably practical, and in no event later than six months after the date of the decision to reinstate. He wanted to make a very clear statement: in his personal view, that date should be in 2018.

He implored the members to consider very carefully: fairness for clean athletes (both those who had been cheated and those who were under a cloud of suspicion when they had done nothing wrong) depended on access to the data. Therefore, he asked all of the representatives of the sport movement and public authorities on the Executive Committee to speak with one voice and to approve the recommendation and make it very clear that they expected the data to be provided that year and also to make it clear that, if the data was not provided by that deadline, the Executive Committee would expect to receive a strong recommendation from the Compliance Review Committee to deal with that failure, and would act firmly and decisively in defence of clean sport and to ensure that everything that could be done was done to react to the failure to comply. If the Executive Committee made that clear, there was a chance WADA would get the data and, in his judgement, this course gave WADA the best chance of getting the data, thus protecting clean athletes and the integrity of the organisation. He therefore recommended the CRC's proposal to the members on that basis, on the basis of the language he had put in the letter and on the basis that date X, to be decided by the members, be in 2018. Once received, the data would be analysed by Mr Younger's department, then there would be a deadline to determine which samples needed to be re-analysed, and that second deadline could be six months later, and that would be in 2019. He also asked, if the members considered it appropriate to adopt the recommendation, that a clear statement be made that it was the overriding concern of the Executive Committee that the data be provided and it expected it to be provided by the deadline, and the full force of the new regime would be applied in the event of failure to provide it. Those were his comments and he would be happy to discuss them.

THE CHAIRMAN observed that Mr Taylor could not have been clearer. He understood that date X was 31 December 2018.

MR TAYLOR clarified that that was the date that he would recommend at the latest.

THE CHAIRMAN said that it was quite clear what was before the members and what the Executive Committee had to discuss.

PROFESSOR ERDENER asked if the term 'reanalysis' could be used instead of 'retesting', as was stated in the proposed resolution in the letter. New samples would not be collected.

THE CHAIRMAN thanked Professor Erdener for the comment.

MR DÍAZ noted that Mr Taylor had spoken very clearly. It seemed as if the recommendation was thought to have the benefit of getting the data, but would it create a precedent for future cases and possible requests to change the requirements?

MR RICCI BITTI said that he fully supported the proposal and thanked Mr Taylor for the clear explanation. Was there a specific reason, taking into account that the Russians in their letter suggested timing could create some difficulties for them, was there some reason that the data had to be provided that year?

MR TAYLOR responded to Mr Diaz that the requirement in the Roadmap was not being changed. The requirement had only been strengthened. It was made very specific. It was not just access to the data, it was access by the independent expert to the machines to extract the data, and that was much stronger and better. There was no change in the requirement that it be provided. The

change being recommended was that access to the data be made a clear and critical requirement under the new rules, and that would strengthen WADA's position. He was anxious not to create any weak precedent. WADA was transitioning from a previous regime with weaknesses to a stronger regime. He was confident that that would strengthen WADA's position. He accepted the concern that WADA would be perceived as changing the requirements, but thought that the recommendation was in the best interests of WADA for all the reasons he had explained.

As to why he was recommending that the deadline be a date in 2018, rather than later, the first reason was that the Compliance Review Committee had said in June that the deadline should be 2018, and the Russians' delay in responding was not a good reason to push that deadline back. The second reason was because some of the athletes whose samples were included in the LIMS data were still competing and therefore it damaged the credibility and integrity of the sport for there to be further delay in determining whether they did or did not have a case to answer. Nobody should pretend otherwise. Was it impossible for those arrangements to be made in 2018? His understanding from the experts was that it was not impossible. He would be blunt. He had heard before that it was impossible to provide access because of the Russian procedural code, but he knew that it was not impossible, and now there was a commitment, which showed it was not impossible. He had heard nothing saying that they could not provide the access required in 2018, and therefore he said it should be 2018.

THE CHAIRMAN opened the floor for any other comments that people might like to make.

MS EL FADIL thanked the Compliance Review Committee for the work it had done and, on behalf of the public authorities, she conveyed the common position of the public authorities, requesting a postponement. The public authorities requested that a decision not to be made that day and for it to be made in Baku. That was the position and consensus of the public authorities.

MS BARTEKOVÁ commented on behalf of the IOC athletes' commission and its peers. In principle, they agreed with the recommendation of the Compliance Review Committee but noted that they would like to see a short deadline respected by the Russian authorities, by the end of the year, and the reinstatement of RUSADA should be on the condition of providing full access and keeping to the deadline. After the deadline, the matter should be reassessed to make sure that the conditions were fully met by the Russian side.

On behalf of the sport movement, PROFESSOR ERDENER welcomed the Compliance Review Committee's detailed recommendation, which was important, and thanked Mr Taylor and the members of the Compliance Review Committee. It had been a very important and difficult task for them. It was time to look to the future and in the interest of the clean athletes, those in Russia as well as those all around the world. WADA had a global responsibility to athletes, to make sure that signatories were compliant with the Code and recognise efficient anti-doping programmes. That included the new generation of Russian athletes who had a right to compete and also to be tested by a compliant NADO. According to the information provided, RUSADA had come a long way, and it had completely implemented 24 out of the 26 road map requirements, and rebuilt its anti-doping programme with the support of other neighbours, including the UK. RUSADA had been authorised to conduct testing since May 2017. There were some important steps. The Olympic Movement had carefully studied the recommendation of the Compliance Review Committee and fully supported the reinstatement of RUSADA for two main reasons. The two letters sent by the Russian authorities acknowledged the findings of the Schmid report, as mentioned by the Chairman of the Compliance Review Committee. The commission chaired by the former federal president of Switzerland had been able to reach such a conclusion based on the elements provided by the McLaren report. The recent commitment to release the LIMS data and samples was also fulfilling the requirements of the road map, allowing cooperation between WADA and the Russian investigative committee in charge of the case. In line with the recommendation of the Compliance Review Committee, it offered a good opportunity to take a rational and non-political decision to reinstate RUSADA. He fully agreed with the Chairman of the Compliance Review Committee about the deadline, which should be by the end of the year, as mentioned by the President. In short, he fully supported the Compliance Review Committee's recommendation.

MS HOFSTAD HELLELAND stated that everybody agreed that the issue was a very difficult one and the main objective was to continue to strengthen the position of WADA and not compromise in the fight for clean athletes. That was one of the most crucial and critical decisions that WADA had ever faced, given the views that had been expressed by the athlete community. Everybody around the table needed to remember that. As an organisation, the number-one job for WADA was to be true to its values and to fair sport, so she thanked Mr Taylor and the Compliance Review Committee and also underlined that progress was being made by RUSADA. She also acknowledged the effort made by RUSADA, but she also wanted to recall that, around the table, the members were not appointed because they were lawyers or experts, they were sitting there making a decision as advocates for clean sport and, as government representatives, they had a special responsibility, because they needed to look at it from a broad perspective. They were accountable to all of society, so she believed that no compromises that undermined WADA's credibility should be made. If WADA chose to reinstate Russia, it would be defying the wishes of the WADA Athlete Committee, several NADOs, several organisations and sport authorities from around the world. They had very clearly stated that they would not accept reinstatement then, and she was sure that everybody had noticed that. It was therefore a crucial moment in time for the Executive Committee and the members should be fully aware that they had an enormous responsibility to undertake, when they decided on the reinstatement of RUSADA, but also on an acceptance of the process, the transparency and good governance of the process. Therefore, the decision that day would have unforeseen consequences on the way forward for WADA's work and she wanted everybody to be sure of the seriousness of the decision to be taken that day. WADA had to answer to the athletes, the sport community and the governments. She had to answer, and defend the decision to the governments of the world. That moment would forever define the credibility of WADA as the independent and strong frontrunner for clean sport, the need to make clever and bold decisions, and that meant saying no to the reinstatement of Russia at that time. She fully supported the proposal from the public authorities to postpone the decision that day; but, if that proposal did not get the majority of votes, she would like a vote on whether or not to reinstate Russia.

MR KEJVAL said that he thought that postponement would not represent any development at all; it was important to reach a decision that day. The whole procedure had taken almost three years and there were Russian athletes with samples in the laboratory and they were still competing. Postponing would not help. Reinstatement of RUSADA was a crucial step and a logical step to go forward, and he thought that WADA should take a decision that day because postponing it by another three months would not help clean sport at all.

MR BAUMANN supported the position expressed by Professor Erdener and others from the Olympic Movement. They did not feel that it was the right time to postpone; they felt that it was time to move forward and resolve or at least move along the path of resolving for once and for all. The explanation that Mr Taylor had given was that it gave more strength to the process rather than weakening it; therefore, that was an important point to consider, given that a clear road map was in place. He did not think that the Executive Committee had to take a particular decision because people outside the room were taking positions or had different opinions. The Executive Committee was fortunate enough to have all the information at its fingertips which was not in the hands of those talking outside, at least not as much as the Compliance Review Committee had, and it had made its recommendation in good faith. As much as he had disagreed with past recommendations of the Compliance Review Committee, he certainly fully agreed with recommendation of moving forward with the reinstatement of RUSADA. Perhaps the end of the year or the holiday period should be avoided, as it differed from country to country and might affect the decision. Personally, he thought that 30 January would be a safer date to avoid the period between 15 December and 15 January, during which things might not be possible or functioning as normal. His personal view was that the end of January would give a little bit more comfort and avoid other unnecessary discussions.

MR COSGROVE said from the outset that Oceania would support the request for a delay. He had not heard, and perhaps Mr Taylor might be able to answer whether a two-month delay would in any way (given what WADA had been through over the past few years) weaken the position. It

would allow constituency organisations and public authorities to consult. In the case of Europe, and like other public authorities, mandates had been gained based on a previous proposal, put together at great speed in the days before the Executive Committee meeting. He made it very clear that he had absolute respect for Mr Taylor and the other Compliance Review Committee members and Ms Scott in respect of her position. Nothing that he wanted to say retreated from his position and that of other public authorities who believed in the institution and independence and protection of the Compliance Review Committee; but, as Mr Taylor had colourfully put to the Executive Committee, the Compliance Review Committee made recommendations and the members were charged with either acceptance or rejection of those recommendations, and that was their right. He would have preferred to see a trigger mechanism in reverse, whereby the Executive Committee could maintain non-compliance but pre-agree that, the moment Russia provided the data, immediate compliance could take place, and he would have supported a mechanism whereby the Executive Committee could have pre-ordained that outcome upon a recommendation from the Compliance Review Committee that Russian data had been provided to its satisfaction. Sadly, the reverse was being proposed in the recommendation. In his view, there were some departures from the road map. He worried and was concerned that WADA was giving compliance to Russia on a promise, and it was giving compliance to a country that had denied and lied for the past two years in relation to its activities. What had changed of course was that they had told the truth and had admitted that they had wilfully offended. There had been a position in respect of Spain whereby a trigger mechanism had been put in place, because of a technical issue around a parliament meeting and legislation or a regulation being passed. He did not have the detail. That was a technicality. To give Russia, who had wilfully admitted guilt after two years of denying it, the right to be reinstated before complying, before providing that data, on a promise, sent a very dangerous signal and weakened the moral authority of WADA. He was not proposing (in case somebody misinterpreted his comments) that Russia should be barred into the future because somehow WADA was bloody-minded. Some would say that a proposal to immediately trigger compliance upon receipt of the data would take WADA nowhere or that nothing had changed. He would argue that it took WADA everywhere because everything had changed. There was an admission of guilt which WADA had not had before, and there was a conditional surrender, which in his view was a departure from the road map, which called for unconditional surrender, but there was a conditional agreement to gain access with a number of caveats around data. Nevertheless, it was a promise. It was simply a promise. A reverse trigger from non-compliance to compliance would serve everybody's purpose; it did not require a date because it simply passed the ball straight back to Russia and, if they wished to comply the following day, they could. They could take a month or a year. The ball would be in their court; but, sadly that was not on the table. His position was that he would support a delay. He saw no problem giving people time to think, assess and analyse the proposal, and consult. It was important to consult with the people to whom they were accountable. If that proposal was turned down by vote, Oceania would not support reinstatement of Russia. The letter of the 30th May and some of the other correspondence had been provided by the good offices of the President and Director General in attempting to broker a way through. While he commended them for their attempts, he said that there was a danger that they had gone beyond their mandate, and there was a danger that that perception formed part of the reaction from outside. Perhaps it would have been preferable to bring the issues back to the Executive Committee to gain a mandate in relation to the new deal, but that was his personal view. Part of the reaction that was being seen from the stakeholders was possibly because they did not understand the rationale to which the Executive Committee members were privy through Mr Taylor, there had not been the possibility to explain that rationale to the constituency organisations because of the haste, and there had not been the opportunity to explain to the wider public the logic within the presentation given by Mr Taylor.

MR RICCI BITTI said that the sport movement fully welcomed the Compliance Review Committee's recommendation. The doping scandal in Russia had come as a shock and caused a lot of concern; however, it was necessary to acknowledge the progress made by RUSADA. He had often said that it was necessary to defend the interest of the Russian athletes. There were not only the athletes of the world, but also the new generation of athletes in Russia, a big sporting country, who were not allowed to compete or be tested because they did not have an active and compliant

NADO. He had been in Russia recently for the FIFA World Cup, and the tests taking place were about 20% of what was currently needed because of the limitation and because Russia depended on the assistance provided by WADA. He thought that, in general, the Olympic Movement's feeling was that it was necessary to look to the future and put the ball in the Russians' court. It was necessary to be brave and fully support the decision of the Compliance Review Committee, which included texts and conditions that were clear and obvious. He was responsible, he had been a member of the Executive Committee for years, and it was time to be brave. The Vice-President had already told the press that she was against, and he respected her position, although perhaps it should have been expressed only that day. He fully respected her position nevertheless. What did a two-month postponement mean? He fully supported the recommendation of the Compliance Review Committee and moved to have a vote on that. He recommended that the President go forward.

MS SCOTT stated that it would be remiss of her not to bring the perspective of the athletes of the world to the table. While she understood the desire to accommodate Russian athletes, WADA also had to make sure that it listened. There had been an unprecedented global uprising of the athletes in relation to the proposal to reinstate RUSADA at this time. The members of the WADA Athlete Committee, the IAAF athlete committee, the IBU athlete committee, the UK athlete committee, the German athlete committee, the Dutch athlete committee, the US athlete committee and the Canadian athlete committee had all spoken with one common position, which was to not reinstate before full compliance with the Roadmap conditions had been achieved. She was fully supportive of the proposal by Mr Cosgrove to trigger compliance as soon as the conditions were fulfilled, but the athletes did not believe that the decision served them or the future of clean sport, so she urged the members to make a decision based on who their constituents were, who they were serving and to whom they were accountable, because she believed it was a defining moment for WADA and the members needed to make the right choice.

MR TAYLOR thanked the members for their comments, both for and against the recommendation. The only disagreement was how best to achieve access to the samples and the data. Nobody disagreed that achieving such access was vital for the sake of the credibility of WADA and the sake of clean athletes. He accepted it was a reasonable argument to say that Russia should comply now and be reinstated later. He believed it was appropriate and important to reinstate immediately on condition of compliance by the end of the year. He strongly recommended that the deadline be 2018, not January 2019. If year-end was not a good idea because it was a holiday period, the deadline should be brought forward (to earlier in 2018) and not pushed backward into 2019. He understood and respected the views of those who said that Russia should comply and then be reinstated. The reason he said reinstate and then comply was because WADA had a stronger and better chance of getting the data if it did it that way round. He did respect the opinions. He was not interested in compromising the fight for clean sport and did not believe that the recommendation did that. He thought that the recommendation improved the chances of defending clean athletes in Russia and elsewhere. He asked the members to adopt the recommendation with a date in 2018. He also asked them to make clear, because it was vital and it was necessary to listen to what people said outside that room, and send a message that, as far as the Executive Committee was concerned, if the conditions were not met, the response would be unequivocal from the Executive Committee.

MR COSGROVE apologised if he was waylaid by the Chairman, whose body language spoke volumes, but he had asked whether or not a delay would have an impact on or weaken the proposal being put forward by Mr Taylor.

MR TAYLOR responded that he respected the need for people to consult appropriately, but he was concerned about a decision made in November and whether, in the case of such delay, WADA would still be able to get the data in 2018. That was all he wished to say on that.

THE CHAIRMAN responded to two things that Mr Cosgrove had said. If he thought that he had overstepped his mandate as the President of WADA, he would have been grateful to receive that comment after he had written to Russia in June and Mr Cosgrove received a copy of it at the time,

and not at this meeting. He did not believe that delay served anybody, particularly athletes. WADA would end up with a never-ending debate for another three months. Nothing would change. Nothing had happened from Russia until the good work of the Compliance Review Committee in June suggesting to Russia that progress was possible, and that was what had been done. Ms Hofstad Helleland had asked for a vote and there would be one. He did not believe that delay served WADA well and he did not believe that it served the athletes well. He would try very hard not to get emotional about any of that. He would be interested and would vote accordingly to protect his Compliance Review Committee, which had been set up to do precisely what it had been doing, and he said that despite the horrible abuse that he had suffered over the past two to three weeks since the matter had been leaked to the newspapers. He thought that the Executive Committee should proceed. The members had expressed their opinions forcibly and well and he thought that was healthy. The Executive Committee should decide whether or not to accept the Compliance Review Committee's recommendation. The only question was the date. There was discussion about whether to avoid the Christmas and New Year's holidays, which presumably applied everywhere, or whether to stick with the end of December. He was happy either way. Did Mr Taylor have a particular view?

MR TAYLOR said that there had been a motion to delay consideration of the resolution. He thought that that had to be decided on first, before the Committee considered the merits of the resolution.

THE CHAIRMAN noted the motion that the Executive Committee delay consideration of the proposed resolution until November. Was it the members' view that the Executive Committee should delay? *[A lunch break was taken at this point and a pause in the meeting proceedings.]*

THE CHAIRMAN welcomed members back to the meeting after their lunch break. He recapped that there had been a proposal on behalf of the public authorities that a vote on the recommendation of the Compliance Review Committee be deferred until the Baku Executive Committee meeting. He asked those in favour of delaying to show their hands. There were five. Those in favour of not delaying and taking a decision immediately were asked to show their hands. There were six votes against delaying. The proposal to delay was lost.

Moving onto the resolution being proposed, the Chairman understood the wording in grey in Mr Taylor's letter of 14 September was the proposal before the members.

MR TAYLOR clarified that the word 'retesting' should be replaced with the word 're-analysis', to make it clear that it was proposed to reanalyse the existing samples, not to collect new samples for analysis, and he thanked Professor Erdener for that suggestion. The wording also needed a specific date to replace 'date X'.

THE CHAIRMAN concluded that that was what was before the members. They would decide whether or not to accept the proposal from the Compliance Review Committee as presented by Mr Taylor.

MS EL FADIL noted that the public authorities' proposal to postpone the decision had not been accepted. She spoke about her position on behalf of Africa which was also the position of some of the members of the public authorities, but they would speak for themselves. Africa would agree to support the recommendation proposed by the Compliance Review Committee on the reinstatement of RUSADA subject to the reinstatement conditions, provided that the Executive Committee decision included the commitment of all the Executive Committee members to support the recommendation of the Compliance Review Committee if any of the two conditions were not met. That was the position of Africa. Other public authorities agreed, but they would speak for themselves. Unfortunately, the public authorities had not reached an agreement on that.

MR MIZUOCHI said that the Government of Japan's hope in general was for more participation by athletes and from the greatest number of countries in the Tokyo 2020 Games. From the view point of respecting the recommendations of the Compliance Review Committee, he approved the recommendations made by it and supported the reinstatement of RUSADA.

MR DÍAZ spoke on behalf of the Americas. Everybody would have loved to have Russia providing its samples and data; since that was not the case, he relied on the work done by the Compliance Review Committee and, as Mr Taylor had expressed, by accepting the proposal, WADA would be closer to getting the samples and data and closer to catching the cheats. Based on that principle, the Americas supported the Compliance Review Committee recommendation. If the samples were not obtained, there should be stronger consequences for Russia.

MR RICCI BITTI agreed in principle, but thought that the process should be respected. If Russia did not fulfil the condition within the deadline, then the process would start again, and it was important not to make a pre-decision. He believed that it would be possible to support the Compliance Review Committee's decision completely and it was not necessary to state the consequences. If Russia did not fulfil, the Compliance Review Committee should start working again and make a proposal to the Executive Committee. Perhaps Mr Taylor could explain better what he had tried to express.

MS EL FADIL stressed two issues: the commitment on the Russian side and the timeframe. It had to be done before the end of 2018. She would leave the language to the legal experts. They could make sure that it would be in the correct legal format. She did not disagree with what her colleague had said, but her point was about the commitment and the timeframe.

THE CHAIRMAN said that the timeframe issue had to be dealt with. The timeframe, as suggested by Mr Taylor, was the end of December. There had been a proposal that maybe it should be extended. He thanked Mr Baumann for withdrawing the proposal and making life easier. The Executive Committee was therefore invited to accept the Compliance Review Committee's recommendation as printed before the members and the time limit was the last day in December 2018. Was he correct?

MR TAYLOR confirmed that the Chairman was correct, and the second date was 30 June 2019. Date X was 31 December 2018 and Date X + six months was 30 June 2019.

THE CHAIRMAN concluded that that was the situation. Ms Hofstad Helleland had asked if the Executive Committee could vote and he thought that that was perfectly reasonable.

MR PIECHOTA sought clarification. Did the recommendations include the amendment from Africa or not?

MS EL FADIL said that she would leave the drafting of the text to Mr Taylor but she had stressed two issues. She supported the recommendation of the Compliance Review Committee but wanted to make sure that it was clear in the statement that there was a timeline, before the end of 2018, and the commitment to make the data accessible, but the wording was to be left to Mr Taylor and his committee.

MR RICCI BITTI fully agreed with Ms El Fadil. That was the best solution. The amendment would be best prepared by the people who had prepared the motion.

MR TAYLOR said that there was no doubt that, if this resolution was passed, moving forward the new regime would apply. If the conditions were not met, the new regime required a recommendation from the Compliance Review Committee and a decision from the Executive Committee. He did not suggest anything different here. He did ask that everybody, all of the representatives on the Executive Committee, say clearly and that the message be stated publicly that, if Russia did not comply, there would be a strong response from WADA.

THE CHAIRMAN asked if the members were quite clear what they were deciding on. He was prepared to say that, if the Russians did not comply with these conditions, and the Compliance Review Committee therefore came with a recommendation to assert non-compliance and propose consequences, he would support the Compliance Review Committee's recommendation. On that basis, would all those in favour of accepting the Compliance Review Committee's recommendation please show their hands? There were nine in favour. Those against accepting the Compliance Review Committee's recommendation were asked to show their hands. There were two votes against. Were there any abstentions? One. He therefore declared that that was the decision of the

WADA Executive Committee and reinforced Mr Taylor's appeal that the Executive Committee be unified and strong in its response in the hopefully unlikely event that WADA did not get the access to the data and samples that it wanted.

MR COSGROVE made a point of order. He asked that Oceania's vote against the resolution be recorded. He did not know if the votes were recorded just on numbers, but Oceania would certainly like its vote against the resolution to be recorded. He requested that Oceania's vote be set out in name.

MS HOFSTAD HELLELAND supported the request made.

THE CHAIRMAN said that was fine, it would be recorded that the Vice-President and the representative from Oceania had voted against the resolution.

MR DÍAZ asked about date X.

MR TAYLOR believed that date X was to be 31 December 2018. The first condition was to be met no later than 31 December 2018, and that meant that the second condition was to be completed no later than 30 June 2019.

MR DÍAZ asked whether, if WADA did not get the access it sought by 31 December 2018, it would have to wait until the Executive Committee meeting in May 2019, or would the Compliance Review Committee be able to meet and put forward a proposal for a decision to be made by the Executive Committee via electronic vote?

MR TAYLOR responded that the Compliance Review Committee would meet as quickly as the Executive Committee wanted it to, and make a recommendation for the Executive Committee to determine as and when it saw fit.

MR DÍAZ asked if it was possible that, in the event of the worst scenario, if Russia did not meet its requirement, the Executive Committee could approve that the Compliance Review Committee would be able to meet as soon as possible, so that there could be a vote and it would not be necessary to wait until May.

THE CHAIRMAN replied that it was certainly possible that that would happen. It was his guess that the Compliance Review Committee would be very interested in dealing with that once it had or did not have the information. He turned it the other way around. There had been comment from the Russian authorities that said 'as soon as possible'. He interpreted that WADA might get the data before 31 December, and that would be seriously good news. He did not want anybody to leave the room thinking that nothing would happen between then and 31 December.

MR BAUMANN guessed that the Executive Committee would leave it to the President and Director General and Mr Taylor to communicate or explain outside the meeting room to the media the decision that had been taken and all the background information that could be released, and he hoped that, although WADA could name those who had voted against the resolution, there would not be a communication battle in the months to come, as that would be extremely detrimental. There had been a democratic vote and everybody had to respect that.

MS HOFSTAD HELLELAND noted that she would of course defend her position. She had to face the governments she was representing and would explain her vote. That was a very important part of good governance and practice.

THE CHAIRMAN stated that he was keen to move on. If it was vital, Mr Cosgrove could carry on.

MR COSGROVE stated that, with respect, every time he tried to make an intervention, the Chairman either indicated through his body language or said that he would like to move on. He said two things. He respected Mr Baumann's view and understood where he was coming from. In the official media response from the Chairman's good self, it would be critical, given the divergence of opinion and the anti-opinion out there, that it be explained well. Equally, it was a democratic institution, it was not the divine right of kings, and all members were free to speak about their

decision to vote either way and their view on it. He was sure that people would act responsibly, because there was a lot at stake, but that was appropriate, because it was a democratic institution. He did take Mr Baumann's point in good faith.

THE CHAIRMAN thanked Mr Cosgrove. WADA would of course prepare a detailed and accurate statement of what had been agreed. He would invite Mr Taylor to join Mr Niggli and himself and they would address that with the media, a relatively small number of which were in attendance. He asked the members to respect that that would be done and it would not be done until one hour after the close of the meeting. He hoped that it would be possible to get everybody on the same wavelength.

MR TAYLOR thanked the Executive Committee for its careful consideration of the recommendation and its vote of approval. He appreciated it.

DECISION

Recommendation by the Compliance Review Committee regarding the reinstatement of RUSADA approved.

– **6.4 Recommendations of non-compliance**

6.4.1 AIBA

6.4.2 Other new recommendations

MR TAYLOR said that he was still on the same letter he had sent on 14 September, but moved to AIBA. Members would recall that AIBA had granted its 2019 men's world championships to Sochi, but on the basis that, if RUSADA was not reinstated by the beginning of that year, it would reopen the vote. In the event, it had not reopened the vote but had given an explanation as to why. The Compliance Review Committee had considered that AIBA had not done everything possible and that it would therefore be proposing an assertion of non-compliance. However RUSADA had since been reinstated and the underlying condition, granting an event to a non-compliant country, had therefore been cured. To be very blunt, he thought that AIBA had dodged a bullet. Nevertheless, when that had arisen in previous cases when a signatory had granted an event to a non-compliant country that became compliant before the signatory was declared non-compliant, the Compliance Review Committee had said that the underlying condition had been cured and therefore no further action should be taken against the signatory, other than a very clear reminder and warning that, moving forward, it must comply with its obligations under the Code. On that basis, the recommendation of the Compliance Review Committee to the Executive Committee was that it resolve, as highlighted at the bottom of page two of his letter of 14 September, that no further action be taken against AIBA in relation to its award of the 2019 men's world championships to Sochi but that it be reminded of its obligation to comply scrupulously with the requirements of the new article 20.3.11 of the World Anti-Doping Code. That was the recommendation to the Executive Committee.

THE CHAIRMAN asked if the members were happy to accept that, and noted that they were.

MR TAYLOR stated that the next case was the Democratic People's Republic of Korea Ant-Doping Committee. The Compliance Review Committee had received further correspondence at its meeting the previous Thursday, in which the DPRK had committed to obtaining the support of CHINADA and other ADOs to assist it in correcting its outstanding non-conformities and asking to be given more time to achieve that. There was a provision in the new ISCCS (Article 9.4.5) that allowed the Executive Committee to resolve that the signatory be given four months to correct all outstanding non-conformities and that, if they failed to meet that deadline, WADA would send them a formal notice asserting non-compliance and proposing the consequences set out on pages two to three of paper 6.4.2, which the members had before them, without needing to come back to the Executive Committee. The members would see that wording on page three of his letter, and that was the recommendation to the Executive Committee.

THE CHAIRMAN noted the recommendation from the Compliance Review Committee.

MR BAUMANN said that he had no problem with pushing back and giving them another four months to implement what was being said, but he had a couple of questions, one of which was practical. There had been experience, and it had been a little complicated. It was about logistics. The Compliance Review Committee said that the international sanctions (by which he meant the UN sanctions) did not excuse failure to complete the corrective actions, but it was less clear how that applied to using a WADA-accredited laboratory, which did not exist there, and which required sending material out of or into the country, which was quite a problem. He was not sure that that was really feasible or that they could somehow address it, and whatever laboratory they used might be the only choice they had.

He sought more clarification on the proposed consequences as well, because he was not sure what was meant by representatives losing their eligibility. Who were those representatives? There were all the Olympic federations that had an Asian confederation, there were other stakeholders that might be there, but he was not 100% sure whether or not that would apply to them. Also considering that, somehow, sport had been able to bring the peninsula together to some extent, if that was widely interpreted, WADA might be, should they not comply in four months, creating a problem in terms of all the efforts currently being made, combining the teams, having more events together, etc., which was something that the Executive Committee should equally support.

MR TAYLOR thanked Mr Baumann for his fair questions. The non-conformities in the case of DPRK ranged from not conducting a proper risk assessment to not developing a proper registered testing pool or a proper test distribution plan and implementing it, to taking samples and having them tested at a laboratory that was not WADA-accredited. It was hoped that, with the intervention of CHINADA, all of those non-conformities could be solved, including the shipment of samples to a WADA-accredited laboratory. If not, if that was the only non-conformity (and actually that non-conformity had been discovered only at the end of the process), if it was the case that the NADO was unable as a matter of law because of sanctions to ship the samples abroad, there was a specific provision in the ISCCS for them to say and prove that and for that to be the basis for mitigation of consequences. However, there was no excuse for not developing a proper risk assessment, test distribution plan, registered testing pool and collecting the samples and, if necessary, freezing them (at least the urine samples) until they could be sent to a WADA-accredited laboratory, and that was what the requirements proposed were intended to achieve. Hopefully, with the cooperation of CHINADA, they would also achieve the ability to ship the samples to a WADA-accredited laboratory. If not, that did not excuse them from conducting proper testing, collecting samples and, if necessary, freezing them until they could be tested at a WADA accredited laboratory. If they did not meet the requirements, there would be asserted non-compliant and a proposed consequence, in exactly the same way as if it was an individual who was asserted to have committed an anti-doping rule violation. The Anti-Doping Organisation would send the individual an assertion of an anti-doping rule violation and a proposed consequence for them to accept or dispute and take to the CAS. In exactly the same way, the suggestion was to propose (in case of continuing non-compliance after four months) the consequences listed in 6.4.2, which were all taken from Annex B to the ISCCS. One of them was that the representatives of the NADO would be ineligible to sit as members of the boards or committees or other bodies of any signatory or association of signatories until the non-compliant signatory was reinstated. 'Representatives' was defined in the standard, and covered officials, directors, officers, elected members, employees and committee members of the signatory (there the NADO), and also, in the case of a NADO, representatives of the government of the country of that NADO. There was a definition. It was clear, but it was for the Executive Committee to decide if that proposed consequence was appropriate. It was the recommendation of the Compliance Review Committee that that be one of the proposed consequences if the DPRK did not correct all of the outstanding non-conformities within the four-month deadline.

Could he take it that the grey language on page three of his letter of 14 September, which was the recommendation of the Compliance Review Committee, was approved by the Executive Committee?

He was pleased to say that it had been reported the previous week that the NADO of Iran had corrected all of the outstanding non-conformities, and he should say that that was the usual outcome of the process: somehow, people managed to comply. Therefore, the Compliance Review Committee no longer recommended that it be asserted non-compliant and consequences proposed. That was withdrawn. He asked the Executive Committee to note that.

DECISION

Recommendations in relation to compliance proposed by the Compliance Review Committee approved.

Agenda item 8 (Athletes) was moved up the agenda as MS SCOTT was to leave earlier than the anticipated conclusion of the meeting.

8. Athletes

– 8.1 Athlete Committee Chair report

– 8.2 WADA Global Athlete Forum

Before she began with her report, MS SCOTT showed the members a video from the Global Athlete Forum. It was the first forum that had been held that year in Calgary, Canada. She thanked WADA for creating the video. It had been quite a successful event, as the members could see from the video, bringing together over 100 athletes from 54 countries in Calgary to discuss and engage and become educated on different programmes that WADA had, but most importantly to become vocal members of the anti-doping community, and she could not stress enough the importance of the athlete voice.

The forum had also been used as an opportunity to present the first draft of the Anti-Doping Charter of Athlete Rights, another big project on which the Athlete Committee had been working. The Athlete Committee had revised it and it was completed to the point at which the Athlete Committee was working with the Code Drafting Team to have it implemented in the coming edition of the Code, and she was quite pleased with the progress that had been made on that and advancing it as well.

She had to say that she was disappointed that the dialogue between the WADA Athlete Committee and the management had not taken place when it had been decided that there was not going to be a forum that year. She would have appreciated being a part of that conversation, especially because the Athlete Committee felt very strongly that it was a very positive and constructive and important event. Because athletes were WADA's constituents, it was a valuable and worthwhile endeavour and she proposed revisiting that decision and potentially hosting another forum.

The members would see in the notes as well that, unfortunately, the forum had also attracted and generated a fair amount of criticism from the IOC athletes' commission in particular, together with their colleagues from the continental athletes' commissions. The members would see their letters and her responses in their files. The bulk had been about the way in which the invitations had been managed and then the diversity of the speakers and panellists. She would let Ms Barteková speak further to that if she wished, but she would be happy to defend the way in which the invitations had been managed and also to speak about the diversity of the speakers and panellists at the forum, because she felt that, in fact, the Athlete Committee had done a very good job of ensuring the presence of world-leading experts, speakers and panellists, and the athletes who had responded to the survey sent out had generally been very happy and pleased about the amount of information and quality of the forum.

While she had been disappointed by the criticisms led by the IOC athletes' commission, unfortunately she had also not been surprised. It had become a fairly predictable pattern for the IOC athletes' commission to attack the WADA Athlete Committee and seek to undermine and

discredit it. It had been going on for about two years. It had reached the point at which she had asked for an intervention from the management because, quite frankly, she had lost her patience. What was the end goal with all of this? She did not understand why the WADA Athlete Committee was under such scrutiny from the IOC athletes' commission, or how some of the behaviour was justified. The WADA Athlete Committee was gathered for the purpose of promoting clean sport and being the voice of the clean athletes, and why it was continually and routinely subject to the kind of behaviour that it was, was actually beyond her, if everybody was really on the same page and striving for the same goals. She felt that it was time to deal with it. She had asked the management to intervene and had been reassured that it would but, honestly, she thought that the Athlete Committee had reached the point at which it felt that the IOC athletes' commission members on the committee were there not to contribute and collaborate but more to compromise and impede the goals and objectives of the Athlete Committee. The committee was very unhappy about it and she thought that it was necessary to talk about it.

That concluded her report, on a negative note unfortunately; but, overall, the remainder of the Athlete Committee was doing quite well and was still very much inspired and motivated and engaged and speaking on behalf of clean athletes. The next meeting would be in Baku. The members had actually asked to meet there in order to be a part of the WADA Foundation Board meeting as well and observe, because they were interested in the process. She would be happy to take any questions.

MR DÍAZ thanked Ms Scott for her report. A public attack by anybody on the WADA Athlete Committee was a public attack on the organisation and he thought that the problems had to be solved within the room and not outside, and that applied to everybody. It was not acceptable for a colleague to publicly attack the organisation and point the finger at the WADA Athlete Committee.

THE CHAIRMAN thanked Ms Scott for her candour.

MS BARTEKOVÁ thanked Ms Scott for her report. She reacted to Ms Scott's statement. She started by saying that there was no intention from the IOC athletes' commission to attack or in any way discredit the WADA Athlete Committee. There had been a little disagreement on things but the IOC athletes had never had any intention to react to what Ms Scott was saying or expected a public reaction and always offered to discuss things. She was not aware of any insults or public discrediting of the WADA Athlete Committee. In fact, four members of the IOC athletes' commission were part of the WADA Athlete Committee, and she did not feel that they would in any way attack the integrity of the WADA Athlete Committee.

In terms of the WADA Global Athlete Forum, the IOC athletes' commission was putting a lot of effort into building an effective structure of athletes' commissions all over the world and had expected that the network of commissions would have been the first structure approached for the distribution of invitations. She had been approached by the continental chairs, who had sent letters and open letters to the WADA Athlete Committee saying that they had not been invited as continental athlete commission chairs, so that was something that she had forwarded to the WADA Athlete Committee and, of course, the IOC athletes' commission had not been very happy about the diversity of speakers and participation of athletes not properly representing all the continents and all the sports. She understood that it was a first forum, and had not wanted to insult Ms Scott or discourage her from organising the forum; she had simply wanted to show that maybe she would have expected the Athlete Committee to continue with better speaker diversity and bring more sports and more representation to the table when speaking on behalf of the global athletes. That was the action that had been taken by the IOC athletes' commission. There had been no intention to insult or discredit the activities of the WADA Athlete Committee.

She wanted to thank Ms Scott because she had been and was still a leader when it came to bringing the Anti-Doping Charter of Athlete Rights together. She was really seen as a leader; she was the boss of clean athletes. Her agenda was anti-doping and she was a great help when it came to bringing the rights of the athletes together in the charter, for which she was thankful, and she was counting on Ms Scott to be part of the charter that the IOC athletes' commission was preparing. That was something that the IOC athletes' commission had clearly stated from day one and was

still stating, and her intervention had been to reassure Ms Scott that the IOC athletes' commission wanted to continue to cooperate and meet and discuss common issues, and she said for the record that she wished to extend a welcome and offer from the IOC athletes' commission to sit down at the table and discuss things together, because that was what should be done.

MR COSGROVE had a question on the funding issue that had been raised. It had been discussed briefly in relation to the budget, and the Director General had listed some priorities that might be higher than funding for a forum. Did Ms Scott have a response on behalf of the athletes? Was the charter more important than the forum? What would she like to see? Was another forum number one for the athletes, or were the other priorities that the Director General had indicated important?

MR BAUMANN had a comment. It was good to find out what everybody felt. From the perspective of the sport movement, it also had its share of frustrations. It had not run out of patience, but he thought that the history of how the WADA Athlete Committee had been created and run and, finally, how it had been (and that was a perception, probably wrong) was that it had been used to create a certain atmosphere around that body, which was mainly negative towards the sport movement in general and those with functions in the sport movement, and that was certainly something he did not feel extremely comfortable about. The discussion that would take place in the future was about the scope of all the permanent commissions and how far they went, being an advisory board or a consultative body or whatever. That was where there had to be a frank and open conversation. He did not see that there was a need to replicate or mirror the IOC within WADA, with whatever bodies the IOC had being replicated within WADA, and that was not necessary because otherwise there would be an incredible organisation that could no longer be managed. That was more of a governance question, but he wished to share some of the feelings that the sport movement might have in that particular respect.

MS EL FADIL reflected that that had been discussed at the public authorities meeting and the common position was that the public authorities had taken into account the fact that the Athlete Committee had complained about a lack of support from the WADA management, but she suggested that, when there were differences, and she was in agreement with what had been said by the IOC representative, the members should have the trust to sit and discuss those differences, to feel that WADA was one. She was still the newest member in that room (she had joined only one year previously) and she felt generally that there was a feeling of antagonism and lack of trust among the members, speaking about the relationship between the public authorities and the sport movement. She did not want to generalise, but that was her feeling. It was necessary to try to find a way of feeling that WADA was one; making WADA strong would benefit the athletes and the common goal, which was clean sport. Those on the side of the governments and the side of the sport movement needed to talk more and look at mechanisms that would really make WADA stronger because, if anything happened to WADA as an organisation, everybody would lose. That came from somebody who had recently joined the organisation. She asked the members to look at the strategic objective of the forum, which was to have clean sport and support the athletes, current and future.

THE DIRECTOR GENERAL made a few points to answer Ms Scott. There had been a meeting with Mr Donzé and himself, and the relationship and the way forward had been discussed. As he had said earlier that day, he thought that the priority for the coming 15 months was clearly the Anti-Doping Charter of Athlete Rights. That linked up to the discussion on the forum. It was not a matter of money. The forum had not been a very expensive exercise. It was a matter of deciding (and it would be discussed with the Athlete Committee in Baku) how best to manage the process for the charter and consultation and how to move that forward. The idea was that, the following year, the year of Code and standards revision, that should be the focus, and there could be a discussion on where it would take place, but there were already numerous events planned. The question was going to be (and he would be happy to have that discussion with Ms Scott) where the best forum for a discussion on the charter would be. Speaking of the charter, he had been reassured that the intention was clearly for it to be part of a broader IOC charter, so that was absolutely still the intention, and he thought, therefore, that it was important to rebuild the bridge between the two athlete committees (and he was encouraged by what Ms Barteková had said) so as to ensure

that all the good work that Ms Scott was doing on the charter would end up being part of the main document. The feedback received was positive and rather constructive and he hoped that that was the road that would be taken.

MR RICCI BITTI stated that he did not have a question, but made a remark. He was very surprised about Ms Scott's victim attitude. He had known her for a long time and he believed that everybody supported the WADA Athlete Committee, as the athletes played an important role; but, he would say that, in relation to the Russian case and recent difficulties, he had had the opposite feeling to Ms Scott. The forum was a platform to promote some position. He did not think that that was in the general interest. What did she want? Did she want support on that? He respected her idea but he believed that WADA's job was different. He was also very scared about the charter, because it was a principle-based document, and WADA did not need so many additional documents. He wanted to keep an eye on it, and he could assure Ms Scott that the Olympic Movement, through its athletes, who were very qualified, would keep an eye on that, because they did not want another promotional document. The athletes played a good role but had to keep their place, as did everybody.

MS SCOTT asked exactly what platform had been promoted for her at the forum. That was her only question.

THE CHAIRMAN said that he was not sure that Mr Ricci Bitti had heard her.

MS SCOTT said that Mr Ricci Bitti had stated that she had used the forum as a platform to promote some position, and she needed him to clarify that. It had not been just her forum: it had been WADA's forum. The leadership was free to intervene and show some support at any point if it wished. Had Mr Ricci Bitti suggested that the WADA Global Athlete Forum was a platform for promoting something for her?

MR RICCI BITTI responded that he had had a very good relationship with Ms Scott and he considered her very important to the system. She had started her report in a 'victimistic' way, saying that she was disturbed by the attitude of the IOC athletes' commission or the lack of cooperation. He had to confess that the feeling of a person who was not involved (although he had been an athlete, so he also had some experience; perhaps he had not been as good as Ms Scott, but he had been a good athlete), or the feeling that he had had from the outcome of the forum was that it had been a promotional forum to promote a particular position or situation, such as the Russian case, so the feeling from the press had not been that of Ms Scott being a victim or that she was in trouble because somebody had not cooperated. It had been a very good platform and a very partisan platform.

MS HOFSTAD HELLELAND said that it was very sad to hear about that happening; it should not be like that. She wondered, because the President had attended the conference and she would like to hear a clarification and the President's point of view of the situation, because she did not know what to believe and she could not really understand how it was possible to be listening to such a discussion. She asked the President for some comments on how he saw it from his point of view and that of the leadership of WADA. What did they think about that?

MR KEJVAL noted that he was concerned about the discussion. There were two groups, both of which had different rules, and it was important to sit down and find a solution, because that was the best way to do so.

MR MOSES stated that he really took offence to the very aggressive, in fact, passive-aggressive behaviour that he was currently seeing. His observation was that he had heard the IOC athletes' commission member saying how she had not meant to beat up on Ms Scott and that she was really sorry and everything, then he had heard Mr Baumann saying that he did not understand why the WADA Athlete Committee even existed, and why it should simply duplicate what the IOC was doing, and then he had heard Mr Ricci Bitti claiming that Ms Scott was playing the victim, and he thought it was a very high-level and sophisticated game of passive-aggressive behaviour, and they were taking it out on Ms Scott, and he did not appreciate it at all. Furthermore, he had not appreciated the comments made at the previous Executive Committee meeting regarding himself and Ms Scott,

in terms of them being unable to have a position on the floor. They did not even have a vote, and he thought that it was a real tragedy that Ms Scott did not have a vote as a member of that body and the Athlete Committee. It made no sense to him why she did not have a vote on all matters, so he was just as upset as Ms Scott. It was a very personal and emotional scenario that they had gone through that day. He would say one thing: he could assure the members that Ms Scott represented more athletes around the world in her position than the IOC athletes' commission. It was clear, and the numbers showed that. The representation and the people who had been supporting what she had been trying to do were clear: the numbers were starkly different, and it really upset him.

THE CHAIRMAN responded that that was not the forum for a prolonged debate. People had made their statements and he would answer Ms Hofstad Helleland in just a moment. He took it from Ms Barteková's rather elegant comment that she would be happy to sit down on behalf of the IOC athletes' commission and speak to the WADA Athlete Committee members and, with some luck, they would resolve their difficulties.

As far as Calgary was concerned, he had been very keen to go back there, because he had not been there since 1985, and that was the day his sport had become an Olympic programme sport. He had thought that Calgary was a good idea. The WADA management had always been supportive and allowed the WADA Athlete Committee pretty much a clear run at whatever it wanted to do. He had been invited to the forum and had been happy to go. His participation had consisted of two hours on the first morning answering questions with Mr Niggli. From that minute on, he had been asked to leave and he had left the athletes to do what they wanted to do. Clearly, if that kind of discussion were taking place, how to stage-manage them and organise them might be different. If it was necessary to talk about how to organise fora, that should be done. He did not think it was at all healthy to have the kind of recriminations that had been going on at that moment. He told Ms Scott that he really did not want that to continue. His message quite clearly to the management and to her as they took that up was that they get together with the people, because he shared the view, because he had been involved in that two years previously, to make sure that the work being done on the charter would then be picked up by the IOC to be included in their charter, and he was very pleased to hear that that was going to happen.

THE DIRECTOR GENERAL said that it was difficult if everybody thought that everybody else had a hidden agenda, and he thought that that was not the case. That forum had been organised in good faith. It had not been perfect and WADA had acknowledged that, but he thought the most important thing was, as had been said by Ms El Fadil, that a bit of trust needed to be rebuilt. It was not about opposing the IOC athletes' commission and the WADA Athlete Committee and, in that spirit, it should be possible to make sure that everybody did their work, and he truly believed that there was an opportunity to do that. The WADA Athlete Committee was working on the important project, the Anti-Doping Charter of Athlete Rights, and that would be supported. There was a lot of work to be done, and there were legal implications, and WADA should really focus on that and work with good cooperation and a good spirit so as to achieve an important task that was before them.

THE CHAIRMAN thanked the members.

DECISION

Athlete Committee Chair report noted.

6.5 World Anti-Doping Code and international standards review update

MR SIEVEKING said that, as the members probably knew, the second phase of Code revision and the first revision phase of six international standards had concluded on 14 September. WADA had received a lot of comments, more than 700 for the Code, and, for the six standards, an average of more than 100 comments, showing the interest of the stakeholders in the processes, and everybody should be pleased about that, as the documents were the basis of WADA's work. On the Code, there were many pages of comments, and the Code Drafting Team had convened a few days previously to discuss the comments. There would be a meeting in Lausanne in early October to finalise the review of the comments. The comments received were of a high level and were very

technical, about which he was pleased, although it gave the team a lot more work, also showing the high level of knowledge of the stakeholders. Since the start of the Code review process, the team had met with many stakeholders and would continue to do so until the final draft was tabled at the Executive Committee meeting in May the following year. He also said that he had received verbally very positive comments from key stakeholders and the representative of the WADA Athlete Committee had said that many of the changes were welcome and would be of benefit to athletes. There had been a very tight timeline, given the number of comments received and the deadline, but there were very good drafting teams for the standards and the Code and he was confident that the members would have a very good draft to review in Baku in November. Mr Young would be there, as he had been in May at the Executive Committee meeting, to explain the outcome of the second revision phase for the Code and the first for the standards. That was the update he had wanted to make on the current situation in relation to the process.

THE CHAIRMAN thanked Mr Sieveking, noting the interesting figure. The last time the Code had been revised, WADA had taken a legal opinion from Mr Costa, the former president of the European Court of Human Rights, and the point he had made was that the greatest strength of the World Anti-Doping Code was the breadth and quality of the consultation process. He was really very pleased to hear that the same thing appeared to be happening.

MR PIECHOTA apologised for taking the floor so frequently, but the European mandate was quite broad. He wished to comment on the revision process in relation to two standards. One related to the ISL. It was stated that the changes to the standard were of minor importance. If they were not minor changes, he wanted to be sure that there would be a second round of consultation possible for that standard.

On the new International Standard on Result Management, he welcomed that, as it was very important, especially for Europe, which wanted to assist in the drafting process in order to ensure that a high quality document was produced. Europe had extensive experience in that field, and the Council of Europe had developed a number of reference documents that WADA should take into account when developing the new result management standard. Given the importance and scope of the new standard, he felt that having just one phase of consultation was not sufficient. He asked WADA to consider more than just one consultation round.

MR SIEVEKING spoke first about the ISRM. There had been a meeting in Strasbourg and it had been discussed. The idea was to have the key principle that all stakeholders had to apply result management. There was a drafting team, which had received many comments and would discuss the standard with the Council of Europe. He would be happy to organise a meeting and discuss the matter further once there was a first draft available.

Regarding the fact that there was one single consultation phase, after the first Code consultation phase, it had been decided that the standard should be drafted, so the idea had been to end the process at the same time as the other standards. He would be happy to discuss that.

In relation to the ISL, he did not know where it had been written that there were only minor changes, because that was not the case. There was a single phase, because it was based on the work of the Laboratory Expert Group, and there were key elements that needed to be reinforced as soon as possible.

DR RABIN made it clear that a lot of changes would be made to the ISL for two reasons, one of which was that WADA had learnt from situations faced over the past couple of years, so there was a need to adjust some of the provisions in the ISL. Secondly, the new version of ISO 17025 was currently in force and the changes to that standard actually had repercussions on the ISL, so there was a need to make changes, and a lot would be made immediately, meaning that, in the review phase on the way to the World Conference on Doping in Sport, there would be minor changes anticipated for the revised version of the ISL.

THE CHAIRMAN thanked Dr Rabin. He looked forward to a busy three days at the conference the following year with the Code and all the standards to deal with at the same time.

MR BAUMANN had a general comment about international standards. WADA should be careful about having more and more international standards. He had already made that point previously. As the documents were more in line with the commitment to be compliant or compliance documents, they raised the level of what had or had not to be done and what might be considered as not being compliant with the Code, and it was maybe worth having a review and determining whether or not it was necessary to have all those documents. Perhaps it was similar to governments legislating. Perhaps at some point there might be too many, and perhaps at some point there might be a set of documents that, instead of being standards or development tools, did not trigger compliance consequences if they were not followed. It was a general comment. It might be useful, in the next round of governance review, to head in that direction instead of having aspirational ideas in international standards or charters which would then be complicated to implement.

MR SIEVEKING agreed that there should not be more and more international standards, but it was his humble opinion that, and then the Executive Committee would have to take a decision on that, it was a key area of result management to ensure due and timely process, and it was already monitored for compliance because article 7 of the Code referred to result management principles, but it would make the Code a bit lighter. The idea was not to make a standard like that, but it was a very important area and, from what he had seen, receiving 2,500 decisions a year from stakeholders, there was really a need to have a better tool to ensure harmonisation within the result management and adjudication process. Nevertheless, he took due note of the comment.

THE DIRECTOR GENERAL noted that result management was already part of the Code, but it was getting increasingly detailed and there were more and more discussions about fundamental rights. If WADA were to put everything into the Code, there would be a lot of pages on result management which actually concerned a very specific type of activity, so the standards might make it possible to address the process in a more practical way whilst the Code set the principles, and also allow for more flexibility if the system had to evolve.

MR BAUMANN gave the example of the standard in relation to education. He had a different view, which he had already expressed. He did not think a standard was necessary because education was a development tool and not a compliance tool. That was his personal view. WADA needed to push education, but it was just an example of WADA legislating in a way that turned it into a compliance rather than a development tool. The matter was more general.

MR RICCI BITTI supported what Mr Baumann had said. He was very worried about the ramifications. They were very different. He agreed for instance that, if WADA decided on the purpose of the result management standard, it could be a good standard, but first it was necessary to decide what was wanted. Education was so varied across the world that, if one made a standard, a lot of people would be in trouble, because education levels and capacity were so varied. There was no doubt about the fact that all of the signatories had a duty to have an education programme, but there should be some flexibility. The Anti-Doping Charter of Athlete Rights, which he fully supported, was a principle-based document and not a rules-based document. WADA should use the Code as much as possible. It was necessary to consider what the members wanted for each of the standards.

THE DIRECTOR GENERAL said that the discussion could be held, but he was just raising the point that the education standard was more to help organisations frame what they had to do. There had been a request the previous year from the African region for guidelines. The intention was to help people understand how to do things well and the good parts in any education programme.

MR PIECHOTA supported the point of view of the WADA management. If the scope of activities of the ADOs was getting broader and broader, WADA naturally needed more standards. One might argue about the need for some, but that was of the utmost importance, because access to justice and fair trials had to be addressed. Europe was very happy about the drafting of that standard.

MS EL FADIL informed the members that she had to leave, as her flight was at six o'clock. She apologised, but she had another engagement the following morning in Addis Ababa. There would

be a second anti-doping forum taking place in Africa, and the Vice-President and Director General would be there. She thanked the members very much and wished them a successful meeting.

THE CHAIRMAN thanked Ms El Fadil for her contribution and wished her a safe trip.

Mr Baumann had raised a pretty important and standard question. It was difficult to deal with when one was actually in the middle of a process of changing things. It seemed to him that WADA might need to say to enough people that WADA wanted guidance and a view on the question raised. It was not always possible to say that WADA was busy and doing it. He thought that the WADA management should take it on and move it forward.

DECISION

World Anti-Doping Code and international standards review update noted.

7. Science and Medicine

– 7.1 Health, Medical and Research Committee Chair report

THE CHAIRMAN informed the members that the reason for meeting in September was to approve a World Anti-Doping Code among other things.

PROFESSOR ERDENER noted that the Executive Committee meeting in September was traditionally important for science and medicine because the new List of Prohibited Substances and Methods was approved, as well as the yearly research projects. His colleague would present the draft Prohibited List and the proposed changes for 2019, and would mention the new approach taken to focus stakeholders' comments during the consultation process. Some minor changes had been made to the ISTUE based on the new GDPR requirements that would again require Executive Committee approval. His colleague Dr Rabin would present the 2018 research projects for adoption as well as the joint work with Quebec on the application of artificial intelligence in anti-doping practice. Finally, the technical document, the APMU, would be presented for the approval of the Executive Committee. It was an important document aimed at harmonising APMU activities around the world and would prepare for the future development of the Athlete Biological Passport on strong and standard practice by the various stakeholders.

DECISION

Health, Medical and Research Committee
Chair report noted.

– 7.2 2019 Prohibited List

DR VERNEC said that the usual process had been followed. The List Expert Group had sent out a draft list in April to 2,046 stakeholders, feedback had been received in July and the Prohibited List had been finalised in August, and it had been presented to and accepted by the Health, Medical and Research Committee. The last step was presentation to the Executive Committee for approval. The Prohibited List had matured over the years and the changes for 2019 were indeed quite minimal. Mostly, there was a changing of nomenclature to INN, some reclassifications, additions of some examples and the removal of metabolites from the Prohibited List when there was absolutely no value for their inclusion. There was, of course, ongoing work by the List Expert Group which he would not discuss that day, but on areas such as narcotics, beta-2 agonists, salbutamol, stimulant classifications and glucocorticoid reporting values.

He would go straight to the Prohibited List, highlighting some changes, and would go fairly quickly as it was rather technical and would not mention every change; however, the members had the full red-line track-change version in their files along with the explanatory documents, which went through every change.

There were some substances at the top that had been removed from S1 because they could be found endogenously at lower concentrations or naturally in the body. There was another part in yellow that was highlighted and it had been added as an example.

Moving to S1B, a number of changes could be seen, suggested by laboratory colleagues, regarding metabolites that had never really needed to be on the Prohibited List. Metabolites were the breakdown products of substances and many could be detected by laboratories but they did not need to be mentioned on the Prohibited List. They had been removed unless they were biologically active or available on the market, in which case they had been kept on the Prohibited List. Some other chunks or metabolites had been removed, as they were covered in some of the technical documents (TD-19NA, TD-EAAS and TD-IRMS covered some of those metabolites).

Moving on to S2, a number of new HIF activating agents were simply mentioned on the Prohibited List as examples. The fact that they had not been mentioned there before did not mean that they were not prohibited, but it was always better for clarity to have those things mentioned.

For peptide hormones and releasing factors, there had simply been a name change to better reflect the actual functioning of the releasing factors as opposed to hormone modulators, which they had been before. In the section at the bottom, there were additions of INN, the names added for consistency.

Looking at the next page, under S3, the members would see tretinoin, which was a beta-2 agonist, a product that had been prohibited; even though it had not been named, it had been prohibited before, but it had been discovered that the product had been used particularly in some countries in Asia for the treatment of asthma and on occasion in over-the-counter cold medications, so the team had been working diligently and greatly appreciated the help of the Japanese colleagues who were helping WADA develop some pharmacokinetic studies on that. Furthermore, WADA would work on communications and with the partners in Asia to make sure that, in November, there would be a campaign to alert athletes to stay away from that prohibited substance. What the members did not see in S3 but had been mentioned earlier was salbutamol. It had been fairly effective in terms of the thresholds. There were 300,000 tests per year, and it was one of the most widely used products in the world and, for the most part, WADA had got it pretty much right, but there would always be some exceptional cases. Nevertheless, the Prohibited List Expert Group had taken it upon itself to review all of the data, and 21 studies had been or would be looked at from the past 20 or so years, plus two new WADA-approved studies, and WADA would hire a statistician to make sure that the thresholds were either fit for purpose or adjusted, but clearly that was not going to be ready for that year.

On S4, it was simply a matter of some substances being moved from another section to better reflect their biological activity.

Moving down to FS4.4, it looked a little complex and it was. It was really about muscle growth, and myostatin inhibitors had been the only ones mentioned, and the experts had decided to expand from only myostatin inhibitors to reflect the multiple ways that that activin receptor could be affected.

Moving to M3, on gene and cell doping, there was a simple change with the addition of 'and cell'. That had already been included in M3. Cells had always been prohibited, and he was generally talking about stem cells. Some people had asked whether that meant that stem cells were prohibited whereas they had not been previously. That was not the case. M3 was the one area on the Prohibited List that said that 'the following with the potential to enhance sport performance are prohibited', and the explanatory note said that stem cells were still not prohibited for treating injuries as long as the treatment restored normal function locally and did not enhance performance. The members would see the term 'post-transcriptional', which was to be complete because gene editing could act in many different areas.

In S6, some changes had been made to nomenclature to be consistent with INN.

The very last thing was P1, which was beta blockers, and one of them had been removed because it had been unnecessary, as it was simply a stereoisomer of another product. That concluded the Prohibited List.

There was a long-term programme that went along with that, and it had been approved by the Executive Committee the previous year. There were no changes that year, which was why he had not put it up on the screen. It was in the members' files and there had been no change from previous years. That concluded the changes to the Prohibited List. He requested approval from the Executive Committee for the 2019 Prohibited List.

THE CHAIRMAN said that he had read the document closely and found some of it quite difficult to follow, perhaps like the rest of the members. It was the view of the List Committee that that was a more accurate representation of the current situation and it was an improvement. Was anybody brave enough to ask questions? He thanked Dr Verrec and the List Committee for the work done. Were the members happy to approve the Prohibited List for 2019? WADA would distribute it and tell the anti-doping world and the world in general that it was there and it would come into force on 1 January 2019.

DR VERREC clarified that it was the Prohibited List and monitoring programme being approved at the same time.

DECISION

2019 Prohibited List and monitoring programme approved.

– **7.3 Annual research projects 2018**

DR RABIN informed the members that another important function of the Executive Committee in September was to review and approve the research projects for the year. WADA had received 81 grant applications that year, fully in line with the numbers in previous years except there were also some calls for projects, which were adding to the number; so, every year, WADA was anywhere between 90 to 100 research projects being reviewed at WADA. There was a good representation of the different continents in the applications, and it was important to be reaching beyond the traditional anti-doping laboratories, which had a mandatory role in relation to research in anti-doping. 65% of the applications had come from researchers not at anti-doping laboratories. There was a fairly even distribution that year of projects between the different priority themes, which were traditionally related either to section A, traditional methods such as mass spectrometry, section B, immunoassays (also used to detect some of the substances in anti-doping), section C (a lot of what was being done was about pharmacology and drugs, legal or illegal), section D (there had been 20 projects related to the Athlete Biological Passport which he thought showed the intense area of activity and also research and support of the Athlete Biological Passport) and, finally, section E (more about the OMICS and biomarkers to be developed, in particular for future detection methods in the anti-doping field).

All the projects had been submitted to independent panels of scientific experts, usually three or four independent experts per panel, giving a huge amount of information about the projects and the classification of the projects, which was conducted by the Project Review Panel, which comprised members of the Health, Medical and Research Committee, independent experts completely outside the committees and also the WADA management, and the objective was to rank all the projects based on the recommendations for approval to the Health, Medical and Research Committee. As usual, there were two levels of review for the ethics of the projects: one was the local review by the research team, and also WADA conducted its own ethical review before the projects were finally approved. Of course, part of the agenda of the Health, Medical and Research Committee was to review the projects, discuss them and finally make a recommendation to the Executive Committee for approval, and that had been done on 28 August under the chairmanship of Professor Erdener.

On the project recommendations, he would review the different sections, one of which was taken from the routine budget. The other one was taken from the special fund, and he would mention what had been taken from the targeted and reactive research budget and, finally, as mentioned in the introduction by Professor Erdener, the elements relating to the artificial intelligence call for projects that WADA had started jointly with the Fonds de recherche du Québec.

To start with, 18 projects had been approved for a total amount of 1.7 million dollars. 14 projects were eligible under the regular or routine WADA fund for 1.2 million dollars, and four projects could be taken from the special fund. WADA was not quite exhausting the amount of money for that year, which was normal because there were some projects that were targeted or reactive. Dr Verneq had mentioned tretinoin. The pharmacokinetic studies that WADA wanted to carry out in support of tretinoin on the Prohibited List would be taken from the reactive budget. There was a 22% success rate, which was lower than for previous years for two reasons: the quality might not have been as good as in previous years and, of course, the financial constraints were taken into account by the Health, Medical and Research Committee. 13 out of 18 projects had had their budget requests reduced by 22.67%, a fairly significant amount of money, either because parts of the projects had had to be rejected because they were already covered or of less interest to the Health, Medical and Research Committee, or because sometimes those parts of the research projects had not been deemed to be of high value to the anti-doping community.

Looking at the projects approved under the WADA research fund for 2018, Dr Verneq had mentioned the myostatin inhibitors, and that was an important area, because they were considered to be the next generation of anabolic steroids, so a project had been approved in that area. In the area of hormones, a project had been approved to better detect peptide hormones, which were already prohibited, but WADA wanted to improve their detection, and also the application of isotope ratio mass spectrometry to the detection of glucocorticoids and trying to better distinguish between the exogenous and endogenous origin of those substances. EPO and erythropoietin stimulating agents were still high on the agenda. There were constantly new forms of EPO that came onto the market and WADA needed to be able to keep up with the pace of innovation around that important hormone, so two projects had been approved in that area, as well as improving the detection of steroids, which was very important, in particular testosterone and its prohormones. As the members knew, testosterone was produced by all humans, and there were some forms of testosterone out there that were mimicking what was produced endogenously. It was necessary to keep an eye on those.

An approach by the OMIC markers, to which he had referred earlier, on hydrocortisone, which was a form of glucocorticoid, was also one of the projects that had been approved.

Still on the regular fund, there was a project on the prevalence of use of thyroid hormones, which were not prohibited but whose impact on the Athlete Biological Passport was deemed to be of interest by the experts, so that project had been approved.

There was another project related to steroids, and he did not want to be too technical, but the steroids in question were considered to be a potential issue and there had been an idea that there should be better information on the drug metabolism of that class of substances.

Part of what was done related to investigation and DNA analysis was becoming important, and WADA did not really have rules to provide a framework for DNA analysis in anti-doping. It was considered to be easy, while it was more complicated to analyse DNA in urine than blood or any other type of cell because of the urine matrix itself, so the aim was to provide a strong framework for that.

He referred to the production of reference materials, which were always extremely useful for anti-doping laboratories. He had mentioned pharmacokinetic studies and, in particular, the window of detection of insulin, which was not easy to detect, even if there was a method, but WADA wanted to look into that more carefully, and he had mentioned salbutamol and a better understanding of the metabolism of one particular fraction of salbutamol, the sulphate metabolism, which was of great interest.

In 2018, WADA had also targeted some projects or approved some reactive projects, many of which had related to hGH, in particular in support of the Athlete Biological Passport. Still in support of the Athlete Biological Passport (the haematological module), the measurement of plasma volume was of high interest because it was possible to work out the total haemoglobin mass based on plasma volume, potentially two interesting variables for the Athlete Biological Passport.

The production of certified reference material for two anabolic steroids, or one anabolic steroid and one related to anabolic steroids, was something that was also of interest.

Finally, a project on artificial intelligence had been approved to see if it would be possible to apply AI to anti-doping, so it was a feasibility study.

To conclude on those projects for 2018, some had been taken from the special fund, and WADA was still using it very carefully, but it was absolutely essential. He had mentioned insulin detection. There was a possibility for the team and the researcher who had developed the hGH method to apply the same method for insulin detection. He had also mentioned the plasma markers, which were very important to WADA, and that project in particular to analyse the blood collection in support of the Athlete Biological Passport and the use of the plasma volume markers was of great interest to WADA.

Another project that was a follow-up to a project already approved to detect autologous blood transfusion was very fascinating, because it was possible to go to the cellular level, i.e. look at one cell in the body that could reveal autologous blood transfusion, so that was an incredible level of sensitivity and it could be important in terms of how autologous blood transfusion was revealed.

There was a project related to the confounding factors of the Athlete Biological Passport, in particular the consumption of alcohol on the particular testosterone profile, and it was important to consolidate the information that was being received at that time.

WADA had established a partnership with the Fonds de recherche du Québec, jointly combining knowledge and efforts and financial support to projects that aimed to look at the possibility of applying AI, big data analysis and deep learning, everything about which the members regularly heard, in the anti-doping field with one important dimension: the societal issues that could relate to drug abuse, the impact on the health and education sectors, and also the ethical aspects of the application of AI to anti-doping.

That call for projects had been established and the plan was to have a maximum of half-a-million dollars per project, so they were costly projects, and WADA had agreed with the Fonds de recherche du Québec to jointly contribute to one or two projects over a two-year period. The deadline for submissions was the end of that month. There were seven teams around the world interested in applying for the grant, and he looked forward to jointly assessing the projects with the idea over the coming two to three years of supporting one or two of those projects, and that had the potential to bring additional dimensions to the way in which data could be processed in anti-doping. That concluded the presentation on the 2018 research projects.

THE CHAIRMAN noted that the members could see the scope of the amount of work necessary. There were WADA's own funded projects, the special projects and the new projects funded by Quebec as part of its wish for WADA to stay in Montreal. All of the data were there and he hoped that the members would approve the recommendation. He noted what Mr Ricci Bitti had said, that WADA had previously spent 6.5 million dollars per year on research and currently spent 2.3 million dollars. There was a long way to go to meet the aspirations that WADA wished to provide to the scientific community. Were there any questions on any of the projects or were the members happy to approve them? He thanked Dr Rabin and congratulated the Science Department.

DECISION

Proposed annual research projects 2018 approved.

– **7.4 WADA accreditation for the Bloemfontein Doping Control Laboratory, South Africa**

DR RABIN said that the Bloemfontein laboratory accreditation had been revoked in June 2017. In August 2017, WADA had been able to reinstate the laboratory only for blood analysis in support of the Athlete Biological Passport, because it was a very specific module in an anti-doping laboratory, and it was important that that activity remain ongoing in that part of the world. From the time of the revocation to the current situation, the Bloemfontein laboratory had completely reviewed its procedures, which had been very important because the issues faced had been revealed through the EQAS programme, which had highlighted some issues, in particular analytical, quality and reporting issues. In fact, the laboratory had done extremely well, except it had forgotten to look into IRMS, which was unfortunate because IRMS was mandatory under the ISL and WADA could not compromise on that, and also in that region of the world it was important to have access to IRMS analysis, as there were no other laboratories with that capacity in the region. The work on the revalidation of IRMS analysis had been completed in July that year and the Laboratory Expert Group had reviewed all the information and was satisfied that all the technical conditions and requirements had been met by the Bloemfontein laboratory to be recommended for WADA accreditation, so he would be very pleased, with the approval of the Executive Committee, to welcome back the Bloemfontein laboratory to the small family of WADA-accredited laboratories.

THE CHAIRMAN thought that it was seriously good news to have a good laboratory again in Africa.

DECISION

Proposal to grant WADA accreditation to the Bloemfontein Doping Control Laboratory approved.

– **7.5 International Standard for TUE modifications**

THE CHAIRMAN asked the members to pay particular attention because he was flying blind. He had not had time to read the documents in that agenda item, so he would have to be in the members' hands if they were asked to take a decision.

DR VERNEC informed the members that the Executive Committee was being asked to approve modifications to the 2019 ISTUE. As a result of the new GDPR and the revised ISPPPI, there was a need for WADA to revise certain templates, most of which existed at the guidelines level of the World Anti-Doping Programme; however, the TUE application form template, including the athlete declaration and the consent form that needed the changes, had been an annex to the ISTUE. Therefore, to ensure consistency, it had been recommended by the WADA Legal Department to remove the TUE application form template as an annex to the ISTUE and place it at the guidelines level along with the other guidance tools for ADOs. He was not requesting that anybody look at the changes to the consent form, although it had been provided in the members' documents. The request was just to remove the TUE application template, again provided in the documents. That was the summary of the request to grant approval for a modification to the ISTUE. He would be happy to take any questions on that or clarify further if necessary.

MR SIEVEKING noted that there was no change to the substance of the standard. As Dr Vernece had said, it meant that it would not be necessary to seek Executive Committee and UNESCO approval in the future. There was no change to the substance of the standard; it was just a practical proposal.

THE CHAIRMAN noted that he was always nervous when he was told that it was easy.

MR PIECHOTA underscored the importance of the GDPR in Europe, and asked if the consent form was in line with the GDPR.

MR SIEVEKING responded that a recommendation had been adopted by the Executive Committee in May to ensure alignment with the main requirements of the GDPR, which was why

WADA had been reviewing some of the forms, including that one, to make sure that they were in line with the new ISPPPI. The answer to Mr Piechota's question was yes. In any country, national law prevailed if it went beyond the requirements of the ISPPPI, which was why it was better to deal with the consent form separately, so every country could adapt according to national legislation or the ISPPPI.

THE CHAIRMAN thanked Mr Sieveking.

DECISION

Proposed ISTUE modifications approved.

– **7.6 Technical Document for Athlete Passport Management Units (TD-APMU)**

DR RABIN said that he would try to guide the members fairly quickly through the presentation, as some of the members had already seen some of the slides. WADA had only operating guidelines on the APMU; there were also elements related to the ISTI, but they related more to the collection of samples so, in the course of the development of the Athlete Biological Passport, and in support of the APMUs, there had been a request from some of the stakeholders and experts involved in the day-to-day activities related to the Athlete Biological Passport to have clarification and a stronger document than just guidelines. Looking at the current situation, most of the APMUs were hosted by anti-doping laboratories. 106 ADOs were connected to anti-doping laboratories. Only a fraction of the APMUs were hosted by ADOs and, of the 26 ADOs, only six were active, so he was talking about less than 5% of the APMUs affected by that technical document. Some of the big issues faced were, in fact, related to APMU activities conducted by some of the ADOs. As of 1 January 2019, the new version of the TDSSA would make the Athlete Biological Passport mandatory for some of the stakeholders, so there would be a growing expectation and demand in support of the proper running of the APMU activities. Many of the current challenges identified by the experts came from APMUs associated with ADOs. The members would see the points that had been mentioned in May, and there was only a small number of high functioning internal APMUs in the ADOs. They certainly reviewed a bit more than the 5% of APMUs he was mentioning in terms of volume of profiles. Nevertheless, that remained one of the concerns of the expert group. On the expert group, the intention was to be as inclusive as possible, with people from ADOs, either IFs or NADOs, which was important, and also always with the support of an anti-doping laboratory, which was important to include, in particular when talking about laboratory-related activities.

The consultation process had been fairly thorough and he insisted on the fact that, based on the comments received in May, the consultation phase had been continued, in particular focusing on those ADOs most affected and those that had raised some concerns in the past. There had been discussion with them and there had sometimes been a misunderstanding of some of the provisions in the technical document. That had been clarified in the new version that was before the members that day. He had thought it was a very useful additional consultation phase, and WADA had been able to come up with a solution or a new model that should be satisfactory to the vast majority of the stakeholders, if not all of them. The new model (the members would see the variation shortly) was to have the APMU manager within the laboratory (that had been proposed in May and was still valid); but, in addition, to accommodate the request of the few ADOs also hosting an APMU manager, the possibility under article 3.2 of the current version of the technical document was to have an APMU manager within the ADO but still connected to the laboratory operating under the direction of the laboratory, because it was important to have the APMU director associated or in the WADA-accredited laboratory. That was the major change that had been added to the new version of the technical document. There was still a lot of expectation to harmonise effective passport management by the APMUs, with more harmonisation of the approach and management of the Athlete Biological Passport. That new version provided ADOs with operational independence and maintained the high level of expertise in the passport management. It could also increase cooperation between the laboratory and the ADO, which already existed through the routine testing and analysis of anti-doping samples, but it also provided (and that had not existed previously) flexibility in the location of APMU managers and, in that sense, he respected the fact that some ADOs already had APMU managers and wished to maintain the activity of those managers.

There was, of course, a time factor. The new TDSSA would soon be putting more emphasis on the development of the Athlete Biological Passport, the haematological module, the steroid module and also (in the future) the endocrine module, and the experts believed that WADA needed to strengthen Athlete Biological Passport management to move towards further development with that important tool in the fight against doping in sport. That document was therefore before the Executive Committee for information and he would be pleased to take any comments or questions.

THE CHAIRMAN commended the admirably brief presentation.

MR DÍAZ observed that hardly anybody got into technical matters. He did not know if it was because his flight had been so long that he had been able to read all of the documents, but that was one of the documents that made an important direct difference in the field, so he congratulated Dr Rabin on the document and fully supported it.

MR SHEPANDE said that he was filling the gap left by his commissioner. The African region had subjected the document to peer review, and the region was satisfied with it.

MR PIECHOTA promised to take the floor for the last time. He had discussed one issue with Dr Rabin, so it was no surprise. Europe was really happy with the document and appreciated the idea of having a technical document on APMUs, but it had an issue on the entity entitled to host the APMU because, according to the current version, it was just the laboratory, and many European stakeholders had also requested that the ADO have the right to host APMUs. That would, of course, require some adjustments to the text.

DR RABIN thanked Mr Piechota. He was very much aware of the point. The new model presented still involved the ADOs. It was very important to point out that the ADOs, via the ADO manager, if they wished, could still play an active role (probably the most active role) in the management of the passports. The APMU manager, who was the person who dealt with the profiles and the Athlete Biological Passport on a day-to-day basis, remained involved, so that was an important change compared to the May version. The experts insisted that the laboratory remain the place for the structure and directorship of the APMU because there was a lot of expertise in the laboratories, and that did not mean that there was no expertise outside the anti-doping laboratories, but the bulk of the expertise was in the anti-doping laboratories, in particular for everything that had to do with the steroid profile and the endocrine profile to come. Many were already actively involved, and more than 80% were currently in the anti-doping laboratories, and the experts recommended maintaining that and strengthening that expertise. That did not prevent the ADOs from operating in the way they currently did. It was simply a relationship or link that was slightly modified.

MR PIECHOTA said that he would have to live with that.

THE CHAIRMAN asked if that was satisfactory to all concerned. He congratulated the Science Department. The Chairman of the Health, Medical and Research Committee could be proud of his troops, who did a huge amount of work. He thanked Dr Rabin and asked him to make sure that the people in his department understood that everything they did was very much appreciated.

DECISION

Proposal on TD-APMU approved.

Agenda item 8 (Athletes) was moved up the agenda as MS SCOTT was to leave earlier than the anticipated conclusion of the meeting. Refer above.

9. Education

– 9.1 Education Committee Chair report

THE CHAIRMAN asked Mr Moses to present his report, assuring him that there would be more time to deal properly with education in Baku.

MR MOSES informed the members that the details were in the documentation. The biggest item to report was the second annual education conference, which would be held in Beijing on 24 and

25 October, with over 200 people set to attend. CHINADA and USADA were working together to sponsor it, so it would be a very significant project for the Education Committee. The working group responsible for drafting the international standard would meet after the Beijing conference to prepare the second draft. The education partnership with the IOC, the IPC, the International Fair Play Committee, the International Council of Sport Science and Physical Education and UNESCO continued to work together. As to WADA's e-learning programme, ADeL, 10,000 users had already registered on the platform over the past five months, and he hoped that participation would rapidly increase. There would be a conference call on the 25th and 26th the following week on the social science review panel to evaluate projects. There were 47 applications, which had gone through a number of peer reviews. That was the last major item. Everything else was contained in the members' papers.

THE CHAIRMAN thanked Mr Moses very much indeed.

DECISION

Education Committee Chair report noted.

10. Any other business/future meetings

THE CHAIRMAN thanked the members. It would take some time for him to be able to deliver the message about explaining the decision from the Compliance Review Committee in clear language.

MS HOFSTAD HELLELAND said that the Chairman had opened the meeting that morning by saying how disappointed he had been about Executive Committee leaks. Over the past hour, everything had leaked. The Russian news agency TASS had spread all over the world what had happened in that room, saying that it had come from sources close to what had happened in the room. She trusted the Executive Committee members and the sport movement representatives, as well as her colleagues from the public authorities. She did not think that any of them had run out and called the Russian news agency. An agreement had been made to wait for an hour, and the President and Director General at the press conference, together with Mr Taylor, would give the message to the world about what had happened. That had not happened, and she was very sorry, and that was why she fully supported that the management investigate and find out who was leaking the information. She did not think it was the Executive Committee members, but she thought that there were some people working with (or against) WADA. There was somebody close to the Executive Committee, and she hoped that the investigation would produce results, because she was not very happy about the situation. She wished the management luck.

THE CHAIRMAN responded that he was not happy either. Having asked the members not to say anything, it was out there in the public domain. Perhaps he was naïve to have thought that it would not happen. He had given the Executive Committee an assurance that WADA would investigate the terms and conditions, and it would do just that, but he did need to spend some time with the Director General and Mr Taylor and Ms MacLean before actually speaking formally to whatever members of the media were in the Seychelles.

Before doing that, he thanked all of the members for the open and relatively friendly and constructive way in which they had approached a very difficult situation. The Russian situation had been a terrible experience for sport, athletes and WADA. Nothing good came out of what had happened. WADA had tried to move things forward and that would be part of the message he delivered later. He thanked the members very much for the way in which the meeting had been handled. He thanked the hosts from the Seychelles for their welcome and the splendid party the previous night. He wished Ms Hofstad Helleland and the Director General success at the forum to be held the following day. He thanked the interpreters. He suspected that it had been a marginally more interesting day than some they had done before, but it was really important that everybody clearly understand what WADA was trying to do and what it had done. He wished those leaving a safe journey and those remaining a pleasant stay.

The Executive Committee would meet again in Baku and an attempt would be made to organise an agenda that allowed the Executive Committee a little more time to do some of the really serious stuff that had to be done. With a bit of luck, there would be information from WADA's Russian friends.

DECISION

Executive Committee – 14 November 2018, Baku, Azerbaijan;
Foundation Board – 15 November 2018, Baku, Azerbaijan;
Executive Committee – 15 May 2019, Montreal, Canada;
Foundation Board – 16 May 2019, Montreal, Canada;
Executive Committee – 23 September 2019, Tokyo, Japan;
Executive Committee – 4 November 2019, Katowice, Poland;
World Conference on Doping in Sport – 5-7 November 2019, Katowice, Poland;
Foundation Board – 7 November 2019, Katowice, Poland.

The meeting adjourned at 4.55 p.m.

FOR APPROVAL

SIR CRAIG REEDIE
PRESIDENT AND CHAIRMAN OF WADA