

*Note: WADA Executive Committee meeting minutes are published on WADA's website once they have been approved by the Executive Committee, generally at its subsequent meeting. The minutes are intelligent third-person verbatim transcriptions, i.e. slightly edited for readability.*

## **Minutes of the WADA Executive Committee meeting 24 November 2021, Paris, France**

The meeting began at 10.00 GMT+1.

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

THE CHAIRMAN informed the members that there was a new member from Japan, Mr Ikeda Yoshitaka, replacing Mr Niwa. As the members knew, the Foundation Board was required to formalise that approval. Therefore, Mr Yoshitaka would sit at that day's meeting; however, his votes would be conditional on formal board approval the following day. He was also advised that Mr Kersch was again unable to attend the meeting. Therefore, Europe would not be represented at the meeting that day. However, Mr Husting was present, not as a deputy, as Mr Kersch had already exhausted his deputy limit, but as a rapporteur for One Voice. Mr Husting would present the position of One Voice on some points of the agenda, but he would not take part in the discussion or exercise voting rights, so he could take the floor once per item. Having looked at the agenda, he was forecasting that the duration of the meeting would be five-and-a-half hours. The members would break for 30 minutes after about two-and-a-half hours, so he would follow the order of items on the agenda. However, he might move some items to ensure fluid timing around the break, so he would do his best to keep to time.

The following members attended the meeting: Mr Witold Bańka, President and Chairman of WADA; Ms Yang Yang, Vice-President of WADA; Professor Ugur Erdener, IOC Member, President of World Archery; Mr Jiri Kejval, President, National Olympic Committee, Czech Republic, IOC Member; Mr Ingmar De Vos, Council Member, ASOIF, IOC Member, FEI President; Mr Nenad Lalovic, Executive Member, GAISF Council, UWW President, IOC Member; Ms Emma Terho, IOC Member and IOC Athletes' Commission Chairman; Mr Shepande, representing H.E. Amira El Fadil, Commissioner for Health, Humanitarian Affairs and Social Development, African Union, Sudan; Mr Reyes, representing Mr Guillermo Herrera Castaño, President, CADE, Colombia; Mr Ikeda Yoshitaka, State Minister of Education, Culture, Sports, Science and Technology, Japan; Mr Husting, representing Mr Dan Kersch, Deputy Prime Minister and Minister of Sport, Grand Duchy of Luxembourg; Hon. Grant Robertson, Deputy Prime Minister, Minister for Sport and Recreation, New Zealand; Ms Gabriella Battaini-Dragoni, Independent Member, Italy; Dr Patricia Sangenis, Independent Member, Argentina.

The following Standing Committee Chairs attend the meeting: Mr Ben Sandford, Chairman of the WADA Athlete Committee; Hon. James Wood, Chairman of the WADA Compliance Review Committee; Ms Kady Kanouté Tounkara, Chairman of the WADA Education Committee; Mr Ser Miang Ng, Chairman of the WADA Finance and Administration Committee; Professor Lars Engebretsen, Chairman of the WADA Health, Medical and Research Committee

The following representatives of WADA Management attended the meeting: Mr Olivier Niggli, Director General, WADA; Mr René Bouchard, Government Relations Director, WADA; Ms Dao Chung, Chief Financial Officer, WADA; Mr Sébastien Gillot, Director, WADA European Office and International Federations Relations; Mr Kazuhiro Hayashi, Director of the WADA Asia/Oceania Office; Mr Kevin Haynes, Compliance, Rules and Standards Director, WADA; Ms Amanda Hudson, Education Director, WADA; Ms Angela Iannantuono, Human Resources and Corporate Services, WADA; Mr Stuart Kemp,

Deputy Chief Operating Officer, WADA; Mr Francisco León, Programme Development Director, WADA; Ms Catherine MacLean, Communications Director, WADA; Mr Marc-André Matton, IT, Data and Digital Development Director, WADA; Mr Tom May, NADO/RADO Relations Director, WADA; Ms Maria José Pesce Cutri, Director of the WADA Latin America Office, WADA; Mr Rafal Piechota, Office of the President, WADA; Dr Olivier Rabin, Senior Executive Director, Sciences and International Partnerships, WADA; Mr Tim Ricketts, Testing Manager, WADA; Mr Rodney Swigelaar, Director of the WADA Africa Office; Dr Alan Vernec, Medical Director, WADA; Mr Gunter Younger, Intelligence and Investigations Director, WADA; Mr Julien Sieveking, Legal Affairs Director, WADA; Ms Shannan Withers, Chief of Staff, WADA; and Mr Frédéric Donzé, Chief Operating Officer, WADA.

The following observers were present: Ulrich Haas, François Kaiser, Diane Smith Gander, Michael Vesper, Hannah Grossenbacher, Humphrey Kayange Emonyi, Andrew Ryan, James Carr, Julien Attuil, Sophie Kwasny, Richard Baum, Jocelyn East, Yoshitaka Hoshino, Tomohiko Arai, Nozomi Haraguchi, Haruka Yatabe, Valéry Genniges, Marcos Díaz, Clayton Cosgrove and Darren Mullaly.

- **1.1 Disclosures of conflicts of interest**

THE CHAIRMAN asked if it was any member's wish to disclose a conflict of interest. He did not see any request for the floor, so moved on to the next item.

**2. Minutes of the previous meetings on 19 August and 14 September 2021**

THE CHAIRMAN said that draft minutes had been circulated among the members as part of the meeting document set for both the virtual meeting held on 19 August and the hybrid meeting held in Istanbul in September. No member comments had been received on either set of the Executive Committee minutes. If there were none that day, the members would approve them. He asked the members officially if they had any comments or questions regarding the minutes of the previous meetings. There were no comments, meaning that the minutes from the August and September meetings were approved. He thanked the members very much.

DECISION

Minutes of the meetings on 19 August and 14 September 2021 approved and duly signed.

**3. Director General's report**

THE DIRECTOR GENERAL welcomed those who were present to Paris. It was the second hybrid Executive Committee meeting, and so he also welcomed those who were online. There was a relatively heavy agenda that day, so he did not intend to speak a lot on his written report, which was in the members' files. He would deal with items 3.1, 3.2 and 3.3 separately. However, on the main report, he wanted to highlight two things. First of all, he returned to the information provided about the resignation of the Chairman of the Compliance Review Committee, Mr Wood, who had for personal reasons decided to step down from the position at the end of the year. He wished to take the opportunity to thank Mr Wood for all the work he had done for the committee. It had been a very difficult and unusual period, and chairing the Compliance Review Committee in person had been almost impossible for more than a year. It had been no easy task. Mr Wood had really shown a lot of flexibility and adaptability to do that from Australia and had spent a lot of late nights or very early mornings trying to deal with the work of the committee. He therefore really wanted to thank Mr Wood for all the hard work and he fully understood his reasons for standing down. The Executive Committee would discuss the matter later

on in the agenda item on the standing committees, and he would come back on what it meant or what the possibilities were in terms of Mr Wood's replacement later on in the agenda.

The only other point he wanted to raise and draw to the members' attention was something that would probably be discussed more under the budget item but which was part of his director general's report: the cost of governance reforms. The members would have very important work to do that day and the following one on adopting the WADA governance reforms. Everybody agreed that that was important, but it did not come without significant cost. The proposals that were on the table at that moment meant that substantial amounts of money would have to be taken into account during the budget discussion. He just wanted to highlight that as a matter of fact. He would not say any more on the general report. He would be happy to take questions if there were any on that.

THE CHAIRMAN asked if there were any comments or questions for the Director General.

PROFESSOR ERDENER thanked the Director General on behalf of the sport movement for his very comprehensive report. He wished to inform the members about some of the sport movement's comments. The sport movement was really happy to have the updated information from the Director General about the costs and budget for the implementation of the governance reforms. That was important.

He had been informed about the Communication Department's report that the new WADA branding and communication strategy would be ready to be launched the following January. That was also another important step. It would be interesting for the Executive Committee to know about the key elements of the research on WADA's current brand and communications strategy.

Related to the previous Foundation Board meeting minutes, the sport movement requested a clear timeline on the delivery of outcomes from the Working Group on Contaminants concerning managing allegations of trace contamination of prohibited substances found in food and some pharmaceutical products that resulted in adverse analytical findings. Those were really important matters.

Lastly, again, the sport movement appreciated the good work done by WADA with respect to the complex management of the LIMS matter.

MR IKEDA introduced himself. He was the Japanese State Minister of Education, Culture, Sports, Science and Technology. He had taken over the responsibility of the former Japanese state minister, Mr Niwa, and it was a great honour to attend the meeting. He was delighted to work for anti-doping in sport in cooperation with WADA and all of the Executive Committee members. He thanked WADA very much for the work done in relation to the Tokyo Olympic Games and the efforts made in relation to governance reforms despite many challenges during the pandemic. He looked forward to further cooperation between WADA and all of the stakeholders, including the public authorities and the sport movement, to advance the implementation of clean sport. Japan would contribute in terms of sharing the legacy of the Tokyo 2020 Games.

MR REYES passed on his warm greetings to the President, the Director General and all of those present at the meeting, be it remotely or in person. His name was Orlando Reyes and he was the director of the Colombian NADO. He was taking part in the meeting, representing the current president of the American Sports Council, Mr Guillermo Herrera, who was the Colombian Minister for Sport. At that point in time, Colombia was hosting its first Pan-American Youth Games, which were being held in the city of Cali from 25 November until 5 December, with the participation of more than 40 countries. He was very grateful to have the World Anti-Doping Agency present in Colombia. The regional office director was present at the youth games. He would have loved to have had the members in Cali in

person, but of course the different commitments and agendas and engagements had not made that possible. Also, Mr Herrera would have loved to have been in Paris with the members in person, but he had a great responsibility in Colombia as minister for sport, and he had to be there to attend the events. In fact, that morning, he was actually travelling to Cali. Mr Herrera sent his warm greetings and apologised for his absence. He also wished to convey his personal commitment to WADA and the fight against doping in sport. He thanked the Director General for the comprehensive report, but had one suggestion. Perhaps, when hybrid meetings were being held, it might be possible to think about the different time zones, because it was very, very early for those who were in the Americas.

THE DIRECTOR GENERAL thanked Professor Erdener for his remarks. As he had said, the cost of the governance reforms would be discussed under the budget item. Of course, the members would have to wait for the decision to be made so as to know exactly what they were talking about and then for the implementation take place. However, the numbers were significant and he would be able to provide an initial assessment when discussing the budget. What was clear, as far as he was concerned, was that the principle was that the money should not be taken away from anti-doping activities and, therefore, there would be a need to forecast that in the budget.

Regarding the branding and the logo, he welcomed the remarks. The members would be given a presentation at the end of the meeting to show them what it looked like. He hoped that they would like it.

As far as the Working Group on Contaminants was concerned, he would ask his colleague, Dr Rabin, the Science Director, to give the members a little bit of an update as to where WADA was and what the group was doing.

In relation to LIMS, the members would also have the full report, which would show that the work was continuing.

He welcomed Mr Ikeda to the meetings and WADA and assured Mr Reyes that the management took the time difference into account, but he would put Mr Reyes in touch with his colleague from New Zealand and they could argue which one should go to bed later or wake up earlier. The world was complicated and it was necessary to find a middle way to deal with that.

DR RABIN thanked Professor Erdener for his question. The ad hoc Working Group on Contaminants was not a permanent working group within WADA. It was a group that had been established with a clear mission to deal with contaminants in particular, and there were some concrete questions, as the members knew, about that issue. To date, there had already been some excellent and concrete outcomes from the working group, with some recommendations that had already been approved by the WADA Executive Committee and incorporated in the rules. For example, six diuretics had minimum requirement levels established. Some growth promoters also had MRLs set in the rules and notably in the technical documents on MRPL. There were only two substances that remained to be discussed. One was nandrolone and its metabolite 19-norandrostosterone, in anticipation of more meat from uncastrated animals coming onto the market in the future. That was not really an issue at present, but would be probably in the future. The group was looking into that, and also boldenone, which was a substance WADA needed to study. There was work ongoing with the colleagues in Colombia to make a link between the level of contaminations and the level of excretion in humans. He expected the work to be completed in 2022. He certainly hoped that there would be no more issues with contaminants and to be able to complete the work the following year.

## DECISION

Director General's report noted.

### - 3.1 Covid-19 update

MR RICKETTS said that he had a presentation put together for the Foundation Board meeting the following day; so, in the interest of time and repetition, he would provide a shorter summary to the committee members that day.

Firstly, on the testing front for 2021, sample numbers continued to be at or close to numbers pre-pandemic. There had been a large increase in the number of out-of-competition samples in the months leading up to the Tokyo Games, which was significant and showed the commitment of the anti-doping organisations to do what they could, given the difficulties faced with the pandemic. The number of samples had, since July, tapered off slightly, which was normal during the post-Games period. Overall, however, things remained positive on that front and hopefully that would continue. In terms of WADA's support for the upcoming Beijing Winter Olympic and Paralympic Games, it remained at a similar level as that provided for the Tokyo Games and included, firstly, the continued support of the pre-Games testing group work, which aimed to ensure that athletes participating in the Olympic Games were subject to a suitable level of testing by the respective International Federations and National Anti-Doping Organisations in the months leading up to the Olympic Games. WADA was also supporting the recent announcement of the IOC to continue its long-term sample storage programme for samples collected from athletes participating in the Beijing Olympic Games, a programme that was available to International Federations and the National Anti-Doping Organisations through which they were able to store their samples for free for up to 10 years at the IOC's long-term storage facility. The members might recall that the same programme had been offered for the Tokyo Olympic Games, and he hoped to increase the number of anti-doping organisations that participated in that programme for the Olympic Winter Games. Both of those programmes, the pre-Games testing group and the long-term sample storage programme, were coordinated by the International Testing Agency and funded by the IOC. There would also be two teams of WADA independent observers present in Beijing for both games. The teams had been announced recently. On the independent observer teams for the recent Tokyo Olympic Games, the reports were in their final drafts and would be sent to the IOC and the IPC in the coming week. The programmes at both games had been very well implemented, in particular given the difficult conditions, and there had been no major concerns or issues raised. He wanted to thank the IOC, the ITA, the IPC and the Japanese organising committee for their collaboration with the team.

The science team had been busy visiting and supporting the Beijing laboratory to ensure that its operations were ready for the Olympic Games. That included three laboratory assessments. Two of those had been completed, one remotely and one on site. The third assessment was planned in the coming weeks in December. There had been difficulties with the timing of the assessments, obviously due to the strict Covid restrictions and, from the assessments that had been conducted to date, there had been some issues identified with some specific additional analysis requirements for the Olympic Games. The WADA team was working closely with the laboratory on that as well as any other observations made during the assessments. His science colleagues would, of course, keep the IOC and the ITA up to date on the outcomes of those laboratory assessments as well.

## DECISION

Covid-19 update noted.

- **3.2 Founding president recognition**

THE DIRECTOR GENERAL informed the members of the Executive Committee about the ceremony that was being organised for Mr Pound the following day. The idea was to seek formal approval first of the resolution from the Foundation Board to recognise Mr Pound as the founding president. Then, there would be a few words from the WADA President, welcoming Mr Pound and his spouse. That would be followed by a video on Mr Pound's legacy for six or seven minutes. Then, there would be a number of tributes from the room, so the first one would be from the governments, represented by Dr Konbaz from Saudi Arabia. Then, there would be one from the sport movement, represented by Mr Lalovic. After that, there would be one from Mr Sandford as the athletes' representative, and then President Baňka would again address Mr Pound in a speech and present a small gift, after which Mr Pound would be given the floor for an acceptance speech to the community.

The meeting would then break for lunch, which would allow all of the members to congratulate Mr Pound or speak with him privately for about half an hour. That was the plan for the following day.

PROFESSOR ERDENER stated that the sport moment fully supported the resolution recognising Mr Richard Pound, the first president of WADA, and would thank Mr Pound for his unique and outstanding contribution to the fight against doping and also to WADA.

MR HUSTING said that the public authorities welcomed the recognition of Mr Pound as founding president, and were very pleased that a compromise had been reached to acknowledge and recognise Mr Pound's contribution to the fight against doping and to the creation of WADA.

DECISION

Founding president update noted.

- **3.3 World Conference on Doping in Sport 2025 – call for expression of interest**

THE DIRECTOR GENERAL noted that there were two questions that the management wanted the Executive Committee to support, the first being the principle that a world conference should be organised in 2025. That should be the case for a number of reasons. Even though he was not sure at that stage that a major revision of the Code would be necessary in 2025, it was always a good opportunity for the entire anti-doping community to meet and discuss issues of common interest. The proposal was therefore to recommend to the Foundation Board that it accept the principle of the conference. The second thing was that, given the current situation, WADA should not wait longer to start the process of identifying a host. Therefore, the proposal was that, if the board agreed the following day, the management would launch a tender process in order to receive offers of interest and for the board to be able to select a host the following May at the Foundation Board meeting. That was what was on the table, and he asked the Executive Committee to support it so as to be able to recommend it to the Foundation Board the following day.

THE CHAIRMAN asked if the Executive Committee wished to recommend to the Foundation Board that it decide on the concept of WADA convening a World Conference on Doping in Sport in 2025.

DECISION

Proposal to recommend convening a World Conference on Doping in Sport in 2025 to the Foundation Board approved.

## 4. Governance

- **4.1 Recommendations from the Working Group on the Review of WADA Governance Reforms**
- **4.1.1 Athlete representation model update**

THE CHAIRMAN informed the members that they would continue the discussion on governance. In a moment, they would hear from Professor Haas about the recommendations that were finally on the table that day. As everybody knew, there had been a very long process of drafting the recommendations. The Working Group on the Review of WADA Governance Reforms, led by Professor Haas, had put a lot of effort into that process, which had involved a thorough stakeholder consultation and many group meetings. Before giving Professor Haas the floor, he wished to clarify a procedural point. The Executive Committee was expected to recommend to the Foundation Board a package of recommendations for the WADA governance reforms. In practice, the Executive Committee would submit a paper to the board presenting the recommendations overnight, as it would be necessary to reflect the outcomes of that day's discussions. He therefore hoped that, after the Foundation Board meeting the following day, there would be an opportunity to announce that the members had taken another important step towards strengthening the governance of the organisation and moving it forward. Coming back to the outcomes of that day's meeting, the members were also expected to decide on the extension of the mandate of the working group. That decision lay with the Executive Committee, which had the power to decide on the composition and mandate of the group and which had made the original decision in that regard.

PROFESSOR HAAS thanked the members very much for having the working group to present the third report. He would present recommendations on four topics: athlete representation, the Executive Committee, the Foundation Board and, very briefly, the mandate of the working group. He would pause after every one of those chapters for any input that the members might have for the working group. What the members would see on the slides were the recommendations of the working group. In parallel, there had been talks between the sport movement and the public authorities, and he had inserted the agreements which had been reached between the public authorities and sport movement into the slides. Wherever the agreement between the sport movement and the public authorities backed the recommendations made by the working group, he had flagged that with a green flag. Where there were additions or changes vis-à-vis the recommendations of the working group, he had flagged them in orange, and wherever the agreement between the sport movement and the public authorities was that it was necessary to go into further detail and to report back with further information, he had flagged it with a blue flag. The group had been guided by several principles, and therefore sometimes distinguished between short-term and long-term goals. There was a principle of equal partnership between the public authorities and the sport movement, which was part of WADA's DNA. Once the recommendations were implemented, the WADA statutes and governance regulations would need to be amended. Finally, transitional measures would need to be looked at by the working group once it had covered most of the issues. For the first part, athlete representation within the WADA Athlete Committee, he would present together with Mr Sandford.

MR SANDFORD said that he would go through the background so that the members would better understand the recommendations put forward by the Athlete Committee and the Working Group on the Review of WADA Governance Reforms. Following the 2019 governance recommendations adopted by WADA, one of the outstanding points that had not been decided on had been athlete representation within WADA. As a result, the WADA Athlete Committee had set up a working group on athlete representation three years previously, so the process had been going on for a long time and it had been quite complicated and difficult. The initial working group had been in place for a year; obviously,

after one year, the chairmanship of the Athlete Committee had changed, and it had been decided to reform the group with new members, so a working group had been working diligently over the past two years on the project to come up with a range of recommendations to present and make sure that athlete representation was being moved forward and expanded within WADA and anti-doping. That year, a lot of work had been done by the Athlete Representation Working Group, and he took a moment to thank the members of that group, chaired by Mr Pengilly. It had been a difficult period with no in-person meetings and it had been a challenging topic at the best of times.

The recent Athlete Committee meeting had taken place in October and the Athlete Representation Working Group had presented its recommendations to the Athlete Committee at that two-day meeting, during which there had been ongoing discussion on athlete representation and the final recommendations. A closing report had been put together and sent to the WADA management and the Working Group on the Review of WADA Governance Reforms. There had been one remaining outstanding issue undecided by the WADA Athlete Committee and its working group, specifically the size of group A that would be in the recommended athlete council or the Athlete Committee. The recommendations and outstanding point had been passed on to the Working Group on the Review of WADA Governance Reforms, which had looked at them and then come up with its own recommendation for the size of group A. There had then been discussions between the public authorities and the sport movement. That brought the members up to date and showed how the recommendations from the Athlete Committee had been incorporated in the work that could be seen that day.

Referring to the name, status and role of the WADA Athlete Committee, PROFESSOR HAAS said that the working group's understanding had been that the WADA Athlete Committee should act as a forum for the broader athlete community, it should better reflect diversity, and it would have to fulfil new tasks, such as selecting from among its members the athlete representatives sitting on the various working groups. The working group had suggested that the Athlete Committee no longer be a standing committee but that it should be a distinct body with separate rules, larger in number than an ordinary standing committee, and there was a proposal to change the name to 'WADA Athletes' Council'. That had been part of the discussions between the sport movement and public authorities and they had agreed upon it; therefore, he had flagged it in green.

MR SANDFORD added that that was one of the key recommendations to have come out of the Athlete Representation Working Group. After the 2019 governance review and recommendations, the size of the Athlete Committee had dropped from 17 to 12 members, so the committee had comprised 12 members for the past 18 months, causing a range of problems in terms of undertaking projects and the rotation of members and trying to be a representative body. Essentially, the committee was replacing members based on the continent they came from and was unable to add members with skills or further diversity, because there was simply not the space on the committee, so allowing for more members and further representation and allowing those members to sit on the other bodies within WADA would greatly improve the result and athlete representation within the organisation, so he fully supported that and thought it was a good step.

PROFESSOR HAAS highlighted one addition. When looking at the criteria for athlete representation, there had been agreement that the criteria should be that, in order to be an athlete representative, one had to be an international-level athlete in accordance with the World Anti-Doping Code, be bound by the World Anti-Doping Code and meet two prerequisites within the past nine years of taking office for the first time. All of that had been agreed upon by the sport movement and the public authorities, so again he had flagged it in green. The athlete representatives could be re-elected two times, so they could stand for nine years in total, but they could not stand on the WADA Athlete Committee for more than 12 years after their last fulfilment of the first two criteria. That had been agreed



upon by the sport movement and the public authorities, so he had flagged it in green. The addition made by the sport movement and the public authorities was that the majority of the WADA Athlete Committee athlete representatives should be made up of athletes from the Olympic and Paralympic sports, which reflected reality in his view.

MR SANDFORD commented on the orange flag, which just reflected reality. There were no members of the committee from outside the Olympic or Paralympic sports and there had not been for a long time. That went back to the lack of capacity to have members from outside those groups, as non-Olympic sports continuously told him whenever he was anywhere that they would very much like to have a representative on the committee. It was a good suggestion, as it reflected reality.

PROFESSOR HAAS said that one of the big things that had been resolved was the question of the composition of the Athlete Committee. To reflect the broader athlete community, there would be three different groups: group one, group two and group three. In group one, there would be five athlete representatives from elected members of the IOC athletes' commission and the IPC athletes' commission. Group 2 representatives would be elected by the athlete committees of IFs, with certain restrictions, in that IFs had to be signatories to the Code, and every IF athlete committee would have only one vote, and the athlete representative would have to be nominated by one of those athlete committees or mandated. It had been agreed that members of group one could not be elected under group two. There would be a third group, with seven members appointed according to a skills map and diversity gaps. There would be a special nominations committee selecting them, and the athletes would have a majority on that special nominations committee. There would be two members from the WADA Athlete Committee and a member of the WADA Nominations Committee. It had been agreed that the WADA President should be consulted and the consultation process would be clear and transparent. All of that had been agreed by the sport movement and the public authorities.

MR SANDFORD said that that had probably been the most contentious issue. It was pleasing to see it resolved in a way that made everybody reasonably happy. One of the principles had been athletes deciding on their athlete representatives and, in 2018, the WADA Athlete Committee had been heavily criticised for not being elected and not being able to represent its members, so it was very important to have group two in there, because it comprised the elected members. It was equally important to have group three in there, to bring in the skills and diversity that were not obtained through the election, and it was equally important to have group one, recognising the key stakeholders and existing athlete representation with the IOC and IPC. He hoped that all stakeholders would have a strong say in the athlete council.

PROFESSOR HAAS said that the WADA Athlete Committee would select from among its members the athlete representatives who would sit on the WADA standing committees and working groups. The chairman would be elected by an absolute majority of the WADA Athlete Committee members and, with 20 members in the group, a minimum of 11 votes versus 9 would be necessary to become the chairman of the WADA Athlete Committee. That had been agreed upon by the sport movement and the public authorities and therefore he had flagged it in green. On eligibility criteria, there had been agreement between the sport movement and the public authorities that no additional eligibility criteria would apply for the chairman and all of the members of the WADA Athlete Committee would be equally eligible. That had been flagged in orange because it had not been contemplated in the working group's recommendations.

MR SANDFORD referred to the orange flag. That was another issue that had seen a lot of discussion, especially within the WADA Athlete Committee and the Athlete Representation Working Group, and the recommendation from the group in the closing report had been that the chairman should not come from category A and should not be a government representative, so should not be an IOC or

IPC member or a government representative. That was a departure from those recommendations. There had been three years to consider that, and the Athlete Committee had felt that there were some good reasons for the limitation, including not wanting to duplicate responsibilities, wanting to expand athlete representation as much as possible, and wanting to maintain the equal partnership, a follow-on from the previous governance review and the findings of the Foundation Board that athletes were a unique third stakeholder and there should be no stepping on anybody's toes. There were some practical details on the chairman and the terms of the chairman, which would not be possible or would be very difficult coming from category one.

PROFESSOR HAAS said that another issue was that the aforementioned recommendations were on the understanding that there would be certain tasks allocated to the new athlete body, and that there should be a specific description of those tasks, based on the assumption that the WADA Athlete Committee would have certain tasks in the future, and a portfolio of those tasks needed to be further elaborated upon.

MR SANDFORD said that the document was a work in progress for the Athlete Committee, which was in the process of getting feedback from the members, but there was a broad range of projects and tasks that would have to be undertaken by an expanded athletes' council, which would have to take on a number of responsibilities and be able to run an election process with integrity and run an appointment process, which could be quite complicated, but there were competent people who could do that as long as the size increased. There would be internal work and contributions to be made to the different bodies of WADA and being representative and elected members gave them a duty to report back to the people electing them, so it would be necessary to do a good job of increasing engagement and communications. There was a number of projects under way, but also a number of projects that the committee had been unable to undertake because of the current human resource limitations.

PROFESSOR HAAS said that the working group always worked closely together with the Athlete Committee and acknowledged the huge amount of work done by the WADA Athlete Committee. The principles agreed upon by the sport movement and the public authorities, the green, orange and blue flags, were very encouraging and the process was heading in the right direction. It strengthened athlete representation within WADA. There was some fine-tuning necessary, but he was confident that the WADA Athlete Committee and the working group would continue to work closely together as they had in the past to fill in the remaining gaps.

MR DE VOS thanked the Working Group on the Review of WADA Governance Reforms for all the work done. He thought it made a lot of sense to extend the mandate because there was still a lot of work to be done. He thanked Professor Haas for the good presentation. It was good to see no red flags, only green, orange and blue. There had been some consultation by the public authorities and the sport movement and he thanked Mr Colbeck specifically for his contribution to the discussions. It was very important to recognise again that the principle of WADA was equal partnership between the public authorities and the sport movement and the members should always remember that in their discussions. That would, of course, have some financial implications, so it was necessary to take that into account. He had been very happy that, in the end, regarding the code of ethics and the ethics panel, it had been possible to reach an agreement. The other points had been a bit more complicated.

On athlete representation, there was still further work, of course, to be done. However, it was clear that the whole mechanism would enter into force only once the new athletes' council had been composed and it could start to operate. Also very important was the transition that needed to be organised. One of the main tasks for the Working Group on the Review of WADA Governance Reforms to look into was that it needed to be clear and it was necessary to have clear timelines on what

happened when. It was important to note, because he understood that it had not been the case in the past, that all the positions that the Athlete Committee would fill in the standing committees or working groups would be decided by the majority of the group, and that it would not be an appointment by one person. Also, it was important to identify the skills and gaps that were needed, and he thought that once the first part of the athletes' council was composed, they really needed to identify, probably also with the input of the Nominations Committee representative and the President, and look into the precise gaps and diversity issues that needed to be addressed. It was very important and, in the end, it had been agreed not to go up to seven in group three, but to have it fixed at seven. Although it might be more complicated than to find the right balance, he was confident that a solution could be found there. It was very important, and he had already mentioned during the previous meeting held in Istanbul that, once the athletes' council was composed, it should be a democratic body in which all the members had the same rights. And that was for that reason. He really insisted that all of the members of the council should be eligible for the position of chairman. That had taken some work, but he was grateful that the public authorities, led by Mr Colbeck, had also accepted that, in the end, it should be a democratic body and all athletes were equal. He thanked the group for the work and looked forward to further progress.

MR ROBERTSON thanked Professor Haas in Berlin for the presentation. It had been very thorough and clear, and he wished on behalf of Oceania to endorse what had been reached. He thought that it was a really good piece of work. He particularly wished to note his support for the proposal that the chairman of the athletes' council could not hold a position within the IOC or IPC or governments. That was important to maintain objectivity and a proper balance between the WADA founding members. The proposed appointments and panel composition were good and there was benefit in the WADA president having some input to support the athletes' council and help address skill gaps. He was also supportive, from an Oceanian perspective, of the majority of athletes coming from sports that were Olympic and Paralympic sports. Those were the athletes most targeted and tested under the anti-doping rules, and it was appropriate that it happen that way. Overall, he thought that that had been a good negotiation and discussion. Obviously, there were some issues to fully develop to give the council the support it needed and the role that it should have, but it was a good piece of work and he looked forward to commenting on other aspects of the presentation shortly.

MS YANG thanked Professor Haas and Mr Sandford for their hard work and congratulated the Athlete Committee. It was great to see the result and to reach a compromise between the sport movement and public authorities. She was very much looking forward to working with more athletes within WADA, and she was aware that there was a transition process to be carried out.

MS BATTAINI-DRAGONI echoed those who were thanking Professor Haas and Mr Sandford for their work and the way in which they had succeeded, in a few weeks, in coming up with very good proposals. Having said so, from her point of view, what she would like to see was, first, a period of consolidation of what had been achieved to date. That was important, because it was important afterwards to be able to develop a renewed and rich agenda for the new body that was going to be created. She was very practical sometimes, which was why she thought it important to insist on the fact that, first, it was necessary to consolidate the creation of the new body, the athletes' council. Some people had mentioned the need to still look into certain elements of it and that the prospective work of identifying new dimensions of work in the council should come a little bit later. She would really like to take one step and then another and another, and not to rush immediately when things needed to be first very well settled from all points of view.

PROFESSOR HAAS responded to the comments. He thought that one of the major things that, from his perspective, needed to be tackled by his working group was, of course, the period of transition. What was going to be done at what point in time related strongly to what had been said. What he would

propose to his working group was that, having the Executive Committee meeting in May, the group more or less stop with the development of recommendations around February/March, come back and then really have a clear table of all the transitions that needed to be done and to have a full schedule for the members by May, in relation to what needed to be done at what point in time in order to have that full transition. That was one of the major issues that needed to be resolved. For the item that was a little bit more controversial, how much trust and belief should be put into elections, he thought that the members would trust in elections by the Athlete Committee and, if they wanted to choose somebody to be sent to a working group, that would have legitimacy. The members trusted them in other aspects, especially in group two. They trusted in the legitimacy of elections. And probably they should not be so scared when they trusted in the legitimacy of elections when it came to the WADA Athlete Committee chairman. That would be his perception at that point in time. There would, of course, be fine-tuning issues that would need to be looked at, but he thought that they could all be solved. The idea of having an athlete representative on the Executive Committee who was conflicted and therefore that that person must leave was quite interesting. If there was really a conflict with an athlete representative on the Executive Committee with somebody else, why wouldn't the other person not need to leave? Why would the solution be against the athletes? That needed to be contemplated. Therefore, he was not 100% sure and convinced at that point that that was the only solution or the only problem that needed to be solved. He thought that the working group would look at any issues that arose and would closely cooperate and work with the Athlete Committee on whatever issues it had, because apparently, Mr Sandford had said, there were a couple of complicated issues that needed to be solved. He did not know what they were at that moment in time, but they would be looked at and any additions that needed to be made would be done. That was what he had to say on those two issues. The first one, transition, was absolutely important. Secondly, eligibility for all members on the WADA Athlete Committee could be solved.

THE CHAIRMAN thanked Professor Haas. He asked the members if they agreed to recommend to the board that it approve the recommendations concerning athlete representation on the WADA Athlete Committee, as presented by Professor Haas.

MR DE VOS thought that it was important because it had been flagged in blue. For the sport movement, it was really important to have an agreement that all the members of the Athlete Committee were eligible for the position of chairman. That had been part of the negotiations with the public authorities. It was important that that be part of it.

THE CHAIRMAN asked the public authorities whether they supported the approach. It seemed that there was an agreement. The members approved the recommendations concerning athlete representation on the WADA Athlete Committee as presented by Professor Haas in the proposals.

PROFESSOR HAAS continued with the Executive Committee. He thought that it might be necessary to take a little detour in the short term to arrive at the goal in the long term. What was the short-term goal? He thought that there was little realistic possibility of including all of the significant trends from the stakeholder consultation process in the short term. Of course, he was aware that the benchmarks on good governance would point in the direction of reducing the number on the Executive Committee. However, he did not see any feasibility for that in the short term. In the long term, the working group recommended finding a mechanism to reduce the overall size of the Executive Committee whilst preserving equal partnership between the public authorities and the sport movement, and at the same time having independence and diversity. That was the long-term goal. He would concentrate on the short-term goal. What the group proposed was to increase the number of independents on the Executive Committee. The working group at the time had recommended two additions. The agreement between the sport movement and the public authorities had been to increase by one, with five in total. There had also been agreement on a specific process as to how to appoint

the one additional individual independent member. The agreement was that a new independent member would be supported by the sport movement and the public authorities. Furthermore, there would be on the Executive Committee five representatives of the public authorities as in the past, five representatives of the sport movement as in the past, plus the WADA Athlete Committee chairman; that had been agreed upon between the sport movement and public authorities. He had therefore flagged it in green. Finally, the agreement between the sport movement and the public authorities had been an assignment to the working group to look into the question of whether a quorum of two-thirds was needed for certain important decisions within the Executive Committee, and examples given had been in particular compliance and in relation to the legislative function of the Executive Committee, especially when it came to international standards. Therefore, he had flagged it in orange, because of course it had not yet been included in the recommendation, and he had also flagged it in blue because it was an assignment task that needed to be done.

When it came to the competences, names and meetings of the Executive Committee, the working group would develop a list of the main functions for the Executive Committee. In principle, his understanding would be that the Executive Committee had a fall-back competence, meaning that it was competent to take all decisions that were not reserved by the law or the statutes of the Foundation Board or awarded to other WADA organs. Furthermore, the working group recommended considering renaming the Executive Committee 'Governing Board' to better reflect its role. The working group also thought that a minimum of three meetings of the Executive Committee per year would be helpful and should take place. In addition, of course, ad hoc meetings could be organised to address specific issues. Furthermore, the group thought that the timing and the agendas of the meetings should be established to ensure that matters were dealt with to meet the goals and priorities set out in the strategic plan. So, there would be better coordination between the agenda of the Executive Committee and the strategic plan. In principle, that was an assignment and task for the working group to further develop, which was why he had flagged it in blue. Those would be the recommendations on the Executive Committee.

MR DE VOS thanked Professor Haas very much. On behalf of the sport movement, he could say that he supported the way forward, but he thought that it was really important because, to date, the focus had been on the composition rather than on the role. He thought it was really important to know the roles and responsibilities of the Executive Committee. The name, if it was to be renamed, was the least important, but the roles needed to be well defined. In his view, it was necessary to come to a kind of organisational structure whereby the Foundation Board became a kind of general assembly, and the Executive Committee became a kind of board with different or fewer overlapping topics; although, of course, it was clear that the Executive Committee would always need to prepare the general assembly or the Foundation Board meetings, and that the Executive Committee members would be accountable to the Foundation Board. When talking about the composition and the membership, basically, there should be no overlapping membership because, if the Foundation Board became a body like a general assembly, basically controlling the work of the Executive Committee, then of course one could not have the same people on it because that would be a conflict of interest. He thought that it was really very important. There had been a lot of focus on the membership, and he thought that a good conclusion and solution had been reached in that regard. However, it was a bit like the world in another direction. That was really something that needed to be tackled. For the rest, he thought that he fully agreed, although it would of course be necessary to look at the number of meetings, because that was related to the budget and the cost of the reforms. He presumed that the Foundation Board or general assembly would meet only once a year. And, of course, the Executive Committee would need to meet on several occasions. However, since the Covid pandemic, WADA had learned that there were possibilities and that not all of the three meetings necessarily needed to be in person, but that was to be looked at later under the blue flag.

MR ROBERTSON endorsed the work that had been done by Oceania on behalf of the Public Authorities, and particularly acknowledged the work of Mr Colbeck and the Australian colleagues, as that had been worked through. From Oceania's perspective, the priority with the Executive Committee did remain regarding increasing independence, and so he definitely supported the additional independent member. He also supported the inclusion of the athletes' council chairman as an independent athlete representative; but, obviously, in order to ensure that independence, he wanted to make sure that the chairman was not a member of the IOC if they were going to be on the Executive Committee, because that would unbalance the situation. And, obviously, going through the process, the varying roles of the Executive Committee and the Foundation Board did need to be clarified. Once again, he thought that a good effort had been made to find a compromise and a way forward, and Oceania wanted to thank all those involved in getting WADA to that point.

MR DE VOS said that he was a bit confused because he thought that, in his previous intervention on the point on the Athlete Committee, the Executive Committee had agreed to put forward a proposal to the Foundation Board that all members of the Athlete Committee would be eligible to be Chair.

THE CHAIRMAN asked Mr Robertson for clarification, because he had mentioned the fact that the chairman of the athlete council should not be a member of the IOC. If he understood correctly, that had not been part of the agreement between the public authorities and the sport movement. Could Mr Robertson clarify his position?

MR ROBERTSON responded that the point was that that was the preference. As he had noted, however, he was interested in making progress together, but he had wanted to state what Oceania's preference was.

THE CHAIRMAN asked the members if they agreed to recommend to the Foundation Board that it approve the recommendations concerning the Executive Committee composition as presented by the chairman of the working group.

PROFESSOR HAAS responded briefly. Mr De Vos was absolutely right. Of course, it would be necessary to look into the tasks. The working group actually was much further along already with a description of the tasks. There was one outstanding item and that was on leading personnel who should be responsible for the Executive Committee or Foundation Board. That was the only outstanding issue in the report. Therefore, it had not been included at that point in time because he had wanted to give the members the complete picture. Nevertheless, it was absolutely important. The group would look at that and draw up a clear list of the tasks between the Foundation Board and the Executive Committee.

On the Foundation Board, of course, there had been a couple of significant trends. One of the trends was the reduction of the overlap personality-wise between the Foundation Board and the Executive Committee. That had been taken up by the working group, so he would like to recommend reducing the overlap by suggesting that members of the Executive Committee should not be allowed to vote on the Foundation Board. There would be one clear exception, of course: the president and the vice-president. It would be necessary to discuss whether further exceptions were needed, but that should be the principle in order to strengthen the supervisory function that had been mentioned previously by the Foundation Board over the Executive Committee.

He further recommended the addition of four new members to the Foundation Board: two NADO representatives and two athlete representatives, again elected democratically from among the WADA Athlete Council members. That had been agreed upon, flagged in green. There had been one addition, and the addition was that the two NADO seats should be added to the public authorities' quota and that the two athlete representative seats would be added to the sport movement's quota. Because the

group had not inserted the sentence into the recommendation, he had transparently flagged it in orange.

When it came to the composition of the Foundation Board with respect to the NADOs, of course, the working group acknowledged the important role that they played in the world of anti-doping. The group recommended the addition of two NADOs appointed by the NADO Expert Advisory Group, which would democratically elect the members they would send to the Foundation Board. This had been agreed upon by the sport movement and the public authorities. How did one get on the NADO Expert Advisory Group? The working group's suggestion and recommendation was that every continent elect two NADOs to be sent to the NADO Expert Advisory Group. The election would have a hybrid format to allow all the NADOs to participate, and the importance was that only those candidates who represented Code-compliant NADOs would be eligible. In addition to that, they had to represent a NADO that had full authority over its anti-doping activities. There was one clarification that had been added in the agreement between the sport movement and the public authorities, and that was that NADOs were truly NADOs and not RADOs. RADOs would not be eligible on the NADO Expert Advisory Group or, of course, on the Foundation Board.

When it came to athlete representation on the Foundation Board, there were, of course, already athlete representatives; but, in addition, the working group recommended adding two additional seats. Again, he trusted in the elections of the WADA Athlete Council, so whoever the Athlete Council appointed would sit on the Foundation Board. That had been agreed upon by the sport movement and the public authorities. There had been an addition that had not been contemplated in the working group's recommendation and that was that at least one of those additional two seats should be representing athletes from the Paralympic movement. That was an addition and he had therefore flagged it in orange.

Finally, on the Foundation Board, four new members were being added. It was his recommendation that they have equal voting rights, like anybody else on the Foundation Board. There were a couple of reasons for that. One was that he thought that the supervisory authorities would have great difficulties in accepting two different levels of Foundation Board members, some with full voting rights and others with fewer voting rights. Therefore, it had been considered that it would be better if everybody had the same voting and participation rights. That had been agreed upon between the sport movement and public authorities; therefore, again, it had been flagged in green.

Another interesting and important addition agreed upon by the sport movement and the public authorities was that, in the future, they wanted the Foundation Board to have a two-thirds majority when it came to decisions of the Foundation Board. An important caveat was that two-thirds referred not to the overall size but to the number of members present.

There remained, again, a couple of assignments for the working group. He thought that there was a need for a clear separation of powers between the Foundation Board and the Executive Committee, so that would have to be looked at. As he had said, the working group had already done considerable work in describing the tasks of the Foundation Board and the Executive Committee. Finally, the working group recommended considering renaming the Foundation Board the 'WADA General Assembly' to better reflect its role. Again, some work needed to be done on that, and therefore he had flagged it all in blue.

MR DE VOS spoke on behalf of the sport movement to say that he fully supported the proposal, and he was happy to clarify also that, of course, the role of the president and the vice-president in both bodies was essential. The president should chair the general assembly and the Executive Committee. As to the issue of voting rights, that could be left open to be discussed.

MS BATTAINI-DRAGONI thanked Professor Haas for the presentation. She just wondered how Professor Haas thought the members should proceed over the coming months in order to look at the questions of new responsibilities for the Executive Committee and the Foundation Board so that the two things could be somehow looked at simultaneously and not in a fragmented manner, because that question of responsibility, who was doing what, obviously to avoid duplication, etc., was a key issue. She thought it necessary to be very careful about what they were doing there because, otherwise, from her point of view, there would be too many things happening simultaneously. The members would not have the time to draw the lessons from what was new and then how to make sure that they went forward at a proper rhythm, not too quickly, not too slowly, but how to get to the end. Were there any observations that could be made at that stage? It was a very important point on the whole capacity to manage things properly for the future. It was not an issue of being opposed but one of how to get to the end of the exercise.

MR KEJVAL said that he had only one issue, which he had raised at the September Executive Committee meeting in Istanbul, relating to financial implications of the changes, because there would be more people involved in the governance structure.

MR SANDFORD welcomed the presentation. On behalf of the Athlete Committee, he welcomed both the seat on the Executive Committee and also the two on the Foundation Board. He would just point out, though, that, if there was going to be a limitation, such as the fact that one of the members on the Foundation Board had to be a Paralympic athlete, which in principle he supported, the members could not then at the same time say that they supported a fully democratic process that allowed athletes to choose which members of the athletes' council would go on to the Foundation Board because, obviously, they would be placing quite a limit on it by making sure that one of them was a Paralympic athlete.

MR SHEPANDE welcomed the very informative presentation that had been given. As alluded to by the Director General in his remarks, those recommendations came along with budgetary implications. Therefore, during planning, it was necessary to take into account the budgetary implications that ensued from the recommendations.

MR REYES thanked Professor Haas for the presentation made and congratulated him on the work he had done together with all the members of the group. He supported the proposed changes. The president of CADE wished to express his support for all the points on which a consensus had been achieved between the sport movement and public authorities throughout the process. That said, he wished to make a comment, which was the result of the consensus within CADE. First of all, he would like to be a bit more optimistic than before, referring to the composition of the Executive Committee and the Foundation Board, so as to later establish or define the roles and responsibilities of both bodies. It would have been perhaps better to study and analyse the responsibilities and roles of both the decision-making bodies. He also wished to question whether there really was an imperative need to enlarge the Executive Committee and the Foundation Board. He threw out an idea: with that enlargement, it would be necessary to reach more if enlarging the two decision-making bodies. It would be necessary to reflect upon whether the enlargement had a technical basis, which was sufficiently strong and solid and which would justify the increase in costs and the possible sacrifices of affinities to one or other organisation, which might arise because the bodies would be larger, probably making the decision-making process slower. During the process, the question was whether WADA was making the structures more efficient vis-à-vis strengthening the organisation in such a way that the changes would make WADA stronger. To summarise, he was talking about considering a logical sequence, although he was not saying that the current one was not, but there could be three stages in a systematic fashion. For the first stage, the members could define whether there was a real need and the aims of the reform. If that was clear, if there was a clear need, they could go on to the second stage, which



would be to establish the roles and responsibilities. After that, they could go to the third and final stage, which would be to define the composition and the mechanisms to define the positions in the two decision-making bodies. He would also like to say that he agreed with the comment that there should not be an overlap between the members of the two bodies because of the existence of a possible conflict of interest. He did, however, believe that, as Professor Haas has said, it should be possible to control using votes in both bodies. He reiterated that CADE would always support the decisions adopted by consensus in the process of reviewing the governance of the organisation.

PROFESSOR HAAS responded to the comments. The issue of financial implications had been raised. He thought that there was even a reference in the terms of reference of his group to consider the financial implications. He wondered whether it would be possible to do that in a really detailed manner. The working group had it in mind, but he thought that it would probably overburden the group somewhat if it had to come up with a detailed financial plan by the next Executive Committee meeting. He proposed working together with the WADA staff, and then the staff could relay back to the working group the financial implications so as to have some figures on the table.

In response to Ms Battaini-Dragoni's comment, as the members had seen on the slides, he had taken it out when talking about the Executive Committee and when talking about the Foundation Board because it needed to be looked at comprehensively. It was a package. That was going to be the foremost task that the working group would look at in its next sessions to finalise that. Of course, it would be vital to know the feedback of the sport movement and the public authorities on that. Perhaps, if there were a possibility further to the November Executive Committee meeting, so as to relate back to the two stakeholders and have them look at the comprehensive model, that would, for his part, be very much appreciated.

THE DIRECTOR GENERAL said that, on the financial aspect, as mentioned, the management had already starting assessing this; of course, he would wait to see what the final decision was. Then he would be more than happy to share the figures with the working group. There were two categories. There would be the set-up costs. There would be a number of costs to put all that into place and so on, including organising an election for the new Athlete Council. All that would have a cost. Then there would be the recurring costs, how much every year more members, more meetings, etc., would affect the budget. For both of those, the management would provide its best estimates and the working group would then be able to relay that in May.

MR HUSTING commented that he had not taken the floor on each of the three topics presented by Professor Haas, but wished to stress that One Voice really supported the work done by Professor Haas and the working group and supported the consolidated recommendations made by the working group regarding the athletes, regarding the Executive Committee and regarding the Foundation Board as well. In conclusion, One Voice also approved the extension of the mandate of the working group to May 2022.

THE CHAIRMAN thanked Mr Husting. Did the members agree to recommend to the Foundation Board that it approve the recommendations concerning Foundation Board composition as presented by the chairman of the working group?

PROFESSOR HAAS said that, as the members had seen, the working group had not finished its work and so wanted to request that it be allowed to continue to the May Executive Committee meeting in order to finish up the reports. That would be his final request. Then, of course, came his most important slide. He thanked the members very much for bearing with him for such a long time and for their attention.

THE CHAIRMAN thanked Professor Haas and summarised the request: did the members approve the request for an extension of the Group's mandate?

MR IKEDA appreciated the work on the WADA governance reforms by the WADA management, Professor Haas and the other working group members, and also the small group led by Minister Colbeck and Mr De Vos. He was very grateful for their contribution. Independence, transparency and diversity were key to WADA's decision-making. He hoped that the stakeholders would discuss thoroughly and find better compromises to advance effective governance reform. In addition, it was important to continue discussion on other elements that had not been included in the recommendations that November. He would like to continuously contribute to that discussion.

THE CHAIRMAN thanked Mr Ikeda. Did the members approve the extension of the mandate of the working group to May 2022 in order for the group to complete the scope of the intended review? He thanked the members very much and took advantage of the extension of the mandate of the working group to propose keeping a group composed of Mr Colbeck, Mr De Vos and Professor Haas on stand-by in case it was needed again to seek compromise on the recommendations of the working group. Last but not least, he personally wished to thank Professor Haas and his group, as well as Mr Colbeck and Mr De Vos, for their hard work and for the good agreement.

#### DECISION

Recommendations of the Working Group on the Review of WADA Governance Reforms confirmed for recommendation to the Board.

Extension of the Working Group mandate to May 2022 approved.

#### - **4.2 Code of ethics/independent ethics board**

THE CHAIRMAN noted that the item was also for recommendation to the Foundation Board. He hoped there would not be many discussions on the code, as he believed that an agreement had already been reached on the matter between the sport movement and public authorities.

MR SIEVEKING assured the members that he would be brief before handing the floor to Mr Kaiser. The first word that came to mind when thinking about the code of ethics was 'fantastic' because, as the Chairman had mentioned, consensus had already been reached by both the sport movement and the public authorities. WADA could not live without an adequate code of ethics, so it was a key element of good governance rules. He therefore thanked all of the people who had taken part in the process and in particular Professor Haas and the Working Group on the Review of WADA Governance Reforms, whose role had been key in reaching the consensus. He trusted that the Executive Committee would confirm its full and unanimous support to the latest draft that had been circulated in order to have the first WADA code of ethics approved the following day by the Foundation Board.

MR KAISER said that he would not take very long, as the members had all received the final draft of the code and, as they had also had a very comprehensive presentation at the previous meeting in September, he would address a few points just to make sure that everybody understood in the same way. The main difference in terms of appearance was that there had been a shift to annex A of all the provisions concerning the regulation of the independent ethics board, as well as the proceedings, to keep in the main part of the code the core part of the code, what was the essential element, and he thought that it was probably a good idea because it gave a better and quicker understanding of the

issues. On the main part of the code, there were no major issues. A few editing corrections had been made, but they were fairly minor. He wanted to raise two more important issues, including the review process. It had been clearly established that a yearly review would be done by the independent ethics board to examine the fundamental ethics principles. Why? Because, in fact, those were principles that were evolving through the years based on society and based on new ethics issues coming out during the following years. The second point he wanted to raise was the entry into effect of the code. In principle, the WADA code of ethics would enter into effect as of its approval by the Foundation Board, hopefully the following day, unless decided otherwise by the Foundation Board.

The most important issues and new points were in annex A. First of all, on the independent ethics board composition, it had been suggested in the final draft that the board should consist of nine members: seven independent members, including the chairman, and two members, one designated by the public authorities and one designated by the Olympic Movement, the sport movement in general. He would come back when speaking about the panels in charge of handling cases to the reason why it was suggested to increase the total number to nine. A provision had also been introduced regarding the vice-chairman to be chosen from among the six other independent members. In fact, those functions were really emergency functions if the chairman of the board could not fulfil their obligation and duties for a limited period of time, and if WADA could not wait any longer and had to allow someone to take that position immediately. That was also why the vice chair would be basically appointed by the independent ethics board itself.

As to the selection of the candidates for the board, they would be selected by the Nominations Committee for the seven independent members, but of course not for the two members designated by the public authorities and by the sport movement. What would the independence requirement for the independent members be? He suggested applying not only the general standard, but also the strictest independence criteria as defined in the WADA governance regulations. Regarding the two members appointed by the public authorities and the Olympic Movement, he suggested applying only the general standard of independence, as reflected in the WADA governance regulation, basically because, in fact, they were appointed by stakeholders so, of course, they could not meet the strictest independence criteria. As to reviewing and vetting the candidates, even those two put forward by the Olympic Movement and the public authorities, all nine candidates would be reviewed and vetted by the Nominations Committee.

Then came the more important issue: the decisions of the independent ethics board. It was necessary to make a distinction. The decisions of the independent ethics board would not be the same as those of the panel handling the cases, so there would probably be fewer decisions taken by the independent ethics board than by the panels appointed. Those decisions would be adopted by a majority vote of the members of the independent ethics board. A quorum of seven members would be required out of the nine members. But, of course, there would be a mechanism, as the members had seen, which would allow, if the quorum were not met, for a second meeting to take place very quickly to take the decision without the requirement for a quorum.

Moving on to the most important new changes since the 26 April 2001 draft, first of all, in relation to the composition of the panel for the complex cases, it had been suggested to have five members of the ethics board, including automatically the two members appointed by the public authorities and the Olympic Movement. That was felt to be appropriate because, in fact, they would probably be feeding the panel with information, experience and knowledge of the issues that were important as well. That was also why it had been suggested that there be nine members of the board, because if one wanted to be able to choose the other three independent members in each panel, one needed to have enough independent members on the board to choose from among them, given the fact that they were

prominent people and they probably had a very heavy agenda. That was why the suggestion was to have nine members and not seven members on the independent ethics board.

Then came the deliberations of the panel, and that was where there was something new. When the case was ready for the decision, the panel handling the case would prepare a deliberation report, which would include a provisional preliminary decision, and that would be, of course, passed over to the independent ethics board.

Then came the reconsideration process. The deliberation report would be passed by the chairman of the independent ethics board to the chairman of the Executive Committee on a strict confidentiality basis. They would have a look to see if there was any conflict of interest between the case handled and any member of the Executive Committee so that, in fact, such conflicted member would not be able to participate in the review of the case or a reconsideration process. If there was no such conflict of interest, of course, the chairman of the Executive Committee would pass over the documentation to the members of the Executive Committee, who would then have a deadline to decide to do nothing or to make comments on the report and/or request further investigation, such as request to hear further witnesses or ask for an expert report, for example, on certain legal matters if they believed that that was an important issue. The chairman of the independent ethics board would then communicate a summary, but only a summary, of the Executive Committee's observations to the concerned person so that that person could make their own observations within a given deadline. That had been felt appropriate also to make sure that the right of the concerned person to be heard was properly respected. In principle, there would be no communication to the concerned person of the possible request made by the Executive Committee for further investigation. He said in principle because, of course, in a lot of cases, it would be possible to communicate, but the aim was to make sure that, if there was a risk that a communication might interfere with the proper collection of the evidence, of course, such communication should not happen.

Then, the independent ethics board and not the panel handling the case (that was a big difference) would decide upon the request for further investigation, which might have been put forward and requested by the Executive Committee. Then, once that had been decided, the independent ethics board would pass on the observations of the Executive Committee and its decision on a possible request for investigation to the panel in charge of handling the case. The panel, once it was of the opinion that the investigation was completed, would render its final decision without further hearing of the parties, as they had been heard throughout the process before in the proceedings, which he had not come back to because they had already been reviewed in May and September. The decision of the panel was, in fact, a decision of the independent ethics board itself. And, as that was a body of WADA, obviously, it was a decision of WADA. Therefore, as a consequence of that, there would be no appeal against the decision by WADA, but only by the concerned person to the CAS.

MR LALOVIC stated that, in the previous consultation rounds about the code of ethics, the sport movement had addressed some areas of concern. At that meeting, there was a revised draft of the code of ethics that the sport movement supported fully.

THE CHAIRMAN concluded that the Executive Committee was ready to recommend to the Foundation Board that it approve the proposed code of ethics. Did the Executive Committee agree with such recommendation? He thanked the members very much for the good agreement and thanked Mr Kaiser, his team and everybody involved for their excellent work.

## DECISION

Proposed code of ethics approved for recommendation to the Foundation Board.

### - **4.3 Endorsement of Foundation Board composition for 2022**

THE CHAIRMAN referred to item 4.3, which was a housekeeping matter.

THE DIRECTOR GENERAL observed that, normally, it was a very straightforward housekeeping matter; however, on that occasion, he needed to draw the members' attention to a few things. As they knew, WADA had been dealing with the Swiss authorities quite a bit over the past two years for a number of different reasons, and they were becoming more formalistic, in particular concerning members being appointed to the Foundation Board or put forward to the Foundation Board. So, in the paper that the members had in their files, it was being made very clear that, in order for the WADA management to be able to properly register a member with the Swiss authorities, it was necessary to have the original paperwork fully and duly sent in so that the management could pass it on. It was sometimes very difficult to collect those documents from the board members. The management was putting that to the members and would say to the Foundation Board the following day that, unless the proper paperwork had been received, the members in question would not be invited to partake in the Foundation Board meeting that would take place. He thought that that was a very important incentive for members to send their documents back. The management would follow up with them every time and would make sure it happened. When there was a renewal of membership, the management would follow up in advance to make sure, but it was important that everybody understood the need to fulfil that. The following day, therefore, the list of the Foundation Board members would be endorsed by the board. There would be a few missing names because the management had not yet received them, and they would be completed before sending the list to the Swiss authorities.

The other important element in there was that it happened quite regularly that board members resigned from their position before the end of their three-year term because, most of the time, within the public authorities, there was a change of governments or change of ministers, and then there was another one that came up. The practice had been that the new member replacing an outgoing member would conclude the mandate of the previous one. In other words, the member would complete the extra year or year-and-a-half that was left in the mandate. However, in the future, that would no longer be possible. When a new member was appointed, they would be appointed for three years and, therefore, every time there was a change, the new person coming in would actually be in position for three years unless, of course, they resigned before the end of their term, which was always possible. As such, there would no longer be terms that always finished on 31 December of a year. They would terminate three years after the member had commenced in their new position, and the management would keep track of that, of course, from an administrative point of view. That was an important difference because, once a member was appointed, they would be appointed in a personal capacity for the duration of the mandate that was established by the statutes. He had simply wanted to draw the Executive Committee's attention to that. The following day, he would make the same recommendation to the Foundation Board members and draw their attention to the importance of fulfilling the requirements.

THE CHAIRMAN thanked the Director General. Since the item was for recommendation by the Executive Committee, he asked the members to formally recommend the composition of the WADA Foundation Board for acknowledgement by the Foundation Board.

## DECISION

Composition of Foundation Board to be recommended to the Foundation Board for approval.

### - **4.4 Executive Committee 2022 – new members**

THE DIRECTOR GENERAL informed the members that they had received the composition of the 2022 Executive Committee, and the Foundation Board would be asked to formally appoint the new members the following day. He wanted to make sure that the Executive Committee members were comfortable with the list and the new members proposed.

THE CHAIRMAN stated that he believed that the Executive Committee could recommend the 2022 Executive Committee to be approved by the Foundation Board.

## DECISION

Proposed Executive Committee composition to be recommended to the Foundation Board for approval.

### - **4.5 Standing committee composition 2022**

THE CHAIRMAN informed the members that the item was for decision. He was expecting a decision on the proposed composition of all the standing committees.

THE DIRECTOR GENERAL said that the item was an important one and the members had a lot of documents in their files. The work had been done as it was always done. The Nominations Committee had been involved where necessary concerning the CRC. The appointment of the other members had been done through the normal protocol, involving the President, the chairman of the committee and himself making recommendations based on expertise, gender balance, geography, etc. to the best of their abilities given the candidates and the required expertise. He would not go into detail, but the members had a table that summarised all of that. It was actually important to highlight that, that year, there was a perfect gender balance, with 27 men and 27 women. There were representatives from the five continents. There were 17 athletes on the standing committees. There were 13 NADO representatives on the standing committees. The first question was to vote on the composition of the committees. Then, he would have another topic to discuss, which was the situation of the chairman of the Compliance Review Committee who had resigned, although he proposed discussing that subsequently. The first thing was the approval of the committees as set out in the documents.

THE DIRECTOR GENERAL said that the chairman of the Nominations Committee was available if the members had any questions to ask her.

THE CHAIRMAN asked the members to approve the composition of the standing committees for 2022, as outlined in the paper.

## DECISION

Proposed standing committee composition 2022 approved.

As he had explained earlier, THE DIRECTOR GENERAL referred to the chairman of the Compliance Review Committee who had tendered his resignation for the end of the year. There were two options. In the committee, there was a vice-chairman, Mr Henry Gourджи, who had a lot of experience in the committee, but also a lot of experience in compliance because he had been the head of compliance for ICAO, the International Civil Aviation Organisation, and he had spent his entire career in that capacity. However, Mr Gourджи had actually retired from his professional position the previous year and therefore had a little bit more time. So, there were two options. One was that Mr Gourджи take on the position of interim chairman until the end of 2022, which had been the initial term of Mr Wood, and which would allow the Nominations Committee to fulfil its normal role, enabling people to apply. The Nominations Committee would be able to assess and then make a recommendation for the following November, when the members would appoint the chairmen of all of the standing committees at the same time, because that had been the initial idea. That was one option. The other option, of course, was to say no, the process should take place right away, but then there would not be a chairman appointed by 1 January because there would be no time to do that. From a management perspective, the preference would be for Mr Gourджи to take over for one year and to have the necessary time to conduct the process. Of course, he would be eligible to apply for a longer term, but it would enable the Nominations Committee to do that job.

That was the first aspect of it. If the members agreed with the idea that the Mr Gourджи could become the acting chairman, then he would of course leave his position as an independent member and, in that case, WADA would ask the Nominations Committee to come back with a recommendation to fill that position, which would have to be discussed and approved by the Executive Committee, but that could be done by circulatory vote. It would be a little easier and faster, simply for the reason that the Nominations Committee had just completed the exercise for one of the independent members who it was recommending (for Ms Leishman, who had just been reappointed). Therefore, the committee had other candidates that it had been looking at for such an independent position, and it might be able to recommend someone without having to start a whole search. It would also be only for one year, because everything should be looked at in terms of reappointing the committee for three years. So, that was the proposal on the table. He would be happy to hear comments from the group.

THE CHAIRMAN thanked the Director General.

PROFESSOR ERDENER fully supported the recommendation. The vice-chairman could take over for one year.

THE CHAIRMAN explained that that meant that the vice-chairman could take over the responsibility for one year, during which time the necessary process could be arranged. He saw no other requests for the floor, so it seemed that the Executive Committee could formally approve the recommendation presented by the Director General.

#### DECISION

Mr Gourджи appointed acting chairman of the Compliance Review Committee for one year in 2022.

#### - **4.6 Nominations Committee membership terms ending May 2022**

THE CHAIRMAN said that the term of office of two members of the committee would end the following May, so the Director General would explain how to proceed.

THE DIRECTOR GENERAL said that, for May 2022, there was one independent member for reappointment in the Nominations Committee: Ms Regine Buettner, and it had been proposed by the Nominations Committee that she continue. Just for those who did not remember, Ms Buettner had a great deal of experience in human resources. She had been the head of human resources for DHL in Germany for many years. She would be retiring soon and she had been a very valuable contributor to the group and had vast experience in that field of activity. The Nominations Committee therefore recommended and was proposing that she be reappointed for a term. The question for the members was that, if they were comfortable with that, there was nothing to do. However, if they were not, it would be necessary to commence looking for other candidates who could take on this position. Rather than starting a whole new search process, the management wanted to see if the Executive Committee was comfortable with the current proposal to reappoint Ms Buettner in May, therefore avoiding the cost and time associated with a search, or whether they would prefer to proceed differently.

That was for one member. The other member was the representative of the sport movement on the committee: Mr Kelly Fairweather. It was not really something for the Executive Committee to decide; it was for the sport movement to decide if it wanted Mr Fairweather to be reappointed. However, the Nominations Committee had again expressed the view that Mr Fairweather had been a valuable contributor to the group and would like him to be reappointed for another term.

THE CHAIRMAN asked if the members agreed with the proposal.

#### DECISION

Upcoming Nominations Committee membership renewals noted; to be submitted for formal approval in May 2022.

### **5. Finance**

#### **- 5.1 Government/IOC contributions update**

THE CHAIRMAN asked Ms Chung to provide an update on the government/IOC contributions.

MS CHUNG referred the members to section 5.1, the government and IOC contributions for 2021. As of 12 November, nothing had changed. Thus far, WADA had reached, for public authority contributions, 90.8% versus 94.8% at the same time the previous year. WADA was currently short by about 1.9 million dollars. Oceania and Europe had reached 100%. The Americas region was at 74%. There was a total of about 1.6 million dollars pending, of which 1.3 million came from the remaining amount from the USA, with the rest spread out over Peru, the Dominican Republic and Venezuela. The figure the previous year had been at 86%. The money was expected to come in. Asia was at 90%. WADA was still waiting for Kuwait to come in with about 200,000 dollars. Africa was at 64%, compared to the previous year at 56%. There had also been the additional contributions of 91,000 dollars from the usual governments: Australia and Japan. She thanked them for their contributions.

MR SHEPANDE stated that, for the African region, within the framework of trying to increase contributions to WADA within the portfolio formula, a recommendation had been made to the ministers of youth, culture and sport to consider the contribution of the region to WADA which he hoped would take place early the following year. He thought that that would upscale the regional contribution to WADA.



## DECISION

Government/IOC contributions update noted.

### - **5.2 2021 quarterly accounts (quarter 3)**

MS CHUNG moved on to the 2021 accounts to September. The spending level after nine months was basically a continuation of the 2020 pandemic, with the exceptions in August. There had been more activities there related to the Tokyo Olympic Games; but, other than that, the majority of in-person meetings and events had still been held via videoconference and/or hybrid meetings that had taken place back in September for the Executive Committee. The total expenses had reached 63% of the revised budget, compared to the same time the previous year at 68%. Obviously, the savings came from less or no travel and, as the majority of staff members had been working from home, there had been a decrease in expenses related to the running of the office. Although WADA continued to operate online, it was expected that more activities and events would be in person or hybrid during the fourth quarter of the year, as could be seen with the Executive Committee and Foundation Board meetings in November. Most of the departments were slightly under the revised budget, with the exception of the Legal Affairs Department, which had reached 82% of the revised budget. That was mainly due to the LIMS appeal and the case of the Chinese swimmer, Sun Yang, which had drained a lot of resources. However, WADA expected to receive money paid by RUSADA as part of the CAS award, and that should allow WADA to offset any of the extra litigation costs. She did not expect the budget to be over by year end.

As for the capital expenditure, it was currently at 57%, but mainly due to timing. Again, she expected it to be close to the budget by year end. As the members would see, also, the surplus at that point did not mean much because more expenses were expected to come in during the last quarter. The surplus had been revised to 213,000 dollars compared to the budget. That summed up the September accounts.

## DECISION

2021 quarterly accounts noted.

### - **5.3 2022 budget**

THE CHAIRMAN said that the item was only for information, as the Executive Committee had already decided to recommend the 2022 budget to the Foundation Board at the September meeting.

## DECISION

2022 budget noted.

### - **5.4 2023-25 budget forecast**

MS CHUNG referred the members to item 5.4, and said that she would go over the highlights of the budget forecast for 2023, 2024 and 2025. As requested by the Executive Committee in September to provide more detailed information in relation to the forecast, additional information had been compiled and was provided in the members' files to account for what had been requested in terms of the annual percentage increase. With the three-year forecast, of course, WADA would continue to execute the 2020-2024 strategic plan, thus aligning activities with the objectives set out. It was necessary to ensure continuity in business and operations and, as such, the management was

proposing an increase year on year of 8% in 2023 and keeping it flat at 6% for 2024 and 2025. As the members would see in the paper, the increase of 8% in 2023 represented 3.6 million dollars for both the IOC and the public authorities, so 1.8 million dollars each for 2024 at 6% translated into 2.8 million dollars in terms of contribution increase and, again, 1.4 million dollars each for the IOC and public authorities, and so on. In 2025, the increase would be 2.9 million dollars. To give the members an idea, a country that contributed, for example, one million dollars a year for 2023 would see an increase of 80,000 dollars, then an increase the following year of 65,000 dollars, and 68,000 dollars for the third year.

Overall, the majority of the year-on-year contribution increases would be attributed to scientific research, as the special funding available in recent years would be depleted by 2022. The objective set was to maintain a minimum level for research. As she had just mentioned, the overall majority meant that at least 60% of what was requested for the increase over three years would go to research. It was at that point at a critically low level and the aim was to increase research in future years if and when funding was available. It was important to note that any budget under the proposed increase would inevitably result in less research, and it was very important that the members understood that clearly. There was definitely a need to continue to invest in ADAMS and the field of technology, as it remained one of WADA's key priorities. Another area that had growing demands was investigation, athlete engagement, programme development and NADO/RADO relations. On the latter, the budget had been significantly reduced in 2022 due to competing priorities, so it needed to be increased.

Going to the cost of governance, it had been estimated that the governance reform that the members had just approved this morning would represent, based on the information that was available at that point, annual recurring costs totalling around 500,000 dollars. The Director General had mentioned the two types of cost. There were start-up costs to set up the governance and the recurring costs, at 500,000 dollars annually. Of course, the numbers needed to be refined further; but, based on the information as of that day, that was what the estimation was. That should not be funded by the current WADA budget, as that would reduce the anti-doping activities. It had to come from an increase in the WADA budget. WADA could not afford to cut anti-doping activities to accommodate for the governance reforms. The demands and expectations were high from stakeholders. WADA actually did more with less, not only by putting in place efficiency measures, but also leveraging and partnering with other organisations to share the costs as well as the knowledge. WADA was grateful for the annual financial support from the IOC and public authorities. And, of course, WADA was committed to applying the funding judiciously for the benefit of global anti-doping. But, in parallel, WADA was putting a lot of time and effort into private funding to supplement the annual budget, if and when possible. However, it was still at a very, very early stage and there had not yet been any fruit from that initiative, so it had not been reflected in the budget. Quite simply, it was a purely conservative and prudent approach.

As the strategic plan was progressed and executed, WADA was also in the process of putting in place the key performance indicators to track and monitor the effectiveness and efficiencies of the programmes and deliverables. That would be a helpful measurement tool to ensure ongoing alignment with the strategic priorities.

So, for all those key reasons, the members were being asked to continue with 8% in 2023 to ensure business continuity and, in particular, a level of research. For the following two years, 2024 and 2025, the members were asked to support WADA with a 6% increase. That would facilitate the transition in terms of the staffing level and all the ongoing related projects and delivery commitments. Of course, the increase would also allow WADA to increase efficiencies for new ways of working, investing more in digitalisation and online communication tools and strengthening security systems, which had proven to be cost effective in the long run. That was what the members could see in the paper, and what had been said that day was a high-level view forecast. It had been prepared based on the current planning.

A thorough, detailed annual budget would be presented each year, as was standard practice, along with the multi-year plan for consideration by the Finance and Administration Committee, the Executive Committee and the Foundation Board prior to approval.

THE CHAIRMAN reminded the members that they were discussing item 5.4. That was the budget forecast for 2023-2025.

MR KEJVAL noted that all the materials were always very well done and very well prepared in great detail. If people were interested and if they put in the time, they could really see what the situation was. The second point, regarding 2022, was that the sport movement fully respected the budget. It was important to mention that two million dollars were missing in terms of the public authorities contribution, and that was a lot. One year previously, the members had seen the first signs that it would not get any easier to get all the money. One year later, WADA was still missing lots of money in the budget. He thought that WADA should take some kind of action. It would be necessary to talk about that, but also in terms of priorities, so WADA had to set priorities.

Ms Chung had mentioned governance reforms, and that was a very interesting point. WADA had been working very hard on governance reforms. It was necessary to look at other aspects, because he thought that they were on the brink of a worldwide crisis. The World Bank, in its monthly report, had announced that inflation the following year or even that year would be over 3.5%, and inflation in the past had been negligible in terms of the WADA budget. There had been talk about the annual increase of 8% and, in the future, 6%. The inflation rate would create serious problems. Therefore, the sport movement would like an open discussion about the basics in the organisation. Those were the priorities. He definitely supported the core business of WADA, which included research. He knew that all the issues were essentially important and did not want to underestimate the governance issue, but it was important also to break down the amount and see if all of those things were necessary. It might be that meetings could be online, or just annual. At the end of the day, he knew that the budget was always decided on quickly and nobody really cared about it, but it was crucial. If there was no money, it would not be possible to do what the organisation had been built for.

As to the proposal from the sport movement in terms of the long term, he had heard at the previous Executive Committee meeting the request from the public authorities to decrease the 8% annual increase, but he thought it should not be in terms of inflation, so no less than 5%.

DR SANGENIS reflected that she was a physician and had been working in doping control since the nineties, first at the local level, the Pan-American level and then through the International Olympic Committee. Working in doping since the nineties led her to make the reflection that WADA should not decrease the budget for scientific research. In the nineties, and she thought that that had been the whole reason for the creation of WADA, everybody had known that they were really behind the doping offenders. It had been impossible at that time for the IOC medical commission, despite working very hard, but those involved had not had the tools for research, for updating the laboratories and for all the material and tools necessary for the main objective, which was doping control. WADA had really important tasks from the scientific research point of view in the future, such as gene doping, in addition to contamination and other issues that were currently being worked on. She kindly asked the public authorities, as well as the sport movement, to look carefully at the issue, to at least keep the funds and not to decrease funds for scientific research, because WADA was really the only organisation that could invest in research. She acknowledged that other areas had to be taken into account and that the number of committees had to be enhanced to better perform; however, the members should not forget the main purpose of WADA, which was doping control.

MR ROBERTSON welcomed the very thorough report received. The context for him was the environment in which everybody had been living for the past two years when it came to Covid-19. Speaking as someone whose role was minister of finance, he knew the issues that all of the public authorities were facing, within the sport movement, within a global organisation like WADA, and it was very challenging to be able to work their way through those times. Uncertainty was the most common commodity in the world at the moment, and that made budgeting and forecasting extremely challenging. He also acknowledged the comments from colleagues from the sport movement about issues of inflation that did exist and were going to be part of their lives over the coming year or two. But that level of uncertainty pervaded all of them as, for example, public authorities in terms of the costs that they were all facing. And it meant that all of them had to look at what efficiencies they could find in their organisations and go through and work out what they could do to try to reprioritise. He very much endorsed the comments that had been made about the importance of the core business of WADA and making sure that it did the things that nobody else could do, but it was necessary to do that in line with what was affordable for public authorities and for the sport movement. He was concerned about the level of increases that had been proposed. He did have a couple of questions. One of those was, was it the intention that that 6% increase would be an ongoing one into future years beyond the proposed forecast period? He also wondered what consideration had been given to the use of some of the surpluses to deal with what were pressing issues alongside a plan for reprioritisation and for going through and seeking further efficiencies. That was not easy work, but it was important, in his view, for any organisation to do. And he did wonder if a way forward might be an understanding of the fact that there was so much uncertainty that it was not the time to do effectively a four-year forecast and that the members should seek a shorter period of time with perhaps a percentage on which they could come to an agreement. As it stood for him, he did not consider that those were sustainable increases for public authorities, and he thought that more work needed to be done to create a budget enabling WADA to live more within its means.

MR HUSTING stated that the public authorities welcomed a multiannual budget forecast, but would like also to recall the current economic crisis that countries had to face and also underline that WADA's budget had been on a continuous annual increase of 8% since 2018. The increase proposed for the period from 2023 to 2025 would result in an overall increase of more than nine million US dollars over the three years. From the public authorities' side, it was very difficult to support the proposed budget forecast for that period, and he would like to ask that the management propose some alternative scenarios with minimal budget forecasts, taking into account additional resources such as Covid-19 savings, surplus and private or voluntary contributions, with an increase closer to the inflation rate. Perhaps some priorities would need to be reviewed, as the sport movement had already indicated.

MS YANG welcomed the very detailed report. There were a couple of reflections. She wished to share her view. First of all, she very much supported investment in research because athletes always questioned why the research was way behind the doping. It was very important to keep investing in research. Secondly, on the distribution of the contributions per country, the increase was a couple of thousand dollars. That was what she had heard. It was not a huge amount. She therefore thought that it was reasonable to continue to contribute to protect sport integrity for the future. She also supported the people who had spoken about the priorities and the details for investment for the future. She therefore wished to suggest that the WADA team provide in even more detail the plan for future investment so as to be able to discuss the matter more clearly.

MR IKEDA acknowledged that the contribution to WADA had been increased by 8% each year from 2018 to 2022, based on the strategic plan, and much of WADA's work had been improved and broadened. He understood that WADA was trying to further enrich the activities to implement the strategic plan. On the other hand, considering the economic situation worldwide affected by the

pandemic, he believed that it was essential to carefully examine the budget every year, including the review and prioritisation of existing projects and activities.

DR RABIN informed the members that WADA was facing a very critical situation in relation to scientific research in the field of anti-doping. WADA was in dire need of additional resources to continue activities at a reasonable level. He was not even talking about extravagant investments in research. There had been a time a few years previously when WADA had dedicated up to 6.5 million dollars of its own budget to research. WADA had been at a record low for the past few years at 1.8 million dollars per year. The agency was able to maintain reasonable resource activities thanks to the support of the IOC and some governments, including Canada, China, France, Qatar, Saudi Arabia and Poland, which had been providing exceptional resources and funding to carry on essential research programmes. If things remained as they were and as was currently anticipated, there would be less than 2.1 million dollars to spend in 2022 and not much more for the years after that, which was vastly insufficient. To be specific, without more resources and support from the members, some projects and programmes simply would not continue. By way of an example, everybody could be satisfied with the MRNA-based vaccines against Covid-19. Few realised that MRNA was a tool that could be used for doping purposes. WADA needed about two million dollars just to complete the gene doping strategy, which had been implemented for the first time during the Tokyo Olympic Games that summer, and it was necessary to ensure the full coverage of gene doping detection. For the members' information, there were some gene constructs that were available on the Internet for doping purposes and specifically for doping purposes. So, time was pressing to dedicate resources to strengthen the coverage of gene doping detection. Another concrete example was that several experts believed that there was a muscle memory of doping. In other words, the muscles of an athlete who had used doping substances would maintain the memory of doping and the benefit in terms of performance enhancement for many years after the cessation of doping. The Health, Medical Research Committee had identified that specific subject as a priority programme, and WADA was missing about one million dollars just to invest in a call for research grants on that specific theme. He could give many more examples. For the Athlete Biological Passport, the development of new biomarkers, improvement of some specific anti-doping tests and the detection of new substances had already suffered and continued to suffer because of the lack of investment. Besides, scientific research was not only for the scientists: WADA also supported legal cases in court as well as investigations with colleagues in intelligence and investigations which would suffer from the gap in knowledge if WADA could not follow the pace or even be ahead of the dopers. WADA had demonstrated that the research programme could be of high value. That had again been confirmed by the Health, Medical and Research Committee in August, when it had reviewed the outcomes of research just for the past 12 months. WADA had shown that it could be ahead of new doping strategies with new substances, but was currently suffering from the lack of investment into scientific research and was, frankly, on the verge of losing ground if it was not careful. WADA needed the members' support more than ever to be able to regain control of the situation. It would never regain the millions of dollars that had not been invested in scientific research over the past 10 years, but by giving then and in the future more than the necessary budget, the members would certainly make a difference, as they had in the past, and WADA would be in a stronger position to be able to develop the anti-doping tools of the future and prevent, possibly, a doping crisis, as had been seen in the past. That was not his pledge, but the pledge of the scientific community working tirelessly in anti-doping to keep sport clean. He thanked the members for their consideration and attention.

MS BATTAINI-DRAGONI stated that, at that point in time in the existence of WADA, there were two big challenges from her point of view. One was to succeed in remaining the leading body in anti-doping, which meant having, as the members had heard, the necessary means for that. Otherwise, someone else would develop the work that WADA would not be able to do, so she thought it was essential that WADA position itself clearly on that question of research. On the other side, the second big challenge was the process, which had been launched three years previously (disconnected from

the current discussion on the budget, by the way), on the question of the reforms. The reforms were also a big challenge, very important, and there had been a very interesting discussion that morning. Clearly, WADA could not step down or back away. WADA had to also fulfil the expectations that had been mentioned in the deliberations that morning on the reforms. There were difficulties with the budget, so perhaps it would not be possible to reach a definitive solution at that point, but she would very much appreciate, in the short term, perhaps between then and the next meeting of the Executive Committee, some scenarios presented by the Director General on those questions so that the members could be in a better position to see how they could fulfil those two objectives. If there was no in-depth discussion about that, then obviously WADA might find itself with less money for research or not enough money for the ambitious project on reforms.

THE DIRECTOR GENERAL stated that, as pointed out by Mr Kejval, clearly WADA wanted to make every effort to collect full payment from all of its contributors. That was pretty obvious, and WADA would continue its efforts in that direction. As pointed out, for that year, there were still some important missing parts, but hopefully that would be solved. In terms of the overall picture, why were the members having that discussion about research? He thought that it was important to look at the history, and it was relatively simple. When WADA had been formed, at the time, it had been able to fund research to the tune of 6-6.5 million dollars per year, but it had been doing a lot less in terms of activities. Since that time, WADA had been asked to do a lot of things, and he would call them core activities, such as investigation. There had been no investigation department before 2015. There had not been an education department in the past. WADA currently had a full education department and everybody knew how important it was around the world. So that had become a core activity. Also, there was programme development, and he did not think that anybody would question the fact that WADA needed to help those who were trying to have better anti-doping systems. ADAMS was growing. IT costs were exponential. Then there was IT security costs which as well are growing fast. Until WADA had had to deal with the Fancy Bears, it had been living in a cloud-cuckoo land. Everybody acknowledged the importance of making security a priority. The members would see that, every time, the budget for research had gone down because the new activities had been funded mainly by reallocating funds from the research budget rather than actually increasing the WADA budget. Over the past few years, there had been an 8% increase. But, before that, for many years, there had actually been zero increase on the WADA budget, including the fact that with inflation the result had been a decreasing WADA budget. So, that was why WADA was there in terms of research and the only reason WADA had managed to continue funding research was because WADA had received extra voluntary funds on the side, which had helped compensate for the fact that it was lacking research on its core budget. But that fund would be coming to an end soon, and that was why the members were having that discussion: if WADA wanted to fund research in a meaningful way, the budget would have to be adjusted. He was totally open to discussing core activities. Frankly, however, unless there was an agreement among stakeholders as to where to reduce, and he doubted it, because WADA had never before dropped any of its activities, there would be very modest savings against guaranteeing at least four million dollars a year for research. That was the dilemma. The management could present a few scenarios, but there would not be that many magical tools enabling WADA to come to a steady four-million-dollar research budget that could be guaranteed as the minimum realistic budget without increasing the budget. That was the current situation.

As to whether the 6% increase would be forever, to answer Mr Robertson, the idea was that WADA was making an effort to find alternative sources of funding, private funding and so on. He did not know what the inflation rate would be three years down the road. Those were times of uncertainty. The answer was that there was no plan to have a fixed increase forever, but it would be necessary to adjust and see. As to the use of reserves, that was exactly what was being proposed for the following year's budget. Some of the stakeholders thought that there should be a balanced budget and that it was not good practice to actually come forward with a deficit. The recommendation was that WADA should

actually use some of the savings made to fund the budget, because the idea was to do anti-doping activities and not draw income from interest in the bank. WADA should use the money saved as much as possible over the coming years to offset the burden on increasing the budget.

An alternative scenario, as requested by Mr Husting, had been proposed and was in the members' files to be examined. The members would see what the impact would be and where WADA was. As to relying on voluntary contributions, efforts to secure voluntary contributions would be maintained, but it was hard to plan on the basis of voluntary contributions because, by nature, they were voluntary. It was very difficult then to engage in long-term projects and so on. He thought that that summarised the position; but, of course, the dialogue could be continued over the coming months in order to try to reach some understanding by the time of the next meeting.

MR ROBERTSON apologised for making another intervention. He understood all of the things that the Director General had just said. He wanted to endorse the idea of some options being presented that were not just about different rates of increase, but also about the mix of what WADA did. He was not diminishing the importance of research at all; however, in trying to make a good decision, it was necessary to look at what the trade-offs were for being able to do the things that had been highlighted in the strategic priorities and what could be done. He appreciated the point that, when one went looking for small things in a budget, they did not always add up to the big number that one wanted to increase. From his perspective, as somebody who had to go back and justify finding that money, there needed to be scenarios and options that could be looked at that were about movement within what was prioritised in WADA, as well as any given percentage. That was the work that he would like to see come forward, and also further conversations about other revenue sources: money that was owed, for example, by Russia. What else was possible in the private financing area? Looking to 2023 to 2025, he would hope in that period of time that it would be possible to see a greater level of revenue from other sources. The conversation he wanted to have was based on some other scenarios or options that looked to trade-offs and he would appreciate an honest and transparent view of what was possible in the future.

THE CHAIRMAN wished to conclude the item, and thought that the conclusion would be relatively long. He had been listening very carefully to the discussion and had to admit that he was a bit confused because, earlier that day, the members had discussed WADA governance reforms, and had decided to recommend quite a few reforms to the Foundation Board. However, many of the reforms had related costs. As mentioned by Ms Chung, a preliminary costing exercise has been done and it had been roughly estimated that the cost of implementation would be around one million dollars at the beginning and then more than 500,000 US dollars every year subsequently. He thought that it needed to be said loud and clear. Later that day, the Executive Committee would discuss the ombuds proposal. Like most of the members, he believed it was an important step towards showing WADA as a more athlete-centred organisation; however, the project had to have a budget, and that was just one example of the financial implications of the members' decisions.

Every year during each meeting, also in that group, he heard that WADA was expected to do more in the field of education, science, investigation or governance. For WADA, each decision on new activities, if not accompanied by appropriate funds, meant giving up other key activities or at least pulling resources from them. The Director General had mentioned it very clearly. Again, coming back to the science, in 2006, WADA had reached a record high of 6.5 million dollars, as mentioned by Dr Rabin. By 2017, that figure had fallen to 1.8 million US dollars. As a responsible president, he had to say that he could not accept any further reduction in the science budget. Hence the initiative to ensure that the annual budget for science should be no lower than four million US dollars per year. There was another important issue. The members were being told that the shortfall in the annual budget in the coming years could be covered by the resources saved that year and the previous year due to the

Covid-19 pandemic. It would lead to a large deficit in the budget. At the same time, WADA was being told that it should have a balanced budget and the Finance and Administration Committee was pressing WADA to allocate the surplus for 2020 and 2021 to operational reserves to secure the organisation financially and ensure it could continue its operation for at least six months if required. He begged forgiveness, but he had a right to be confused. WADA was also being told to use voluntary contributions and private funding to cover the potential deficit in the coming years. With all due respect to those ideas, the Director General had mentioned that the voluntary contributions were voluntary, so WADA could not force anybody to make them. WADA could only ask for contributions. If the need for the increase in the budget was a question by the stakeholders, how was he to believe that the same stakeholders would decide to make voluntary contributions, taking into account the difficulties that existed, especially due to Covid?

In relation to private funding, it was a new project that took time, because it was based on building trust and relations with potential business partners. Moreover, he kept repeating that the idea, which he had strongly promoted from the beginning of his presidency, was primarily to support solidarity projects and strengthen the anti-doping programme where needed in less-resourced countries. Those funds should be used to close the anti-doping gaps in which there were currently no funds, but not to finance WADA's day-to-day operations, including its administrative costs. That was not the goal of that project.

He also heard that the increase in WADA's budget should not exceed the increase in inflation in any given year. No. For him, it was hard to agree with that because it was difficult to predict the inflation rate over the next few years. Also, it differed in the various countries in which WADA ran its activities. For example, in Poland, the inflation rate was already close to 7%, and it was forecast to increase to 8% the following year. That was just an example from his country. He also heard that an 8% increase was too big and it was a heavy burden for many countries. From a percentage perspective, it did sound a lot, but the nominal amounts were less impressive for most of the countries. He did a quick calculation. The average contribution paid by governments in 2022 would be around 114,000 dollars. An 8% increase in contributions for 2023 meant that, on average, a government would have to pay 9,000 dollars more than in 2022. Was it a big amount for countries, for governments? It was a matter for discussion, of course. He did not want to argue again with the example that an average football club had a budget larger than that of the global anti-doping regulator. But that was the reality.

He believed that only with greater involvement by all of the stakeholders, including in terms of financial support, would WADA be successful in its mission for clean sport. He was saying that not only as the current WADA president, but also as a former minister of sport. One of his first decisions in his previous role had been to strengthen the anti-doping system in his country, including financially. During his four-year term, he had tripled the budget for anti-doping in Poland. For him, it had been a choice between stagnation and development. He had chosen development. He thought that the members faced a similar choice at WADA. He thought that the decision on the budget forecast for the coming years should not be reduced to simple percentages because, in fact, it was not a discussion on whether the budget should be increased by 2% or 10%. This was the discussion about WADA the members wanted to see.

He asked a few questions, which he thought were extremely important. Did the members want WADA to be strong and accountable for its actions? Did the members want it to act in a bold and courageous way? Did the members want WADA to develop its educational activities, conduct an appropriate number of investigations and be able to monitor the compliance of its stakeholders and, if necessary, impose appropriate consequences on them? Did the members want WADA to continue its collaboration with the best scientists in the world and implement further governance reforms? He thought that that was the WADA that everybody wanted. That was the question for everybody. He was



afraid that, if WADA's budget were not increased, activities would have to be cut; that had been clearly mentioned by the Director General. If that happened, science would also be affected by the cuts. As he had said, if there continued to be cuts, especially to science, there would be a price to pay in the future. Dr Rabin had mentioned it very clearly. He was asking the members to support the idea of increasing the budget, to support the proposed multiannual budget forecasts. He thought that it was the members' duty; it was their responsibility as members of the Executive Committee and part of the WADA family.

He understood that, at that stage, there was no support for the budget forecast for 2023-2025 as presented in the document. Therefore, his suggestion was to postpone the decision until May and continue the dialogue between then and May. Of course, the management intended to actively reach out to the members and provide all of the necessary information and documents to make the decision finally possible. However, from his perspective, that was his request and he insisted that the members discuss the growth scenario bearing in mind all the information and the goals, and because only an increase such as that would allow for the further development of the organisation. Otherwise, WADA would experience stagnation and then cuts in activities, which everybody wanted to avoid. That was his request to the members, with which he thought that he could conclude what had been an exhausting item, at least for him.

MR REYES wished to make a couple of comments about science, because he thought that science and research had to be strengthened. Unfortunately, the enemies of clean sport were constantly working very hard and, although doping had to be tackled from different angles, science and research were essential, a pillar that had to be strengthened, also financially. Colombia, which had limited resources, had contributed to a contamination study. He understood that there was a crisis, but it was necessary to be even stronger and braver. The members needed to make that financial effort to strengthen research, as well as all the other areas. Primarily, from his standpoint as a physician, he believed that it was necessary to strengthen the medical and research area, because that was essential and should not be left to one side.

## DECISION

2023-25 budget forecast deferred for further discussion and approval in May 2022.

### **6. Compliance**

#### **- 6.1 Recommendation of non-compliance – Thai NADO**

MR WOOD informed the members that the Thai NADO had a non-conformity in not yet implementing the current World Anti-Doping Code into its legal system, and that had led to it being declared non-compliant from 7 October of that year. In addition, it had two outstanding corrective actions arising out of the December 2020 audit concerning the implementation of a test distribution plan and of an Athlete Biological Passport programme. At its October meeting, the Compliance Review Committee had decided to recommend to the Executive Committee that it make the resolution of those two corrective actions an additional condition of its reinstatement. That was in addition to the implementation of the Code. Accordingly, the Compliance Review Committee proposed that the Executive Committee approve WADA sending a formal notice to the NADO, advising it that the resolution of the two corrective actions was to be an additional condition of its reinstatement. He was able to answer any questions if there were any in relation to that, but he thought that it was probably pretty much a formality.

THE CHAIRMAN asked the members to approve the recommendation.

#### DECISION

Recommendation of non-compliance approved.

#### - **6.2 Summary of current compliance cases**

MR HAYNES informed the members that the documentation submitted to the Executive Committee had been complemented by some updates, which the members would have received the previous day. Firstly, the Compliance Review Committee was recommending to the Executive Committee that the Deaf International Basketball Federation be reinstated and therefore removed from the list of non-compliant signatories, as it had, to the satisfaction of WADA and the Compliance Review Committee, adopted anti-doping rules that were in line with the Code. Secondly, for information, two NADOs from the Netherlands and Greece had been removed from the watch-list. They had solved their non-conformities. Regarding those signatories currently declared non-compliant, the Indonesian NADO had signed a supervision agreement with the Japanese NADO to progress the situation and conduct testing in accordance with the consequences imposed by the Executive Committee in September. All other signatories on the watch-list were receiving ongoing support from WADA and the deadlines for the expiry of the watch-list were included in the original paper. Should any signatory not solve the non-conformities by those deadlines, they would automatically be sent a formal notice of non-compliance and the consequences would apply which had already been imposed by the Executive Committee. That would occur 21 days after that notice was sent, unless the signatory, of course, challenged the case before the CAS. In summary, he was seeking a decision to reinstate the Deaf International Basketball Federation.

THE CHAIRMAN thanked Mr Haynes. Were there any comments or questions?

MR IKEDA welcomed the update and the recommendation from the Compliance Review Committee. He looked forward to the non-compliant NADOs meeting all the conditions of reinstatement as soon as possible. He recognised that JADA, the Japanese NADO had been assisting the Indonesian NADO as a supervisor to improve the areas of non-compliance. The Japanese Government welcomed such activity by its NADO.

THE CHAIRMAN thanked Mr Ikeda. Were there any other comments or questions? Based on the update received the previous day, he asked the members if they supported the reinstatement of the Deaf Basketball International Federation.

#### DECISION

Summary of non-compliance cases noted.  
Proposed reinstatement of the Deaf Basketball International Federation approved.

#### - **6.3 Signatory tiers of the ISCCS prioritisation policy**

MR HAYNES stated that, following the approval of the prioritisation policy by the Executive Committee in September, WADA had circulated it among all of the stakeholders and published the policy on its website. The policy would come into effect on 1 January the following year. Also, as mentioned to the Executive Committee in September, the final task to complete was the division of IFs,

NADOs and MEOs into tiers using objective data and transparent criteria. In order to ensure that the latest sporting performance data were included in the process, that task had been finalised only after the conclusion of the Tokyo Olympic and Paralympic Games. Alongside those data, WADA had developed criteria for the tiers using the objective technical document for sport-specific analysis, and was presenting the final tiers to the members that day just for their information. Following the meeting, the tiers would be sent to all ADOs and, again, would be published on WADA's website.

## DECISION

Signatory tiers of the ISCCS prioritisation policy noted.

### **7. Athletes**

#### **- 7.1 Ombuds proposal**

THE CHAIRMAN informed the members that the item was for decision. Before starting the presentation, he wished to thank the working group and the presenters in particular for their work on the proposal. As he had said many times, that was a programme that was important for the athletes.

MR SANDFORD summarised the situation and where the idea came from. The origins of it had started a couple of years previously and the feedback that had been received very strongly from athletes around the world was that there was a real need for that type of service. That was one of the services that was genuinely missing, and it could be seen in countries and jurisdictions in which the service was provided the aid it provided to athletes, as well as how it aided the anti-doping system in those jurisdictions and how much easier it was for athletes to navigate through the system. There was an inconsistency between anti-doping organisations and athletes were really struggling in a number of areas when it came to anti-doping, and so the idea of having an ombudsman had really come out of that to help athletes work through what was a complicated system. Some NOCs and ADOs had grievance or dispute resolution mechanisms. There were some ombuds out there. There were some other services that were similar to ombuds, but not quite the same. However, there was no harmonisation in the space at all. He was not trying to replace any of that. A lot of them were doing great work. What he was trying to do was create something to fill the gaps for the athletes who did not have access to those services. Obviously, WADA was trying to become an athlete-centred organisation and that was a really good step in that direction because it was a service that athletes were asking for. He saw the need, heard the calls from athletes for that and thought that it would be a really valuable piece of the anti-doping system once it was up and running.

To fulfil the idea and come up with a project, a working group had been set up to explore the feasibility of how to do that. The working group had obviously made presentations to the members previously, and they had been kept updated over the past year and the group had really developed off the back of the members' feedback. That day, there was a decision before the members. He would really like to thank the members of the working group, Messrs Kejval and Kemp and Ms Wallace because, without their expertise and their support and the amount of time that they had put into that, the work would not have been done in such a timely manner and to such a high standard.

In the documents, the members would see there were also draft terms of reference. There was a draft scope of office and those were the base documents, as well the report from the group. Before he handed over to Mr Kemp, he wanted to say that he was there to answer all of the members' questions and present the document for decision. That was a really key piece of work for the future and valuable for athletes. It had been presented by the working group to the WADA Athlete Committee in October.

It had been unanimously supported by the WADA Athlete Committee, and he really thought that it was something that could help not just WADA, but anti-doping in general and definitely the athletes out there.

MR KEMP elaborated on the terms of reference. Obviously, if the members had familiarised themselves with the paper, they would see that the terms of reference as they currently stood were rather broad. But, at the same time, the group was trying to limit the scope to make sure that there was plenty of space for other ombuds that were currently out there in the ecosystem, in particular at the national level. So, at a very high level, the terms of reference really regarded the athletes' anti-doping ombuds as potentially providing athletes with cost-free, neutral, impartial, fair advice and assistance in relation to the World Anti-Doping Programme and all of the actors within it. To summarise some of the elements of the terms of reference, the working group had felt that it was important that the ombuds' office be independent, impartial and that it act with confidentiality, but also informality. That last point was particularly important because the ombuds would have no legislated role as such. They would not be a part of the World Anti-Doping Code and they would have no formal authority, and so their actions would have to be informal. In terms of independence, the working group wanted them to be independent of WADA; but, of course, they would have to have a working relationship with anti-doping organisations around the world as well as WADA, so that they had access to relevant information about particular cases, about particular protocols and rules, and so that they could work collaboratively with the anti-doping community. Importantly, as well, the group wanted them to build relationships with other ombuds, be they international-level ombuds or those in existing national programmes such as the one that was operated in the USA. Of course, the USOPC ombudsman had helped diligently with that project. By no means was the anti-doping ombuds meant to replace existing services; rather, it was intended to fill gaps that existed globally so that all athletes worldwide had access to a similar service. It was also important that there be that relationship with WADA because, in many instances, the group thought that cases might not be relevant to the ombuds but perhaps they would be more relevant to WADA's Intelligence and Investigations Department and best dealt with by that department if they were indicative, for example, of trends that needed to be looked at and specific cases, but also by WADA's compliance unit. Again, where something might be more systemic and not a one-off, it might be dealt with best by that unit.

As he had mentioned before, the ombuds had no formal role, so they had no means to adjudicate cases or otherwise. Also, and most importantly, perhaps, by no means was the ombuds mandatory for an athlete to use. It was a voluntary service for the athletes, and they would not necessarily need to use the service if they sought to go through other means. In terms of independence and collaboration, it was also important to know that the operations of the ombuds would be confidential, so communications between the ombuds and the athlete using the service would be completely confidential. They were not intended to be an advocate for the athlete and take sides in a case, but rather to make sure that athletes were well informed about their rights and responsibilities to ensure that they could exercise any potential recourse that they had at their disposal. He thought, too, it was important to note that that did not mean that the ombuds would necessarily have to be hands-on in a case-by-case situation. The ombuds' work could be as simple as pointing the athlete to another resource, be that a domestic-level ombuds service that existed already, or documentation and educational and informational resources about what the athlete could do in terms of their choices in the result management process. He did not mean to go on and say it again, but he thought that it was really important to underscore that that was not intended to replace existing services, but rather to supplement them. Over time, the office had the potential to establish best practices in the area by collaborating with other ombuds to identify what worked well and what remained challenging in order to raise the bar for all ombudsmen worldwide, specifically those dealing with anti-doping. In terms of practice, it was important that the ombuds did not wear any other hats and that they were independent

of other anti-doping organisations so that their reputation could be as high as possible and they could act with integrity.

In terms of moving forward, it would be prudent to start small; in that respect, it made sense to develop an office in Europe first and foremost because that was where the most activity might be at the outset. That would be done potentially through a contract with an individual to act as an ombuds, but also to help develop the office itself. The idea was not to overcommit at first, as nobody knew how many athletes would use the service. By starting small and successfully, hopefully, the service would have the potential to grow globally over time.

In terms of structure, and reporting structure in particular, the working group thought that the Executive Committee would be the most appropriate body to report to in terms of establishing trends and issues in anti-doping that could potentially be addressed by the Executive Committee; but, of course, he welcomed the members' feedback on that. Of course, given that there were further discussions to be had on the delineation of responsibilities between the Executive Committee and the Foundation Board in the future, that obviously would be up for discussion.

Lastly, in terms of structure, the potential ombuds' office would need guidance, so the thought was that, potentially, the existing working group would be used and perhaps recomposed somewhat, and to have an advisory body that the ombuds could lean on in the future.

MR KEJVAL continued. Until then, the presentation had been totally smooth. The trouble started with the budget. It was very much a challenge for 80,000 US dollars a year or so to set up the office of the ombuds, but there were several possibilities as to how to reach that. It was important to say also that, for the first year, initial expenses included all the compensation, start-ups, everything that included all the operation costs, all the planning, ADO and ombuds partnerships, communications and promotions. The group suggested looking for additional funding if possible, which was very much relevant to the discussion.

The budget for 2022 did not permit the full implementation of office. There were several possibilities as to how to organise things. The first one was to use the 2022 funds to build the infrastructure and develop the business case for further funding. The other one was to seek additional or alternative means of funding. Then, it would be necessary to specify what was possible in terms of the WADA regulations. The group had been thinking mainly about the possibility of additional funding from the governments or from the regions. Europe had been chosen as a first continent for the pilot project. The group had been talking about different countries. Some countries could help WADA; it was not only about money, but it was also very much about the additional costs. Another possibility was to absorb some costs such as IT, administration, etc., within the existing WADA resources. Another possibility was to delay the hiring of the ombuds to a period commensurate with available resources.

The next point involved identifying and recruiting qualified ombuds candidates, which was what the group would like to do, according to the rules of WADA, so it would like to use the Nominations Committee and the Executive Committee, of course, would have the final decision. That was a crucial point. Balancing the independence of the office and the ability to access information and exert influence in the anti-doping community was a strong point. The ombuds would have to be independent and be reliable in the eyes of the athletes. Those were the two issues that would be very hard to combine. And of course, the last one was the absence of legal authority, which was in the general definition of the ombuds, and reliance on goodwill, which he had mentioned.

MR KEMP thought that it was important to discuss what had been accomplished by the working group, but also what it understood potentially remained outstanding. The terms of reference that had

been put together, as mentioned at the outset, were considered to be fairly broad, so the group would welcome input on what needed to be scaled back or what potentially could be amended. It was very open-minded about the terms of reference, not only from the Executive Committee, but he thought that, also, once it looked at putting such a model in practice, there would be input from WADA departments, for example, the Legal Department, the Finance Department, Compliance, Intelligence and Investigations, etc., so as to make sure that the solution was very pragmatic. The group also thought that some more details and consideration about the reporting model would be required, as he had mentioned before, whether it was the Executive Committee or otherwise, not only in general terms, but who on a day-to-day basis the ombuds would report to and how that should be reflected in a potential contract. And then, as mentioned, the group understood that there were current budgetary limitations, but thought that that would change over time as it put together a more solid plan about what the operational costs might be for such an office. He added, with respect to the reporting, as part of the group's discussions, that there had been discussions about whether or not the ombuds should report directly to the Intelligence and Investigations Department of WADA, which was an arm's-length department of WADA, for independence. That remained up for discussion as well.

In terms of where WADA was in the continuum of steps with the project, as Mr Sandford had said at the outset, the principal of the project had been endorsed fully by the WADA Athlete Committee, which had been very supportive and had provided very constructive and supportive comments. The group had tried to make some changes to reflect past presentations to the Executive Committee and the Foundation Board, and would continue to make amendments as required and as the members suggested. Subject to approval of the project in principle, the group thought that the next step would be potentially to start sourcing a person for the job, be it through a job description or through other means. The group recognised that it would not be easy to find such an individual. WADA would be asking somebody to do a lot of work with a lot of professional experience behind them, not only to act as an ombudsman but also to help with the set-up of such an office. The group recognised that that would be a large challenge, but hoped that somebody would see it as a great opportunity that they were willing to support. Also, once that person was in place, the group would envision having them go through some sort of induction, both with existing ombuds services elsewhere, but also as an introduction to WADA, the anti-doping ecosystem and specific departments at WADA in particular, where their support would be required. It would then be the responsibility of the ombuds to develop the actual operational set-up of the office, to determine what sort of communication channels would need to be established so that athletes became aware of the service, so as to have customers to bring to the table, and then to put together a pragmatic and reasonable plan for the delivery of services, when would they be available, when and where and how. And then, ultimately, the long-term goal would be the regionalisation of such an office.

MR SANDFORD summarised that there was a real need for that type of service within the athlete community, and everybody believed that not only would it be of huge benefit to the athletes, but also to WADA and the anti-doping system at large, and it would make everything operate more easily. It would mean that athletes would get information and guidance so that they knew about their responsibilities and their rights sooner. That would make the processes a lot easier for athletes, but also for anti-doping organisations. As had been said there, there were a number of challenges and some of those challenges still lay ahead. What the presentation showed was that the group was thinking about those, that it had solutions for them and that it could implement it and make it work. There were some very good reasons why it was needed, and he thought that, when looking at the budget in the long term, although there was a small amount of money to set that up and make it work, there could be cost reductions for a number of anti-doping organisations because their services would not be used to the same extent or the legal proceedings would be shorter. That was one of the experiences that could be taken away from the USA as well: the anecdotal evidence that was coming from the USA and from their ombudsman was that it actually helped the system as well. That was fully

supported by the Athlete Committee. The group would love the members' endorsement of it so as to go out there and make it work and put it in place and really be of service to athletes. He would welcome any feedback or any questions.

MR LALOVIC reiterated some concerns that the sport movement had on the topic. As mentioned on a number of occasions, the sport movement was of the view that ombuds services would be most effective at the national level. Nonetheless, the sport movement supported the principle of developing an ombuds project subject to some clarifications being provided. As referenced in the working documents, the current terms of reference submitted still required review by the WADA Legal Department before they could be adopted. In particular, the sport movement noted that some areas still required clarification. The scope of the terms of reference was extremely large and vague. Clarifications would need to be made in order to be put in the specific context of the anti-doping system and the World Anti-Doping Code. For example, it was necessary to ensure that the roles and responsibilities of the ombuds were clearly distinguished from those of WADA's compliance monitoring functions, the work of the Athlete Committee, the Compliance Review Committee and the Intelligence and Investigations Department. To ensure that WADA remained at liberty to appeal cases and not to be bound by any advice provided by the ombuds, that should be further clarified in the terms of reference, as well as the obligations for the ombuds to inform athletes and individuals they might advise.

While the ombuds was operationally independent, the WADA president should be also involved in their recruitment. Also, it needed to be clarified that the funding would come only from WADA. Furthermore, in addition to the WADA Athlete Committee, the president, as well as the Executive Committee and the Foundation Board, would be kept informed of the activities of the ombuds and any analyses that might help WADA in its efforts to strengthen the fight against doping and support the athletes. The sport movement wondered whether some principles from the Intelligence and Investigations Department unit could not be applied to the ombuds. Therefore, the sport movement looked forward to reviewing the revised terms of reference before they were adopted by the Executive Committee. In addition, the sport movement requested that the Executive Committee be presented in May with a development plan and a financial overview to fully understand the potential scope of the initiative and, in particular, the financial repercussions that it might have on the organisation's budget. The sport movement supported it being initiated as a pilot project and that an assessment of the ombuds be carried out after one year of operation.

MS YANG stated that she was happy to see that there were more resources to help the athletes. She had one question. It seemed as if there was some overlap in terms of the ombuds and the whistleblower programme. How might the two roles be identified and clearly defined to avoid overlaps and make the investment more efficient?

MR DE VOS said that the President had been confused when the members had been talking about the budget; he was also a little bit confused on this subject. He might be able to live with the broad pilot project, but under very clear and detailed conditions. It should not be because it was a pilot project that it automatically became a bigger project. The goal should be very clear and transparent and it should be made clear that it could be reviewed. Playing the role of devil's advocate, having listened to the discussions regarding the budget and especially regarding the priority for scientific research, he thought that that also needed to be taken into consideration. He had listened to what had been said, but he still had doubts as to whether that was really the core business of WADA. Did WADA always have to fill the gaps that were created by others? And it was maybe not, in the first instance, the role of WADA to try to convince others to close the gaps. And was it really realistic to organise that on a global scale? Because he could imagine that the desire was to have direct interaction between the athletes and the ombudspersons. What if the athlete did not speak the language of the ombudsperson? With an office

in Europe, and continental offices to be added, it was necessary to look at the financial implications. Even in the setting up, he did not know where the figure came from, but 80,000 dollars was, in his view, an underestimation. Plus, looking at communication, setting up the office, getting education, instructions, liaising with other bodies, and also the fact that it had been clearly mentioned that other resources of WADA were going to be used, including IT, the Legal Department, the Communications Department, and so on, he really wondered if that was realistic. That was his question.

MS TERHO thought that there were many points that probably the working group had been addressing too, and she had also been discussing it with the IOC athletes' commission that it was something to start small. She knew that there were a lot of things that were not simple to organise, but she thought that that was something that was very useful for athletes. When an athlete was in a situation in which they needed to be contacted or they needed to contact an ombudsperson, she thought that it was a situation that was tough for the athlete anyway, and having someone to point them in the right direction and to the right resource was important. She thought that, even if it was a small start, it was very important for the athletes. She thanked the working group for all the work done.

MR SANDFORD said that there was no issue about a conflict with the whistleblower programme. It was not a service for people to go and report doping. It was a service to help athletes navigate through anti-doping. So, if one was an athlete and wanted to report, one would still go to Speak Up, or through a whistleblower programme. What that might help with, and that was one of the issues that was in the documents, was that actually not many athletes knew about the whistleblower programme, and they did not know about the services provided. Therefore, if there was already a safe, independent office there, then that would be another way of directing athletes to Speak Up and to any whistleblower programme. He would see it aiding that and helping it and being able to connect athletes to it. It was definitely not somewhere to go to report doping.

In terms of the terms of reference. Obviously, those were draft terms of reference and there needed to be a bit more work done on them and the group could definitely add to that. There had been a very brief initial overview from the Legal Department, and nothing major had been found to be of any issue. The Legal Department did want to go through it in much finer detail, however, as he would imagine other departments in WADA would do as well.

He completely took on board the issues about the scope and the language. He did not foresee any issues with the Compliance Review Committee and the group had also been working with the Intelligence and Investigations Department to develop the proposal. They had all been across that as well.

The group was starting small, and it was not rolling out all the services in one go. The members had seen from previous reports about what sort of services the ombuds would be able to offer. If WADA had the ombuds in place, they were going to start small. He would imagine that they would start by offering information and by guiding athletes through it. They were not going to be undertaking reporting or anything straight away. It would be a gradual roll-out of services, and all the literature on how to set up an office like that and all the experience that had been gained from the people to whom the group had spoken recommended the gradual, slow approach. And that was another reason why the group wanted to start in Europe, because obviously a lot of IFs were based in Europe. That would give the ombuds on-the-ground experience to be able to build those contacts. Then, it would be very much up to WADA, as WADA was still the gatekeeper. It was the Executive Committee to which the ombuds would be reporting. If they were reporting to the members and saying that they really wanted to expand into Africa or Asia with further offices, then that would be very much the Executive Committee's call if it wanted to put money into that. What he was saying was that there was an enormous amount of value when starting the project to get it up and running, and then it would be possible to see how much value



it was adding. It would be possible to see if it needed to be expanded or if it was necessary to add services to it or how it needed to change. But it would be a contractor, and that gave an enormous amount of control. Even the length of the contract offered gave WADA a huge amount of control to start the project in a small way, but in a way that would really have a lot of impact for athletes.

MR KEJVAL said that the group had been working on the project for one-and-a-half years and there had been a meeting every 14 days. He had to say he was very enthusiastic about that and he had been even before, having faced several issues in the past as an NOC president. Looking at a situation from the side of the athletes and when faced with some kind of doping problem on the international level, one had to hire a lawyer and the cost was in the hundreds of thousands of dollars, and how many athletes had such a budget for that? Local lawyers were not experienced enough. Issues usually started with small problems and there was nobody else who was able to give that initial help. An ombuds on the national level was definitely the best solution because of the language, because of the cost, because of everything. Unfortunately, despite the fact that, some years ago, the IOC president had requested that the NOCs set up ombudsman's offices, there were only 17 such NOC offices in existence. One member of the working group had been providing feedback on the US ombuds office. In terms of what she did, he thought that 30% of her agenda was taken up with doping cases, maybe even more, and that meant that it was a big issue, one of the biggest issues. In terms of the budget, he thought that 80,000 dollars was not a lot of money. Everything depended on the person; so, if they were good, the project would be successful. If not, it might be a tragedy. Nevertheless, he thought that it was worth it to try it and to do something for the athletes.

MS BATTAINI-DRAGONI congratulated the group that had worked on the document, because she could see the big difference between what she had heard at the beginning of the summer and what she had seen in writing in the documents that had been distributed. That was very good work. Having said so, the more she listened to the conversation that afternoon, the more she asked herself whether working with the exclusive idea of linking the network of ombuds to WADA was the right solution, or whether instead WADA should perhaps start to think differently. Why not envisage, for instance, a partnership between the ombuds service, in which WADA was one partner, but not the exclusive one. She did not know whether, given the way in which WADA was currently pursuing the discussion, bearing in mind the idea of having a contract with WADA, there might be difficulties even to get the 80,000 dollars, whether that would facilitate the building up of the new network of ombuds and whether, coming back to the discussion that morning on the budget, WADA was going to face difficulties in the years to come. If WADA needed the strength, which was needed in order to carry out the programme, it would be possible to start with WADA, but perhaps more than WADA would then be needed: a real partnership with other entities that could enter into the game. For instance, she had heard about the important role that the ombuds from the USA was playing in the effort. It was very good news. Where else might it be possible to have additional partners? She hoped she was not confusing the discussion at that stage. She really believed that it was an important project. However, the means currently available might be important, inevitable, but a step in a process and not the final set-up. She hoped she had made herself clear.

THE CHAIRMAN thought that it might be a good moment to be pause the discussions regarding the project and his proposal was that, while he understood the members' concerns and questions, he thought that the project should be developed and the members needed to be properly equipped for all the information and details about how it should work. The project required the appropriate assessment, and he proposed in principle to approve the establishment of the Athletes' Anti-Doping Ombuds Programme and to prepare the programme as a pilot project. The Executive Committee could approve the idea, the project, and then continue the discussion about the details of the programme in May. Were the members happy with that proposal?

MR DE VOS said that he thought that the Executive Committee could agree with the pilot project; that was a given, to explore the need and to explore how it worked. At the same time, approving the principle of the establishment of an ombuds service meant that one was already pre-empting the outcome of the pilot project. Therefore, he would say that the pilot project needed to be evaluated and then the way forward could be determined. He would not pre-empt and already say that it was approved. That was his suggestion

THE CHAIRMAN thought that it was the right suggestion. Were the members happy with that?

## DECISION

Ombuds proposal approved in principle.  
Details to be discussed further in May 2022.

### **8. Legal**

#### **- 8.1 RUSADA CAS update**

MR SIEVEKING said that the monitoring of the Russian situation continued, involving a great deal of work and requiring the investment of significant resources by several WADA departments. As the members knew, follow-up was three-fold: the CAS award implementation by signatories, the fulfilment by RUSADA of the reinstatement conditions and the monitoring of the so-called LIMS cases, the individual athletes cases. The first two points mentioned were detailed in full in the report and his colleagues were available should the members have any questions on those matters.

He would therefore jump straight to the update on the LIMS cases. He would be quite brief on that topic because he would present a more extensive update the following day at the Foundation Board meeting. The Foundation Board had not yet been provided with the detailed reports that the Executive Committee had been provided with in September. He updated the members on what had happened since September. WADA had obviously continued monitoring the LIMS cases and he could say that things were moving forward. He would highlight more numbers the following day, but the members should know that, since September, 50 more cases had been closed and they had all been duly reviewed by WADA. The decisions had been rendered by the applicable ADOs. Also, since September, WADA had filed three more appeals with the CAS in cases relating to the sports of bobsleigh, athletics and wrestling. There was a total of nine LIMS-related cases currently pending before the CAS. Three of them had been heard two weeks previously, and WADA was awaiting the decisions. Details about those cases were available in the litigation update that was in the paper.

On the upcoming Beijing Olympic Games, WADA was doing the same as it had done for the Tokyo Olympic Games. Generally, even if there were always some cases of concern, he stressed the high rate of cases solved by Olympic winter sports. WADA had received decisions in more than 60% of the cases, 4% of the cases had proceedings ongoing and 35% approximately remained under investigation. WADA had recently requested updates from a winter IF with pending cases and would follow up regularly as the games approached and in particular on the cases with the most compelling evidence. Also, as soon as WADA received the IOC long list, it would cross-check it with the list of pending cases in order to be able to identify any potential LIMS cases, as it was necessary to ensure that no athletes with potential LIMS cases were taking part in the upcoming Olympic Winter Games, so WADA would ensure that in the same way as it had done for Tokyo. The follow-up of those LIMS cases was both complex and demanding, so he underlined that WADA appreciated the positive comments and support received recently by the sport movement, and committed to continue its work and to keep the Executive Committee updated when necessary about the monitoring.

## DECISION

RUSADA CAS update noted.

### - **8.2 International Weightlifting Federation update**

MR SIEVEKING said that, as indicated in his report, which was in the members' files, the WADA Legal Department considered that the ITA (as the members knew, the ITA was responsible for result management and, he thought, also for the whole anti-doping programme of the IWF) had addressed the issue in identifying in a timely and appropriate fashion where action could still be taken. 112 of the 146 pending cases were currently closed and the ITA had initiated result management or filed appeals in other cases where necessary. Also, the ITA had charged the former IWF president and two other weightlifting officials with an asserted anti-doping rule violation. Regrettably, some issues identified could not be solved, as the delay in result management by the IWF had already led to some irreparable consequences, and the International Standard for Code Compliance by Signatories could not be applied to those non-conformities as they had occurred before April 2018. The good news was that it would not happen again. WADA currently had the legal basis to ensure that any reported adverse analytical finding that was not dealt with was addressed under the compliance standard in a timely fashion. Such delays in issuing result management could be addressed as soon as they arose, and in a timely fashion. That said, given the seriousness of the non-conformities identified, even if they had occurred before the entry into force of the ISCCS, WADA had requested another legal opinion from Mr Jonathan Taylor in October that year, asking him to review the rules applicable at the time the non-conformity had occurred. WADA had asked him to determine what consequences, if any, could be imposed for the non-conformities that had occurred before April 2018 and the coming into effect of the International Standard for Code Compliance by Signatories. Johnathan Taylor considered that the IWF had indeed breached its obligation under both the 2009 and 2015 editions of the Code. In particular, he considered that the IWF had failed to vigorously pursue all anti-doping or potential anti-doping rule violations within its jurisdiction. So now WADA had the opinion and was looking at it, and would therefore evaluate the possibility of acting under the 2009 and 2015 Code rules which would also mean having to liaise with relevant stakeholders, as some of the potential consequences would not be imposed by WADA but by the relevant stakeholders. WADA was currently reviewing the situation and would, obviously, as it had done since day one on the matter, ensure that both the Compliance Review Committee and the Executive Committee were regularly updated.

## DECISION

International Weightlifting Federation  
update noted.

### - **8.3 Possible consequences due to unilateral withdrawal of funding**

MR SIEVEKING stated that, as the members knew, potential pressure on WADA from a government with the aim of influencing its decision had raised concern among the WADA stakeholders. The management had been asked to explore what possible consequences could be triggered under the currently applicable rules, which were the statutes, the Code and international standards, and then to develop a discussion paper that would subsequently be put out for consultation. He was therefore presenting the avenues that had been explored before starting the consultation process with relevant stakeholders. The current rules did provide WADA with some power to enforce consequences, but they were somewhat limited and not sufficient to address the potential threat. The fact that governments were not signatories to the Code did not help, as they could not be sanctioned under the rules of the ISCCS. It appeared that WADA would most likely have to rely in part on Code signatories to ensure

that meaningful consequences were imposed. Through the statutes, WADA had the power to establish and enforce consequences with respect to government participation. Indeed, article 66 of the statutes provided that any Foundation Board or Executive Committee member representing a country that had not paid its dues for the previous year would automatically lose their seat as a Foundation Board or Executive Committee member, and that same rule also applied to membership of an ad hoc or standing committee. What could be contemplated in terms of the statutes for the way forward? Some amendments could be made to the WADA statutes; for example, they could be amended to provide that individuals who held a position with or were employed by a government that did not pay would be deemed to be representing that country, because it was not always the case and it was not that precise in the statutes. So that was one of the first changes that could be made. WADA could also further amend the statutes to provide that the non-paying government could not nominate any person to serve on the Foundation Board or Executive Committee or any other standing committee, whether that nomination was made directly to WADA or in the nomination process at regional level. Those were the potential changes to the statutes.

In terms of what could be done on the side of the stakeholders, in relation to NADOs, obviously, those were potential proposals. WADA would likely have to rely if it wanted to impose meaningful consequences on its impact on its Code signatories. For NADOs, WADA could, for example, imagine that NADOs could exclude any government representative from all activities if the government was not paying its dues to WADA and WADA could also have an obligation for the NADO should the government not pay its dues, to encourage the government of its country to make all of its payments to WADA. In relation to the sport movement, obviously, WADA did not have the power to directly impose consequences on government participation or recognition during sporting events, and he knew that the consequences could be meaningful. Therefore, if the proposal went on further, WADA would have to rely on the sport movement Code signatories to impose those potential consequences. What might they be? They could, for example, relate to bids for events. Articles in the Code already required the IOC and IFs to accept bids to host Olympic Games or world championships only from countries whose government had ratified, accepted, approved or acceded to the UNESCO convention. One might imagine enhancing the provisions to amend them and to include the government payment of dues to WADA as a condition of bid acceptance for events by sport movement Code signatories. Also, WADA could have an impact on the withdrawal of the right to host previously awarded events. That was one of the consequences, for example, that the CAS had imposed in relation to the RUSADA case, unless legally or practically impossible. There could be some consequences on already awarded events. Also, in relation to events themselves, there could be denial of event accreditation or VIP status, and the last possibility could be the same as what had been done for Russia, banning visibility of recognition at events for countries (use of the country's name, flag, anthem and team uniforms). That had been in place since the CAS award in relation to RUSADA.

In terms of next steps, WADA would circulate a working paper, which would include detailed proposed amendments to the WADA statutes and the Code. It would include the proposed drafting of new articles or amendments or additions to existing articles. In addition, there would be a detailed suggested process that could be followed for the implementation of the consequences in the event that a government did not pay its dues on time. Obviously, and that had been clear since day one, there would be a consultation process. The aim was to launch it in late January with the relevant stakeholders, and the outcome of the consultation process would be presented for discussion and/or decision at the May 2022 meetings of the Executive Committee and Foundation Board.

To conclude, he trusted that an appropriate mechanism would be put in place to address the potential threat to WADA. It was a huge threat to WADA and the World Anti-Doping Programme and he was confident that it would be achieved despite some differing views in the comments received to date. There was strong consensus that the question needed to be addressed in an appropriate fashion

given the serious consequences it could have on WADA and the World Anti-Doping Programme, so he looked forward to the next stage and holding constructive dialogue on the matter with the relevant stakeholders over the next few months, in order to ensure a suitable solution was found to protect WADA.

MR KEJVAL stated that the sport movement agreed that, if somebody unilaterally decided to withdraw funding from WADA, they had to face sanctions. The first thing he wished to say was that, if a government did not pay, the government had to face the sanctions, and he wished to exclude athletes from being affected. That was rule number one. The other one was that the NADOs were established by the governments; therefore, in the delinquent country, its full anti-doping activities should be taken over by an approved third party, which would be directed by WADA, so that might work. That was one possibility. The other one had to do with governments operating in regions such as the European Union, for instance. He thought that it was not just the case of the individual country, but it was always the issue of the region and the other countries from the region, which might push the delinquent country to change its behaviour or pay the amount due to WADA.

The next alternative was being studied by the sport movement: the possibility of excluding governmental representatives from the delinquent country from all sport events. It was a big issue, but it really made sense. He also wished to ask the public authorities to push for the implementation of the UNESCO anti-doping convention and encourage the members and all the signatories to fulfil their duty, which included the financial payment.

MR HUSTING stated that the public authorities had already said in September that they recognised that the unilateral withdrawal of funding to WADA's budget was a legitimate concern for WADA's management, but also a sensitive issue that needed to be carefully addressed as a general principle separate from any specific case. He thanked the management for clarifying the already existing consequences under the Code. It was part of the request that the public authorities had. Regarding one proposal, which was the one regarding the NADOs putting some pressure on governments, that was something on which the public authorities would like to receive a lengthier explanation and/or clarification from WADA as well. The public authorities also welcomed the announced consultation with public authorities and other stakeholders on that issue, even if, a priori, they were not in favour of any changes to the statutes or to the Code.

MR REYES said that the American Sports Council wished to thank the WADA management and the President for keeping the issue on the agenda. As the members would remember, a few years previously, there had been a request about the possibility of evaluating the consequences for governments that unilaterally withdrew their contributions from WADA, and he reiterated the wish that consequences be applied, as he fully agreed with the position set out by Mr Sieveking. However, he did not think that, as a result, there should be any cancellation of activities for those NADOs that complied with the Code. Perhaps other types of sanctions should be sought. Also, he recalled that many NADOs belonged to and depended on their states, so WADA needed to be very careful about the way in which it put pressure on the country without affecting the NADOs themselves.

THE CHAIRMAN thanked the members very much for all their comments. He could only confirm that the intention was to commence a proper consultation phase for the topic.

## DECISION

Possible consequences due to unilateral withdrawal of funding noted with further discussions to take place in May 2022.

- **8.4 Extension of WADA's investigation powers**

MR YOUNGER stated that, since the 2015 Code amendment empowering WADA to conduct investigations, WADA had been faced with the unenviable predicament of receiving serious allegations against high-level officials of various organisations and not being able to proactively pursue them. Currently, WADA was unable to get access to internal documents or files to corroborate or disregard the allegations. WADA relied on confidential sources and interviews, which in the most serious cases did not usually produce hard evidence. Confessions did not usually occur unless guilty parties were confronted with irrefutable evidence. That resulted in other sources who were not so constrained by facts and evidence-based conclusions breaking stories before WADA had even had the chance to investigate them. Then, the affected organisation had to initiate an extensive and very public investigation that significantly negatively affected the reputation of the organisation and the anti-doping community. Such had been the case for the IWF. When WADA was faced with the media publication of serious allegations, WADA was asked two questions: had WADA known and had the government been involved? Currently, with the tools that WADA had in place, it was unable to satisfactorily answer those questions. Alternatively, when a case was taken up by a law enforcement body, the matters were taken out of WADA's hands. Although WADA worked closely with trusted partners in law enforcement, their focus was on local breaches of law and not on Code violations, compliance or the ramifications for the international sport community. Europol and Interpol were coordination bodies for their member states and did not provide an investigative function. Moreover, as had been learned in Russia, sharing with law enforcement was not always an option. Was WADA prepared to investigate a second Russia? He would say yes in terms of capability, but WADA's effectiveness was limited with the status quo. He was fully aware that what he was requesting faced legal obstacles, jurisdictional challenges and other restrictions and constraints. However, the concept was not new to anti-doping. Already, organisations such as the NADO in France, Sport Integrity Australia and the AIU at World Athletics had such extended investigative capabilities, for example, access to phone data. Therefore, should WADA not explore every legal possibility to strengthen its anti-doping system? He thought that WADA should, even if only partially, and he could assure the members that that would make a difference. Therefore, he highly recommended further exploring possible scenarios for WADA's Intelligence and Investigations Department to enable in-house investigation of serious allegations. He thought that WADA should not miss out on the opportunity.

MR SIEVEKING added that the enhancement of the powers of investigation of WADA could also be seen as establishing and enhancing existing tools in the Code as, for example, IFs and others were already required to cooperate fully with WADA in connection with investigations conducted by WADA. He knew that the provision might not be sufficient to constitute an appropriate legal basis for the recommended extension of powers and a specific question relating to such a new WADA authority should therefore be set out and defined in the rules. What was certain was that the legal basis of the extended powers should be in the Code and the details of any new requirements could then be inserted in the International Standard for Testing and Investigation. Should the Executive Committee support the idea that the WADA management proceed further, it was obvious that several legal questions would have to be looked at as indicated in the comments received, and he fully shared the recommendation. He confirmed that WADA would consider any legal implication of the potential extension in light of existing national and international laws. That said, it seemed to be possible because, on that question, it should be noted that the French NADO had been given investigative powers. WADA would be looking at that example when considering the question of the interaction with national law. He thought that the question that remained for the Executive Committee was whether the members would like the management to explore that further.

MR HUSTING reported that the public authorities were extremely concerned about the potential consequences of the extension of WADA's investigation powers which could directly lead to conflicts

with national law and international law as well. Before considering any extension of WADA's investigation powers, he asked WADA to further explore the possibilities to reinforce cooperation with existing competent national and international authorities. That was the main request he had to relay from the public authorities. In relation to the French NADO, if he was right, he would like to underline that it was a public authority that was still subject to French law.

MR DE VOS thanked the WADA management for looking for guidance. Speaking on behalf of the sport movement, he shared the concerns raised by the public authorities. Of course, as a matter of principle, he supported measures to increase the efficiency of the fight against doping, but he believed that it was first necessary to assess whether clarifications were required under the existing powers rather than extending those powers. He was concerned that the proposal to extend WADA's investigative powers exceeded many national legislations and had political implications. Bearing that in mind, the clarification of existing investigation powers should lead to the exercise of such powers to be further specified and qualified, and strictly framed by precise criteria and conditions. In any case, any potential changes in his view should not only apply to Code signatories; they should also apply to public authorities. He believed that further study needed to be done to see if clarifications to the existing powers could already improve the situation, and that there needed to be extensive consultation among the relevant stakeholders.

THE CHAIRMAN concluded that, from his perspective, the Executive Committee simply could not ignore the Intelligence and Investigations Department's request. He understood that there were some implications, of course, including the legal ones, that needed to be considered. However, he thought that WADA should study the feasibility of the possible extension of WADA's investigative powers. The Executive Committee was being asked to give WADA the green light to explore the topic very thoroughly from many angles and progressively. The WADA Executive Committee could not ask the Intelligence and Investigations Department to conduct investigations and expect results if it did not equip the department with the right tools, especially since, at the national level, some NADOs had already been equipped with such tools by their governments. A good example mentioned by Mr Sieveking was the meeting host, France. Frankly speaking, he could not imagine that the Executive Committee would be against exploring new possibilities to increase the effectiveness of WADA's investigations. He proposed that the members give the green light to the management to proceed, in consultation with the stakeholders, to present some concrete solutions to the Executive Committee in May. He thanked the members very much.

## DECISION

Extension of WADA's investigation powers noted. Management to present concrete solutions to the Executive Committee in May 2022.

### - **8.5 Extension of minimum mandatory period of storage of doping control samples**

MR SIEVEKING noted that a better investigative result could be achieved if doping control sample storage were expanded beyond the three months that were currently set out in the International Standard for Laboratories. To give the members an idea, and that was a number that appeared in the paper, only 23% of the identified samples had still been available to the investigation team when the remaining samples had been legally, absolutely in accordance with the rules, and routinely destroyed by the respective laboratory in accordance with the ISL. However, access to the samples to conduct DNA analysis could have led the team to discover a significant number of urine substitution cases. Therefore, the situation and the numbers obviously warranted a review of the present situation to

determine in particular what steps could be taken to further assist anti-doping investigation. A lot of questions would have to be looked at, in particular the impact of the current rules and retention strategy, because, as the members knew, there was a requirement for ADOs to adopt a written strategy for long-term storage. However, it was quite recent, so it had been formalised in the current version of the ISTI, and that had been in force since January that year. The mandatory requirement was monitored in the WADA audit programme, but it was way too early to assess its practical implementation and impact. For example, at present and, in particular, as ADAMS did not currently offer the possibility, WADA did not know how many samples were currently stored worldwide for long-term storage. All of those questions had to be looked at and, should the Executive Committee recommend that the WADA management continue to assess the matter, it would look to the Strategic Testing Expert Group, which was also the group in charge of addressing questions relating to the sample retention strategy. The group could lead the work in liaison with relevant stakeholders with specific expertise in long-term storage, such as the ITA.

PROFESSOR ERDENER stated that the importance of long-term storage had been strengthened in the 2021 World Anti-Doping Code, and a great number of signatories had yet to implement a strategy for storing samples for a long time. The IOC had been a little bit disappointed that the ITA had only 13 NADOs as its partners at that time, whereas all of the Olympic summer IFs had agreements with ITA. That was an issue. He sincerely hoped that the figures would improve for the samples that would be collected during the Beijing 2022 Olympic Winter Games and during the pre-Games period. He also believed that WADA should take the opportunity of the upcoming Code compliance questionnaire to better understand signatories' plans in relation to long-term storage.

Another issue was that, to improve targeted re-analysis, the testing authority should also have access to relevant data. That was also important.

Meanwhile, he wished to inform the members that, at that time, the ITA had 58,000 samples in storage. That was a really large amount in a short period of time.

MR HUSTING said that he had received some requests from anti-doping organisations inviting the WADA management to further explore the legal and financial implications for anti-doping organisations, as well as the physical capacity human resource issues for laboratories.

THE CHAIRMAN clarified that the issue was about agreeing to continue assessment of the matter, with a view to potentially updating relevant rules. His proposal was that the Executive Committee give it the green light. Were the members happy with that? He thanked them very much.

## DECISION

Approval given to WADA Management to further consider the proposed extension of minimum mandatory period of storage of doping control samples.

### - **8.6 Amendments to International Standard for the Protection of Privacy and Personal Information (ISPPPI)**

MR SIEVEKING noted that the changes proposed to the ISPPPI were really limited, and he thought that there was a consensus on approving the changes. He would not spend any more time on that topic unless there were any questions.



THE CHAIRMAN asked the members if they agreed to approve the proposed minor amendments to annex A to the International Standard for the Protection of Privacy and Personal Information?

#### DECISION

Proposed amendments to the ISPPPI approved.

### **9. Intelligence and Investigations**

#### **- 9.1 Intelligence and investigations audit report**

THE DIRECTOR GENERAL informed the members that, every year, the Intelligence and Investigations Department was audited independently by Mr Jacques Antenen, the head of police in the Canton de Vaud. They had the full report in their files for approval. After that, WADA would make the documents public, as the members knew. He did not want to spend too much time on that except to say that there was a number of very interesting recommendations in the documents, which the management would take on board. They concerned a number of ways in which the department was functioning, but one item that was actually very important was that there was a clear indication that WADA could not conduct all the investigations alone. He thought that it seemed obvious, but it was important to reinforce the fact that it was important that anti-doping organisations increase the capacity of investigation so that the burden could be shared with NADOs in particular. A project had been approved in that regard by the European Union and funding would be made available to help anti-doping organisations train their people in order to carry out investigations. That was very good news. It would be implemented using EU funds and was a good way of developing the network of investigators, highlighted by the audit. He asked the members to approve the audit report, after which it would be made public.

THE CHAIRMAN asked the members if they were happy to approve the report of the 2021 annual audit conducted on the WADA Intelligence and Investigations Department. The report was approved.

#### DECISION

Intelligence and investigations audit report approved.

#### **- 9.2 WADA confidential source policy (previously known as WADA whistleblower programme – policy and procedure for reporting misconduct)**

MR YOUNGER informed the members that the whistleblower programme policy and procedure for reporting misconduct had been created in 2016 in May, five-and-a-half years previously. Due to the tremendous contributions of informants and whistleblowers, the Intelligence and Investigations Department had generated some significant outcomes that had greatly affected the anti-doping community, including LIMS, IBU, IWF, Operation Arrow, Hercules, etc. If he counted all the charges brought against athletes, officials or support personnel that WADA had investigated, it was close to 300 people. None of those outcomes would have been possible without the contribution of the confidential sources. Based on experience with whistleblowers and through international studies, it had become clear that the whistleblower policy needed to better explain the process of blowing the whistle and that it should be clear in its message. In the newly updated version, there was a step-by-step guide for the process of providing information covering the pre-, during and post-investigation phases. The name had been changed from 'whistleblower policy' to 'confidential source policy' in response to some

feedback WADA had received that the term whistleblower carried negative connotations in some countries. The terms 'informant' and 'whistleblower' had been left in the document for the clear distinction of the two different roles. The possibility of financial support to confidential sources during an investigation had been added in cases in which a source might face financial challenges that would endanger the operation. Due to the extraordinary challenges faced during Covid, the procedure for concluding a whistleblower agreement with WADA had also been changed. As it had been near impossible to meet in person, the agreement had been integrated into the Speak Up platform. Regarding malicious disclosures, the Intelligence and Investigations Department had wanted to make it clear that any attempts at manipulation by providing false information would result in the immediate termination of whistleblower agreements, and information would be shared with partners to avoid the spread of incorrect and misleading information. Finally, the Intelligence and Investigations Department reported twice a year to the Executive Committee and Foundation Board about disclosures and the effectiveness of the Speak Up programme via departmental reports. Thus, it had been deemed redundant to report additionally as set out in the old whistleblower policy.

THE CHAIRMAN asked the members if they were happy with the recommendation to the Foundation Board to approve the amendments to the WADA whistleblower programme.

### DECISION

Proposal regarding WADA confidential source policy approved for recommendation to the Board.

## **10. Science and medical**

### **- 10.1 Revised memorandum of understanding: WADA and the International Laboratory Accreditation Cooperation (ILAC)**

DR RABIN contextualised the renewal of the memorandum of understanding between WADA and ILAC, which stood for the International Laboratory Accreditation Cooperation. In fact, WADA-accredited laboratories were the subject of dual accreditation to be certified for the analysis of human samples for the purpose of anti-doping. First, ISO 17025 accreditation, which applied to all kinds of analytical laboratories and, of course, the second level of accreditation, which was the WADA accreditation that was specific to anti-doping laboratories. ILAC was the international organisation that represented the national accreditation bodies that delivered the ISO 17025 accreditation to anti-doping laboratories. ILAC was an important partner for WADA, as it constantly ensured that its rules were in agreement with the ISO standard and, conversely, was attentive that changes to the International Standard for Laboratories and the related technical documents were well understood and integrated by ILAC and the national accreditation bodies. WADA's collaboration with ILAC had started as early as 2003, when it had been developing the International Standard for Laboratories, and the first memorandum of understanding had been signed during the World Conference on Doping in Sport in Madrid in 2007 with periodic renewal and approval since then. He wished to praise the excellent collaboration in particular with the ILAC secretariat. Since the memorandum of understanding was due for renewal by the end of the year for another five years, he was pleased to present it to the Executive Committee that day for approval. By way of information, if approved that day, there would be an ILAC presentation and the official signature between WADA and ILAC the following day at the Foundation Board meeting.

THE CHAIRMAN asked the members if they agreed to approve the renewal of the memorandum of understanding with the International Laboratory Accreditation Cooperation. He thanked them very much.

## DECISION

Revised memorandum of understanding  
between WADA and ILAC approved.

### - 10.2 Technical documents

#### 10.2.1 TD for Minimum Required Performance Levels (TD2022MRPL)

#### 10.2.2 TD for Laboratory Document Packages (TD2022LDOC)

### - 10.3 Technical letters

#### 10.3.1 TL01 Meclofenoxate and TL24 diuretics

#### 10.3.2 TL05 Oxilofrine, TL10 *in situ* Formation of Exogenous Compounds and TL19 Prednisone and Prednisolone

THE CHAIRMAN declared that he would prefer not to read all the titles of the items specifically, especially the names of the substances. He suggested that the Executive Committee deal with the technical documents and technical letters at the same time.

DR BARROSO informed the members that he was going to talk about some documents that needed approval by the Executive Committee and some other documents that were presented for information. He would talk first about the technical documents, starting with a technical document on laboratory documentation packages. Version one, 2022, was being presented. The technical document had had to be reviewed to bring it into line with some recent modifications made in some other technical documents, and in particular regarding the requirements for non-threshold substances with a minimum reporting level. As per the new technical document on MRPLs, there was a new article, 3.3.2, included in the technical document on documentation packages to address the requirements. Also, in article 3.3.3, additional clarifications had been included regarding the requirements for B sample confirmations of both exogenous and endogenous threshold substances. Finally, in annex C, dealing with EPO analysis, it had been necessary to include a new article to deal with the new requirements in the revised technical document on EPO that were necessary to address the issue of the newly-found recombinant EPO or variant EPO gene. In the annex, it had been necessary to include what was required when, for example, DNA analysis was necessary to determine whether the variant gene had been expressed. The proposed effective date for the technical document was 1 January 2022 and it was presented to the Executive Committee for decision.

Two modified technical letters were also being presented for decision. First of all, version four of TL01-Meclofenoxate. It was an important change. As the members might have heard, it had turned out that the main metabolite of meclufenoxate, which was a prohibited stimulant, was shared with a substance that was not prohibited called chlorphenesin. That substance was contained in some lotions and some creams, as well as some approved medication in certain countries. So, when athletes used that kind of product, it could lead or could have led to a false adverse analytical finding for meclufenoxate, caused by the non-prohibited substance. Therefore, the technical letter had been modified accordingly to avoid the reporting of potentially false adverse analytical findings and two specific requirements had been included to address that issue. Those principles had already been applied during the Tokyo Olympic Games, where he had actually been part of the independent observer

team in the laboratory, and there had been several cases of athletes who apparently had been using those products and, had the principles not been applied, the findings would have been reported as adverse analytical findings. That had been avoided in time. The proposal was to have the technical letter effective immediately. All laboratories had already been appropriately informed about the need to change their procedures and to look for those particular markers of chlorphenesin.

The other technical letter for which WADA was introducing a minor modification was TL24 on diuretics, version two. The modification simply included some guidance and clarification on the reporting of findings for hydrochlorothiazide when detected in conjunction with its degradation product. That was only for the laboratories to make sure that they followed uniformly the same reporting guidance for the particular substance. Again, the technical letter was to become effective immediately. Those were the three documents that were being presented for approval.

THE CHAIRMAN asked the members if they agreed to approve the proposed amendments to the technical document for laboratory document packages to come into effect on 1 January 2022 and the revised versions of the two technical letters presented by Dr Barroso to come into effect immediately. He thanked them for their approval.

DR BARROSO presented some documents for information purposes. The first one was version 1.1 of the recently approved technical document on MRPL. The new modified version included important clarifications to the document. However, they did not affect the substance of the already approved document, but simply provided some additional guidance and clarifications on some issues that had been brought to WADA's attention after the technical document had been approved by the Executive Committee. First of all, it was necessary to clarify that the minimal reporting level for glucocorticoids applied to the parent compound in the form of the free-form or phase-two glucuronide metabolite. It did not apply to any other metabolite unless it was specifically listed as such in the table that was included in the technical document.

Also, a minor clarification regarding beta-blockers: as the members knew, beta-blockers were prohibited either at all times or in competition in particular sports because, when they were prohibited in competition, only the minimum reporting level was applied to beta-blockers. It had been necessary to clarify that the limit of detection that the laboratories had to validate in their procedures did not change whether the minimum reporting level was applied or not.

Next, it had been necessary to correct some names in the categories of substances in the table because, when the technical document had been drafted, the Prohibited List 2022 had not been approved. In fact, there were some changes in some of the category names that had been made in the Prohibited List, and therefore it had been necessary to bring the technical document into line with the international standard. In the same way, in relation to the minimum reporting level for some of the masking agents, it had been necessary to clarify that it applied only to the free parent compounds, not to the conjugated ones.

Finally, the footnote below the table had been reordered as footnote C to make sure that people understood that the footnote was applicable to all non-threshold substances with a minimum reporting level. The effective date for version 1.1 remained the same as the previously approved version 1 because it did not represent any changes in laboratory procedures beyond what they would have had to implement following the approval of version 1 of the document.

Also presented for information were some minor changes to three technical letters. For the first one, TL05, there was a version 3.1 simply to correct a misspelling of the substance oxilofrine. As the

members could see, not only the President had issues with the names of substances, even scientists could sometimes get it wrong. It had been necessary to correct the misspelling.

For TL10, it had been necessary to remove the reference to TL19, which was the next one he would refer to, because TL19 was going to be removed from the list of technical letters. Why? Because all the requirements for the analysis of prednisone and prednisolone were covered in the new TD2022MRPL. TL19 was therefore no longer applicable.

That was the information he had to present to the Executive Committee regarding the documents that had been slightly modified and were presented for information.

## DECISION

Proposed amendments to technical documents and letters approved.

### **11. Testing**

#### **- 11.1 Amendments to Technical Document for Sport-Specific Analysis (TDSSA)**

MR RICKETTS stated that the Technical Document for Sport-Specific Analysis, otherwise known as the TDSSA, had been in force since 2015. It set out the minimum levels of analysis for certain prohibited substances that signatories were required to apply when testing various sports and disciplines. That included the analysis of EPO, human growth hormone and growth hormone-releasing factors. There had been some minor amendments to the document to account for the inclusion of a new international federation that had become a signatory recently and the addition of some new disciplines for another international federation, both of which were marked up within appendix 1 of the document. There were also some minor improvements to text associated with the TDSSA monitoring tools and the testing guides that were available for ADOs to use. The document fell under the remit of the Strategic Testing Expert Advisory Group, which had met in September to review its implementation, as well as to endorse and recommend the amendments to the document, which were before the members that day. The proposed amendments, although minor, once approved, would come into effect on 1 January 2022, and he would be happy to answer any questions before the committee considered the document for approval.

THE CHAIRMAN asked the members if they agreed to approve version 7 of the Technical Document for Sport-Specific Analysis.

## DECISION

Proposed TDSSA amendments approved.

### **12. Other business/future meetings**

THE CHAIRMAN was pleased to ask Ms MacLean to provide an update on the work conducted on the brand refresh and the projected timeline for its launch.

Conscious that she was the last person to speak on the agenda, MS MACLEAN said that she would try to speak quickly. She was excited to present the brand renewal project. It was actually a project that had been on the agenda for a number of years. She had first presented to the Executive Committee and Foundation Board in November 2015 and it had been put on hold, and that was largely due to the

Russian doping crisis, which she thought that the members could probably agree had had a certain impact on the brand.

As the members knew, WADA had been founded in 1999, but they might not know that the brand had not been revisited since its foundation. So, the time was right. In 2019, a decision had been taken to wait until the new president came on board and also until the five-year strategic plan had been published in order to launch the project. That was exactly what had been done and it had been budgeted for in 2020 and 2021. As she had said, in July 2020, WADA had published the strategic plan, which outlined six key priorities. The 'be visible' priority had been one of the key ones. That was all about raising awareness and shaping a proactive narrative that demonstrated the positive impact of doping-free sport and WADA's role in doping-free sport. There was a number of key initiatives that had been identified under the 'be visible' priority and the brand renewal project was number one. That was not to say that the brand renewal would not have a significant impact on the other key initiatives that were outlined there: reinforcing WADA as a leading voice, transforming its digital footprint, engaging athletes in the mission and even engaging and aligning leadership and staff behind the brand and the strategic priorities.

The presentation was intended to take the members through the development of the brand positioning, the development of the visual identity and then the rollout plan that would follow. In terms of what WADA hoped to achieve with the renewed brand, she believed that shaping a more positive narrative and visual identity would help build more confidence and trust with athletes and other stakeholders and therefore, de facto, strengthen WADA's reputation. She thought it would help further position WADA as a leader of the mission for doping-free sport and also help athletes relate to WADA as a more approachable brand, differentiating WADA from other organisations that were tackling similar issues. That was somewhat connected to the next point, which was that WADA wanted to appeal emotionally to its supporters or even perhaps not its supporters, which might stimulate some private funding. The research that had been conducted as part of the project had also fed into the development of a private funding strategy. In terms of the phases, as she had said, after the strategic plan had been published in July and August 2020, WADA had launched a research phase, and then the second phase of the project had been to look at the development of the brand positioning and evaluation of different options, be they for positioning or for a visual identity.

The third phase, which was the current phase, involved looking at developing the roll-out plan and the communications. The intention would be to do a soft roll-out in January. In terms of the research phase, which would address Professor Erdener's comment that morning, different research had been conducted, starting with just an online analysis of what stakeholders were saying about WADA, listening in on what was being said about WADA and the brand. That, of course, had been across the ecosystem. Her department had looked at people in the sport movement, public authorities, athletes, the media, everyone. First, a listening exercise had been performed, and then interviews had been conducted with a few of the people currently in the room, maybe three people. They had been in-depth interviews about how those people perceived the brand. Then, an external perception survey had been sent out to all of the stakeholders, with close to 200 respondents. At the same time, an internal survey had been conducted to see what the staff members were saying. It was important to understand how the staff members were perceiving the brand. There had also been another layer, which had been to look at what the competitors were doing. By competitors, she meant people in the same space. Her department had looked at the IOC, the International Testing Agency, and then tried to look at organisations such as the World Health Organization, and what had been done out there as it related to branding. In addition to the stakeholder consultation carried out as part of the strategic planning exercise, the research had informed the development of the brand and ultimately WADA's visual identity.

What had been heard from the stakeholders had been quite interesting. Essentially, stakeholders broadly believed in WADA's mission. They believed in its purpose, but they did want to see more collaboration. They believed in the aspiration of doping-free sport. The vision was to allow all athletes to participate in a doping-free sporting environment. That was probably an unachievable aspiration. However, they believed that WADA should be pursuing it. The people saw WADA as absolutely vital. They saw what WADA had done in terms of contributing to its evolution over the years. Generally, that was respected. They also recognised that WADA had an extremely difficult job to do, that it was often caught between a rock and a hard place and that it had limited resources and an expanding remit. Stakeholders saw the need for additional resources of funding in order to be able to successfully deliver. They agreed, which was good news, with WADA's values of excellence, integrity and openness, although they had expressed that they would like to see more openness. WADA's operational role was highly respected and its people time and again were touted as being WADA's real force, and they believed that WADA should get more credit for its role in evolving anti-doping and its operational capabilities. They saw WADA as having a role to play, as becoming a role model. And, no surprise, they wanted to see WADA engaging more with athletes. There had been a lot of comments on wanting to hear more about the progress that WADA was making, the big wins, the small wins and how the decisions were being made. More positivity and celebration. People acknowledged that much of the coverage that WADA received was scandal-related. So, obviously, there was a lot of negativity that was naturally attached to the brand, which was tough to combat. That was why WADA had to mitigate that with more positivity. People wanted more clarity. They saw WADA's language as complex and formal, and she thought that everybody could agree that anti-doping was a complex business, but WADA could find a way to convey it in a more accessible fashion, and that was the challenge. People wanted to see WADA engaging in more impactful ways. And that was clear. It was across all of WADA's interactions. It was not just through formal communications, but it was how the members interacted, it was through e-mails, it was through conferences, it was in all of the interactions that became the sum total of how people perceived the brand.

In terms of what had come out of the interview section, stakeholder engagement was top of mind. The stakeholders wanted WADA to be more impactful. By that, they did not necessarily mean more interaction, but more impactful interaction. People wanted to see a more human WADA. They expected WADA to be authoritative, composed and friendly. They wanted WADA to acknowledge the challenges and also have the humility to acknowledge the mistakes. What the members would see in the visual to the right was the anchors of the WADA brand personality through the research. WADA was perceived as being legitimate and authoritative and as being purposeful and a scientific organisation. People had expressed that openness and engagement could be strengthened.

That was a summary of what the outcomes were. Moving into the development and evaluation phase, what the members would see was a typical brand pyramid. In that phase, the department had taken the research outcomes and worked with the external brand strategy agency, which had come up with a number of options in terms of what WADA's positioning could be, the way in which WADA, basically, expressed itself to the world. The leadership team had considered three different options and landed on 'Raising the game', which was essentially what WADA wanted to stand for. It should not be confused with the tagline. 'Play True' remained the tagline. Through the research, one thing that had been reinforced was that the 'Play True' tagline was essentially WADA's 'Just Do It'. So, if anything, WADA had to give it more profile than less. The 'Raising the game' tagline should be viewed as a mindset and a positive way of thinking, of acting and of communicating. It was going to help in WADA's communications. Going down the pyramid, the members would see that there was a promise associated with it and what type of attributes were connected to the brand and, by attributes, she meant how WADA people were expected to behave as part of the brand. Those had not come about through chance. They had come about because WADA was perceived to already have those attributes, so they should be reinforced. And, of course, down at the bottom, in order to be considered credible, WADA

certainly had to have key messaging and proof points that supported the positioning, which in the end was really about continuous improvement that WADA would like to see embodied across the whole of the agency.

Having landed on the brand position, the next step had been to look at how that came to life through the visual identity, how WADA looked to the world. WADA was fairly inconsistent in the way in which it projected itself visually to the world. Her team had looked at visual examples of brand systems and she thought that those were all brand systems that people would recognise. The one that stood out the most for some reason was National Geographic in the left-hand corner. Just the little rectangle that sat there, absent its name National Geographic, made it recognisable as National Geographic. One wanted to create a brand that was not exclusively recognised by the logo but recognised for the system that was created, and the logo was part of that. She believed WADA had created a strong visual brand system that was coherent. It was modern, it was human. It was more accessible, and it was also easy to apply. With that, WADA retained the essence of the brand. Green was WADA's colour, so the team had stuck with green, but the green had been made more vibrant. Equality inspired the visual approach. What might not be evident to the members in the current logo was that those two lines that were often affectionately referred to as pickles were actually an equal sign. A lot of people had not been aware that that was an equal sign. Equality inspired the visual approach. An attempt had been made to embed it through the whole of the system so that it permeated the system. The logo story was largely retained because it was a bit of a nod to the legacy and the story was a good story. She showed the members a video that had been put together that showed the system.

MS MACLEAN said that she hoped that the members liked what they had seen. In terms of next steps, the plan was a soft roll-out of the brand that would commence mid-January. It would happen via the launch of the new website, which had not yet been launched. That was a parallel project that the Communications Department had been working on since the beginning of 2020, and it had been an immense project. The website was actually the agency's number-one communications tool with close to one million visits a year. Concurrent with the launch of the website and therefore the brand, WADA would roll out high-visibility, low-cost elements initially: stationery and website and social media banners and things that had a lot of visibility. Then, during the hybrid annual symposium in March, there would be a bigger launch with a Play True campaign, which would then be extended further through the annual Play True day, which the previous year had reached 87 million people. That was a really big opportunity for WADA to expand its reach. Concurrently, the team was looking at finalising guidelines and doing an assessment of the branded collateral that existed in the organisation, because the aim was to do it smartly and in a cost-efficient way. There was a number of secondary brands such as ADAMS and ADeLE and Speak Up which would need to be converted over as well. It was going to be necessary to determine what needed to be converted over to the new brand and what could be grandfathered under the current brand so as not to overspend. She gave the members one last glimpse at the logo adjustment that had been made and which she believed was much more modern and accessible and then, again, another look at how it would come to life in the broader system. She would just end with Play True and how the system was going to help WADA accentuate the commitment to Play True. As she had said at the beginning, it really was WADA's 'Just Do It' and, similar to 'Just Do It', it had quite a bit of power. Whilst it was the tagline, it had been embraced by the whole of the anti-doping community. It was therefore something that was synonymous with anti-doping. She thought that it was really fun what the designer had done, bringing 'play' to life. It was playful, it was animated, it was dynamic. And 'true' was within the equal sign again. It was depicting more of a balance and consistency and trust. With the design, there was mass application for how WADA was going to be able to engage, more in particular, the athletes.



MS LEFEVRE said that she was aware that there had been an issue playing the video, and all of the remote participants had not been able to see it, or at least the full length of it. She would work on it. Believe it or not, it had been working that morning. She apologised.

THE CHAIRMAN said that he thought that the best option would be to send the video directly to all of the stakeholders.

THE CHAIRMAN informed the members that the next meetings were scheduled for 18 and 19 May 2022 in Cairo, Egypt. The meeting in September would be in Sydney, Australia. WADA was in touch with the host in order to confirm the date the following month and would advise the members as soon as it was confirmed. He was aware that 19 September was posing an issue for a couple of members. The meeting would be attached to the global education conference.

He hoped that all of the members, regardless of their location, had found the meeting fruitful. He thanked them very much for their participation. He looked forward to seeing most of them at the Foundation Board meeting the following day, in the same location and at the same time. He thanked the WADA staff for planning and supporting the hybrid meeting and also thanked the interpreters for their hard work.

He wished everybody well.

#### DECISION

Executive Committee – 18 May 2022, Cairo, Egypt;  
Foundation Board – 19 May 2022, Cairo, Egypt;  
Executive Committee – 19 September 2022, Sydney, Australia, TBC;  
Executive Committee – 17 November 2022, Montreal, Canada;  
Foundation Board – 18 November 2022, Montreal, Canada.

The meeting adjourned at 16:15 GMT+1.

#### FOR APPROVAL

MR WITOLD BAŃKA  
PRESIDENT AND CHAIRMAN OF WADA

MR OLIVIER NIGGLI  
DIRECTOR GENERAL AND RECORDING SECRETARY