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Minutes of the WADA Executive Committee Meeting 16 November 2023, Montreal, Canada

The meeting began at 9.00 a.m.

1. Welcome, roll call and observers

THE CHAIRMAN welcomed the members to the Executive Committee meeting. He was pleased to be holding the meeting in Montreal again. That was the first time that the meeting was being hosted in the renovated WADA office, which he hoped the members would enjoy. There were 12 members present that day, and they were joined virtually by four members, Mr Nenad Lalovic, Ms Roxana Maracineanu, Ms Anika Wells and Dr Rahul Gupta, who had been unable to join the meeting in person. Two committee chairmen would be joining the meeting at certain points to provide some relevant updates. Some WADA management team members would also be present at times. He would circulate the physical roll call around the table and asked that the members sign and pass it on to their neighbour. He would note down for the record those members who were present virtually.

Before he began with the agenda, there was one matter he was extremely sad to raise. As the members would know, two esteemed colleagues from the anti-doping community had passed away recently. WADA had been deeply saddened by the sudden passing on 17 October of Dr Hanem Amir from Egypt, a WADA NADO Expert Advisory Group member and chief executive of the Egyptian NADO. Mr Joseph de Pencier, well known to most of the members for his long-standing collaboration with WADA, had passed away on 31 August. They would both be missed by those at WADA and the anti-doping community at large.

The following members attended the meeting (the majority in person, a small number virtually): 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 Nenad Lalovic, Executive Board member, ASOIF, UWW President, IOC Member; Mr Ingmar De Vos, Council Member, ASOIF, IOC Member, FEI President; Mr Humphrey Kayange Emonyi, IOC Member, representing the IOC Athletes' Commission; Ms Minata Samate Cessouma, Commissioner for Health, Humanitarian Affairs and Social Development, African Union, Burkina Faso; Dr Rahul Gupta, Office of National Drug Control Policy, USA; Dr Koji Murofushi, Commissioner, Japan Sports Agency, Japan; Ms Roxana Maracineanu, France; Ms Anika Wells, Minister for Sport, Australia; Ms Gabriella Battaini-Draroni, Independent Member, Italy; Ms Venetia Bennett, Independent Member, Australia; Dr Patricia Sangenis, Independent Member, Argentina; and Mr Ryan Pini, Chairman of the WADA Athlete Council.

The following Committee Chairs attended the meeting (some in part only): Mr Henry Gourdjji, Chairman of the WADA Compliance Review Committee; Ms Diane Smith-Gander, Chairman of the Nominations Committee.

The following representatives of WADA Management attended the meeting in person or virtually: Mr Olivier Niggli, Director General, WADA; Mr René Bouchard, Stakeholder Engagement and Partnerships Director, WADA; Ms Dao Chung, Chief Financial Officer, WADA; Mr Sébastien Gillot, Director, WADA

European Office and Sport Movement Relations; Mr Kazuhiro Hayashi, Director of the WADA Asia/Oceania Office; Mr Kevin Haynes, Compliance, Rules and Standards Director, WADA; Ms Karine Henrie, Head of Athlete Engagement, WADA; Ms Amanda Hudson, Education Director, WADA; Ms Angela Iannantuono, Human Resources and Corporate Services, WADA; Mr Stuart Kemp, Chief Operating Officer, WADA; Mr Francisco León, Head of Program Development, WADA; Ms Florence Lefebvre-Rangeon, Deputy Chief Operating Officer, WADA; Ms Catherine MacLean, Communications Director, WADA; Mr Marc-André Matton, Chief Technology Officer, 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, Director, Office of the President, WADA; Dr Olivier Rabin, Science and Medicine Director, WADA; Mr Tim Ricketts, Testing Director, WADA; Mr Rodney Swigelaar, Director of the WADA Africa Office; Dr Alan Verneq, Chief Medical Officer, WADA; Mr Ross Wenzel, General Counsel, WADA; Ms Shannan Withers, Chief of Staff, WADA.

The following observers were present: Ms Anna Thorstenson, WADA Ombuds; Gaby Ahrens, Snezana Samardžić-Marković, Michael Vesper, Hannah Grossenbacher, Yumiko Nakajima, Amandine Carton, Richard Baum, Richard Budgett, James Carr, Andrew Ryan, Julien Attuil, Darren Mullaly, Clayton Cosgrove, Shin Asakawa, Jocelyn East, Chris Garry, Catharine Sayer, Sarah Benson, Sandra Bergqvist, Yingchuan Li, Bjorn Berge, Marja Ruotanen, Satu Heikkinen, Jean-Christophe Rolland, Carlos Roy, Marcos Díaz, Yumi Nozawa and Yumiko Takasugi.

- **1.1 Disclosures of conflicts of interest**

THE CHAIRMAN asked if any members wished to disclose any conflict of interest. He saw no requests for the floor, so moved on to the next agenda item.

2. Minutes of the previous meeting on 22 September 2023

THE CHAIRMAN noted that draft minutes from the September meeting had been circulated among the members the previous week. Two typos had been identified. Otherwise, no member comments had been received. If there were none that day, the Executive Committee would proceed to approve them. He asked the members if they could approve the minutes. He thanked them very much.

DECISION

Minutes of the meeting on 22 September 2023 approved
and duly signed.

3. Director General's report

THE DIRECTOR GENERAL informed the members that they had the report in their files. Given that the previous meeting had not been so long ago, it was relatively straightforward, but he had a few items he wanted to raise with the members that morning, starting with information that WADA had received a request from the Korean authorities from Busan who had come the previous day to talk to WADA and had written overnight. It just so happened that Korea would be hosting the APEC summit in 2025. It looked like it would be in November, and it was very likely that it would be in Busan, where WADA was supposed to be having its World Conference on Doping in Sport. WADA had been asked by the Korean hosts if it would be possible to move the dates of the World Conference on Doping in Sport from November to the first week in December. He thought that WADA did not have much choice, to be honest, given the difference in size of the events. WADA would therefore need to officially announce that the World Conference on Doping in Sport would now take place from 1 to 5 December 2025 in Busan. It would be moved a little bit. He knew that that might create some tension in some of the other agendas. There were still two years to go, so he hoped everybody could adjust their calendars.

His second point was an update on UNESCO. He had said in his report that WADA would provide an update because, at the time of writing the report, he had been about to go to the conference of the parties meeting in Paris (COP9). He started with the good news, which was that he and Mr Bouchard had had a fruitful meeting with the new chairman of the conference of the parties, Mr Bâ, former minister for sport in Senegal, at which they had discussed collaboration and the way forward. That had been a constructive and encouraging discussion. It would be continued over the coming months, but it was a good start. The

conference had taken place. It was always a challenging forum for a number of reasons, not least because the audience comprised a mix of permanent representatives of UNESCO, who were more focused on UNESCO process, and anti-doping experts, meaning that it was relatively difficult to reach a consensus during discussions. As far as he was concerned, however, there were two topics that were of concern to WADA. One was about the discussion on the regional split formula to fund WADA, and the other one that had appeared more recently was about national legislation. On the former, he had reiterated WADA's position, with which the members were all familiar because they had discussed it many times, which was that it was WADA's view that the COP and UNESCO did not have the authority to change the formula, that on that occasion there had not been enough information provided to all of the governments to make an informed decision. It was a matter that required consensus among governments and regions to make sure that they did not create a system where some thought they should pay less and some refused to pay more. That had been supported by a great number of states parties and no decision had been taken on changing the formula. It had been agreed that more work was required and WADA was at that time waiting to see the final wording of the resolution taken at UNESCO. WADA had not yet received it. As far as he was concerned, it was relatively satisfactory and WADA would keep working on the matter with UNESCO and all the public authorities.

On the issue of national legislation, the discussion had been quite surprising regarding WADA's right to require that legislation be in line with the Code. A few states parties had questioned WADA's authority to look at legislation, as part of its compliance work, to ensure that it would actually be in line with the Code and the standards. On that topic, he had to say that it was important to remind everybody of a few things. First of all, there was no requirement under the Code or the standards to implement them through legislation. A NADO could easily implement the Code and the standards through regulations or through its own mechanism. Some governments had decided to use legislation to implement part of the Code or the standards, some by choice and some because their national system required them to do so. In any case, the position that WADA had always taken on that issue was that its role was to ensure that it provided athletes with a harmonized system. Therefore, if a portion of the Code was implemented through legislation, WADA needed to make sure that the system remained coherent and no loopholes were created through that mechanism. When they came to the discussion on compliance, the members would hear a few concrete examples of the kind of real situation WADA could face when that did not work. That meant that athletes who had tested positive could potentially get away with it, so it was very important. WADA had no intention of monitoring legislation beyond that. It was looking at a coherent system of the Code and the standards. Whatever other legislation governments wanted to pass in accordance with the UNESCO convention or other legislation they deemed necessary in relation to doping, was absolutely up to them. It was important to highlight that because the risk of losing harmonization would be very counterproductive and exactly the opposite of what the athletes expected of WADA. He reiterated that he was not very clear on what exactly the next steps would be at UNESCO on that discussion but he thought that, collectively, WADA had to remain very vigilant on that particular topic.

One other important topic he wanted to draw the members' attention to, which those who followed the sports press had perhaps seen in the previous days, was the news that Russia intended to potentially organize a multi-sport event in 2024 called the Friendship Games, probably after the Paris Olympic Games. It appeared that such an event would be organized completely outside the traditional sport structure. To his knowledge at that time, the chairman of the organizing committee would be the current chairman of the International Boxing Federation, whose recognition by the sport movement had just been withdrawn. He merely wanted to note that it was taking place outside the normal system. WADA did not have all the details, so he did not exactly understand how it could be done or how it was feasible, but he believed it was important for WADA to draw the attention of both the public authorities and the sport movement to the fact that, from an anti-doping perspective, it raised serious concerns. It would be an event organized in a non-compliant country by a non-signatory. Therefore, it would not be subject to any of the WADA rules or any monitoring from WADA on compliance. It raised questions in terms of the reliability and robustness of any anti-doping programme that might be in place, and that WADA would have no oversight of. Of course there would be no independent observer programme or anything similar and athletes would certainly not have the same confidence that they were competing there on a clean and level playing field. He thought that was quite important. He added that the event would be organized in a country that was, as the members knew,

currently non-compliant, had a second non-compliance case pending at the CAS, and that the Code contained a long-standing principle that major events were not allocated to non-compliant countries. That event would contravene or rather circumvent that principle. He reiterated that he thought they should all be very careful and keep an eye on that, especially for the athletes who might be engaged to participate in that. It was an important matter to keep on the agenda and to be vigilant about.

His last point was also on Russia. It was obviously almost the end of the year and neither Russia nor Belarus had paid their contributions to WADA that year. The reason put forward by Russia was that it no longer recognized the split of contributions within Europe because it was no longer part of the Council of Europe mechanism, since it had been excluded. He wished to raise the question there, and did not expect an immediate answer, but perhaps the members might have one for the following meeting, in terms of how Europe was looking at that. At the end of the day, it would actually affect overall European contributions to WADA. He therefore asked how Europe was going to adjust to that situation, which was likely to continue for the foreseeable future. That was his final comment and he would be happy to take questions.

THE CHAIRMAN thanked the Director General and gave the floor to Professor Erdener.

PROFESSOR ERDENER thanked the Chairman and firstly, on behalf of the sport movement, wanted to thank the Director General for his really very comprehensive and important report. Together, the sport movement representatives had noted the latest discussions at UNESCO's ninth conference of the parties, and underlined the importance of WADA reviewing the compliance mechanism and internal processes to engage with stakeholders. It was very important for the fight against doping that WADA continue to review activities at the national level with a comprehensive approach. Meanwhile, compliance should also be addressed from a risk management perspective to ensure proportionality. Those were his remarks related to UNESCO.

He also wanted to inform the members about the Friendship Games in Russia. As the Director General had mentioned, the previous Monday in Lausanne, the IOC President Mr Thomas Bach had also given clear messages to almost all IF presidents and secretary generals, Olympic, non-Olympic and recognized. Almost all IF presidents and secretary generals had been there. He merely wished to provide that information.

MS BATTAINI-DRAGONI echoed Professor Erdener in thanking the Director General for his presentation of what she deemed to be extremely difficult situations that WADA was being confronted with. She would start with the first point regarding UNESCO. She had been following what WADA had been doing and heard the speech given in Paris. She was very reassured; but, obviously, it remained to be seen what WADA would be able to obtain as a result of that situation in the following two years. She wondered whether WADA was already thinking about any strategies to make sure that it could really prepare and show UNESCO that it was absolutely able to participate in discussions. At the end of the day, it would also be very much up to governments to decide what they wanted to do.

Her second point was on the question of Russia. In response to the Director General's comment that Russia did not intend to pay its contribution, which might have an impact on Europe in particular, she would really like to see what the colleagues from governments in Europe in particular were prepared to say in order that they could start to understand the risks and importance of that debate, and be able to prepare to make sure that they had a good way of proceeding. There were two years until 2025 when many steps had to be taken in order to make sure that they reinforced WADA and not the opposite.

DR GUPTA thanked the Chairman and the Director General for his great report. He apologized that he could not be there in person. He had planned to be but that was the nature of international events. On behalf of the Americas region, he wanted to make two brief comments on the content of the Director General's report. First, he congratulated him on the completion of the memorandum of understanding with the World Health Organization. He worked on a number of public health issues and found the WHO to be excellent partners, both in terms of getting the science right and getting out strong public health messages. He kindly requested that the Executive Committee members be kept abreast of how that relationship was developing. He also appreciated hearing about the Prevalence Working Group. He was aware of some of the press reports suggesting a rather high overall doping prevalence rate, and getting reliable information on that rate was extremely useful for the work. He reiterated his appreciation of the great report.

MS MARACINEANU said that she had heard the end of the report and congratulated the Director General. She had heard the question put to Europe. The priority was of course to maintain the amount of contributions so that WADA could continue to carry out its work in a satisfactory manner. She had identified that problem on several occasions, but the importance of Europe had been underlined. She could not give an answer at that stage, but the discussions continued at UNESCO and she would get back with a report on the consequences that could be envisaged in terms of Europe.

THE DIRECTOR GENERAL thanked the Chairman and the members for their remarks. He responded to Ms Battaini-Dragoni that WADA was currently waiting for the final wording of the resolution taken at UNESCO. Once WADA had that, hopefully soon, the management could then decide on the next steps and how WADA would work together with the public authorities and potentially the new chairman of the COP or the bureau, depending on how it went. He thanked the members for the other interventions and responded to Ms Maracineanu that WADA was not expecting an answer that day, although he thought it was important to raise to have the discussion soon.

THE CHAIRMAN thanked the Director General and did not want to repeat what he had said but had one comment regarding UNESCO. He thought, as the Director General had said, that from WADA's perspective, it was cautiously optimistic about the current leadership of the COP bureau. He also thought the situation looked much better, more collaborative, and there was willingness from the UNESCO side and the new chairman to really work collaboratively and together with WADA for the good of sport.

DECISION

Director General's report noted.

- **3.1 Hosting of the WADA Africa office**

MS LEFEBVRE-RANGEON thanked the Chairman and greeted the members in the room and online. With regard to the hosting of the WADA office in Africa, she would briefly present the process followed and the recommendation she was presenting to members that day. Firstly, on the process: in March of that year, WADA had informed the members of the Executive Committee that it would issue a call for expressions of interest for the hosting of the Africa office. The WADA management had provided a report outlining the reasons why WADA was triggering such a process. The report was attached in the members' documentation, but she thought it was important to summarize the reasons why WADA had decided to open that process. As the members knew, the Africa office was currently located in Cape Town, South Africa, and had been there since the establishment of such office, in 2003. The office had established itself as a very respected and trusted partner in the region and she wanted to take the opportunity to thank the director of the office, Mr Rodney Swigelaar, and his team, for the work that had been conducted over the years in the region. But the operational work of the office and the consolidation of the team in Africa had been hampered by administrative difficulties faced over the past few years, in particular when it came to the recruitment of international staff and being able to give visas and work permits to international staff. Despite multiple discussions with the authorities in South Africa at various levels, WADA had come to a roadblock, and that was why it had initiated that process. Coming back to the process, following the publication of the call in April, four countries had expressed initial interest in hosting the office. They were the city of Cairo in Egypt, the city of Rabat in Morocco, the city of Cape Town in South Africa and the city of Dakar in Senegal. Over the weeks that had followed, the WADA management had had exchanges with the authorities of those four countries to obtain complete applications that fulfilled the requirements outlined in the call. In the absence of receiving formal confirmation or the requested documentation within the indicated deadlines, the management had informed the authorities of Senegal at the end of August that their application was considered closed and had continued working with the remaining three candidates. The WADA management had constituted a small evaluation team composed of members of the Office of the Director General, the stakeholder engagement and partnership team, as well as the Africa office. That small evaluation team had conducted site visits in the three candidate countries and prepared an evaluation report, which was in the members' documentation. It provided a comparative table showing the three offers, as well as the complete documentation that had been provided by the different countries. She would not go over the details of the different offers but would be happy to answer any questions.

With regard to the recommendation being made, she firstly thought it was important to note that all three candidates had submitted very solid offers that provided all the elements requested within the call for expressions of interest. She wanted to thank the public authorities of Egypt, Morocco and South Africa for the quality of their offers and their excellent collaboration throughout the process. She also stressed that the standard of the offers submitted attested to the reputation of the Africa office and to the quality of the work that had been conducted in the region. WADA's view was that the Africa office could clearly be adequately hosted in any of those three countries; but, with that in mind, was recommending that at that stage it pursue the discussions with the authorities of South Africa. The main rationale behind that recommendation was that WADA had since received assurances from the authorities in South Africa, both orally and in writing, regarding the issuance of visas and work permits, with a clear process having been identified that would be put in place for WADA to obtain those visas and work permits. That, combined with the comparative financial and logistical advantages of maintaining the office in its current location, made the WADA management consider that there were solid grounds to continue cooperation with the authorities in South Africa. However, WADA had learned to be careful and indeed the need to be over-cautious with those processes, in particular when it came to immigration and administrative matters. The WADA management's recommendation to the Executive Committee was hence that the offer of the Republic of South Africa be provisionally accepted, subject to WADA being able to negotiate a new hosting agreement whereby adequate legal, financial and administrative conditions could be secured for the office, its staff and the activities that were being conducted in the region.

THE CHAIRMAN thanked Ms Lefebvre-Rangeon and gave the floor to Professor Erdener.

On behalf of the sport movement, PROFESSOR ERDENER thanked all the countries that had taken part in the call for tenders and fully supported WADA continuing negotiations with South Africa.

MS CESSOUMA welcomed the work done to ensure that the right decision would be taken regarding the Africa office to avoid any problems arising. She wanted to make sure that South Africa would take the necessary precautions. There had been difficulties at the South Africa office and there needed to be a good agreement ensuring that the appropriate privileges and immunities were granted to staff members working there. Personally, she had no preference, but the South Africa office had done a fine job to date, and she wanted to ensure that the good work would continue. She hoped that the right decision would be made and wanted to ensure that all the provisions would be in place for the smooth functioning of the office. It might be worth keeping the other applications on the back-burner just in case similar problems arose.

MS BATTAINI-DRAGONI thanked the WADA secretariat who had prepared the tables that she had read very carefully. She found the work excellent because it really gave an objective indication of what was going on in the three different places. She had gone to the meeting that day believing that the members were going to make a choice on the basis of what they had on paper, but she was prepared to follow others' wisdom, particularly from the representatives such as the previous speaker from Africa. If she understood correctly, WADA planned to put some pressure on the South Africa office. That was fine, but the members should not forget all the work that had been done by the other two countries, Morocco and Egypt. She advocated putting pressure on to see how South Africa reacted. However, she queried whether there was a lot of work still to be done in order to compare its performance to what was on the papers that had been distributed.

MS BENNETT thanked Ms Lefebvre-Rangeon and the WADA management for undertaking such a thorough analysis and evaluation, and providing such a thorough report to the Executive Committee for consideration. She also thanked the countries that had taken the time to submit proposals. A number of things had struck her when she had been reading through the evaluation, one of which was that two of the three potential host countries were currently facing question marks over non-compliance with their obligations as signatories to the Code. Her question was, if South Africa's current CAS appeal failed, meaning that any implications for non-compliance stayed, would WADA be comfortable maintaining an office in South Africa?

THE DIRECTOR GENERAL noted that it was an absolutely valid question. It could be looked at from the other side to say that maybe it would be a very good incentive to make sure South Africa became compliant. He wanted to be positive about that and he thought that it would be necessary to advise on it when the time came. As had been explained, the idea was to progress the negotiation with South Africa and

make sure that the visa work permit issue was solved, involving no cost to WADA. If things were to change, WADA could always address the issue of moving. If WADA did anything else, it would incur all the costs of moving somewhere else with potentially similar risks. He thought that that was a sensible approach to minimize the financial investment in the process and was hopefully a good incentive to solve two issues at one time.

MS LEFEBVRE-RANGEON added, in response to the comments made on making sure that, in the negotiations with South Africa, WADA obtained satisfactory conditions for its office and the staff there, she thought the fact that WADA had received three very solid offers put it in a good position to obtain that and to continue the negotiations. As she had said, WADA had received assurances from the Republic of South Africa both in writing and orally which would be the basis upon which WADA would negotiate the agreement for a new hosting memorandum of understanding. She would keep the Executive Committee informed of the developments on that front.

THE CHAIRMAN thanked Ms Lefebvre-Rangeon and noted that the item was for decision. The Executive Committee was expected to select one of the three candidates with whom to pursue discussions. He asked the members if they agreed with the management's recommendation to pursue discussions with the authorities of South Africa towards preparing a new hosting agreement that would secure adequate support for the Africa office staff and its activities.

DECISION

Proposal to pursue discussions with the authorities of South Africa to prepare a new WADA Africa office hosting agreement approved.

- **3.2 Human rights impact assessment update**

THE CHAIRMAN gave the floor to Ms Snežana Samardžić-Marković, the Senior Independent Expert on Human Rights, to present the agenda item.

MS SAMARDŽIĆ-MARKOVIĆ thanked the Chairman and noted that she had prepared a PowerPoint presentation for the members, but firstly wished to say that she highly appreciated the opportunity and was pleased to be with the members that day. She wanted to start by noting that, during her work, she had been able to work entirely independently from the WADA staff, Foundation Board and Executive Committee. She had relied on the WADA staff for connections, information and access to documents, but there had been no attempt to influence her work. She had initiated regular consultations with the Chief Operating Officer, Mr Stuart Kemp, and sometimes she had requested some clarifications from the Director General. She also wished to express her gratitude to the Athlete Council for its support, in particular the Chairman of the Athlete Council, Mr Ryan Pini, but also the group of athletes, Ms Gaby Ahrens, Ms Adriana Escobar, Mr Iñaki Gómez and Mr Humphrey Kayange, in the Athlete Advisory Group on Human Rights and Anti-Doping for their commitment to human rights, their time and their very fruitful discussions.

The members had received a document from her in preparation of the meeting, and she would try to give them the basic information about the process to date. She was mainly pleased with the gender balance, but would also say that the geographical balance could be improved a little. Her expectation of the meetings of that day and the following day was that Executive Committee and Foundation Board members would help her to reach out more to certain parts of the world where she was not able to reach. To date, she had had consultations with stakeholders, athlete representatives and athletes themselves in their individual capacity. In the future, she would very much like to have more multilateral consultations with the groups to discuss certain ideas and reach better understanding. Some of the findings presented were very preliminary, but she wanted to be sure how to best position human rights in the existing system. She thought that one of the important parts of it was that human rights could help shift from a kind of reactive mode, in which WADA had operated from the outset, with an obligation to be reactive (like many organizations), towards being more proactive. She also presented a little about harmonization and why human rights could be important, and many other things. The key takeaways were how to best position human rights and secondly to launch the multilateral consultations. She also wanted to briefly present what her principal approach had been. First and foremost, she would like to make changes to the Code only and strictly if necessary. She would very

much avoid changing the Code, except if there were some small wording issues or if there was something bigger, like an introduction, to state that human rights should not be seen only from the rule of law perspective but rather deserved a place of their own. One of the principles she would definitely follow was to avoid duplication of work. She was aware that certain excellent activities were already taking place; for example, she knew that the Council of Europe was doing very good work on gender equality, which was a relevant subject. However, she did not have enough resources or the same outreach as the Council of Europe had, so she would build on the work of the Council of Europe. The same could be said of the IOC. She was aware of its excellent consultations with youth athletes regarding human rights and she would like to build on the IOC's achievements and knowledge as well. The third initiative she wanted to mention was the excellent work being done by ASOIF on governance. In the fifth round of their governance questionnaire, ASOIF had added five new indicators on good governance, one of which was human rights. She thought it could have a huge impact and make a difference and would also inform her work in future.

She was sure that the members would be interested in some of the topics that had emerged during the consultations to date. For example, she was sure they would not be surprised that education was quite prominent, as human rights and of course anti-doping education interested athletes very much. Neither would they be surprised about the meaningful participation of athletes. The issue of public disclosure, in particular the right of minors, had also emerged, in addition to whistleblowers' rights, accountability of the system, inadvertent doping and rehabilitation. She had been surprised about the absence, for example, of whereabouts and the relation between human rights and new technology. She had usually been the one to ask what people thought about human rights and technology and artificial intelligence. The issue of data protection had been very uneven. She had expected it to be dominant but had found that it was more present in some parts of the world and less in others. The fact that those topics were not emerging then did not mean that they were not important, so she would try to keep them on the agenda as well in her report.

About the report itself, it would consist of five different chapters and the first chapter would be about existing WADA acquis. One could not propose something if one did not understand what already existed. To do so, she had carried out an evaluation of the Code and compared the 2003 Code with the existing one. The 2003 Code mentioned human rights only once, in a comment. The 2021 Code was undoubtedly much more flexible when it came to sanctions. It referred to data protection, the independence of hearing panels, and athletes with disabilities were recognized as protected persons in the Code. She thought that was quite a telling improvement and she could give the members more examples later. All of the international standards recognized and declared human rights in their introduction. The ISTI, or the International Standard on Testing and Investigations, recognized athletes' security, dignity, privacy, etc. When it came to statutes and governance regulations, there were some requirements already that were human rights-relevant. For example, those who were candidates for the position of president and vice-president had to show full awareness of anti-discrimination and had to be against harassment. The members of the Executive Committee and the Foundation Board had to demonstrate integrity. There was a request for geographical equality and inclusiveness. Hence, there were already some things that were human rights-friendly in WADA's governance regulations, in strategy too, and there were very good examples of good practice, such as stakeholder consultations. That was also a basic human rights issue. There was also governance reform, the Ombuds and the Athletes' Anti-Doping Rights Act. They were good examples of current acquis.

The next chapter would be about context. It was not possible to recommend something if one did not understand the context in which everything had happened. Athletes had already challenged some of the WADA standards from the human rights perspective, be it at their local or national courts or at international courts, including the European Court of Human Rights, which had addressed cases such as the FNASS and others versus France or Pechstein versus Switzerland, and was currently addressing the Semenya case. The context was also new in comparison to the UN SDGs, which recognized sport as a vehicle to achieve certain rights, including human rights. Public authorities in sport had already paid significant attention to that. For example, the Council of Europe had held a ministerial conference in 2016 with a resolution saying that there should be more attention to human rights, then there had been the UNESCO Kazan Action Plan and, in the sport movement, FIFA had published a human rights report, the IOC had also published a report and carried out very important work, as had World Athletics. Also, iNADO had commissioned research into the matter and there was the Institute for Human Rights in Switzerland. To conclude that slide, she would say that there had been pressure in the context, but there had been no

scandals. WADA had not been prompted by a scandal to ask for a human rights impact assessment, which she thought was good news and positive.

The third chapter would be about understanding WADA's role. She thought it played a unique role as a regulator and a compliance monitoring agency, which was distinct from public authorities, sport organizations and event organizers. WADA could harmonize and influence by harmonizing education, research, science and, of course, sanctions and legislation. It was a hard power. However, although WADA enjoyed international reach, influence and impact, it lacked supranational prerogatives. It therefore had more of a soft power that it needed to employ sometimes to achieve human rights. She was aware that both the public authorities and the sport movement acknowledged the significance of human rights, but she wondered how they saw WADA's role in that context. She would have to establish that further on in her consultations.

The fourth chapter would naturally be about challenges and risks, which of course was a work in progress. One of the challenges or risks she could already mention was the growing complexity of anti-doping regulations. Human rights awareness, which was scattered, had to be much more robustly present. When people asked how an issue had happened and what to do about it, there needed to be a clear path forward. She believed that the athletes' perspective was missing and needed to be considerably reinforced. There was a risk when it came to privacy and data protection, as well as inadvertent doping and lack of education, which she considered a serious risk. Rehabilitation was naturally an important subject also, but striking a good balance between that and a zero-tolerance policy could be an issue. There were others that she would not go into in the current presentation.

Finally, the fifth chapter would be about recommendations, which again was a work in progress. She intended to have several recommendations and then more concrete actions. One of the recommendations would definitely be for WADA to adopt a public policy statement on human rights in its next strategic plan. Another would be that meaningful participation of athletes should also have a higher profile, and there should be clear paths on how to collect information from the ground and how to give feedback, for example. She would propose a more strategic approach towards human rights in the due diligence procedure. She could see that it existed in WADA's practice, but it was maybe a little slow. That was one of the requirements of the UNGPs on business and human rights, which was her benchmark. An example of the type of question she would ask, to which she did not expect any immediate answers but which would constitute a dialogue that she would like to engage in with the members as individuals or bodies, was that UNGP principle 19 would mean that WADA would have to integrate the findings from the impact assessment across relevant internal functions. What did that mean? It meant that responsibility was assigned to the appropriate level within the business enterprise, which meant that she wanted to give a good recommendation on which hierarchical level it should belong to. When it came to internal decision-making, budget allocations and oversight, that had to be in place within WADA to enable effective responses. What did that mean? It meant workload. Hence, she could propose something very concrete. Human rights questions had to be attached to either the Chairman or Director General, or perhaps the Chief Operating Officer or the Legal Counsel if he was enthusiastic about it. She could say on human rights that the administrative capacity should exist in WADA, but the question was, how would it be perceived? Was it too vague? Would external parties really interpret that vague expression as a commitment? It did provide flexibility, but the question was how to best formulate it. She wanted to engage with the members to find the best implementable formula, because that was the whole point of her recommendations. They had to be aspirational but implementable so that WADA could not only endorse but also enforce human rights. The point was not about her looking good and giving nice recommendations, but rather to do something and do it well. Therefore, how the language was formulated was equally important.

The last slide showed the next steps. At the WADA 2024 symposium, she intended to present the main findings and to close consultations because she would continue consultations in an individual capacity, as she had said, but she wanted also multilateral consultations. After that, she would go back to the documents and do further analysis. By April 2024, she wanted to deliver a final report to WADA and present it to the Foundation Board for decision, prior to making the report public.

THE CHAIRMAN thanked Ms Samardžić-Marković for her very comprehensive update and really great work. He thought that all the members felt her passion for human rights. He opened the floor for questions and comments.

MR PINI wanted to take the opportunity to thank Ms Samardžić-Marković for her work and his colleagues Mr Gómez, Ms Ahrens, Mr Emonyi and Ms Escobar for their time and their engaging meetings. It had been quite an eye-opening experience and he wanted to thank the stakeholders involved in the assessment process. It had driven a lot of confidence in the intersection between human rights and anti-doping. He thought it was really important to have that confidence and translate it to athletes regarding their rights, and that WADA was working on a solution. He knew that perception would entail a lot of work to ensure that athletes understood what the human rights impact assessment would do. He looked forward to the future outcomes.

MR LALOVIC thanked the Chairman and Ms Samardžić-Marković for her initial report. The sport movement supported the initial assessment that the effectiveness of the doping model through its deterrence system should not be contrary to embedding a human rights approach. The sport movement looked forward to receiving recommendations to ensure that the two co-existed and supported WADA being even more proactive about human rights considerations. He thanked Ms Samardžić-Marković for not expecting answers to her questions from the Executive Committee immediately.

MS BATTAINI-DRAGONI had to say that she had a lot of positive feelings about what was going on. For years, people had been trying to speak about human rights in the field of anti-doping, particularly in Europe, but also elsewhere, of course. She had been so happy to hear that that presentation given by the expert had been presented to the Athlete Council the day before. It was an incredible change in the DNA of the organization. It had been possible to speak about human rights previously, but it had not been possible to see how to implement all of that. She welcomed the fact that that dimension had to be integrated at various levels of WADA, and in particular that the Athlete Council had come forward with many very interesting proposals. She wanted to share that feeling with the Chairman, because it was happening during his mandate and he had also been fighting for it. It had not been easy but, in the end, WADA was achieving good results.

THE CHAIRMAN thanked Ms Battaini-Dragoni for her comments.

MR EMONYI thanked the Chairman and merely wished to support the initial assessment regarding human rights. In his experience, the experiences were shared in terms of education, doping control procedures, result management and in some cases inadvertent doping. He thought that having the right balance between anti-doping and human rights became an area where such an assessment would be vital. With the key pillar being athlete-centric, informing the next step of consultations and having potential recommendations at the end would be really important for athletes as they would continue to trust the process and the procedures in the anti-doping world.

THE CHAIRMAN thanked Ms Samardžić-Marković for her report and for joining them.

DECISION

Human rights impact assessment update noted.

- **3.3 Strategic plan 2025-2029 process update**

THE CHAIRMAN moved on to agenda item 3.3 on the strategic plan 2025-2029 process update and gave the floor to Ms Taillefer to update the members on what had been done since September and the next steps.

MS TAILLEFER thanked the Chairman and was pleased to greet everyone again since the previous September session. The objective of the update was to provide visibility on the work that had been done to date, leading to the submission of the 2025-2029 strategic plan in December 2024. She also believed it was an opportunity to validate that the members' input had been properly captured from the previous Executive Committee session held in September in Shanghai.

She would firstly take a step back to then move forward. In terms of the progress made, a mid-term review had been carried out in 2022 to assess WADA's current situation. As stated previously, it was very

important to understand where WADA stood at that time and the evolving environment in which it was working to understand where it could go. Since that time, there had been a strategic session with the Executive Committee members in September in Shanghai. Looking ahead following that session and maintaining the commitment to listen to open feedback from key stakeholders, along with the agency that was supporting WADA with the strategic plan work, more than 30 interviews had been conducted or were scheduled to take place shortly with key stakeholders, including athletes, representatives of governments and the sport movement, the global network of National Anti-Doping Organizations, external industry influencers and WADA-accredited laboratories.

At that meeting, she would focus on the takeaways from the September Executive Committee session, which had comprised three sections. The first had looked at the ecosystem evolution. The second had involved a strategic plan retrospective, and the third had captured what themes the members would like to see being considered in the next strategic plan. With regard to the first section, when she had presented and facilitated the discussion on the ecosystem evolution, she had heard from the members that three trends were especially important to consider in the future. They were the economic slowdown and inflation; the financial pressure on governments to tackle public issues other than anti-doping; and the various challenges associated with the complexity of the system and the rules. Following that ecosystem evolution discussion, a retrospective of the strategic plan had been looked at. As the members might remember, they had gone through each of the strategic pillars to look at the achievements, areas for improvement and what focus they felt should be placed on for 2024 and beyond. A few themes proposed by Executive Committee members had been collected which she briefly wanted to mention. She wanted to highlight those most discussed in each strategic pillar. Under the lead strategic priorities, the importance of improving the ADAMS user experience had been discussed time and again. The management was confident that the Sword partnership developed recently would accelerate that improvement. Another frequently discussed aspect during the session had been the importance of communicating WADA's work, which included sharing its research advancements. With regard to the Grow Impact strategic pillar, communicating WADA's impact in the general activities it did would be a very important step to take in the next few years. In terms of Be Athlete-Centred, there were a number of areas for focus that the Executive Committee members had shared, but she wished to highlight one of them, which was linked to ensuring that WADA had rules that athletes could understand or, to rephrase that, ensuring that athletes could understand the rules. When looking at Collaborate and Unite, at the beginning of that meeting the members had seen all the effort it required to keep the movement healthy and going in the right direction. The importance of continuing and furthering collaboration had also been discussed in September, in addition to what meaningful collaboration entailed. One of the paths discussed had been how to provide guidance on resource allocation to ADOs. When looking at the Be Visible strategic priority, building greater engagement with the mission had been linked to the general discussion. It sounded like WADA was doing good work, but it needed to do a better job at communicating that good work. Finally, with regard to Perform, one of the points raised by the members had been the importance of evaluating the impact generated by the recently completed governance reforms.

In relation to the themes, the idea was to be able to put WADA in that ecosystem evolution mindset, looking at what had been done well and what could be done even better, and then looking at the themes. She wished to provide some context on the fact that the themes listed there had been suggested by the Executive Committee members. At that stage, the management was considering those themes to be part of the strategic plan but they were not yet committed to being part of the next strategic plan. The management had regrouped those different themes, which the members had had a chance to see in their papers. If they looked at the four groups of themes, the first was focusing on WADA's core roles. The management had heard from the Executive Committee members that WADA was not looking to expand its scope further, but rather to focus on the current roles. On considering environmental, social and governance factors, the impact on human rights was a theme that had been discussed, as well as considering sustainable development imperatives in WADA's decision-making. Maximizing impact was another important one that had been expressed in various ways, but which the management had heard loud and clear. Finally, there had been a discussion on exploring the interplay between the fight against doping and public health issues. She really wanted to note that one out of transparency, but it was a theme that would need to be discussed further.

In terms of next steps, those were the main outputs that had been captured from the September session. Those outputs would be integrated with the overall consultation material. As mentioned, the external agency, Altman Solon was also conducting interviews with the external stakeholders, and the management would integrate those insights between the end of that year and the first quarter of the following year. The objective for the following Executive Committee meeting in March 2024 was to present a first draft of the strategic priorities and the key initiatives that would be associated with them; in other words, a rough structure of the direction WADA wanted to take with the next strategic plan. That would be presented to the Executive Committee members at their March meeting, and the feedback would be collected to be integrated. During the second quarter, following the Executive Committee meeting, the management would also send a preliminary version to the Foundation Board members for their information. All of that would lead to a draft strategic plan that would be presented to the Executive Committee members in September 2024 for further feedback to ensure that the plan was heading in the right direction, with a view to submitting the document in December 2024 to the Foundation Board for approval.

DR SANGENIS appreciated the clear presentation and big plan. She had one question regarding point number five on the key themes identified for the 2025-2029 plan which she was very interested in. Where it referred to influencing public health by targeting the amateur athlete segment, she requested further detail on what that meant. Was it education regarding sport values? Would everything depend on the WADA administration or would it involve cooperation with NADOs and RADOs? She was very interested in that point.

MR KEJVAL congratulated Ms Taillefer on her short and clear presentation. The sport movement welcomed the process that had been started, which was far better than the previous one with more interactive communication. Regarding the plan, the sport movement supported the opportunities and risks that had been identified, as well as the priorities for 2024. Regarding the priorities for 2025-2029, the sport movement welcomed the further clarifications and the priorities. The most important for the sport movement was sustainable development for the organization, followed by public health by targeting the amateur athlete segment.

MS MARACINEANU said that she had been delighted to participate in the very interesting meeting in September that had taken place, and she was very happy to see that the management had taken into account the ideas expressed at that special session, which had lasted for over two hours. She would like to involve her CAHAMA colleagues and she invited WADA to provide them with guidelines that they could follow, so as to involve the various CAHAMA states and their representatives and enable them to communicate, in addition to the interviews with the 30-odd experts (and she welcomed the increase in the number, allowing for greater diversity), submitting the CAHAMA opinions prior to the Executive Committee meeting in March so that the new system could be showcased, allowing for active participation of WADA's members in the development of its strategic plan.

MR GUPTA considered the presentation to be succinct and clear. He also wanted to reiterate the point that had been raised in Shanghai, that public authorities would benefit from a more in-depth analysis of the drug-testing data. Some of the data had already been collected and shared by WADA, which was highly appreciated, but further analysis of the testing data could make information more useful, especially for those countries that were struggling with their testing programme and really needed assistance. The first step was clearly understanding who needed help and in what areas and sharing with them. He would appreciate it if WADA could consider the overall options and hopefully provide a response at the following meeting.

MR MUROFUSHI appreciated all of the wonderful work that had been done. Unfortunately, he had not been able to attend the previous meeting in Shanghai. He thought that the risk in the coming five years that WADA would have to consider and deal with was the possibility of gene doping and new doping technology. That was very important. However, he also thought there was a situation whereby business was driving easy access to gene testing and gene information, but unfortunately without sufficient scientific evidence. He thought that Professor Erdener would be able to provide what the right science was for DTC (direct to customer) genetic testing in the business. Scientifically incorrect information was being provided. He referred to the current trends regarding gene testing and gene modification and suggested that WADA might take a position on the business opportunity and the science behind it.

THE CHAIRMAN thanked Mr Murofushi and gave the floor to Ms Taillefer to answer the questions.

MS TAILLEFER thanked the Chairman and said that she would respond in order of the questions and comments. In answer to Dr Sangenis, on clarifying the targeting of the amateur segment and the link with public health, at that point it was not an initiative that WADA intended to deploy, but rather a reflection of the discussion at the Executive Committee session when the members had looked at the ecosystem evolution and seen that the funding available for anti-doping was sometimes limited because it was outside the public health budget envelope. The members had therefore discussed whether it made sense or whether they should explore the ability to make a closer tie with public health. In general, anti-doping as a topic could benefit from more resources. That was as far as the discussion had gone at that point. It was more about exploring whether WADA could reposition what anti-doping was for governments globally to perhaps benefit from a different pocket of funds for ADOs globally.

DR SANGENIS asked whether the issue regarded research or education.

MS TAILLEFER believed that the issue would be, like everything that was done at WADA, very multifaceted. WADA would probably be looking at both, to be able to make sure that what it provided as education was supported by factual observations.

Regarding the sport movement, she believed that the first clarification answered the part about the public health topic. Regarding sustainable development, the way the theme was presented was very much a mindset that WADA wanted to embed in the decisions being made. Similarly, to the previous discussion on human rights, WADA wanted to understand that, when it made changes, or even with processes that were ongoing at that time, it was aware of and understood the social, environmental and governance imperatives of a decision. It did not mean that WADA was already identifying all of the initiatives that would be related, but rather it was a theme that it wanted to include as part of the decision-making.

In response to Ms Maracineanu, she had listened to the feedback and would be happy to provide guidelines for the CAHAMA to provide the feedback that the management would happily integrate as part of the consultation material. She hoped that she would hear it soon and she would be happy to collaborate.

In response to Mr Gupta, she heard the request and the desire to do further analysis on the testing data, and took note that an answer on that request was expected by the next meeting.

Finally, she took good note of the trends that had been shared by Mr Murofushi regarding gene testing and gene modification and how WADA could take a position on the business opportunity and the science behind it. That could be added as a trend to observe in the ecosystem evolution.

DECISION

Strategic plan 2025-2029 process
update noted.

- 3.4 Intelligence and Investigations Department 2023 audit report

THE DIRECTOR GENERAL noted that the members had in their documents the report that had been produced by the independent auditor for that department, Mr Jacques Antenen. He firstly wished to thank Mr Antenen because it was his last report and he had finished his work on that. WADA had appreciated his commitment and availability for that task and the relationship that he had had with the department. He would not go through the entire report, as it spoke for itself, but would merely highlight three things. The report highlighted the success of the European Union project that had been carried out that year on training investigators and increasing capacity in Europe. It had been very fruitful and, as the members could see from the document, it was something that WADA wanted and would continue developing for other continents henceforth. The EU project had been very good and had brought direct results in terms of collaboration between law enforcement bodies and investigators in Europe. It highlighted the need to maintain an ongoing education programme for investigators. That was something that WADA needed to consider and ADOs would need also to factor in. It was important to ensure that new investigators were regularly trained. That was another important element. The last point highlighted in the audit report was the importance of investigations that were currently linked with WADA's compliance programme. In other words, when the compliance programme highlighted deficiencies, the ability to sometimes go a bit deeper in identifying issues was beneficial. A summary of the report submitted for approval was also published on the website.

THE CHAIRMAN thanked the Director General and opened the floor for comments or questions.

MR LALOVIC simply wanted to say that the sport movement supported the approval of the report and took the opportunity to thank Mr Antenen for his contribution to WADA. His reports had always been very clear and of great insight to understand the strengths and challenges of the Intelligence and Investigations Department. The sport movement wished Mr Antenen every success in his future endeavours.

THE CHAIRMAN noted that the item was for decision, so he asked the members for the record if they agreed to approve the 2023 annual audit conducted on the WADA Intelligence and Investigations Department.

DECISION

Intelligence and Investigations Department 2023 audit report approved.

- **3.5 Intelligence and Investigations Department independent supervisor appointment 2024-2026**

THE DIRECTOR GENERAL explained that, since Mr Antenen had completed his mission, WADA needed to appoint a new independent auditor. To do so, there had been an open call for the position and, together with Mr Antenen, he had interviewed four excellent candidates. WADA was recommending Mr Leclerc, who was with the French police, for three main reasons. Firstly, he had experience in auditing. His current position with the French police force was auditing police bodies in France, so he was very familiar with the job. He had experience in anti-doping. He had been at Interpol for a number of years, heading the division that dealt with drugs and anti-doping issues. He also had some experience in sport because he had interviewed a number of the protagonists of the Festina scandal at the time, when he had been working for the French police in Grenoble. The WADA management therefore considered that he fulfilled all the possible requirements. He was very motivated and had the approval of his hierarchy to take on the position, which was why the management was recommending his nomination.

DR GUPTA noted that he supported the appointment and wanted to mention the great work happening with the Intelligence and Investigations Department and the important work done to date to facilitate access of information provided by whistleblowers and to partner law enforcement agencies. He invited the WADA intelligence and investigations team to Washington for a deeper conversation about opportunities for collaboration with the USA and other governments in the Americas region.

THE CHAIRMAN thanked Dr Gupta for his invitation. He asked the members for the record if they approved the appointment of Mr Emmanuel Leclerc of France as the new independent supervisor of the WADA Intelligence and Investigations Department for a three-year term starting on 1 January 2024. He thanked the members.

DECISION

Intelligence and Investigations Department independent supervisor appointment 2024-2026 approved.

4. Governance

- **4.1 Governance reforms implementation update**

4.1.1 Draft electoral package for 2025 WADA president and vice-president election

THE DIRECTOR GENERAL said that he would deal with items 4.1 and 4.1.1 together. On item 4.1, the members had been provided with the update, which was mainly for the board, who had not received an update this year, and with which it would be discussed the following day. Item 4.1.1 was a draft document that was there for comment. The members would remember that, in May, they had discussed the development of procedural rules for dealing with the election of the president and vice-president. The development thereof had been requested and in the meantime, the statutes had been amended. That draft electoral package was mainly based on what WADA already had for previous elections, but included a

proposed timeline so that everybody knew what the process would be. It came with rules of conduct for candidates, where some provisions had been added to deal with the fact that the current leadership might be running for re-election. That was for comments and suggestions. The WADA management had also submitted it to the WADA Independent Ethics Board as promised. Once all of the input and modifications had been collected, it would go to the Foundation Board for formal approval by circulatory vote because it had to be in place before the next board meeting at the end of 2024.

THE CHAIRMAN thanked the Director General and gave the floor to Ms Cessouma.

MS CESSOUMA thanked the Director General for the update on governance and the electoral package. One Voice wanted to know what the plan was for the Athlete Council. It was very important that the athletes be informed and that they be able to strengthen their skills. What were the plans for the Athlete Council? That was the first point. She also wished to congratulate WADA on the efforts undertaken to come up with the package but wanted more information on the specific criteria, the skills required and in particular the financial independence criteria. The other One Voice members might wish to add to what she had just said.

MS MARACINEANU wished to clarify that CAHAMA and One Voice supported the Nominations Committee in terms of explaining the skills and commitment that would be assessed. CAHAMA wanted to expand the financial independence criteria so that they applied to all stakeholders, not only to the public authorities but also to all those who were not Code signatories, so that everybody met the financial independence criteria.

DR GUPTA thanked the Chairman and, on behalf of the Americas region, wanted to congratulate the WADA management and staff for moving forward with such a wide range of ambitious reforms over the previous year. He realized it had been a great deal of work, and there was surely still a lot of work ahead. It was encouraging to see that there was progress in implementing such a wide range of significant governance reforms. The question he had was that, with WADA's support, he knew that both the Ombuds and the Independent Ethics Board had developed websites with the capacity to receive comments, questions and reports. Perhaps the Athlete Council would benefit from having a similar website and other things to facilitate effective two-way online communication with athletes and organizations, and he certainly would encourage plans for the Athlete Council to develop such a website. He asked if WADA would facilitate or support such an effort as it had already done with the Ombuds and the Independent Ethics Board.

MR DE VOS admitted that he had not completely understood what Dr Gupta had said and asked if it might be summarized.

DR GUPTA said that what he was suggesting was that the Ombuds and the Ethics Board had developed websites with the capacity to receive comments, questions and reports and engage, and he would encourage thinking about something similar to that for the Athlete Council. Of course, it would be great if WADA could facilitate that to develop communication online with athletes and athlete organizations.

MR PINI welcomed the comments made regarding the Athlete Council. Indeed, there were members of the Athlete Council in that building currently interacting with the WADA departments so that they could learn better how they could be involved within the WADA movement. There was quite good engagement through the Athlete Council meetings with the WADA departments. On the website and communications, it was a really good suggestion and something that the Athlete Council was thinking about. In the initial few months, the Athlete Council had identified that a strategic plan was necessary. It was very timely that WADA was going through its own strategic plan for 2025-2029. The Athlete Council had held a meeting with the WADA strategic management office the previous day on how to identify those gaps, particularly how to better engage with athlete counterparts, and the website would also be very helpful as part of a roadmap as to how to communicate better with athlete representatives in the anti-doping movement. He also wanted to take the opportunity to thank the IOC athletes' commission for allowing the WADA Athlete Council to collaborate with the first joint WADA Athlete Council and IOC athletes' commission meeting recently, as well as creating a position as a liaison for the chairman to sit on the IOC athletes' commission. That helped to engage with athletes better, but the Athlete Council was looking forward to growing that further. He appreciated and noted the questions.

THE DIRECTOR GENERAL understood that Mr Pini had answered the questions related to the athletes, but responding to the comments made about the independence criteria, they were defined clearly and the

Nominations Committee would ensure that the candidates met those criteria and provide a complete dossier to enable the Foundation Board to reach a decision. He thought that the process for the Nominations Committee was clear. In response to what Ms Maracineanu had said about finance, he guessed that she was referring to the provision in the documents that stated that no assistance, whether financial, material or in-kind, be it direct or indirect, may be given to candidates by a signatory to the World Anti-Doping Code. His understanding was that it should be by anybody. The question he had was, who would pay for those people to run? Would they pay from their own private funds? If one were to include everybody, would that mean that nobody could fund anything? Would it be from their savings? He sought some clarification on that and maybe some suggested wording if there was any preferred wording. That provision had been in the past electoral rules and had not been changed. He would be happy to take concrete proposals if the members wanted to send any in, but he thought they had to be careful not to exclude any sort of support for candidates who might actually need it, to potentially travel a little bit for example.

DECISION

Governance reforms implementation
update noted.

- **4.2 Executive Committee and Foundation Board memberships**

4.2.1 Executive Committee 2024 composition

4.2.2 Foundation Board 2024 composition

THE CHAIRMAN thanked the Director General and moved on to the next three agenda items which would be covered jointly: items 4.2, 4.2.1 and 4.2.2 on the Executive Committee and Foundation Board memberships and the Executive Committee 2024 composition and Foundation Board 2024 composition.

THE DIRECTOR GENERAL noted that, for the first one, the following day on the table of the Foundation Board, there would be the names of the proposed candidates for the Executive Committee for 2024 to be voted formally by the board. He thought the members had all the names except for the one from New Zealand, whose representatives had indicated they would advise him about later. Hence, the following day, the board would vote for all the names it had at that time, and the New Zealand name would be done by circulatory vote as soon as it was available. For the Foundation Board, the management did not yet have all the names. The sooner the management had them, the better, because then it could activate the paperwork process. He noted that it was quite cumbersome for the Swiss authorities to then register the names in the register in Switzerland.

THE CHAIRMAN thanked the Director General and, as there were no comments or questions, moved on to the next item.

DECISION

Executive Committee and Foundation Board
memberships 2024 noted.

- **4.3 Permanent special and standing committee compositions**

4.3.1 New or renewed standing committee members 2024

THE DIRECTOR GENERAL stated that the item was on the appointment of the new standing committees and that the Executive Committee would deal firstly with the regular standing committees. For the Education Committee, the Finance and Administration Committee and the Health, Medical and Research Committee, the members had in their papers the list of names. The new process had been followed because the process had been amended by the governance reforms. The chairmen of the committees had received all the applications made and had made a first selection, which had been discussed with the President and himself. They had reached consensus on all of them, and the outcome was the list provided. He merely wanted to highlight that there was a perfect gender balance that year, which was not always the case, of 36 and 36. There were candidates from all continents. There was almost an equal balance between sports and public authority nominees, and there were 25 athletes spread around the various committees. Attachment one containing the list of those nominated was for the members to approve.

DR GUPTA really appreciated and supported the recommendations that had been put forward, and the update on the personnel and key changes in the committees. He was very encouraged to see a new athlete representative on the Compliance Review Committee. He requested an explanation of the onboarding procedures for new appointees to those new positions.

THE CHAIRMAN thanked Dr Gupta and, as there were no more comments or questions, gave the floor to the Director General.

THE DIRECTOR GENERAL replied that the onboarding procedure was that the new candidates would be informed and receive a set of standard information for the organization. They would then be contacted by those who were responsible for those committees within the organization and be brought up to date prior to the first meeting. Those were fairly standard procedures. He had not clearly heard the first part of Dr Gupta's question but thought it was about the athlete who would be put on the Compliance Review Committee.

THE CHAIRMAN asked Dr Gupta if he was satisfied with the response.

DR GUPTA said that his basic question had been about the onboarding procedures for new appointees and thought that a good explanation had been provided. He was happy with the new athlete representatives on the committees.

THE CHAIRMAN thanked Dr Gupta and asked the members for the record if they approved the new or renewed members of the 2024 standing committees, namely the Education, Finance and Administration and Health, Medical and Research Committees.

DECISION

New or renewed standing committee members 2024 approved.

4.3.2 Athlete member of Compliance Review Committee 2024

THE CHAIRMAN gave the floor to Ms Ahrens as the chairman of the Compliance Review Committee athlete member selection panel to present the candidate nominated by the Athlete Council to sit on the Compliance Review Committee as of January 2024.

MS AHRENS thanked the Chairman and greeted the Executive Committee members. She had prepared a presentation to briefly explain the process, including the athlete member selection panel, the overview of the Compliance Review Committee athlete member assessment process, as well as the proposed appointment. As a result of the governance reforms, the WADA Athlete Council had coordinated the process that submitted the nominee for the role of athlete member of the Compliance Review Committee to be appointed by the Executive Committee. A selection panel had been established to select and recommend the candidates to the Athlete Council following a rigorous selection process, which had been approved by the Athlete Council in May 2023. The panel had consisted of seven members. Three were Athlete Council members: herself as the panel chairman, Mr Iñaki Gómez from Canada and Ms Jennifer Hars from Germany, and four were members of the WADA Nominations Committee: Ms Diane Smith-Gander from Australia, who was also the independent chairman of the Nominations Committee, Mr Stewart Beck from Canada, Ms Regine Buettner from Germany and Ms Maja Zalaznik from Slovenia. To give some background and update on the athlete member of the Compliance Review Committee, the Compliance Review Committee was a permanent special committee that was independent and non-political and provided guidance and advice to WADA on compliance matters. There were six members in the Compliance Review Committee. Three were independent experts, one sport movement nominee, one public authority nominee and one Athlete Council nominee.

The current term of the athlete member expired at the end of that year. It was Ms Penny Heyns from South Africa and, due to the governance reforms in 2022, the new eligibility rules made her ineligible to continue in the position. It was therefore necessary to reappoint a new athlete member. The position profile included general requirements, which were an impeccable reputation, integrity and ethics; a passion for sports integrity; international perspective and experience; the ability to work collaboratively in a diverse, engaged and consensus-driven committee culture; the ability to deal with complex issues and experience

in similar committee settings; the ability to contribute the athlete's perspective; cultural awareness; enthusiasm for task; being a good communicator; and the availability and ability to travel to meetings. The specific requirements were to meet WADA's operational and personal independence criteria; to fulfil the WADA Athlete Council eligibility criteria and be retired from competition; knowledge of the structure of international sport and the global anti-doping system; and knowledge or experience of compliance monitoring and regulatory work in sport or other fields subject to compliance activities, ideally at international level, or relevant legal background. With regard to the assessment process, the profile had been defined in the selection process and then a targeted selection interview guide had been developed, after which interviews had been conducted. Every interview had been held by two panel members, one from the Athlete Council and one from the Nominations Committee. All meetings had been video recorded to enable the other members of the selection panel to also have a look at the interview. The panel had then scored the interviews and identified questions for referees. The panel had conducted document checks, referee checks and vetting, then had made the recommendation to the WADA Athlete Council. After that, it had been brought to the Executive Committee for the official appointment. Twelve candidate applications had been received after an open call: two from Africa, one from Asia, two from the Americas, three from Europe and four from Oceania. Four applications had indicated that they would be able to contribute in a meaningful way to the Compliance Review Committee, and the panel had also found that a ratio of four candidates to one open seat was acceptable, and the candidate pool had been determined adequate. Four candidates had been interviewed and two retained for vetting. When checking potential conflicts, it had been deemed that one of the candidates could not be recommended due to a substantive executive role held in an anti-doping organization. During the vetting process, the candidate pool had been reduced to one appointable candidate, and the WADA Athlete Council had approved that revised process to consider one candidate only.

The proposed appointment was that the WADA Athlete Council had unanimously approved the recommended candidate for the Compliance Review Committee during a virtual call on 6 October 2023, and the selection panel, with the support of the Nominations Committee and the Athlete Council, believed that Dr Renae Domaschenz (PLY) from rowing would complement the Compliance Review Committee with the skills and experience, in particular those criteria set forth in the position profile. The proposed term appointment was for three years, starting on 1 January 2024 and ending in December 2026. Dr Domaschenz was Australian and had competed in the 2020 Tokyo Paralympic Games. She had retired from competition in March of that year. She was experienced in both board committees and athlete representation. She had a PhD in clinical molecular oncology from Cambridge University and further qualifications in science and genetics. She had a science background that equipped her to be able to understand technical matters related to Code compliance. She was familiar with governance and compliance to make a meaningful contribution to the Compliance Review Committee. She was competent to lead case management of Compliance Review Committee matters and highly intelligent and educated, with an impeccable reputation and strong integrity. She was excellent at tactful communication skills, and an independent worker as well as a remarkable team player.

THE CHAIRMAN thanked Ms Ahrens and gave the floor to Mr Pini.

MR PINI wanted to take the opportunity to thank Ms Ahrens for her incredible work in that process, as well as the other panellists, Mr Gómez and Ms Harss from the Athlete Council, and of course the Nominations Committee. The Athlete Council fully approved the recommendation of Dr Domaschenz. He also wanted to sincerely thank Ms Penny Heyns for her work over the challenging years that she had served. She had done impeccable work and he appreciated her efforts and wanted to note the sincere thanks from the Athlete Council.

THE CHAIRMAN thanked Mr Pini and gave the floor to Mr De Vos.

MR DE VOS thanked the Chairman and the colleagues. His first point was that the sport movement fully supported the application, but he had a question regarding the presentation. Ms Ahrens had said that, after the process, two candidates had been identified as the remaining candidates, and then a potential conflict of interest had been identified. As a result of that, one of the candidates had been clearly eliminated and one had been left. He asked if that potential conflict of interest could not have been identified at an earlier

stage, perhaps avoiding a weaker choice at the end of the process, and wondered whether the process needed to be reviewed in order to address that.

MS AHRENS responded that it had been a surprise. The candidate had passed the independence criteria of WADA and the conflict had been picked up at a later stage and had indeed been somewhat frustrating. It would have been great if it had been picked up earlier because so much work had been put into it by that stage, but the candidate had passed all the operational and personal independence criteria until that point.

THE CHAIRMAN pointed out that at least it had been identified.

MR DE VOS remarked that it was good that it had been identified, but in principle it should be possible to identify at an earlier stage. He welcomed the fact that it had been identified, and it was not a criticism, but wished merely to make sure that the process that was in place was the right one to identify such issues at an earlier stage.

THE CHAIRMAN thanked Mr De Vos for his remarks about the process and asked the members, for the record, if they agreed to approve the new athlete member of the 2024 Compliance Review Committee for a three-year term commencing on 1 January 2024, Dr Renae Domaschenz.

DECISION

Proposed 2024 Compliance Review Committee athlete member, Dr Renae Domaschenz, approved.

4.3.3 Nominations Committee membership term ending May 2024

THE CHAIRMAN gave the floor to the Chairman of the Nominations Committee, Ms Diane Smith-Gander, to present the agenda item.

MS SMITH-GANDER thanked the Chairman and greeted the members of the Executive Committee. It was a great pleasure for her to join them to recommend the reappointment of Mr Stewart Beck for a further three-year term to the Nominations Committee. Mr Beck had had a very interesting career as a member of the Canadian Foreign Service, and had then run an Asia-focused thinktank for a number of years. He brought great diversity to the committee. During his time in the Canadian Foreign Service, he had been responsible for human resources across the foreign service for a number of years, so he also brought subject-matter expertise to the work of the Nominations Committee. The committee was unanimous in recommending his reappointment, with Mr Beck obviously abstaining. He had been a diligent and active member of the committee, and the committee members looked forward to the Executive Committee members' support for his reappointment.

THE CHAIRMAN thanked Ms Smith-Gander and, as there were no comments or questions, assumed there were no objections to the proposal put forward by the Nominations Committee to reappoint Mr Stewart Beck for another term as a Nominations Committee member. The renewal of his mandate would therefore be placed on the March 2024 Executive Committee meeting agenda.

DECISION

Nominations Committee membership term ending May 2024 –Mr Stewart Beck's renewal to be formally approved in March 2024.

- 4.4 Independent Ethics Board bi-annual report

THE CHAIRMAN informed the members that the Chairman of the Independent Ethics Board, Professor Hartlev, would present her report in person the following day at the Foundation Board meeting, as she was currently at the Independent Ethics Board meeting.

DECISION

Independent Ethics Board bi-annual report noted.

5. Finance

THE CHAIRMAN gave the floor to Ms Chung.

5.1 Government/IOC contributions

MS CHUNG thanked the Chairman and greeted all the members in the room and online. She had updates since the papers had been circulated. WADA had received, as of 16 November, from the public authorities 93.4% versus 97.2% the same time the previous year. WADA was still missing about 1.6 million dollars, to be received mainly from the Europe and Asia regions. For Europe, including Israel, the figure stood at 89.5% compared to the same time the previous year when contributions had been fully received. As the Director General had mentioned that morning, Russia and Belarus still had to pay. For Asia, contributions stood at 94.1% which was better than 92.3% the same time the previous year. However, about 286,000 dollars still had to be received, mainly from Lebanon, Indonesia and Pakistan. The Americas were at 99.3% versus 96.5% the previous year, with 46,000 dollars still pending. Africa was at 52.8% compared to 54.5% the previous year, and WADA was expecting about 56,000 dollars to come. Oceania's contribution had been fully received. In terms of total additional contributions. WADA had received 62,890 dollars, of which 58,890 dollars had come from Japan for programme development in Asia, and 4,000 dollars from Nigeria for the African regions. WADA had also received the grants from the European Union for Erasmus+ which were 51,600 euros, specifically for the Global Learning and Development Framework in the Education Department. That was the update on contributions.

THE CHAIRMAN thanked Ms Chung and, as there were no comments or questions, he moved on to the next agenda item.

DECISION

Government/IOC contributions update noted.

- 5.2 2023 quarterly accounts

MS CHUNG wanted to briefly update the members on the year-to-date September 2023 accounts. The total income stood at 44.2 million dollars, representing 87% of the revised budget. The amount was from all sources of funders. The total operating expenditure had reached 61% of the revised budget. From the numbers reported, the spending level had been lower than budgeted. That was mainly due to timing. However, as travel restrictions had been widely eased, more in-person activities and meetings and events had taken place over the previous nine months. The annual symposium had been held in Lausanne. The May and September Executive Committee meetings had taken place in Montreal and Shanghai respectively, where a majority of members and participants had attended in person. Of course, WADA continued to carry out meetings and activities with stakeholders online or in hybrid mode when possible. Just for comparison purposes, the travel spending level over the previous nine months was still lower than the pre-pandemic level by over 500,000 dollars. Of course, more expenses would be incurred in the fourth quarter, including the current Executive Committee and Foundation Board meetings (in person), along with other activities and meetings to close the year. Total expenses had increased and should be in line with the revised budget, and the surplus, which currently stood at 13 million dollars, would of course be adjusted accordingly. Depreciation was 76%. Overall capital expenditure was at 45% of the revised budget. Again, that was due to timing. ADAMS had reached 50%. Quickly, on the renovation costs for the new office, WADA would reach 3.3 million dollars by the end of that year. Of course, it had gone over due to the higher cost and higher price in the post-pandemic period and during the renovation project. With regard to investments, again, WADA was continuing the policy of no risk. The portfolio was sitting at 20 million dollars between UBS and Lombard. The interest income amounted to 380,000 dollars as of 23 September, which brought her to the end of the quarterly accounts.

DECISION

2023 quarterly accounts noted.

6. Legal

- 6.1 RUSADA update

MR WENZEL said that he could be pretty brief on the RUSADA update that time because he had provided details at the recent meeting in Shanghai and the members had received a written update in their papers. With respect to the reinstatement process under the CAS award, WADA was in the same position it had been in a couple of months previously in Shanghai. As he had stated in the papers and in Shanghai, in any event, while the other non-compliance issue (being the federal sports legislation in Russia) was pending, there could be no reinstatement under the CAS award process either. There had been an update with respect to the federal legislation cases, as stated in the papers. RUSADA had challenged the non-conformity and the consequences and reinstatement conditions within the 21-day period that the rules prescribed. The next stage in the process was that WADA would refer the matter to the CAS. That had been filed earlier that day, in fact, and the next step would be a public announcement by WADA, again under the Code, that it had referred the matter to the CAS, which gave the possibility for signatories and even non-signatories to intervene in that process if they chose to. That CAS proceeding would then run its course, and that was all he had to say with respect to RUSADA's non-compliance and reinstatement.

Likewise, he did not have too much to add with respect to the LIMS matter. It had only been a couple of months since the members had seen the last data. A full report had been provided, but they would note that the number of cases that were being asserted and also giving rise to sanctions continued to increase, even though it had only been a month or two since the previous meeting and report. The number of sanctions that had been imposed had gone up only from 213 to 222.

Briefly with regard to the Valieva case, he had said in Shanghai that he was rushing back more or less straight after that meeting for what he had thought was going to be the only hearing. But, as had been publicly reported after the first three days of hearing for procedural reasons that he would not comment on, a further hearing was called and had taken place the previous week, which he had attended. Of course, as WADA had stated publicly since that hearing, it maintained its requests for a four year period of ineligibility and disqualification of the athlete's results from the date of the positive sample in December 2021 onwards which would, if granted, cover the results at the Olympic Games. WADA had, from the beginning in the ad hoc process regarding the provisional suspension at the Olympics in Beijing, but also throughout the CAS process on the merits, continued to dispute the athlete's contamination theory, and it had made that case very forcefully at the last hearing. He was certainly happy that WADA's case had been stated very clearly. It was currently in the panel's hands, and it had indicated, and the CAS had made an announcement about that recently, that it would at least endeavour to issue a final award by the end of January. That possibly seemed like a long time; but, compared with other processes and bearing in mind the complexity of the case and the sensitivity around the case, it was fairly quick. Those were his comments on the Valieva case and RUSADA and he would be happy to answer any questions.

MR BAUM (who had stepped in for Dr Gupta) thanked the Chairman and firstly wished to express appreciation on behalf of the Americas region for the diligence with which WADA was managing the potential reinstatement of RUSADA. Clearly, it was essential for all conditions to be fully met before RUSADA could be counted on to perform its duties appropriately. If and when RUSADA was recertified, close scrutiny of its activities would be appropriate considering its past performance. Further, he reiterated the need to ensure that Russian athletes, as well as other athletes who were not sufficiently tested due to world events, were properly tested prior to the Summer Olympic Games. All athletes who competed in the Olympic Games deserved to know that elite athletes were subject to the same testing regimen wherever they came from. He recognized that there was complexity involved in the issue, but asked that WADA continue to work with sport stakeholders to fully address that concern, consider how to best communicate to athletes globally about ongoing testing efforts for those high-risk athletes and provide an update on that matter at the next Executive Committee meeting.

MS CESSOUMA thanked Mr Baum for his comments, which expressed the concerns that One Voice had. She welcomed the rigorous work done regarding RUSADA. It was also worth asking how independent athletes would be tested in a credible manner, to ensure that all athletes were competing on an equal footing.

The quality of testing was also important. Those were the comments of One Voice, adding to what Mr Baum had said about RUSADA.

MR PINI thanked the Chairman and also wanted to confirm that, from the athletes' perspective, they had had many questions and comments about the athletes potentially participating in Paris. It was more about conveying that perception to athletes. He would very much welcome strengthening that communication from a WADA perspective.

MS WELLS thanked the Chairman and thanked WADA for its continued work regarding those non-compliance issues for RUSADA. She wanted to recall and acknowledge the support that colleagues had given in previous meetings to the preference for an in-person audit in order to be able to consider RUSADA's reinstatement. She wondered if WADA had been able to make any decisions or risk assessment about when an in-person audit could be conducted.

MR WENZEL took note of the comments by Mr Baum, Ms Cessouma and Mr Pini. He took no issue with anything that had been said and, as no questions had been asked, would not comment further on that. With respect to Ms Wells' question about the timing, again, he thought he had been clear in the past and at the meeting in Shanghai. The group of people looking at that within WADA also shared the view that an in-person audit or meeting was required, in particular to assess independence. He knew that view had been explicitly endorsed by the Compliance Review Committee and indeed by members of the Executive Committee. It was very difficult to say when that could take place, and it was probably worth saying that the investigative function of WADA had been clear that not only was it, in its view, necessary to do that audit in person, but it was also necessary to do it in Russia, not at some neutral location. One inquiry could lead to another, and it was difficult to do that when trying to assemble people in a neutral location. That was the current situation. The simple reality, as he understood it, was that, in the current political situation, it was not realistic, and indeed people were not willing, to put it simply, to travel to Russia. It was therefore very difficult for him to give a date, a month or even a window as to when that might take place. All he would say was, again, that reinstatement could not be implemented under the CAS award until the matters relating to the federal legislation had been resolved. The CAS proceeding was only just commencing and would, based on past experience, take more than several months, to put it mildly.

THE DIRECTOR GENERAL thanked the Chairman and wished to add to the debate. With regard to Mr Pini's comment, there had been a long discussion on that the previous day with the Athlete Council and he fully understood the concern of the athletes. However, he highlighted that there was a pre-games task force that was currently operating under the leadership of the ITA, which would be attending the board meeting the following day where questions could be asked directly of the ITA. A lot of tests were being performed at that time. Certainly, he had no doubt that Russia was high on its agenda and that the ITA, the international federations and certainly the IOC were looking at that very closely. His understanding from the comments that had been made was that the system was in place. WADA would convey the priority to the ITA, although he was sure that the ITA was well aware. One aspect that WADA probably needed to discuss further with the ITA was communication, to make sure that it could reassure the athlete community that those tests were actually happening and they were being performed by an independent provider or independent testers, and were not the tests done by RUSADA. At that time, WADA did not know how many, if any, Russian neutral athletes would actually be at the Olympic Games. But he was sure that whatever the number was, it would be fully manageable for the ITA to ensure that all of them were properly addressed. That was his summary.

MR DE VOS thought that, when it came to pre-testing athletes, it was necessary to confirm that it was also one of the sport movement's biggest concerns. That was exactly why the ITA had been asked to set up such a task force and to look into the pre-testing possibilities for all athletes who might participate in the Olympic Games. However, communication was key and it would still require a lot of work. That was a concern that the sport movement also shared.

DECISION

RUSADA update noted.

- **6.2 Consequences due to voluntary withdrawal of funding update**

MR WENZEL stated that the new representatives of the public authorities had been confirmed at the Executive Committee meeting in Shanghai a couple of months previously. Since then, the group had had the opportunity to meet twice, once virtually and once in person, the previous day. It had been made clear that, on the public authorities side, there was a need for further internal consultation through One Voice, and therefore he was not in a position to provide any specific update or make any concrete proposals that day. All he would say was that, from WADA's perspective, and that point had been mentioned a couple of times already that day, Russia and Belarus had not paid their contributions. That was a subject of some importance. Non-payment by a country effectively had a double impact, because it led to a lack of payment of the equivalent amount by the sport movement. In order to ensure the budget and to ensure that WADA could continue to deliver its mission properly, it was very important that it have security with respect to its funding, and therefore he hoped that WADA could progress that matter as quickly as possible. The group would remain in close contact over the coming months, and he hoped that he would be in a position to provide something more concrete at the meeting in March.

MR KEJVAL thanked the Chairman and thought that nobody in that room was envious of Mr Wenzel's position regarding the negotiation. It was maybe not the best timing, but it was important also to note that the issue had been on the table for more than two years. He also thought, as mentioned when talking about the strategic plan, that the sustainability of the organization was the biggest concern of the sport movement. As mentioned, the IOC would match the amount of funding paid by the public authorities, so WADA would be missing not only 1.2 or 1.3 million dollars, but double that amount, so 2.6 million dollars, which was a significant amount of money for the organization. The sport movement would be very happy and was ready to help WADA with communications, but deemed that issue very important and would be very happy to solve it as soon as possible through some kind of regional or continental form of solidarity, or any other possibilities, as discussed. The sport movement would like to put that issue at the top of the agenda.

MS CESSOUMA thanked the Chairman and said that One Voice wanted to understand about the definition and the consequences due to the voluntary withdrawal of funding update. One Voice wanted to know more about the consequences. She also asked if non-payment of contributions entailed an immediate sanction and, if so, what kind of sanction. With regard to the issue of voluntary versus mandatory contribution, that issue had also been raised at the COP9 in Paris the previous October. One Voice wanted to ask those questions about the consequences.

MR WENZEL said that he had nothing to add or respond to what Mr Kejval had said for the sport movement. He believed that the working group would try to advance it as quickly as possible. It might very well be that, in the absence of agreement on consequences, WADA would need to consider other mechanisms of solidarity or utilization of reserves in certain circumstances when it might have to consider alternatives.

With respect to Ms Cessouma's question on consequences, he thought they had been set out quite clearly in the paper for that meeting. The consequences had been discussed and, indeed, in previous papers and previous meetings, there had been a whole range of consequences. Where there had been some resistance from both the previous working group and perhaps continuing into the new composition of the working group was in particular with respect to any consequences that NADOs might suffer as a result of non-payment by their government. But he thought that the consequences that had been discussed up until that time had been set out quite clearly in all of the papers. With respect to the definition and what was referred to variously as voluntary or unilateral withdrawal of funding, which had been mentioned certainly orally and perhaps in the papers as well, from WADA's perspective, that was a non-payment for reasons that were not force majeure. That meant that, if the reasons for the non-payment were within the control of the non-paying government, WADA should consider it as a unilateral withdrawal of funding. If it were put differently, for instance, if it would be deemed unilateral or voluntary withdrawal of funding only if WADA could demonstrate that the amount was being withheld for political or strategic reasons, it would be an impossible burden of proof and would never trigger the consequences. He thought that at least within the working group but before this committee, there had already been references to the phrase 'force majeure', but it effectively meant non-payment when it was within the control of the non-paying party. He hoped that provided some clarification.

MS CESSOUMA apologized for taking the floor again but wanted to know what the definition of 'force majeure' was. One Voice wanted to know what it was.

MR WENZEL replied that he had seen a lot of force majeure definitions in many contracts and other documents over the years, and although they might vary in their nuance, they were all essentially the same, describing something that was beyond the control of the other party. Typically, that was how a force majeure definition started. There was normally also a non-exhaustive list of various things that would constitute force majeure, but the guiding principle of force majeure was that it was something that was not within the control of the party, and that was how WADA saw it. In his experience at least, those definitions tended not to vary very much.

THE CHAIRMAN thanked Mr Wenzel and, as there were no more comments and questions, wished to make a suggestion and indication because he could not agree more that the process was taking too long. His indication was therefore that, if the public authorities working group did not prepare the solid mechanisms and proposals very soon, the WADA management would prepare its own mechanism and concrete proposal in March for the approval of the Executive Committee.

MS BATTAINI-DRAGONI welcomed what the Chairman had just said because she thought that everybody around the table wanted to see what they could do in order to solve that problem. She thought it was a very good idea to go back to One Voice, to the public authorities, because WADA could, if it wanted to, of course, even envisage possibilities to speak to those people. The whole thing was dragging on and it was really a pity for them and for WADA. She reiterated her appreciation of the proposal.

DECISION

Consequences due to voluntary withdrawal of funding update noted.

7. Athletes

- 7.1 Athlete Ombuds update and mid-term review

MR KEMP thanked the Chairman and greeted the Executive Committee members. It was his pleasure to introduce in person Ms Anna Thorstenson to the members for the first time. He just wanted to remind them that in Shanghai, just a few weeks previously, he had been asked to provide a little bit more detail on the progress of the office at that meeting. He reminded members that the platform for the new Ombuds had only been launched at the beginning of September so Ms Thorstenson was only able to provide an update on progress since that time. He thought it would also be useful to remind members that the Athlete Council had been very engaged in that process and, at its meeting the previous day, Ms Thorstenson had been able to provide members with an update on her activities and try to solicit some feedback on next steps. He was pleased to report, on behalf of the Athlete Council, that it was very supportive of Ms Thorstenson's efforts and looked forward to providing the Ombuds further support going forward. With that, he would give the floor to Ms Thorstenson to provide the members with more detail on the progress of that project.

MS THORSTENSON thanked Mr Kemp and was pleased to be there in person for the first time to meet all the members of the important Executive Committee. Her name was Anna Thorstenson and she would give them a brief update on what she had been doing in the past months, and she hoped they were as excited and curious as she was. Before starting, she wished to recall the roles and duties of the Ombuds, because she thought it was important to have that in the background. The terms of reference of the Ombuds stated that the Athletes' Anti-Doping Ombuds provided athletes with cost-free, neutral, impartial, fair advice and assistance in relation to the World Anti-Doping Programme and the entities that played a role within it and should act under the principles of independence, impartiality, confidentiality and informality. As the members could see, the scope was very large. It covered any athlete subject to the World Anti-Doping Code and with any anti-doping related issues. With regard to the Ombuds' duties in the same terms of reference, she would not read them all out but basically they were: to provide information, guidance, independent and confidential advice and assistance at no cost to the athletes; to assist athletes by connecting them to relevant information, services, organizations and professionals; to assist athletes with their concerns and disputes through reviewing and reporting, fact finding, facilitated communication and mediation on a case-by-case

basis; to advise on how to file formal grievances in cases where informal resolution was not attained; to advocate for fair, transparent, timely and equitably administered policies and processes within anti-doping; and to assess athlete rights within anti-doping and advocate for their fair and equitable administration. With regard to the mission, the Ombuds was responsible for setting up the Ombuds office; finalizing procedures, processes, scope and authority; rolling out and delivering the Ombuds services; raising awareness among the athletes and anti-doping community; creating trust and relationships with athletes and anti-doping organizations; maintaining a working relationship with the WADA Athlete Council; and being there for athletes.

She wanted to give the members a short timeline of what had happened in the previous months. The project had started in March and of course efforts had been focused on initiating the project and preparing for the first WADA symposium presentation; following up on the connections made at the symposium; and of course meeting the Athlete Council for the first time. In April and May, efforts had focused on raising awareness in the anti-doping community; reaching out to the NADOs, IFs, ITA, athlete representatives and other ombuds services; and starting to look into IT solutions. In June and August, the emphasis had been on creating the necessary IT systems, meaning the website and the back-end platform with the very helpful support of the WADA staff. As Mr Kemp had mentioned, on 5 September, it had finally been possible to launch the website and platform, and it had only been as of that date that WADA could actually say that it was officially starting to assist and guide athletes, continuing to raise awareness among athletes and creating credibility for the Ombuds in the anti-doping community.

Some two months had passed since then and she would explain what had been done to date in relation to athlete awareness, but would start with the IT system. She did not know if the members had had the opportunity to look at the website. It was a very simple website with basic information including a contact form for the Ombuds, which would end up in a secure inbox. The sender could then log in to their secure inbox and get a reply. The Ombuds could also be contacted by e-mail and she encouraged the Executive Committee members to have a look at that if they had not done so already.

Coming back to athlete engagement, obviously that was the key to success for the Ombuds role. Therefore, she had been trying to engage with athletes at every given possibility. Initially, that had been by referral through stakeholders because the website had not been in place, but at that time it was through the website and even on recommendation from other athletes. She thought it was important to seek opportunities to engage with athletes and athlete representatives to promote and raise awareness, and she had had a great opportunity to participate in person at the IOC athletes' forum. Of course, meeting the WADA Athlete Council was also very important. A second meeting had taken place the previous day, with the mission to further build on the relationship, evaluate development and try to define future success factors.

Considerable effort had also been made to try to promote the Ombuds, which entailed building relationships, networking, discussions with anti-doping organizations, international federations, the Intelligence and Investigations Department, athletes, athlete' representatives, other ombudspersons and also the Council of Europe. As a result, the anti-doping community was well aware of and updated on the Ombuds services. It had been a pleasure to be invited to present or sit on panels to talk about Ombuds services and athletes' rights. For example, she had been to the sport resolution conference in London; the Anti-Doping Norway conference on athletes' rights and fair hearings in Oslo; the Council of Europe conference on anti-doping in sport in Riga; and the law in sport global summit in London. She thought such invitations to speak at such important events spoke for themselves. They confirmed the need for such an Ombuds service, affirmed the Ombuds' credibility and asserted a raised voice for athletes. As she had mentioned already, awareness and credibility were key. Creating that among the stakeholders in an anti-doping community was a task in itself. She believed that anti-doping community awareness was quite high at that time, and was proven by various interaction and invitations, which confirmed the credibility and also the belief in a future Ombuds office. The next task would obviously be to raise further awareness among athletes globally, and that would also be done in the coming months.

One great piece of news was that the ITA had included the contact details and website in its notification letters in mid-October, and other NADOs and IFs had been asking for similar inclusion in their letters. Some

NADOs and IFs were also promoting the services on their websites. Such inclusion was crucial for raising further awareness and engagement with the athletes.

She believed that progress and success were why the members were there that day. In order to be able to actually judge what success was, it was necessary to look at the mission and duties of that specific Ombuds. There was a list of the mission and duties: to be responsible for setting up the Ombuds office; finalize terms and references, procedures and scope and authority; roll out and deliver the Ombuds services; promote and raise awareness among athletes and the anti-doping community; raise awareness that anti-doping organizations could support the Ombuds and create important cooperation; create trust and credibility in relationships with athletes, anti-doping organizations and the community; maintain close working relationships with the WADA Athlete Council; create close working relationships with ombudspersons and other athletes' representatives; advocate for fair and transparent, timely and equitably administered policies and processes within the anti-doping system; and assess athlete rights within anti-doping and advocating for their fair and equitable administration. Thus far in the project, she would say that all those points could be ticked off as a success. If success was defined as having been at least partially accomplished, there was of course room for improvement, especially in raising awareness among the athletes and getting athlete uptake. The coming months would definitely focus on improving that. As she had mentioned already, to maintain the close working relationship with the Athlete Council and other ombudspersons, for example, an alliance of sport ombudspersons had already been created and was growing, together with the athlete ombuds at the USOPC, Kacie Wallace, who the members might have already met. That was work in progress.

Of course, everyone was very interested in the statistics, which were often used to judge success. As of 5 September, after two months, 32 athletes had contacted her through the platform. That was an average of about four athletes a week. She thought it was a good starting number. Of course, there had been athletes prior to the launch of the website as well, but they were not included there. The questions and the difficulty of the questions varied. Some were simple questions on whether a product could be used. They ranged from whether a substance was prohibited to what the next steps in an athlete's appeal process in their previous case were. Thus, the questions varied considerably, as did the amount of time that she might spend on each inquiry. There were questions on whereabouts and how to apply for a TUE correctly, what exactly an Athlete Biological Passport was, etc. She would say the questions covered everything that was within the Code and that athletes were exposed to. As the members could also see, there was variation among countries as well. There already seemed to be a global uptake of the services.

With regard to where to go from there, she would go big and say that the Ombuds service was there and established and had to stay. The Ombuds functioned as a liaison between the anti-doping organizations and the athletes, and she thought it was a very important function. There was a true need for an Ombuds service, which could be beneficial not only for the athletes, but also for WADA and the anti-doping community at large. So, she would say it was necessary that it was there to stay. It had been recognized as an important part of the anti-doping community already. She reiterated that it confirmed the need for the Ombuds services, affirmed the Ombuds' credibility and asserted a raised voice for the athletes. Her aim was therefore high. The vision was to ensure a permanent Ombuds office and a successful continuation of the Ombuds project, continuing to meet needs for athletes and finding out what those needs were, in addition to developing and growing resources and adding capability and capacity after demand. Perhaps in the future there would be continental Ombuds offices and future regionalization of such offices.

THE CHAIRMAN thanked Ms Thorstenson very much. He opened the floor for comments or questions and gave the floor to Mr Pini.

MR PINI thanked Ms Thorstenson and stressed that, as a previous Athlete Committee initiative, it was important for the Athlete Council and the Ombuds to collaborate very well together. The Athlete Council was excited to further work on that initiative and to see success in the progress. It was obviously a very important topic with human rights to have an ombudsperson available to all athletes. It would help the Athlete Council with strategic direction by monitoring the trends and the advice that Ms Thorstenson saw coming through. He thought that it would help with preventative measures in the future to see how those trends were coming through. He also definitely appreciated the stakeholder engagement in helping with that awareness. He also knew the ITA and NADOs had come through to help. Boosting that awareness would also be the Athlete

Council's priority, and it had done that through forums and other athlete engagement opportunities as well. He looked forward to working with her closely in the future and fully supported her vision.

MR LALOVIC thanked the Chairman and Ms Thorstenson for her report, which gave a good insight into the first steps of her activities. The sport movement would evaluate the pilot project in due course and assess the future structure on that basis. Above all, it was important that Ms Thorstenson address the need to establish a network of regional and national ombudspersons on behalf of the NOCs and NADOs that offered their support to athletes. Such a network was better and more effective than a central and global organization, because it was closer to the athletes and could also overcome language barriers. An ombuds alliance like that should be the focus of that project. The sport movement welcomed that and encouraged that being the prime objective instead of growing new capacities within WADA. The sport movement was looking forward to the further work of Ms Thorstenson and her final report.

MS BATTAINI-DRAGONI could not resist the temptation to follow her dear colleagues and express the highest possible respect that she had for the work that Ms Thorstenson had done. She had already done many things in such a short period of time, and she felt that Ms Thorstenson was really on the right track. She just wanted to state that she was very happy with the presentation and the way in which Ms Thorstenson was managing it, and she really believed that she would do beautiful things in the future with that. She particularly liked the emphasis placed on the NADOs; it was important not to miss that opportunity for the NADOs.

MR EMONYI thanked the Chairman and wished to support the Ombuds initiative in terms of awareness and creating trust among athletes. It was indeed interesting to see some of the questions being asked by athletes, ranging from simple substance use and TUEs, which really emphasized the role of the Ombuds in supporting areas where there was a NADO or not. Leveraging on existing ombuds services such as the USOPC one and other areas where such a service did not exist, he thought it would be interesting to see how that would evolve and how much work would arrive on Ms Thorstenson's desk in the following few months.

MS YANG thanked the Chairman and firstly wanted to congratulate Ms Thorstenson on what she had accomplished. She remembered when they had started talking about the matter two years previously and believed that Ms Thorstenson should be very proud of what she had done. She was very happy to see that there had also been questions raised by athletes, albeit very simple ones. She had a minor question about the future. There were areas that did not have that kind of cultural background and she also raised the issue of language differences. How might WADA reach out to them and let them know about that great programme, to help the athletes to understand how WADA could help? That was why she also supported the comments from the Olympic Movement to push the NADOs to have ombuds programmes in the future, which would result in a bigger team for WADA to support athletes. She reiterated her congratulations and appreciated the work done.

MS THORSTENSON thanked the Executive Committee members for all their valuable comments on that project which she of course appreciated. That was how they could move forward. She really looked forward to sitting down with each member who had comments to talk through potential progress in the future. She just wanted to mention one thing in relation to the sport movement comments on staying at the local level. The first thing was that the Ombuds project did not prohibit or stop anyone else from having ombuds services. The purpose was to actually develop ombuds services in as many countries as possible. It was necessary to look at the reality and see how many actually did have an ombuds function or a similar function within the NADOs and IFs. She believed the reality was that it was growing but there were very few. There was also of course the question of means for such an ombuds office in-house. Her other point on keeping the ombuds only at a local level was the question of equal treatment and fairness for athletes. Athletes should not suffer because their national anti-doping agency did not have that function. She therefore thought that a global role really emphasized the need for certain regions where there was no culture of having an ombuds office and she was therefore open to hearing more about that in the future and discussing it further with the IOC to include, for example, the NOCs in that important project.

THE CHAIRMAN thanked Ms Thorstenson, congratulated her on her great work and stressed she had full support from his side.

DECISION

Ombuds update noted.

8. Compliance

- 8.1 Non-compliance cases

THE CHAIRMAN noted that the item was for decision. Before starting, he noted that an updated compliance paper had been circulated on 9 November and he wanted to give the floor to Messrs Gourdjii and Haynes.

MR GOURDJI greeted the Executive Committee members. Before he started with item 8.1, he wanted to update them briefly on the Compliance Review Committee activities since the September Executive Committee meeting. There had been one Compliance Review Committee on-site meeting in Montreal on 19 and 20 October, as well as a full day in-camera session. Leading up to the meeting and during the meeting, the Compliance Review Committee was continuously kept abreast of WADA's monitoring activities and the support provided to the signatories. The Compliance Review Committee received updates on the non-compliant signatories as well as updates on the signatories on the watch list. The Compliance Review Committee continuously monitored the WADA compliance monitoring programme and tracked its progress based on WADA's annual plan. The Compliance Review Committee also continuously requested and received updates on the ISCCS revision process, which he knew would come before the members that day. The Compliance Review Committee considered the revision important as it did affect its work since some of the revisions had been proposed based on lessons learned in the area of compliance and would need correction, such as the prioritization policy, Code compliance questionnaire, mandatory information requests, audit programme, etc. Overall, the changes would make WADA's, the Compliance Review Committee's and the Executive Committee's role more efficient in the compliance process. Those changes were based on collective experiences implementing the standards since 2018 and, as a Compliance Review Committee member since 2014, seeing that continuous improvement in the regulatory framework was very reassuring. Lastly, before reporting on the non-compliance cases, he wanted to take the opportunity to thank one of the Compliance Review Committee members, the athlete member Ms Penny Heyns, whose term would come to an end on 31 December. While she had been with the Compliance Review Committee for only one term, she had actively contributed to the Compliance Review Committee and participated throughout her term, looking through the lens of an athlete's perspective, and he had appreciated that very much. The Compliance Review Committee looked forward to meeting Dr Domaschenz and working with her going forward.

He would report on the non-compliance cases referred to in agenda item 8.1. The document before the members had been updated on 9 November, as the Chairman had indicated. Revisions occurring just prior to the next meeting were not uncommon, since signatories continued to make progress on corrective actions and the Compliance Review Committee was pretty much on standby leading to the Executive Committee meeting to review any progress submitted by WADA for its review that might change a Compliance Review Committee recommendation. As he had explained at the previous meeting, that was of course a good sign. It reflected that the mechanism WADA had in place worked. It reflected that the signatories had been active up to the point of that meeting. He had prepared a one-page slide that he requested be displayed to help guide the members through those cases. In terms of legislation cases, he would be recommending Bahamas and Cambodia for the watch list with an automatic non-compliance after four months if the non-conformity had not been resolved. On Code compliance questionnaire cases, there was the Venezuelan NADO case. For audit cases, there were the Nigerian and Tunisian NADOs. And finally, there was a case related to the implementation of decisions made by the WADA Executive Committee on the Olympic Council of Asia. He would start with the rules-related cases. Paragraph two referred to the WADA management's and the Compliance Review Committee's position on cases related to legislation. The Compliance Review Committee had felt it was important to reiterate the reasoning as to why WADA needed to monitor legislation, since the relevant obligation for NADOs to ensure implementation of a legal system in line with the Code was set out in article 20.5.2. Furthermore, paragraph two provided details on how the approach had been followed and was consistently followed for the cases before the members that day. Section A or paragraph (a), page seven, specifically, addressed the new cases related to the implementation of the Code in the

legal system of the Bahamas NADO and the Cambodian NADO. The detail for each case was found in (a) one and (a) two. Essentially for both NADOs, good progress had been made, and draft amendments in line with the Code had been finalized, including providing a calendar for adoption within four months from the Executive Committee. Therefore, the Compliance Review Committee recommended that the Executive Committee watch-list the Bahamas and Cambodian NADOs with consequences and conditions of reinstatement as reflected in section A, which was in pages eight and nine, specifically, to be applied at the expiration of the four-month deadline if the non-conformity was still pending.

He would then summarize the Code compliance case. The details of that case could be found in section B, page 10 of that report. The members would note that quite a bit of text had been struck through due to some positive updates that had been made in the previous few days, as summarized on page one of that report. The Ju-jitsu International Federation had completed its corrective actions and therefore the compliance procedure had been closed. The Venezuelan NADO had two areas of non-conformity. However, since the first version of that paper had been distributed, the Venezuelan NADO had adopted its anti-doping rules, resolving one non-conformity. What remained were still 11 critical corrective actions in the areas of adequate resources, testing, result management, therapeutic use exemption and education. Therefore, the Compliance Review Committee had decided to recommend that the Executive Committee approve WADA sending a notice to the Venezuelan NADO, alleging it was non-compliant with the Code and proposing the consequences and conditions of reinstatement as listed in section B, which was on pages 12 and 13. The Executive Committee would note that the consequences included the Venezuelan NADO anti-doping activities being subject to supervision, and that was due to the lack of progress in resolving the critical corrective actions.

He would summarize the audit-related cases. Section C, starting on page 14, addressed cases of non-compliance related to the implementation of anti-doping programmes through audits for the Nigerian NADO and the Tunisian NADO. By the time the Compliance Review Committee had reviewed those cases, the Nigerian NADO had still not yet implemented eight critical corrective actions in the area of resources, testing, result management and TUEs. With respect to the Tunisian NADO, it still had five critical corrective actions not implemented in the area of adequate resources, testing and result management. Additionally, its anti-doping legislation, together with eight accompanying decrees, was not in line with the Code, although the Compliance Review Committee had seen some progress recently from the Tunisian NADO. The Compliance Review Committee had discussed those two cases and decided to recommend to the Executive Committee that it approve sending a notice to the Nigerian and Tunisian NADOs alleging they were non-compliant with the Code, and proposing the consequences and conditions of reinstatement as listed in section C on pages 15, 16, 17 and 18. With respect to Nigeria, the members would note the Compliance Review Committee was proposing additional consequences after 12 months if the reinstatement conditions had not been met, and those additional consequences would be the supervision of all Nigerian NADO testing and result management relating to anti-doping activities by an approved third party.

Finally, section D of the report started on page 19. It reflected a case related to the implementation of decisions by the WADA Executive Committee. That case pertained to the Olympic Council of Asia. It was the first case of its kind that the Compliance Review Committee was presenting to the Executive Committee. The factual details were laid out on pages 19, 20 and 21, including links to all the supporting correspondence. The Compliance Review Committee had reviewed that case very carefully and looked at a few factors. One was signatory awareness, to ensure that WADA had indeed issued a communication to all relevant stakeholders, including the Olympic Council of Asia (OCA), confirming that the Democratic People's Republic of Korea (DPRK) NADO had been declared non-compliant, and the communication also contained a list of the consequences imposed on the DPRK that must be adhered to. All signatories had been made aware on a number of occasions. Furthermore, the OCA had further been made aware prior to the event, with specific correspondence from WADA. The Compliance Review Committee had then reviewed very carefully whether that case had aggravating factors that should be considered. The fact was that the OCA had refused, despite repeated requests, to correct the non-conformity and respect the flag consequences. In fact, the OCA had maintained the DPRK flag at the opening and closing ceremonies, including all competition and non-competition venues, and during all medal ceremonies throughout the entire duration of the event despite the repeated requests from WADA. Once the Compliance Review Committee had considered those two points, it had determined that the fine should be an amount that was significant

enough to be a deterrent, otherwise similar situations could be repeated in the future. Therefore, the Compliance Review Committee proposed a fine of 500,000 US dollars. The Compliance Review Committee had also decided to recommend that, if that fine was not paid within 12 months, then an additional fine of 500,000 US dollars and additional consequences would apply. As some of the members knew, he came from an aviation background. In various states, national laws were put in place to reduce flights from aircraft landing in airports at night, normally after 11 p.m. If the airport was in a residential area, people would get quite upset and complain to their governments, so the states had come up with rules on noise abatement procedures and failure to comply would result in a fine. In the past, the fines had been minimal as a deterrent and, as a result, the airlines had decided to land after 11 p.m. and simply pay the fine. The rules had changed quite quickly after that to make it more of a deterrent. That was just an example, to put the matter into perspective. The Compliance Review Committee had discussed that case and decided to recommend to the Executive Committee that it approve sending a notice to the OCA alleging that it was non-compliant with the Code and proposing the consequences and reinstatement conditions as listed in section D, pages 21 and 22. Furthermore, the Compliance Review Committee had determined that the OCA's deliberate refusal to implement the signatory consequences concerning the DPRK flag, despite repeated and clear reminders by WADA, constituted an aggravating factor within the meaning of the standard. The decisions of the Executive Committee were summarized in paragraph one of the paper, which was on page two, and summarized on the slide. That concluded the Compliance Review Committee presentation to the Executive Committee and he would be pleased to answer any questions the members had.

MR DE VOS thanked Mr Gourdj for his presentation, and the lesson in aviation. He lived close to an airport, and Mr Gourdj had given him some ideas! He thanked the Compliance Review Committee for the detailed report and the hard work and flexibility to deliver very close to the meetings of the Executive Committee updates so that the members could be fully informed and up to date with the decisions that they had to take. The non-compliance cases, of course, touched the core business of the organization, which was the fight against doping. The members should not forget that compliance was key to providing a level playing field to athletes and fair and credible competitions. As mentioned also in the report of the Director General, harmonization and consistent standards and implementation were key and WADA could not and should not deviate from them and start to become flexible because there was an increased number of cases. WADA needed to maintain the level of application of the standards in the application of the Code, and he fully supported the proposal from the Compliance Review Committee, but especially in view of the upcoming Olympic and Paralympic Games, it was very important that WADA did its utmost to help the non-compliant NADOs to become compliant, because so many nations competing under a neutral flag was not good. It was also very confusing, especially with the general public, he was afraid, as those neutral athletes could be perceived to have the same nationality. Obviously, he was not going to mention what nation. He therefore urged WADA to do its utmost to help them to be compliant. He was sure that the upcoming Olympic and Paralympic Games would be an additional incentive for those NADOs to do their utmost from their side to be compliant. He apologized for not being present at the previous meeting in September in Shanghai, but he had seen in the minutes that there had also been a comment regarding the Democratic People's Republic of Korea NADO, although not the case of the OCA, mentioning that the NADO was engaged and responsive and that certain reinstatement conditions were still being monitored. He would be interested to know if there was a further update on the compliance situation of the NADO. Besides that, there was also the specific situation regarding the borders of the DPRK, as they had been closed also for athletes. He believed it was important, also in terms of universality, to have some of their athletes at the games.

DR SANGENIS acknowledged that that point was always tough, and it had to do with non-compliance, but she thought that sometimes, when things were done correctly and well, it was necessary to raise the point. At the previous meeting, she had raised concern regarding Panam Sports being non-compliant, especially so close to the Pan American Games. First, she wanted to congratulate the WADA central office and also the Latin American office on solving the non-compliance issue in such a short time. It had taken a lot of work. As she was based in Latin America, she had received praise from local organizers, who had very much appreciated the group of independent observers sent by WADA. They had told her that the games had left a legacy not only for the Chilean people and organizers, but also for many of the countries that had participated there. Having said that, she would support Mr De Vos, in that being compliant was the core business of WADA. Perhaps something needed to be done with regard to how WADA could help NADOs

reach compliance in a speedy way, as had happened with the Pan American Games. Perhaps WADA could work a little further on that. She understood that each case was different, and had to be looked at in different ways, which took a lot of time. She was sure that it was hard work, but especially regarding the Olympic, the Paralympic, the Pan American, Asian or any regional or continental games, maybe there was a way of speeding up the procedure to make all the NADOs compliant as had been the case with the Pan American games.

MS YANG noted the long list on non-compliance and also referred to the experience of the Asian Games. Of course, everybody knew that non-compliance would have consequences not only on the NADOs but especially the NOCs and also the governments. Nevertheless, with the Paris Olympic and Paralympic Games coming, WADA did not want to see so many neutral teams coming to the event. She was wondering, on top of what WADA was doing to help support the NADOs, what more could be done to support them for the coming Games to be compliant? She had been carrying out some analysis, especially on non-compliance, and had accompanied the Director General to one of the NOCs, and there was some communication that was missing or lacking, but she could feel that the NOCs and also the governments were not really aware about what was happening until there were consequences, which was why she was wondering whether WADA could do a little bit of early communication at a certain point before there were consequences. That would make the procedure towards compliance smoother.

MS BATTAINI-DRAGONI asked whether, in the past, WADA had ever been confronted with a similar situation. She would try to address the question also, in particular regarding the OCA, because it seemed to her that the fact that it had received correspondence but was not writing back and not reacting was almost insulting to the organization. What she was afraid of was that, if WADA let it go, there would be other cases in the future and WADA could not possibly imagine something like that. She had to admit that she had really been very surprised, and believed that WADA needed to sort it out in such a way as to ensure that it would not happen again. That was her point. She understood that it had never happened in the history of the organization, so that was the first time.

MR MUROFUSHI noted that Asia supported the Compliance Review Committee's recommendation. It was regrettable that there were still several cases of non-compliance, and not only WADA but the whole anti-doping community should assist together. He had one question about the OCA case: how had the Compliance Review Committee reached the figure of 500,000 US dollars? He would be interested to hear about the process and the setting of the fine at 500,000 US dollars.

MS CESSOUMA said that there were some African states affected by the situation of non-compliance. She was interested in finding out how had WADA reached the figure of 500,000 dollars and what non-compliance criteria had been used. Also, with a view to helping the member states, how could WADA help the countries overcome the non-compliance situation? The states had their own rules and legislation, and she wondered how WADA and the countries in question could work together to help the countries adopt the necessary laws and become compliant. She supported what Mr Murofushi had just said.

MR BAUM welcomed the report and the update. He was very supportive of the Compliance Review Committee's efforts to monitor legislation and the efforts by WADA and the Compliance Review Committee to ask governments to enact necessary updates to their legislation. Nonetheless, on behalf of the Americas region, he wanted to reiterate that it was not appropriate for WADA to sanction NADOs for the actions of governments for which they had no responsibility. There was deep concern within the Americas region on that issue. He noted the publication of a declaration that raised the subject by the Ibero-American Anti-Doping Network (RILD), which had met the previous month in Panama. It had been signed by every NADO and RADO in the region. Alternative mechanisms must be found for WADA to address those legitimate concerns over legislation that did not involve punishing NADOs, technical bodies that could not control governmental legislation. The Americas region and the USA looked forward to working with all anti-doping stakeholders, including WADA, to find a way forward on that significant problem.

MS BENNETT welcomed the detailed summary and all the efforts that the Compliance Review Committee had taken in relation to the number of non-compliance cases. Her question also went to the fine that was proposed to be levelled against the Olympic Council of Asia and she wondered whether there was any precedent for WADA issuing a fine in the past. She realized that that was a new issue that had been

presented, but wondered if there was a precedent for fines being issued and where that sat in relation to those fines, and she echoed Mr Murofushi's comments about how that particular fine had been calculated.

MR GOURDJI said that he would cover the questions that some of the members had asked about how the Compliance Review Committee had come up with the fine and the rationale and then he would leave it to Mr Haynes to give an update on the DPRK. The Compliance Review Committee did get updates, but he was sure Mr Haynes' would be more up to date. As he had mentioned, the case with the OCA was the first of its kind. The standards did not limit the Compliance Review Committee in a percentage of the fine, but it was clear that it needed to be a deterrent. The first thing that the Compliance Review Committee had sought to do was try to find out the financial status of the entity. It was all open source. It was all in the public. Good luck in trying to find an annual statement from the OCA. The financial statement was not there, so the Compliance Review Committee did not have that. However, it did know that the IOC provided financial support to the OCA of 10 million dollars a year. The Compliance Review Committee had therefore looked at 5%, which was 500,000. Having said that, it had done more research. That was the minimum. That was the financial information that the Compliance Review Committee knew about; it was public information because it was transparent. There were also sponsorships and partnerships. The OCA had secured sponsorships and partnerships with various corporations and organizations. Those sponsors provided financial support in exchange for branding and promotional opportunities associated with the Asian Games and other OCA events. Broadcasting rights also brought in significant revenue, as did ticket sales, government grants and merchandise sales. That, the Compliance Review Committee knew, was all the financial input coming in. The Compliance Review Committee had gone with what it knew, and that was the figure it had started with. It had then gone with the percentage of 5%. The committee believed that that was still a deterrent. He knew that, based on the standards also, if the OCA elected not to pay, it was not like the Compliance Review Committee could then go back and impose more. That was why, with the way the standards were currently written, anything beyond 12 months, if the Compliance Review Committee wanted to provide additional consequences, it had to present them to the Executive Committee that day. That was why the committee had added an additional 500,000 dollars. There were additional consequences that were significant. The committee was hoping that the pressure internally within the OCA would make it just pay as soon as possible. That was the rationale the Compliance Review Committee had used. He would stop there and pass it over to Mr Haynes for the DPRK and others.

MR HAYNES stated that he would try and summarize the comments received in three areas. Firstly, the committee took no pleasure in presenting a high number of cases, and non-compliance always remained a last resort. It was important to say that the committee did support all signatories going through the process of maintaining compliance, and WADA's regional offices worked tirelessly with all the different stakeholders to maintain compliance. One thing that was being looked at in particular was involving other stakeholders earlier in the process to support the signatories. He understood, with the Paris Games taking place the following year, that there was some tension and pressure. Nevertheless, for WADA, it was the same process that was employed every day. The staff members responsible worked hard to make sure that people maintained compliance. The members should rest assured that WADA was doing that and would look to improve where it could. Commenting on the flag and neutrality, the flag consequence was not neutral. It did not mean that the athletes were competing in a neutral way; it was just that the flag would not be flown. That was an important statement to make. That led into the update requested on the DPRK NADO. He had mentioned at the previous meeting that the NADO was very engaged in fixing its non-conformities and being reinstated. WADA was working with the International Testing Agency and other IFs to initiate some testing in North Korea. As mentioned, the border was closed, but the ITA was working and providing solutions for international doping control officers to enter the country. It had not yet happened, but he would update the members as soon as it did. That was the one remaining reinstatement condition. The NADO had made a lot of progress. It was currently shipping blood into China, which it had never done previously. That was a very significant update and progress that had been made. He made one final comment on legislation, and he knew that it was mentioned at every meeting and it was raised in different ways, but the way in which the Code was written for signatories meant that the NADO had the obligation to ensure that the legal system in which it operated was in line with the Code. In particular, article 25.2 stated that, but the members could rest assured that, when WADA received legislation, it reviewed it in a very pragmatic way. It was proportional. Substantive elements of that legislation and how it compared with the Code were being looked at. It was not

a clerical exercise. It was not a grammar spell check or anything like that. The very substantive elements were being looked at. At that point, it might be worth his colleague Mr Wenzel giving some of those examples where it had been seen that there was a discrepancy between rules and how that played out in cases, because it did become very real, very fast, when those issues were identified.

MR WENZEL noted that, before he gave a couple of examples, it had been said already by a number of people, but he would throw his hat into the ring, it was extremely important that legislation was assessed to the same standards as anti-doping rules. If that were not the case, then countries that chose or had to implement the World Anti-Doping Code through legislation would be in a different position to countries that used anti-doping rules. There would be a two-tier system. If it were suggested, and he hoped that it would not be, but if it were suggested that legislation was outside of the purview of WADA entirely, then, of course, that would be a very serious situation. However, even if it were suggested that somehow the compliance touch or the monitoring touch should be a lighter one, again, WADA would have two tiers, with those that were introducing anti-doping regulations, where the Code said that, with respect to those articles, not only must they be implemented, but they must be implemented without substantive change, verbatim. If a lighter touch were taken with respect to legislation, one had to implement, but it could be approximative, there would be two tiers of countries. And that, with respect to harmonization, raised serious alarm bells. He thought that it was a very serious issue. Again, before he gave a couple of examples, he thought it was really important for the committee and the members to bear in mind how the process worked. If one looked at the anti-doping rules of a NADO or of an international federation, and people in Mr Haynes' department were doing that on a daily basis and certainly, of course, when there was a new Code that came into force, they tracked the exact structure of the Code. It was all in one document. There were model NADO rules and model IF rules. It was very easy to go through and compare what the differences were. And, again, as per article 23.2, many of the articles had to be introduced verbatim. So, where one spotted differences, one could highlight them and request changes, and that was what happened. Legislation was a more difficult beast to tackle because they, in his experience, at least, very rarely tracked the structure of the Code. The rules implementing the Code were often in different documents, a mother document or a primary document, but then subordinate legislation decrees, and it was all over the place. So it was already a much more difficult exercise to do. He would suggest that it was very difficult for the people, who were often not people who had experience of litigation, in Mr Haynes' department going through the laws and trying to work out disparities to ask themselves the question as to whether they were different. The members should bear in mind, again, the requirement for verbatim implementation in anti-doping rules. It was a very difficult exercise to go through, and not only in that range of documents to identify the differences, but then with respect to each one of those differences, which could be dozens or hundreds of differences, to ask oneself whether that difference was material, whether an argument could be made that would be relevant to a case and whether that argument would be successful. It was a very difficult exercise, and that was one of the reasons, he thought, why the Code required verbatim implementation of the key rules relating to violation, sanction and appeal rights and things like that.

He wanted to give a couple of examples of things which, frankly, and he spent most of his time or at least had spent most of his time litigating anti-doping cases, even if he had been going through those rules, he was not sure that he would have said that that was obviously going to be problematic and therefore it needed to change. That was why he thought it was so important that the same standard be applied to both rules and legislation. One of the examples that he had related to Athlete Biological Passport legislation in Spain. The law had since been changed. In some senses, therefore, it was historic, but not entirely, as he would come on to, and in order to explain how a small difference or innocuous wording could have a big impact on a case, he would have to delve a little bit into the technicality of it, so he apologized in advance. In an Athlete Biological Passport case, when there was a unanimous expert opinion that it was a case of likely doping, it was called an adverse passport finding. When one had a statistical anomaly, but it had not yet gone through the expert review process, it was called an atypical passport finding or an atypical passport. In the Spanish legislation, those two definitions had appeared one after the other: the atypical first, and then the adverse passport finding afterwards. In the adverse passport finding definition, it had said that one would proceed in accordance with the section above. In his view, that was a reference to the section, not the definition of the atypical passport. It had been a reference to the previous article, which was dealing with how to do result management for Athlete Biological Passport cases. However, the argument had been made

that the reference in the definition of adverse passport finding to follow the procedures in accordance with the previous article was a reference back to the definition of atypical passport findings, which required further investigation. In that case, therefore, the state court had come to the view that, even in a case involving an adverse passport finding, unanimous expert opinion, further investigation was required. One could say that it was a curious interpretation by the court; nonetheless, the wording, which was not in the Code or in the Athlete Biological Passport guidelines, to proceed in accordance with the previous article had been absolutely key to that decision. That was an example of how an innocuous piece of wording could have a very significant impact on a case.

He would not go through all of the detail. However, that first decision had been appealed by WADA to various instances, and the process had taken years. WADA had not managed to convince any Spanish court to change that interpretation. There was a provision under Code article 13.3 which said that, where a decision in a case had not been made in a timely fashion, WADA could take the case straight to the CAS. He had thought, great, WADA would have to use that, and then, of course, it had turned out that that provision had not existed in the legislation either, so WADA had been unable to invoke that right of recourse. In the end, again, without going into too much detail, because that was a specific case, while all of those proceedings had been going on, there were other cases that would have had to have been judged according to the same law that had been effectively blocked because of the court decision saying that, even when there was an adverse passport finding, further investigation was required. Those cases had remained blocked for years. Then, after the appeal process had been exhausted in Spain, WADA had thought that it would take the cases straight to the CAS under 13.3, but had been unable to do that because 13.3 had not existed in the law either. A couple of those cases were still being prosecuted in Spain. Some of them had been transferred to the relevant international federations. A couple were still being prosecuted in Spain for whatever reason. Those were passport cases, so he was talking about allegations of blood doping, and WADA had found out recently, only a week or two previously, that the provisional suspensions in those cases had been lifted. So, again, a tiny difference in the law had led to very significant cases and real-life consequences, where athletes who had serious allegations of blood doping against them were currently free to compete. That was one example that he had wanted to raise.

The other one was, in particular for a protected person, did one assess whether the violation had been intentional first or did one assess whether the violation had been committed with no significant fault? The sanctions were very different. It was the order in which one assessed intent or a violation committed with no significant fault. To be clear, that was actually not an issue in a law. That was the Russian anti-doping rules, not a law. But again, just to illustrate the point that small changes could have big impacts in cases. In the Code, the wording of the intent provision said that 'the period of ineligibility shall be as follows', which basically meant a starting point of four years, 'subject to potential reduction in accordance with', and then all the fault-related provisions. So the order was that it 'shall be as follows, subject to potential reduction or elimination or suspension'. In the Russian anti-doping rules, the order had been different and the wording had been different. The wording had been that 'unless there are grounds for elimination, reduction, suspension, the sanction shall be as follows'. The argument had been raised that, under the Code, it was pretty clear that one looked at intent first, because it would be subject to, it implied an order, a hierarchy. The argument had been raised regarding the Russian ADR, because it had said that 'unless there are grounds for a reduction under no significant fault, no fault, etc., the sanction shall be as follows'. So the argument had been made that that was determinative with respect to the order. WADA had resisted that argument, and would see what the panel found on it. But, again, someone in Mr Haynes' department had been reviewing it, and that was in the Russian anti-doping rules, so they had reviewed and it would not have been picked up. All of that was really just to illustrate the point that it was an extremely difficult exercise, especially when one was looking at legislation, not just to identify the differences, but if one then had to go further and start speculating as to whether a creative athlete counsel could make an argument out of what might ostensibly look like a minor difference, it was a very difficult exercise. As he said at the beginning of his intervention, he was very concerned that there would be a different standard of review applied to those countries that used anti-doping rules and those countries that chose to or had to use legislation, because it would, to his mind at least, undermine harmonization.

THE CHAIRMAN thanked Mr Wenzel for his very comprehensive response.

MR BAUM noted that it was wonderful that WADA had some very fine lawyers doing very careful work. He had not survived 30 years in the US Government without relying on expert legal advice. He had no suggestion that WADA should change its process in examining legislation, identifying non-compliance and working to get it fixed. He had no issue at all about that process and changing WADA's philosophy and approach on harmonization everywhere, globally. That was 100% fine. The only issue that was raised was, once that decision had been made, that there was an issue that had to be addressed, of turning to sanctioning NADOs, which did not have the responsibility or the ability to change legislation. Yes, they had a voice, and communicating with NADOs was understandable, but really that communication needed to be with governments. He knew that the USA held the CADE presidency. If there were a country in the Americas region that had a non-compliance and one reached out to that government through WADA channels and they did not respond, if one wanted to ask the Executive Committee representative from the region to assist and use the good offices of CADE, it would be happy to do that. He mentioned that only as asking WADA to be more creative and more proactive in how it communicated that concern and got countries to change and try over time to reduce that reliance on asking NADOs, which did not have the authority to change legislation to fix the problem. So, he realized that it was complicated and important and would be happy to continue the conversation later on. However, he just wanted to make clear that he was not asking WADA to not do its work and not to identify non-compliance and legislation. It was only an issue of how WADA communicated with the government and the NADOs and really asking someone to do something they did not have the ability to do.

THE CHAIRMAN thanked Mr Baum. He felt under some pressure not to give Mr Wenzel the floor again, but perhaps he wished to briefly respond.

MR WENZEL appreciated the clarifications. The only other point he would add was that, in those types of case, legislation cases, many of the, whatever one wanted to call them, consequences or sanctions, many, not all of them, but many of them, were really targeted more at the country: the flag at events, whatever it might be, hosting government representatives, not being able to do certain things. Of course, there were some that would have an impact on the NADO. But he thought, in some respects at least, that it was the NADO being used as the vehicle to deliver consequences against the country that was responsible and had authority over the legislation.

MS MARACINEANU welcomed the interesting and impassioned explanation, which raised the point made on a number of occasions that WADA should perhaps exchange more with the governments on the differences it observed between each country's organization, how anti-doping was viewed within the different countries and the links between the state and the NADOs for each of the Code signatories. However, on the issue of sanctions and fines, she wished to pick up on an important point. The Olympic and Paralympic Games would be taking place very shortly in Europe and it was necessary to decide what WADA wanted. The discussion there referred to the legitimacy of WADA and the sport movement and the governments. The current sanctions process and the issue of non-compliance was something that nobody was calling into question. It was necessary and progressive, and the conditions were known in advance, although some things were new. There were sanctions and some European states had been affected, but it was very important (and she was also speaking on behalf of the athletes) that WADA be in a position to apply all of the conditions of fairness that everybody at WADA defended.

MR DE VOS said that he absolutely did not want to prolong the discussion, but it might be good to know how many of those non-compliance cases or other cases were effectively resolved and did not come to the table. He had the impression that the members could be talking about the tip of the iceberg, and that only the really difficult cases, where sometimes there was an unwillingness to cooperate, were landing on WADA's desk, because he did not want to have the impression that WADA was not doing its utmost to communicate and to interact with the governments or with the NADOs. It might be interesting for the Executive Committee members to have that figure, to put it maybe in a broader context.

Responding to the last question, MR HAYNES could say that, that year alone, WADA was helping 27 countries with legislation. The members could see the small number of cases coming to the table meant that the majority did not require compliance interventions to fix legislation.

THE DIRECTOR GENERAL said that he did not wish to prolong the discussion either, but he thought, for the USA, first of all, that he would like to maybe hear their ideas on being innovative, because he could

not imagine the USA was suggesting WADA should have means and tools to actually sanction the governments directly, which was not something WADA was able to do because the governments were not WADA Code signatories. So was that the suggestion from the USA? If not, he wondered how the USA saw it so that the system remained efficient, because WADA was dealing with its signatories and the signatories were the NADOs. He thought that that was where the problem came from. One solution could be also to say that the NADOs had to implement the Code and the standards without legislation, then WADA would not have the problem to monitor legislation. He thought WADA just had to be coherent there. WADA can not sanction the governments directly. WADA went with the signatories it had. THE CHAIRMAN thought it was high time to close the discussion. Since the item was for decision, he had to go through it for the record case by case and signatory by signatory. He would try to read it as fast as possible.

Were the members happy with the following decisions: to instruct WADA to provide a four-month watch list starting from 16 November 2023 to correct the outstanding non-conformities, failing which, as per article 8.4.5 of the International Standard for Code Compliance by Signatories, WADA would automatically send the following signatories a formal notice alleging non-compliance and proposing the consequences and reinstatement conditions recommended by the Compliance Review Committee, detailed in the Executive Committee paper: the Bahamas Anti-Doping Commission and the Cambodian Anti-Doping Agency?

In relation to the implementation of the anti-doping programmes monitored through the Code Compliance Questionnaire, were the members happy with the following decisions: to approve WADA sending a formal notice alleging non-compliance with the Code and/or the international standards to the following signatories and imposing the consequences and conditions of reinstatement detailed in the Executive Committee paper: National Anti-Doping Organization of Venezuela?

In relation to the implementation of anti-doping programmes monitored through audits, were the members in agreement to approve WADA sending a formal notice alleging non-compliance with the Code and/or the international standards to the following signatories and imposing the consequences and conditions of reinstatement detailed in the Executive Committee document: the Nigerian National Anti-Doping Committee and the Tunisian National Anti-Doping Agency?

Lastly, in relation to the implementation of decisions by WADA's Executive Committee, were the members happy to approve WADA sending a formal notice alleging non-compliance with the Code and/or the international standards to the following signatories and imposing the consequences and conditions of reinstatement detailed in the Executive Committee document: Olympic Council of Asia? He thanked the members very much.

DECISION

All proposed non-compliance cases approved.

- **8.2 International Standard for Code Compliance by Signatories modifications**

MR HAYNES said that he would try and provide a brief overview of the process undertaken to update the International Standard for Code Compliance by Signatories (ISCCS). As many of the members knew and had been involved, the ISCCS had come into force in April 2018 and provided the procedural framework to allow signatories to maintain their compliance with the Code and standards and the procedures, consequences and reinstatement conditions that followed when non-conformities were not corrected. As part of the 2021 Code and standards update process, changes to the ISCCS had been very minimal and clerical in nature, largely because the RUSADA CAS case had been ongoing at the time. Once the RUSADA case decision had been published, the Executive Committee had agreed to initiate a review of the ISCCS, mainly to incorporate those lessons learned from real cases and experience, not only the RUSADA case, but also following four years of implementation at that time. It had also provided an opportunity to align the ISCCS with the 2021 Code and other international standards, including some new standards such as the International Standard for Education. Based on that, WADA had initiated a consultation process in June 2022. During that consultation process, one area in particular, that of historical or what were currently called non-correctable non-conformities, had been identified as requiring further discussion. As a result, some of the changes had actually been proposed to be included in the Code and not the ISCCS. At the May 2023 Executive Committee meeting earlier that year, the international standard and Code changes had been

further discussed and a decision had been made then to park the issue of non-correctable non-conformities until the 2027 Code update process. That issue was one of the concepts as part of the Code which was currently out for consultation. It had also been decided at that meeting to launch another round of consultation on the ISCCS with the remaining amendments included, some of which had been updated following the first round of consultation. So, following that consultation, he was presenting a final draft for the Executive Committee's approval, to come into effect in April 2024. The changes, which the members would see in the attachments provided, focused largely on clarifications, procedural updates, with the intention to increase flexibility following five years of implementation of the ISCCS. That meant that the compliance framework remained robust, up to date, and was based on real case experience and helped signatories, WADA, the Compliance Review Committee and the Executive Committee with its own work in the area of compliance. In addition, so as not to go back to the previous conversation, the changes did not require any country to update its national legislation. It was felt very strongly that delaying those changes any further would be counterproductive to the anti-doping system and go against the principle of continual improvement that Mr Gourdj had alluded to earlier as well. If the changes were not approved after two rounds of consultation and thorough stakeholder engagement, WADA would have a standard that would not have been updated or would not be updated until 2027, which would be nine years after the ISCCS had come into force.

MR DE VOS stated only that the sport movement supported the adoption of the modifications and also supported continuous discussion and dialogue on the future process.

MS CESSOUMA said that One Voice welcomed the amendments made which undoubtedly would improve the efficacy of the compliance process for WADA and also for the signatories, but One Voice believed that the amendments should form part of a more general amendment process and not be made in a fragmented fashion as was currently the case. The One Voice members might wish to support her statement or give their point of view.

MS MARACINEANU stated that, on behalf of CAHAMA and more generally One Voice, as Ms Cessouma had said, she supported the amendments; but, for everything that had to do with the list in annex B4, would like WADA to accept contributions from One Voice and would like the decision to be postponed.

THE CHAIRMAN asked Ms Maracineanu to clarify her position. What exactly did she want to do with annex B4?

MS MARACINEANU replied that One Voice would like to be involved in amending the list relating to the sanctions imposed on public officials in cases of non-compliance. That was why she was requesting that the decision be postponed.

MR MUROFUSHI noted that perhaps some people had not understood. One Voice fully supported the proposal, but thought that annex B4 (to which Ms Maracineanu had been referring) was a little too specific. One Voice understood the definition of state representative but thought it was too specific at that point. The list was too specific. One Voice wanted to discuss other parts. The state representative was already there, but One Voice also wished to know how the process became more specific for the government representatives.

MR DE VOS said that, from what he could see from what had been proposed in B4, he wanted to understand the consequences of postponing the decision, because he thought that the list given was just a clarification of what was meant by state representatives, and he could not avoid thinking that the prime minister or a head of state was a state representative. He therefore saw no problem with the clarification. For the avoidance of any doubt, it was that list of people. He did not know what One Voice wanted to do. Was the idea to withdraw people from that list, or add more people to that list? If it was just to add people, then he would suggest approving that one and adding people later on. He did not think that it was possible to withdraw people from that list, or maybe he had misunderstood, but he wanted to understand the consequences of that. The list was very clear. He did not see any need to amend it unless the One Voice members wanted to add people, but that could be done at a later stage, so he thought that the Executive Committee could already approve it.

THE CHAIRMAN repeated exactly what Mr De Vos had said, which was that annex B4 was just a clarification, because the scope was currently much broader. He meant the scope of possible officials who

could be sanctioned by WADA. That idea of having the annex was to limit the scope of application or the number of officials who could be sanctioned. As far as he could understand, was it the common position of the public authorities that they wanted to defer or postpone the decision on annex B4?

MR WENZEL intervened. Mr Murofushi had asked what had given rise to that, what the background was, and he was not sure it was the only reason, but going back to the RUSADA case, the WADA versus RUSADA case in 2020, where WADA had been grappling with government representatives because the definition in the Code, as the Chairman had said, was unlimited, it was any government representative, which could be extremely wide. What at least one of the Russian parties had said in that case, and he thought it had been the Russian Olympic Committee, was that if one applied that definition to any government representatives, in the Russian context, it could potentially cover two or three million people. That was what had been said. It could potentially cover people who worked as clerks in post offices and things like that. The idea had been to provide clarity as to who would be covered and also who would not be covered, so that it would be easier to implement, for instance, for the various organizations within the sport movement. That was, in particular, a clarification. He thought it was probably a lesson that had arisen from the RUSADA case. That was the background to it. Maybe he ought to add that that had been in the first consultation process, and there had been comments made on that definition. As a result of those comments, certain changes had been made. From recollection, and Mr Haynes would correct him if he was wrong, local and regional government representatives had been removed from the definition and, in the second round of consultation that year, and again he would be corrected if he was wrong, but he did not think that there had been any specific comments on that definition. There were cases that imposed consequences on government representatives, and they would not all be taken to the CAS, where the parties could have a debate about exactly who was covered and who was not. They might be accepted by the parties. If there was no clarity as to what that definition included and what it did not include, then it became difficult to implement. He thought it had been done in a spirit of clarification arising from some arguments that had been made in the RUSADA-WADA case. He knew in that case, he thought it was even reflected in the award, it was the IOC that had suggested that a list be provided.

MS CESSOUMA wondered how one might impose sanctions on a head of state or a minister. How could WADA impose sanctions on a head of state or a minister?

THE DIRECTOR GENERAL noted that such things were already done. A head of state or a minister could be refused accreditation or access to attend a sporting event, for example. He was not talking about criminal sanctions. These were system-related sanctions that were applied. The current rules were broader. There was nothing new in the rules. The current definition in the Code included everybody, from head of state to post office clerk. The sole objective of the amendment was to limit the number of people concerned. Obviously, in order for there to be any deterrent effect, the highest level of official was included.

THE CHAIRMAN echoed what had been said by Mr Wenzel about the rounds of consultation. There had been one-and-a-half years of consultation and there had not been a single comment opposing the changes. That was why he had to say that he was very disappointed with the way the Executive Committee was working on that, because there had been that round of consultation and then, on the day of approval of the revised standard, the members were proposing to defer or postpone the approval because of what actually was just a clarification. He did not really understand why. He did not think that it was a proper way of working if WADA wanted to make effective changes to anti-doping and sport.

MS MARACINEANU stated that she did not want the members to misconstrue what she had said. She was not calling into question the substance of the procedure or the list. She had understood that the amendment was precisely to reduce the number of people concerned and also understood what the Director General and Chairman had said about aiming high, otherwise none of the bans would make any sense. She just wanted to know if there would be any consequences if the adoption of annex B4 were postponed, or if it was too important to postpone adoption and it was not possible to continue discussing it. The idea was that the definitions contained too many people, not high-level officials, but people useful to the competitions who might be targeted, and she thought that more debate was needed to decide on the list. However, if the Director General and Chairman were saying that it was too important and had to be adopted immediately, she wished to reiterate that she was not against the concept of the list or targeting the highest level of official.

MR DE VOS observed that it was very important to comply with procedure and if, during the entire consultation period, there had been no comment on the list which again limited the number of people concerned by the article, he thought that the members should proceed and then, if they wished to make changes later on, they could do so. Nevertheless, out of respect, he thought that the members should proceed with the vote.

In an attempt to cut a long story short, THE CHAIRMAN wanted to propose a solution, because that was a very important document for WADA. There were some doubts and controversies regarding the annex. He wanted to propose adopting the revised standard, but without annex B4, and then the amended annex would be submitted in March. In the meantime, WADA would continue to use the current definition that was set out in the Code and which was broader than the one included in the annex. Were the members happy with that proposal?

MR DE VOS confessed that he was not really happy with that at all. He respected the President's proposal, but he did not see what would be changed. He was really looking forward to seeing what modifications would be proposed to the list.

THE CHAIRMAN observed that he was also looking forward to the proposals. For the record, the Executive Committee had just agreed to approve the proposed modifications to the International Standard for Code Compliance by Signatories, with the exception of annex B4, so that the revised ISCCS would come into force on 1 April 2024. The Executive Committee would come back and discuss annex B4 in March at its next meeting.

DECISION

Proposed modifications to the ISCCS approved with the exception of annex B4, to be discussed in March 2024.

9. Technical Document for Sport-Specific Analysis - amendments

MR RICKETTS stated that the Executive Committee had before it a number of proposed amendments to the Technical Document for Sport-Specific Analysis, otherwise known as the TDSSA, of which he would provide an overview. Before, though, he would provide a little background. The document had been developed in 2014 to ensure anti-doping organizations applied a more consistent level of analysis for certain types of prohibited substance that were not included in a routine urine analysis, and the document set out the minimum levels of analysis for certain sports and disciplines, referenced by a percentage that ADOs had to apply to the number of tests that they planned to conduct on that sport or discipline, and that arrived with a minimum number of analyses that they had to conduct on the three groups of prohibited substance that the members could see on the screen. That was monitored closely by WADA and, from a compliance perspective, it had been very important in achieving harmonization over the years. Whilst the document had been developed in 2014, it had undergone a number of changes over the years. That was not the first review that had been conducted. However, it was, he guessed, one of the first major reviews that had been looked at and the group of people that had reviewed it was a working group of members of the Strategic Testing Expert Advisory Group, and the review had involved a review of ADAMS data since the inception of the document and looked at some of the MLAs, or minimum levels of analysis, for certain sports. In addition, the group had considered whether any other prohibited substances or methods should be added to the document, as well as determining how it might improve the existing resources to support its implementation. As a result, 24 recommendations had been provided to the Strategic Testing Expert Advisory Group, and he was sure the members would be happy to hear that he would not be going through all 24, but he would just cover a couple of the main changes, given that they were already in the members' documents.

One of the key areas that the group had considered was whether the mandatory requirement of implementing a blood Athlete Biological Passport programme should apply to sports or disciplines with a lower minimum level of analysis for ERAs, which was a group of EPO substances, than the current level of 30%. The group had considered sports and disciplines in the category below the 30%, which was 15%, and looked at the ADAMS data and also the event characteristics of those sports and the physiological requirements with those sports in the 30% range. The group had come up with the four sports and disciplines on the screen to increase those MLAs from 15% to 30%. Sports of athletics combined events, which was

events of heptathlon and decathlon, canoe/kayak, ocean racing, orienteering and middle distances for para athletics of 800m to 1,500 meters. As a result of the change, athletes who were in a registered testing pool for those sports would be required to be part of a blood Athlete Biological Passport programme if they were not already, and be subject to a minimum of three blood Athlete Biological Passport tests over 12 months. The four international federations applicable to those sports had been contacted. They had been provided with the proposal and the reasoning to support it, and all four had happily supported the changes. Given the time of year when making the changes, and with annual budgets and testing plans already set for 2024, the Strategic Testing Expert Advisory Group had felt that it was important to provide anti-doping organizations with the necessary time to build change (test distribution plans, prepare the necessary resources); as such, it was proposed to delay the implementation of those particular changes for those sports until 1 January 2025. Of course, WADA would encourage anti-doping organizations to adopt those changes earlier if possible.

In addition to those, every year, WADA received requests from IFs to change existing minimum levels of analysis or actually introduce new sport disciplines to the TDSSA, and those required the expert group to review the applications. So, in 2023, the group had received requests for changes, which were identified in red text on the screen. The Strategic Testing Expert Advisory Group supported the changes and recommended that they come into effect on 1 January 2024, given that the majority of testing for the sports and disciplines was conducted by the respective IFs, and they were already expecting to implement them in 2024.

The members would see the final slide, and he would touch on three other areas. The first was the position on growth hormone, which was awaiting the launch of the new endocrine module, the athlete passport for endocrine module, launched in August 2023, and the impact that that could have on growth hormone minimum levels of analysis. As such, the expert group proposed to allow the new endocrine module to be operational for 12 months and then reassess the position, given that the growth hormone and the endocrine module were closely linked. So, there was no change to that. There had also been some revisions made to the criteria to obtain flexibility for the implementation of the minimum levels of analysis, which could apply to any sport and which anti-doping organizations could apply to WADA for. That process already existed. It was just being refined. The criteria, though, for approval for such flexibility were linked to anti-doping organizations implementing intelligent and innovative testing programmes, to which a reduction of up to 50% could be obtained on those MLAs. There would be no additions, or there were no proposed additions of prohibited substances to the TDSSA at that point in time. And, finally, he referred to the document that supported its implementation and was a guide for anti-doping organizations. It had originally been 80 frequently asked questions. As the members could see by the number, it was quite a comprehensive document. It would be turned into a guideline rather than an FAQ document.

Just to summarize, subject to the Executive Committee's approval, the revised TDSSA would be circulated to all anti-doping organizations shortly after that meeting and would come into effect on 1 January 2024 for all proposed amendments, except the changes to the four sports that increased from 15 to 30%, as he had mentioned earlier, which would come into effect on 1 January 2025.

THE CHAIRMAN thanked Mr Ricketts very much. Were there any comments or questions? Seeing none, he asked the members if they agreed to approve version 9.0 of the Technical Document for Sport-Specific Analysis. He thanked them very much.

DECISION

Proposed TDSSA amendments approved.

10. Technical Letter (Minimum Reporting Level for Tramadol)

DR RABIN informed the members that, as they knew, tramadol had been added to the List of Prohibited Substances and Methods for 2024. And, of course, to distinguish between the in-competition status of tramadol and out-of-competition, during which it was not prohibited, WADA had needed to initiate some excretion studies with volunteers. One of the issues it had faced was that there were three types of metabolizers for tramadol. There were the normal or intermediate metabolizers, which represented about 90% of the population. Then there were the fast metabolizers, which represented about 3%, and the slow

metabolizers, which represented about 5% of the population. The excretion studies had been completed and the mathematical model had been applied to define what would be the best minimum reporting level for tramadol. The result was a value of 20 micrograms/ml of urine combined with a washout period of 24 hours, which would be safe, it was believed, to avoid detection of the out-of-competition use of tramadol. So, practically speaking, that would mean that the athletes were advised not to consume tramadol 24 hours before the in-competition status and that the laboratories accredited by WADA would not report tramadol concentrations, the parent compound of tramadol, at concentrations below 20 micrograms/ml. Such information would normally be placed in the Technical Document for MRPL; but, because it was anticipated that changes were going to be made very soon to the technical document, in particular related to the work of the contamination working group, the preference was to go for a technical letter, Technical Letter 25, to avoid any confusion. That information would of course be reintegrated as soon as possible in a new version of the Technical Document on MRPL. Therefore, Technical Letter 25 on the minimum reporting level of tramadol was presented for approval to the members.

MS MARACINEANU said that she had not understood when all of the technical data would be published for all of the stakeholders participating in the Olympic Games for example. If the information was in the technical letter, did that mean that it had already been sent out to everybody?

DR RABIN responded that the explanatory note would probably be amended to incorporate the 24-hour washout period, and then WADA would send the information via the technical letter to the laboratories on the 20mg/ml threshold. Everything was ready, he was waiting for Executive Committee's approval prior to sending the information to the laboratories, as well disseminating it more widely via the explanatory note.

THE CHAIRMAN asked the members if they agreed to approve TL25 on the Minimum Reporting Level for Tramadol, to come into effect on 1 January 2024.

DECISION

Proposed TL25 on the Minimum Reporting Level for Tramadol approved.

11. Education

- 11.1 Professional standard and role descriptor for testing practitioners

MS HUDSON said that, as the members might recall, she had left WADA about that time the previous year. She was just back from maternity leave, and it was her second week in, so she asked the members to please bear with her and requested no questions at all under any circumstances! The members had had a long day, so she would be brief. The members had the role descriptor and the professional standard in their paperwork for the function of testing. To reaffirm, she knew the use of the word 'standard' raised expectations; but, just to reiterate, those were not mandatory tools. They were not international standards. They were just for practitioners to use or for anti-doping organizations to use to help in the recruitment, training and development of their staff. She would just highlight a little bit of the process. In the strategic plan, WADA had made a commitment to develop standards and to create training programmes for practitioners. And the rationale for that was that most of them were learning their anti-doping craft on-the-job through osmosis. WADA wanted to put in place some consistent vocational training for practitioners who were out there doing the job. The answer to that strategic promise was the creation of the Global Learning and Development Framework. WADA was running a number of training programmes, which were role-specific for the community. WADA had trained over 300 people, and there was true global accessibility because the programmes were delivered online. It was known that investment in the people who were running their anti-doping programmes was worthwhile. The members had heard earlier that the benefits were already being seen through projects such as the Intelligence and Investigations project, and training was a core component of that work. In terms of development, the work was centred around bringing together both WADA technical experts and anti-doping professionals who were doing the job. WADA used their expertise to inform the creation of those professional standards, the training programmes, etc. Once those were drafted, they were sent to the WADA Education Committee for review and endorsement. That happened prior to sharing them with the Executive Committee, largely for the members' information and oversight before they were published for the benefit of the community. The latest standards shared with the

members that day related to the function of testing. She hoped that the Executive Committee would continue to support these practitioners who were out there doing the job.

THE CHAIRMAN thanked Ms Hudson.

DECISION

Education update noted.

12. Other business/future meetings

MR BAUM made a very brief comment. In the event that it was not possible to solve the issue of sanctioning NADOs at the evening cocktail that would follow the meeting, he wanted to invite WADA and the IOC colleagues to come together in a virtual meeting to discuss the issue. There were alternatives to sanctions that perhaps could be piloted to see if they might work, and he looked forward to a deeper conversation on it. He knew that it was a complicated issue, but he thought some dialogue could be constructive.

THE CHAIRMAN said that, before closing, he wished to take a moment to mention the upcoming retirement of Mr Kazuhiro Hayashi, the long-standing Asia-Oceania WADA Regional Office Director. Mr Hayashi had been with WADA for close to two decades, and it would be remiss of him not to give open thanks to him in front of the Executive Committee. Some of the members would not be present the following day, when he would be making the same speech. He had to say that WADA was very grateful for Mr Hayashi's service and wished him much rest and enjoyment for his well-deserved retirement. From his perspective, it had been a huge pleasure and honour for him to work with Mr Hayashi, who was still the WADA samurai. He thanked Mr Hayashi for his great work, engagement, passion and sense of humour. He was a really great gentleman. He asked for a big round of applause for Mr Hayashi.

The next Executive Committee meeting would be taking place in Lausanne on 11 March 2024, just prior to the annual symposium, for which he hoped all the Executive Committee members would stay on. He wished to inform members that some time would be dedicated on 12 March to reflect on and celebrate WADA's 25th anniversary. It would be important to celebrate that important anniversary. As previously reported, the Executive Committee would also meet in 2024 on 12 September in Turkey, hosted by Professor Erdener. For the early December Foundation Board meeting, the members would be in Riyadh. He hoped that all of the members had found that day's meeting fruitful. He thanked them for their participation. He wanted to thank the WADA staff for planning and supporting that day's meeting, and he also thanked the interpreters for their hard work that day. In closing, he thanked the members very much for their engagement.

DECISION

Executive Committee – 11 March 2024, Lausanne, Switzerland;
WADA Annual Symposium – 12 and 13 March 2024, Lausanne, Switzerland;
Executive Committee – 12 September 2024, Belek, Republic of Türkiye;
Executive Committee – 4 December 2024, Riyadh, Kingdom of Saudi Arabia;
Foundation Board – 5 December 2024, Riyadh, Kingdom of Saudi Arabia.
Executive Committee – 17 March 2025, Lausanne, Switzerland;
WADA Annual Symposium – 18 and 19 March 2025, Lausanne, Switzerland.

The meeting adjourned at 14h05.

FOR APPROVAL

MR WITOLD BAŃKA
PRESIDENT AND CHAIRMAN OF WADA

MR OLIVIER NIGGLI
DIRECTOR GENERAL AND RECORDING SECRETARY