

**Minutes of the WADA Executive Committee Meeting
23 September 2019, Tokyo, Japan**

The meeting began at 9.00 a.m.

1. Welcome, roll call and observers

THE CHAIRMAN welcomed the members to the WADA Executive Committee meeting. To start the meeting that morning, he was delighted to welcome the Minister for Education, Culture, Sports, Science and Technology of Japan, who had kindly agreed to join the members at the start of their meeting and speak to them. He congratulated the minister on his appointment, wished him great success and thanked him for enabling WADA to meet in such splendid circumstances.

MR HAGIUDA welcomed the members to Japan. He was the Minister for Education, Culture, Sports, Science and Technology of Japan, and it was his great honour to make the opening remarks at the WADA Executive Committee meeting. He asked the members if they had enjoyed the rugby match the previous day. Not only was Japan hosting the Rugby World Cup that year, but the following year it would be hosting the Olympic Games and Paralympic Games, and then a number of other events. In sporting terms, Japan would be quite busy and the focus of great attention. Within that context, it was a real privilege to host the WADA Executive Committee meeting in Japan for the first time. Since 1999, Japan had been participating actively in the international anti-doping regime as the Executive Committee member representing the Asian region. To ensure the smooth operation of the Olympic Games and Paralympic Games, and to ensure successful games, a law on the promotion of anti-doping activities in sport had entered into force in 2018, and, in accordance with the law, the ministry had formulated a basic policy to promote comprehensive anti-doping measures, including securing the necessary human resources, implementing an education awareness campaign and promoting international cooperation on anti-doping activities. Japan would make every effort to ensure that the Tokyo Olympic Games and Paralympic Games would be clean. He hoped that the Executive Committee meeting would be a fruitful one and would lead to cleaner sport.

THE CHAIRMAN commented that he supposed the honest answer to the minister's question was that the people who had been happiest with the Scottish rugby team had all been Japanese rugby supporters and his wife, who was Irish.

He started the meeting by intimating some changes around the table in the number of new members. The first was Mr Kameoka from Japan, who was state minister in the department led by Mr Hagiuda, and who replaced Ms Ukishima. There were a number of deputies as set out in the roll call. Ms Battaini-Dragoni was representing Europe at the request of Mr Baňka, the sole presidential candidate, who had believed it inappropriate that he should have a continental representation role as well.

He thought it worthwhile to record the great assistance that WADA had enjoyed from the Japanese authorities, the Japanese Government and, in particular, Ms Ukishima, who had been a member of the Foundation Board for a number of years. He also congratulated Ms Barteková on becoming the European shooting champion yet again. He assumed she had her eyes on Tokyo 2020.

There was a big agenda, with quite a lot to pull together that day so as to take definite decisions to the Foundation Board meeting in Katowice, so that what was currently work in progress became settled legislation.

The following members attended the meeting: Sir Craig Reedie, President and Chairman of WADA; Ms Linda Hofstad Helleland, Vice-President of WADA, Member of Parliament, Norway; Mr Ryan, representing Mr Francesco Ricci Bitti, Chair of the WADA Finance and Administration Committee, President of ASOIF; Professor Ugur Erdener, Chair of the Health, Medical and Research Committee, IOC Vice President, President of World Archery; Mr Jiri Kejval, President, National Olympic Committee, Czech Republic; Mr Ingmar De Vos, Executive Member, GAISF Council, IOC Member, FEI President; Ms Danka Barteková, IOC Member and Member of the IOC Athletes' Commission; Ms Battaini-Dragoni, representing Mr Witold Baňka, Minister of Sport and Tourism, Poland; Mr Shepande, representing Ms Amira El Fadil, Commissioner for Social Affairs, African Union,

Sudan; Mr Díaz, representing Ms Andrea Sotomayor, CADE President, Ecuador; Mr Yoshitami Kameoka, State Minister of Education, Culture, Sports, Science and Technology, Japan; Mr Godkin, representing Mr Richard Colbeck, Minister for Youth and Sport, Australia; Ms Beckie Scott, Chair of the WADA Athlete Committee; Mr Edwin Moses, Chair, WADA Education Committee, Chairman, Board of Directors, USADA; Mr Jonathan Taylor, Chairman of the WADA Compliance Review Committee, Partner, Bird & Bird LLP.

The following members of WADA Management signed the roll call: Mr Olivier Niggli, Director General, WADA; Ms Catherine MacLean, Communications Director, WADA; Dr Olivier Rabin, Science and International Partnerships Director, WADA; Mr Tim Ricketts, Standards and Harmonisation Director, WADA; Mr Julien Sieveking, Legal Affairs Director, WADA; Mr René Bouchard, Government Relations Director, WADA; Mr Sébastien Gillot, Director, WADA European Office and IF Relations; Ms Maria José Pesce Cutri, Latin American Regional Office Director, WADA; Mr Rodney Swigelaar, African Regional Office Director, WADA; Mr Kazuhiro Hayashi, Asian/Oceanian Regional Office Director, WADA; and Mr Frédéric Donzé, Chief Operating Officer, WADA.

The following observers signed the roll call: Anders Solheim, Clayton Cosgrove, Brian McDonald, Rafal Piechota, Fukuei Saito, Hirokazu Kumekawa, Hannah Grossenbacher, Yang Yang, Michael Vesper, Richard Budgett, Sergey Khrychikov, Santiago del Pino, François Kaiser, Shin Asakawa, Ichiro Kono, Eva Bruusgaard and Witold Bańka.

– **1.1 Disclosures of conflicts of interest**

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

2. Minutes of the previous meeting on 15 May 2019 in Montreal

THE CHAIRMAN drew the members' attention to the minutes of the previous meeting. There had been two suggestions from Japan for two word changes. They were not significant; both were on page 35 of the minutes. One of the changes he thought was absolutely right and the second one was incorrect and, if the members did not mind, he would take that up with the Japanese representative and make sure that the minutes said what they were supposed to say.

DECISION

Minutes of the meeting of the Executive Committee on 15 May 2019 approved (subject to the editorial change) and duly signed.

3. Director General's report

THE DIRECTOR GENERAL said that the members had a comprehensive report in their files, so he would update them only on a few important items. He started by saying that the management had been busy over the past few months with a number of important files that took up a lot of resources, both financial and human. In particular, the governance reforms and the file on Russia remained two big items that WADA had to deal with on top of, obviously, the revision of the Code and the standards in preparation for the World Conference on Doping in Sport in Katowice, which would be the main focus for the next few weeks.

As far as Russia was concerned, he would not say anything more at that point because there would be a full report from the chairman of the Compliance Review Committee that day. There were two components, one of which was the compliance component, about which the members would hear from the Compliance Review Committee; in parallel, a lot of work was being done in result management and in bringing cases forward, and that work continued to happen on a day-to-day basis.

One element that had also started was the drawing up of a new strategic plan following the decision taken in May. Work had started with PricewaterhouseCoopers. There had been an initial internal phase with PricewaterhouseCoopers during which PricewaterhouseCoopers had spoken to the management, and that had ended with a workshop with PricewaterhouseCoopers in Montreal, which had gone very well. The second phase involved reaching out to the stakeholders to do what had been agreed, which was a kind of GAP analysis and understanding from the stakeholders their vision of WADA. He thanked all those who had been approached by PricewaterhouseCoopers to cooperate in that exercise, which was very important for the work. PricewaterhouseCoopers would reach out to a sample of WADA's stakeholders (laboratories, IFs, NADOs, the ITA, Governments, IOC, etc.), and that would be over the course of the next few weeks. The target was still to get a draft from PricewaterhouseCoopers that could be discussed in January at the Executive Committee

meeting, and the final strategic plan would be approved by the Foundation Board in May the following year.

He informed the members that iNADO would have new leadership: as of the beginning of the following year, Mr Graeme Steel, the head of the organisation, would be replaced by his second-in-command, Jorge Leyva, and he thanked Mr Steel, who had done a lot of work on anti-doping not only with iNADO but also in his previous role as the head of New Zealand's anti-doping organisation.

There had been a tender for the organisation of an education symposium. The process had been completed and there had been several good applications, six of which had been complete and had been reviewed. Two of the six applications had been truly outstanding: one from Australia and one from France. Therefore, WADA had decided to allocate the 2020 education conference (which had been held the previous year in China) to Australia and the 2022 conference to France. The bids had been joint bids from the governments and NADOs in the two countries and all of the bids had been very generous in terms of helping WADA to organise the conference. He was very pleased about that and very thankful to Australia, and really looked forward to the conference in 2020.

Another update was on the Rodchenkov Act, which had been discussed in May. Following the May meeting and the remarks made around the table in relation to the draft legislation, there had been further contact and discussion with the authorities in the USA, in particular the US Congress and the US Senate, and the content of the discussion from the May Board meeting had been reflected, in other words, the support for legislation that helped criminalise trafficking and a number of the actions in relation to doping, the exchange of information between the law enforcement authorities and NADOs, but also the concern that WADA stakeholders had in terms of having a system that would bring extraterritorial jurisdiction and the risk that that would pose for the entire anti-doping system. There had been a good and fruitful meeting and he thought that there was an understanding from the people on the issues that could potentially arise from the act. He had been told that the act was not currently progressing much in Washington, as there were other priorities, but WADA would certainly continue the dialogue and exchange with the people there. That was work in progress.

MS BATTAINI-DRAGONI thanked the Director General for sharing the work that was being done in the USA to follow the advancement of the new legal text on the Rodchenkov Act. Could the Director General give an illustration of the consequences of extraterritoriality with a very concrete example, so as to be able to understand the possible impact of that dimension of the new text?

PROFESSOR ERDENER thanked the Director General for his very comprehensive report and the preparation of nearly 1,800 pages of documents. He thanked the Director General and his team. That was a really great job.

In relation to the Rodchenkov Act, the sport movement welcomed the update provided by WADA on the matter and encouraged the organisation to further pursue the monitoring of the development of the bill and to maintain the ongoing dialogue with the US Congress. He reinforced the importance of the partnership between the sport movement and the public authorities through WADA, of course, but also the harmonisation of the legislation approach by the public authorities which had been at the core of the creation of WADA. That was important.

THE DIRECTOR GENERAL said that the potential consequences were multiple but he gave a very concrete example to Ms Battaini-Dragoni. One of the biggest risks was reciprocity in other jurisdictions; so, every time there was a case there could potentially be five jurisdictions claiming criminal competence, which in itself was a problem. One concrete example that had been raised by the Intelligence and Investigations Department, was that most of the anti-doping cases came initially from whistleblowers and, most of the time, in one way or another, the whistleblowers had been implicated in the problem initially and then were ready to come clean and speak on the grounds that they would cut a deal, because substantial assistance allowed for a reduction in sanctions. With five jurisdictions with the competence to deal with a case criminally, there was no way one could make a deal with the whistleblower, because how could one promise anything when one did not know what each jurisdiction was going to do? Therefore, potentially, one would be cutting the best source of information by discouraging people from coming forward and talking. That was a very practical and concrete example that would have an impact, as opposed to having a jurisdiction that was competent, with the possibility to have dialogue and reach a common agreement on how to do things.

Responding to Professor Erdener, WADA would continue its work in that area and follow up and discuss, and the US authorities had been open to listening to the arguments put forward by WADA and even discussing wording to try and avoid such problems.

MS HOFSTAD HELLELAND asked about the amount of money to be spent and the way forward.

THE DIRECTOR GENERAL said that there were numerous issues to deal with in the USA which were not linked solely to the Rodchenkov Act, but WADA planned to invest about 200,000 dollars the following year to cover a wide variety of issues in the USA, including professional leagues and discussion with the administration in Washington which had made some clear statements about WADA funding, and the discussion on the Rodchenkov Act, so there would be an overall strategy in relation to maintaining dialogue with a number of parties in this region.

DECISION

Director General's report noted.

– **3.1 Intelligence and Investigations Department audit report**

THE DIRECTOR GENERAL said that the members would see various documents, one of which they would have to approve formally, and that was the audit report from the Intelligence and Investigations Department. It was done independently every year to ensure that the Intelligence and Investigations Department followed all the rules and, once it was formally approved by the Executive Committee, a summary would be published on the WADA website.

THE CHAIRMAN noted that the width of the auditing exercise gave the members a clear idea of the amount of work that was done. Were the members happy with the audit report and could they approve it?

MS SCOTT said that she had a question about the audit, as there had been an indication of a clear need for increased staffing and capacity, and she wondered if there was any plan by the management to increase the budget and therefore increase the capacity of the Intelligence and Investigations Department.

THE DIRECTOR GENERAL responded that the Intelligence and Investigations Department clearly had too much work; there was no question about that. Five of the six people were working only on the Russian case, which was currently taking up a lot of resources. Looking at the following year's draft budget, the margin of operation was very limited in terms of how much more WADA could invest, so WADA had to strike a balance between the different priorities and so on. He spoke regularly to Mr Younger and WADA sought to rely on partnerships as much as possible to make the work of the department more efficient and promote relations with law enforcement authorities and NADOs to have synergy and reduce costs. That was the current situation. He would see how things evolved over the coming months. There was not much room the following year for an increase, although there would be one new member of staff in the department, and in 2021 it might be possible to do a bit more. That was the situation.

DECISION

Intelligence and Investigations
Department audit report approved.

– **3.2 Strategic plan 2020 update**

DECISION

Strategic plan 2020 update noted.

– **3.3 World Conference on Doping in Sport update**

THE DIRECTOR GENERAL said that preparations for the World Conference on Doping in Sport were on track, and there had been more registrations than for previous editions at the same time. He reminded the members that there was a deadline for those who wished to register to speak at the conference, and he encouraged all of them to do so. The Executive Committee members would be on stage for most of the conference, so he advised them to organise their agendas accordingly.

DECISION

World Conference on Doping in Sport update
noted.

4. Governance reforms

– **4.1 Implementation plan update**

THE DIRECTOR GENERAL told the members that the first document they had was the timeline. There was not much change there, so he did not have too much to say. Most of it remained the same. The most important thing was to have a discussion on the statutes and the by-laws, and to

go through the proposed text. The idea in terms of process was that the documents were not for approval at that meeting. They would be for approval in November by the Foundation Board. He sought the members' comments. There had been a consultation phase and the comments received had been incorporated in the documents in the members' files. If the members had further comments, they would be noted that day. A new set of documents would be produced within a week or so and circulated, so that the members would have another opportunity to look at the fine print once again, but then there would be a final document that would be put to the Foundation Board for approval in November. WADA might not get it all right at the same time. There were a lot of changes and implications in terms of the statutes and by-laws, but they could be adapted as WADA went forward. They were not written in stone and it would be possible to adjust them if necessary.

DECISION

Implementation plan update noted.

– 4.2 Statutes and associated regulations/documents update

MR KAISER said that he would go through the regulations as adapted since the May meeting in Montreal and lead the members through the modifications made to answer any questions coming out of the consultation process.

He had some general comments in relation to the consultation. The regulation on governance was always an ongoing process. There was no need to have within the regulations a system in place for adaptation. It was basically experience that would show which regulation would have to be adapted. The working group recommendation had in fact been to have a system in cycles of three years, a process to lead the director general and the Executive Committee to review what had been prepared and adopted in Katowice. The other comments made in relation to the whole of the governance regulation had been to have one document only and not a separate set of documents, which had been deemed a good idea; so, once approved in principle, there would be consolidation to have a WADA organisational regulation, which would consist of all the rules currently submitted to the members, and that would be done between then and the meeting in Katowice for the Foundation Board. The statutes on the one side and the WADA organisational regulation on the other would constitute the structural documents of WADA governance.

He showed the members the four deviations that the drafts contained compared to the working group recommendation. The first two dealt with the Nominations Committee. The function of recruiting candidates for the election of president and vice-president in the future had been deleted. That had actually been suggested by the Olympic Movement and some of the public authorities, but also he believed that, since the candidates would have to obtain formal support from both stakeholders, it would be difficult for the Nominations Committee with that system in place to go and recruit candidates, but that was open for discussion.

The second issue related to decision-making. The working group had recommended a unanimous decision in the Nominations Committee and, with other representatives from the public authorities, he believed that that might be a bit of a problem in practice, because there was a risk of a deadlock and thus the Nominations Committee would be prevented from adopting certain decisions, which was why a majority decision system was suggested, but that was also a point that was open for discussion.

The last two points differed slightly from the working group recommendation. There was no quorum recommended for the Executive Committee meeting; that had been kept in the revised draft, but an alternative suggestion had been made (presented originally by the CAHAMA) to have a quorum of 50% plus one member, given the importance of the Executive Committee decisions. That was also something that could be discussed. One could, of course, live with both systems. Going higher than 50% plus one member could be difficult, and usually the quorum was kept at that level. Two-thirds would basically be a decision-making process.

The last point of deviation from the working group recommendation had to do with the election of the president and the six-month cooling-off period. It was suggested not to apply a six-month cooling-off period, because it would be difficult for a candidate for the position of president or vice-president to leave their position six months prior to the election without any guarantee of being elected or find a position in the Olympic Movement or with the public authorities if they were not elected. That was why the cooling-off period had been considered perhaps not such a good idea, but that was something that was open for discussion.

In relation to the independent ethics board, following the recommendation during the consultation, the possibility of creating an ethics board without it being an obligation had been stated in the statutes. Any regulation, code of ethics or code of conduct was still work in progress and

nothing had been presented in that respect. Also during the consultation, it had been mentioned that there might be some need to change certain provisions of the draft, because they had gone a bit further than just the principle of an ethics board; in particular, they had been giving certain prerogatives to future ethics boards to take decisions and, in that respect, the proposal was to keep the idea that they would take action in accordance with their prerogatives and, if there was no ethics board, the decisions would be taken by the Executive Committee. That again was only a proposal at that stage.

Leading the members through the various documents that had been revised, he started with the statutes. In terms of the appointment of Foundation Board members, they were currently appointed for three years. Following the recommendation of the working group, he had kept the nine-year system with three times three years as Foundation Board members, with a maximum of 12 years in aggregate if the Foundation Board member had previously been an Executive Committee member; and, if they were simultaneously Executive Committee and Foundation Board members, of course the years were not counted twice. Deputies had the same term as the Foundation Board members they represented or replaced in the event of absence, and also had a maximum of 12 years of presence as deputies or as Foundation Board or Executive Committee members.

He would go through a few examples to make the members fully aware of what the system would entail in the future. He gave the example of a Foundation Board member who had been in office for six years. The member left the Foundation Board and was a candidate for appointment as an Executive Committee member. The candidate might be appointed for six years as an Executive Committee member, because they would not have spent more than six years in each position as a Foundation Board and Executive Committee member, but they would also be within the maximum presence of 12 years in those two positions.

He gave the example of a member who had been on the Foundation Board for nine years. The member left the Foundation Board and was a candidate for appointment as an Executive Committee member. There again, they could be appointed as an Executive Committee member, but only for three years, after which they would have spent 12 years in both positions.

A member of the Foundation Board who had at the same time been a member of the Executive Committee for nine years might not be appointed as a Foundation Board or as an Executive Committee member because they had completed three three-year terms in both positions.

A Foundation Board member who had been in office for four years, left the Foundation Board and served as an Executive Committee member for six years had not spent nine years in either of the two positions and therefore might be appointed as an Executive Committee member for two years, after which time they would have spent 12 years in both positions.

The final example was that of a Foundation Board member who had simultaneously been an Executive Committee member for six years, left the Foundation Board and wanted to be appointed as an Executive Committee member. There again, the candidate could be appointed as an Executive Committee member for another three years, by which time they would have spent nine years on the Executive Committee and would not be able to be appointed again.

Regarding deputies, he gave the example of a deputy of a Foundation Board member who had been in function for nine years. The deputy could continue to serve as a deputy for an Executive Committee member for three years, making 12 years altogether.

A deputy Foundation Board member working for six years could be reappointed as an Executive Committee member deputy for six years only, after which time they would have spent 12 years in total.

A deputy of a Foundation Board member who had been in function for nine years could serve as the deputy of an Executive Committee member for three years, after which time they would have reached the maximum 12-year presence in those functions.

On the removal of Foundation Board members, the wording had been clarified in the regulations. There were two steps: the motion to remove a Foundation Board member would have to be supported by at least half the Foundation Board members representing the Olympic Movement and half the Foundation Board members representing the public authorities. That was in relation to the motion to be presented to the Foundation Board for a decision. The vote for the motion would be for two-thirds of the votes cast.

Another issue that had come out of the consultation concerned the number of deputies for Foundation Board members. There would still be two deputies per year but with the possibility for the president to grant exceptions for situations in which a third deputy might have to be appointed depending on the circumstances.

Turning to the appointment of the Executive Committee members in the statutes, they were currently appointed for one year. The term of office, as recommended by the working group, was three times three years with a maximum presence of 12 years as an Executive Committee or Foundation Board member. As they were appointed for one year, it had been felt that it would be appropriate to have a transition period to ensure rotation and not to have everybody changing at the same time; therefore, the possibility of being reappointed as an Executive Committee member had been introduced for a period of one to three years maximum at the end of a three-year period, but only until 31 December 2023, and that would apply to two types of member: Executive Committee members who had reached nine years as Executive Committee members at the time when they should be reappointed, or Executive Committee members or deputy Executive Committee or Foundation Board members who had reached 12 years of presence at the time of their reappointment and therefore who should not in principle be reappointed but, for the transition period, they would be allowed for one to three years depending on the situation to allow for rotation. To answer the concerns expressed by one of the stakeholders during the consultation, the application of the transition system would have to respect the parity between the Olympic Movement and the public authorities.

In relation to the number of deputy Executive Committee members, there would still be two deputies per year, except for the independent Executive Committee members (there were none), but also at the request of some of the stakeholders to have the exception made possible and granted by the president.

He gave the members a few examples of what the transition period might look like, starting with an Executive Committee member who had served for six years as an Executive Committee member and six years as a Foundation Board member, but not at the same time, in November of that year. Even though they had spent 12 years in both functions, they could be re-elected for periods of one to three years from the following year.

The second example was an Executive Committee member who had served for nine years as an Executive Committee member in November of that year; again, they could be reappointed as an Executive Committee member for a period of one to a maximum of three years, to allow for rotation, even though they had actually reached the maximum number of years they would normally be allowed to serve as an Executive Committee member.

Another example was that of an Executive Committee member who had served for 12 years as an Executive Committee member in November that year. Again, the following year, they could be reappointed as an Executive Committee member for one to three years maximum.

Then, there was an Executive Committee member who had served for nine years as an Executive Committee member in November 2022, having been reappointed for three years in November that year, and they could be reappointed as an Executive Committee member in November 2022 for one to three years.

The last example was that of an Executive Committee member who had served for nine years as an Executive Committee member in November 2023. They could be reappointed for one to three years from 2024, but then that would be it, and there would be no possibility of applying the transition period. The hope was that WADA would have achieved a good rotation system by that date, after which it would no longer be necessary.

As to the statutes, for the standing committees, the period of nine years of office followed the recommendation of the working group, as did the system that members of the same committee could also serve for nine years in other committees, so the limitation was basically nine years per committee and not in total, depending of course on the skills required. The removal and appointment of the chairs and the members would be the decision of the Executive Committee. It had been felt that it would be appropriate to have a transition period apply, as from the next (but only for the next) maturity date of the term of the members of the standing committees. Those who would have served for less than nine years when they should normally be reappointed could be reappointed for one more term of three years. He gave the members the example of a member who had been in service for seven years in November that year. The member could be reappointed for one more term of three years.

A member who had spent seven years of service in November 2021 could be reappointed for one more term of three years, but members who had already reached nine years of service at the time of their next reappointment, for example in November 2019 or further on in subsequent years, but at the time of their reappointment, could not be reappointed to the same standing committee (they could be appointed to another committee but not the same one), again in accordance with the working group's recommendation.

On representation, article 12 of the statutes, to answer a query from the public authorities, it was basically a practical matter under Swiss law to have representation as it was presented in the statutes. It was not a substantive matter and did not give the people any power to take decisions; they were basically signing on behalf of the foundation to implement a decision that had been adopted.

On indemnities and expenses, there had been no change in the revised draft except for a clarification in terms of wording. There was a special indemnity for the president's work as the chairman of the Executive Committee, and that had already been discussed in Montreal. The wording basically reflected what was currently applied.

In terms of the regulations of the Foundation Board, another concern had been sharing the information with the stakeholders, because of the system of representation in WADA. That had been implemented in the revised drafts that the members had seen; however, it had also been stated that, in fact, a member of the Foundation Board was responsible for protecting the interest and the mission of WADA and should refrain from participating in decisions when they were obviously in a conflict of interest.

In relation to the Nominations Committee, the recruitment had been deleted, but that had been discussed before.

Another concern had been expressed by the public authorities about skills mapping. In fact, the skills mapping as it was drafted was there to enable the Nominations Committee to identify additional skills that might be required and not to judge people who were already there. There was no assessment of existing members.

In relation to the Executive Committee regulations, the changes that the members would have found in the documents included the quorum for decisions. It was not what the working group had recommended, but he believed that it was probably appropriate.

The stakeholders had requested that the minutes be made public for transparency, and that had been confirmed and the change made in the document; of course, it was subject to confidentiality, which could be decided upon by the president depending on the substance.

On independence, it had also been a concern expressed by both sets of stakeholders that those who were subject to the strict independence criteria (the president and the vice-president) should be able to retain the compensation or pension that they received from the stakeholders for their past activities, which was quite reasonable and normal. That had been included in the revised draft.

As to breaches of independence, it had been felt that these should be referred by the president and not the director general to the independent ethics board; but, in the absence of an ethics board, the suggestion was that they be referred to the Executive Committee for decision. That was a point to be discussed.

In relation to the rules on the election of the president and vice-president, the matter of no recruitment by the Nominations Committee had already been discussed. There was the same problem with breaches of conduct as with the independent ethics board, which did not yet exist; therefore, that point would be subject to a decision from the Executive Committee.

On the election process, there had also been concerns about transparency and not having the election in camera, and that had been reflected in the revised draft.

For breaches of conduct of a candidate, if there was an ethics board, it would be suggested that the ethics board take the decision; but, in the absence of an ethics board, it would be for the Executive Committee to decide. That was again only a suggestion.

The terms of office of the standing committees had already been dealt with. On the selection process, the chairs of the standing committees which were not the Compliance Review Committee would require letters of endorsement from two members of the Foundation Board, one from the Olympic Movement side and one from the public authorities side. The Executive Committee was responsible for appointing and removing the chairs and the members of the standing committees and it had been felt important that the Executive Committee should provide, at least briefly, the reasons for the removal of a chairman or a member of a standing committee, and that had been inserted in the regulation. The Executive Committee was also responsible for appointing and removing the chairman and members of the Compliance Review Committee, but that would be upon the recommendation of the Nominations Committee. That would involve recruiting and vetting, which was not the case for the others. It had also been felt by the Olympic Movement that there should not be more than one sport represented at the same time on the Athlete Committee. That had been implemented in the revised draft, as it was a good suggestion.

In relation to the director general, it had been suggested that the engagement and appointment be done by the Executive Committee upon the recommendation of the panel, made up of four members of the Executive Committee. That had been implemented, and it would not be the panel itself but the Executive Committee that would decide.

It had also been a concern to have all the governance rules approved by the Foundation Board, and that would be the case, in particular when all the different rules had been consolidated. The Foundation Board would have to approve the entire document containing all the rules on governance in November.

In relation to the Nominations Committee, its mission and the decisions had already been discussed. In terms of the privacy policy for the candidates, a new draft had been submitted and it was to address the protection of data on information collected on candidates to be appointed Executive Committee members or chairs of standing committees. The policy was fairly strict, in accordance with the European GDPR and the Swiss system. It was probably stricter than in the USA, and it should be sufficient to cover, at least for the time being, most of the privacy policy legislation.

MS BATTAINI-DRAGONI thanked Mr Kaiser for a very detailed and comprehensive presentation. On the procedure, a number of decisions had been taken by the Foundation Board at the Baku meeting. When looking at the detailed presentation that had been made, she saw that some of the decisions, for instance, the one on the cooling-off period, had been somehow reopened. The point was, she understood what Mr Kaiser had said about it being a work in progress, but to what extent were the members entitled, when the work was done, not to qualify that certain things had already been decided? They were currently being modified, for good reason, but the procedure seemed to her to be rather strange. She needed to be reassured that, when a final decision was required, the members needed what had already been decided but for good reason had had to be modified in the final text at the World Conference on Doping in Sport in Katowice, and what was of a different nature, some good ideas that had come up as the result of consultations but which had not been the object of an official decision, because she saw that both were being dealt with simultaneously in the work in progress. It was a matter of procedure, but it was important. If something had been decided upon, was WADA now going against it and modifying it? Were the members aware of what they were doing?

Then, in the presentation per se, there was one point which, from her experience, sounded a little bit strange, with all due respect to the president of course, but when it was said that only the president could decide if something would be confidential or not, first, it placed incredible responsibility on the president, so was that exactly what was meant, or did it mean that the president had an obligation to consult the Executive Committee members as to whether they as members of the Executive Committee would like to go on given information? And perhaps the majority would prefer confidentiality to be applied or not applied, so that it would not be an exclusive responsibility placed on the chairman at the end of the day. That was an important issue, particularly when the members were dealing with complicated matters. She wanted some clarity on that, in particular in relation to the principle of transparency, but of course there were times when certain information had to remain confidential. Nevertheless, should WADA leave it exclusively to the president to decide whether or not it had to be confidential?

The final, but very important point, and she apologised if she was mentioning something that had already been foreseen in the global text, was that, when people took up functions at the Council of Europe and were elected, they had to make a full declaration in front of the whole committee of ministers to indicate that their loyalty was exclusively to the organisation and that they would not take any direction or instructions from the member states or the sport organisations (if she were to apply that to WADA). After the declaration, the members could start to work. It was a very important emotional and legal point whereby those who were elected, and even those members of the different bodies, had to work for WADA and in the interests of WADA and not a government or a sport federation. Did that kind of declaration already exist? When the new president came in, did the members expect them, at least in front of the statutory bodies, to make a declaration of that kind? Psychologically, it was extremely important. It reassured people and gave an additional, ethical, authoritative position to the people elected. She wished to indicate the good practice that was in use at the Council of Europe and which could also be used at WADA.

PROFESSOR ERDENER said that the sport movement supported the revised implementation plan, which reflected the discussions that had taken place during the previous Executive Committee meeting held in May. The sport movement supported the revised implementation plan in general.

MR GODKIN complimented the drafting team on the work that it had been doing. His region had had a very interactive relationship and contributed a number of views, and the drafting team had been very positive and responsive in looking at those issues. Some issues had come up, the fine detail had been looked at, and there remained some issues still to be consulted on, for example, the

impact on some of the smaller regions of the rotation policy, the retrospective nature of committee term limits and some of the other processes, but those were relatively minor issues, so he thanked the drafting team for the great process under way.

On behalf of the Olympic Movement, MR DE VOS said that he was very grateful for the process and the fact that a number of the comments made had been taken on board, and he congratulated the drafting team on the great work done. It was always work in progress, it was a dynamic process, and he could not agree more with his colleague in relation to the role of the Executive Committee members within the organisation: their role was to work for the organisation and not act as part of a silo fighting against another silo. All the members had a huge responsibility to work together. As it was work in progress, he took the opportunity to make a couple of comments to fine-tune and adjust the statutes and regulations and, to avoid any doubts when talking about the agenda, as far as he was concerned, the members were discussing 4.2, the statutes and associated regulations, and were not yet on item 4.3.

In relation to the cooling-off period, he could understand that it seemed a bit complicated, but he believed that it was something that should really be considered, as it was important in a transition period and to start with a clean sheet, so he suggested keeping the six-month cooling-off period but perhaps advancing the elections because, in practice, it was already the case. Everybody knew well in advance who was going to be the president of the agency, so in reality there was a possibility for the cooling-off period, and it was important to have that kind of transition, so why not formalise the elections six months prior to the president and vice-president taking office?

On remuneration, it was important to have remuneration for people who were supposed to be independent; otherwise, one would probably not find good candidates, but he believed it was probably also valid for the vice-president. Since the same criteria of independence applied, why not also provide for remuneration for the vice-president? He was not referring to the level of remuneration but, in the end, what was perceived as a problem was that it was quite complicated to find independent members who had qualities when one could not offer them anything. Regrettably, that was the situation in current society. It would also be worth introducing, perhaps in the by-laws, a kind of job description, not only for the president but also for the vice-president, so that everybody understood the role. The regulations were silent about that. In many other organisations, there were job descriptions that clarified the roles, and he believed that that was important.

In relation to the Executive Committee and the related by-laws, he agreed that there was currently no quorum, and a quorum was needed; however, with the introduction of the independent people, it became complicated, and he did not want to go into the silo idea, but he thought that the decision-making process in that organisation should be based on consensus, meaning that a majority was necessary in both groups of constituents. The simple majority was not enough with the independent members on board, meaning that, in that system, in a worst-case scenario, one constituent with the support of the independent members could overrule and monopolise the decision-making process, so it would be good to reconsider that and probably to have a required two-thirds majority, so that both stakeholders would be in a consensus model and not one of conflict. It was also important because there was currently no quorum, so there should be no meetings without such quorum.

In relation to independence, he believed that the definition was currently too broad. The definition of stricter independence criteria in relation to sport institutions should be amended and replaced by any sport organisation that was a Code signatory or umbrella organisation overseeing Code signatories. Membership of athlete commissions was not against the principle of independence. What he wanted to say was that not everybody could be a virgin: they needed to be allowed to be active in that sport society. He thought that it was currently too broad and it needed to be clarified.

In relation to the by-laws on the election of the president and the vice-president, he had two comments. The first was that any interested party, including IFs, should be able to bring a breach of the rules of conduct to the attention of the one who was responsible within WADA for dealing with that. It could not be an exclusive right of somebody: if one wanted to be open and transparent, all those concerned should be able to bring potential breaches to the attention of the organisation. A lot had been said about the independent ethics board and it was not clear whether it would be introduced or not, but, whatever happened, the independent ethics board should never be a decision-making body or a disciplinary panel. Decisions should always be taken by the Executive Committee, and not by an independent ethics board, because the Executive Committee bore the responsibility of the agency.

In relation to the by-laws on the director general, when talking about the famous panel, he believed that there should be a modification in the composition of the panel, not having an independent member but taking the vice-president because, under the current proposal, the

president and vice-president were independent and the best guarantee of independence was to introduce the vice-president and not one of the two independent members of the Foundation Board. He therefore suggested replacing that with the vice-president, because the independence of the vice-president was guaranteed and, since the vice-president was already part of the panel, there would be a perfect balance between the stakeholders.

It was important that, whatever decision the Nominations Committee took, it be taken with a two-thirds majority to ensure consensus. Those were his comments in relation to item 4.2 of the agenda. He would have some more comments to make later on.

MS SCOTT started by asking about the process. Like Ms Battaini-Dragoni, she was a little bit confused, because the members had been presented with the by-laws in May and invited to comment on them in June, and she had made some submissions in relation to the process for the selection of the chairman of the Athlete Committee and did not see that any of the suggestions had been considered or included in the by-laws as they were currently written. The description of the selection process for the chairman of the Athlete Committee was quite different to the one described in the terms of reference, the document discussed with the Director General during the committee meeting in Lima, Peru, so she was just wondering about the next steps and which process was to be used for the selection of the chairman of the WADA Athlete Committee.

She also had a comment and question about the idea that a sport should not be represented more than once on the Athlete Committee and why that was the case. Why not a nation as well? There were currently several of the same sports represented on the Athlete Committee and also several of the same nations and she was wondering why sports and not nations. Why one and not the other? Also, if there were two excellent candidates from the same sport but with vastly different experiences, because they came from different nations, for example, could that be considered as a possibility?

MR DÍAZ noted that the public authorities also had a number of comments to make on the subject but he did not know if it was the right place to decide on those items, especially those that had also been raised by the Olympic Movement. He suggested a period during which to communicate the different positions and, hopefully over the next couple of weeks, share the concerns in writing and perhaps have a teleconference to address and confirm many of the items, so as to provide the different comments made by the governments.

MR RYAN congratulated the drafting team because, having embarked on the process, the members were aware that it was perhaps more complicated than they had thought, especially those on the working group. It was very difficult to balance sticking to the regulation with the fact that that was a work in progress, and Mr Kaiser was constantly fed with comments and new information and desperately trying to satisfy those, but it was also necessary to observe due process, so it was frustrating, when the members thought that they had got somewhere and decided something, to come back and see that there were changes, but he thought that the members had to live with that to some degree because it was the first time that they were doing that process.

He wished to raise an additional point, which went a little further than Mr De Vos's comments about compensation for the vice-president. One of the things that had been found as part of the process was that it was all very well developing a strong governance model, and his organisation was doing that with the 33 summer sports that were part of the Olympic Games programme; but, in that process, a problem had been discovered, which was that everybody was doing it at the same time. As a result, when one tried to recruit independent people to be represented on different bodies, there was almost a new Olympic Games going on, and athletics was a good example: the IAAF had gone through a very strong governance reform process, and he had learnt that the implementation had been over a period of time, giving the IAAF the ability to phase things in without losing the expertise it had had, whereas his model had started by almost switching to a new governance model in one day, so he very much welcomed the different combinations of six years and nine years, and that was very important to understand that there could be some phasing, as there could be implications for smaller parts of the world represented on WADA, as they did not have unlimited people with expertise. His point was that, when looking at athletics, he believed that the three people being recruited as independent members of the board would be compensated with something like 20,000 dollars a year. In terms of the budget, they were not massive amounts or a massive number of independents, but he had spoken to some very good candidates, who already had such positions, sometimes in corporate and sometimes in public authority areas, and they were compensated. With all due respect to Professor Erdener, who he thought had done the Director General and the staff a massive injustice by saying that they had reached nearly 1,800 pages of documentation: by his count, it was 1,872 pages, and it was quite technical documentation, and it was difficult to explain to people who were very skilled that they would be expected to be over that volume of technical data

and detail with no compensation for doing that. It was something that the members should take into consideration. He was almost at the end of his period of service and had invested a lot of years in the business, and he had always believed that WADA should have access at least to the best of the best. WADA should certainly therefore be in the market and pay the standard sort of compensation, which he did not think was that great, because it expected its members to do a first-class job for it. It was just something else to take into consideration. He did appreciate the complication of juggling, following due process, and trying to adapt something by November, so he thanked the team for the work done.

THE DIRECTOR GENERAL commented in general that, in terms of process, it was very important to have an understanding of what had been said. The members would have to come to some agreement for adopting a set of rules in about two months' time (not even) which would not allow for consultation on new things. It was necessary to fine-tune and reach consensus on what was in there; there were some new ideas that had been raised at that meeting which certainly deserved to be studied, and WADA could continue doing that once it had adopted the bulk of what was acceptable in November. It would be necessary to reach an agreement on that; otherwise, the members would never stop and would never make progress. The management would look at the comments received that day, include what could be included and clarifications or maybe inconsistencies, and set aside some of the new issues, listing them in a transparent fashion, noting that they were for further discussion. The management would circulate a new draft in a week or so, after which there would be a relatively short period for comments, and then it would be possible to continue the work.

On more specific points, in response to Ms Battaini-Dragoni, he understood what she had said about the decision taken in Baku and not deviating from what the Foundation Board had decided. That was why Mr Kaiser had started his presentation by highlighting the four points of deviation from what had been agreed, so that everybody would be clear and in order to decide whether or not to accept them. Out of the four points, there was one about the ability for the Nominations Committee to recruit candidates, which had actually come from a joint proposal tabled in May as a consensus between the public authorities and the sport movement, and the other had been more practical things coming from the comments received. All of that had been raised by one or the other party. In terms of process, at the end of the day, the Foundation Board would approve the regulations, so any deviation from what had been adopted in November would be remedied by the decision of the Foundation Board in Katowice, provided of course that the Executive Committee recommended that that was the right process, so that could be dealt with, and the management would always highlight those points deviating from the initial decisions.

He would leave it to Mr Kaiser to discuss the issue of confidentiality. It was a question of being practical. The idea of having a more solemn declaration was something that could be discussed, but further down the road.

He thanked Professor Erdener for his support on the timeline and Mr Ryan for his comments.

In response to what Mr De Vos had said about the cooling-off period, if he understood correctly, Mr De Vos was suggesting that the cooling-off be linked to the taking of office as opposed to the day of the election. From what he understood, it would be fine to have a cooling-off period that allowed people to become independent between the election and the day they took office, as opposed to the initial idea, which had been a cooling-off period before election, as it might be problematic to ask people to give up their job when they did not know if they would win. He thought that the management could work on that.

In relation to the remuneration of the vice-president, under Swiss law, the principle was that the chairman of a Swiss foundation was not remunerated. All of that would be subject to the approval of the Swiss authorities, and the acceptance of remuneration for the WADA president could not be taken for granted. WADA would try to justify it as related to the workload linked to the function of chairing the Executive Committee. He understood the difficulty involved in finding good people and asking them to make sacrifices, but suggested that WADA do things one step at a time and, rather than negotiating two deals in one go, try to get the first approved. He was just concerned that WADA would get some push-back from the authorities if it were too greedy from the outset.

The clarification of the definition of independence was more a clarification, and people would be able to comment on that in the text.

The proposal was to have a two-thirds majority decision in relation to the Nominations Committee, and that was fine. The governments and sport movement had been fearful of a blockage situation, so that would probably address that issue.

In response to what Ms Scott had said, one thing discussed recently had been when the Nominations Committee would be involved in the process of vetting candidates. It was in the

comments on the terms of reference, and the discussion with the athletes had been that, if there were more than five candidates for the position, the Athlete Committee would have a first go at selecting five candidates or reducing the number of athletes on the list, and then it would go to the Nominations Committee for vetting and, if there were fewer than five, the list would go straight to the Nominations Committee and then it would go back to the Athlete Committee. That was reflected in the terms of reference.

Apart from that, Ms Scott had made a number of comments. The way in which the standing committees were treated was standard. He understood that the comments made had not reflected a unanimous view within the Athlete Committee, so the management had reflected what it had been able to, but that did not prevent the Athlete Committee from having a discussion on selection within the committee, although he did not think that that belonged in the by-laws. As to why there should be only one sport but more than one nation, that was a fair point, so there could be a rule that said there should be only one sport and only one nation to encourage greater diversity. That could certainly be reflected if there was consensus on that.

In response to what Mr Díaz had said, the consultation period would take place so it would probably be possible to find a way to deal with that.

In response to what Mr Ryan had said, yes, it was clearly more complicated than expected.

MR KAISER told Ms Battaini-Dragoni that, on confidentiality, it was true that it had been felt that it would be the president who should deal with it, but perhaps it would be a good idea to see what kinds of decision would have to be taken, for example, on issues dealing with personal data or individuals which would probably constitute a breach of law in certain countries, with huge consequences for WADA. It would be important to have as few people as possible knowing about the case, and it had been felt that it was the function of the president of WADA, the chairman of the Executive Committee, to decide whether or not that information could be provided to all the members of the Executive Committee. That would not be a decision-making process for every single issue to be dealt with by the Executive Committee. The transparency system was the principle, and it was only in the event of very specific exceptions, which could damage WADA in one way or another, that the chairman would decide that it should remain confidential. That was why that power had been given in the rules to the president and not the Executive Committee per se.

In relation to the declaration of loyalty, in fact, that was in section 1.2.2 of the independence by-laws, which stated clearly that every individual would sign a statement of independence to be sent to the WADA director general no later than 20 days after taking office. The idea was to have all members realising that, upon becoming members of WADA, they would have to be independent in principle. He therefore believed that Ms Battaini-Dragoni's concern had been addressed in the by-laws.

The other points raised had been dealt with by Mr Niggli, so he would not go back to them.

On the Olympic Movement and in relation to the cooling-off period, the suggestion was of course perfectly reasonable. It could be one way of doing it. He had not contemplated that because it had not been felt that, when drafting the governance rules, it would be possible to change the timing of the election, which was beyond what he had been asked to do, but that could of course be a possibility to make sure that the person elected would take office six months later. Whether or not that would work in practice could be discussed, but it was a possibility.

On the vote at the Executive Committee, he was not quite sure he had understood. There were two different issues. There was the quorum on one side and the majority vote on the other. Would Mr De Vos accept that the quorum should be 50% of members plus one but that the decision-making should be two-thirds of the members present at the meeting or did he wish to impose a quorum of two-thirds, which was totally different?

MR DE VOS thought that it was important to have a quorum of two-thirds present. There were lots of rules and by-laws allowing for deputies, and there would be a whole range of deputies queuing up, so there was no excuse not to have a two-thirds quorum.

MR KAISER understood, therefore, that Mr De Vos would agree to having a majority decision in a meeting with a quorum of two-thirds.

On independence and the stricter criteria, that was, in his view, not an issue and of course wording could be introduced to reflect the concern, and he saw no problem in that respect.

On the election process, in relation to the breach of the rules of conduct, a suggestion had been made, to avoid having somebody with no interest in WADA whatsoever creating turmoil just to be heard by the public, to limit the number of those who could complain to those who were actually

involved with WADA in one way or another. That was why the alternative proposal had been made: to avoid having anybody in the public coming forward and alleging a breach of conduct, which would perhaps be a bit excessive.

MR DE VOS responded that he understood and fully agreed from a principle point of view. He did not want just anybody to be allowed to interfere in the process, but he believed that the wording was too narrow and that was why he suggested further defining the point. It was currently too narrow, but he fully agreed with the comment that it should not be just anybody.

MR KAISER said that, if it were possible to submit suggestions in the next process, it would be useful to know.

MR DE VOS said that the Code signatories might be included. Those people were concerned. If there was one group of people concerned by the operations of WADA, it was the Code signatories, so they should be able to report.

MR KAISER noted what had been said.

In relation to the director general, he accepted that the composition of the panel had nothing to do with legal issues. The Nominations Committee having a decision with a two-thirds majority as opposed to unanimous was again something that was perfectly possible and quite reasonable.

He thought that the Director General had answered Ms Scott's question on having no more than one sport represented per committee. The idea was to have diversity, and that was why it had been felt that it would be a good idea to cover as many sports as possible on each of the committees and not only the Athlete Committee. It was an important issue raised by several stakeholders that diversity (in terms of gender, region, continent and sport) was important and, to achieve that, of course, there was a limited number of positions and therefore it had been felt that it would be necessary to be a bit stricter in that respect.

Mr Ryan's comment on remuneration had been dealt with by the Director General. He hoped that the Swiss authorities would provide some information.

He hoped he had covered most of the questions.

MS SCOTT thanked Mr Kaiser for his comment. She agreed that diversity was important and that was certainly an area being looked at in the focus group on representation. Going back to the point made by the Director General about no consensus within the Athlete Committee on the selection process for the chairman, there had in fact been a majority consensus that the candidates should be vetted before being put for election. The Athlete Committee had circulated the comments and there had been no dissenting opinion on that. She was not sure that that was validation for not including the comments in the by-laws. If the process of selection and the terms of reference looked so different from those in the by-laws, which would be used?

MS BATTAINI-DRAGONI thanked the WADA colleagues for the work that had been undertaken to date and which was indeed in progress; she appreciated the work and realised it was not easy and would not like to give the impression that she was just criticising. She wanted to contribute to the debate. She was very happy about what had been said about the possibility to come forward with additional elements in the two or three weeks to come. She wished to underline the question of gender, which was a very important one. She was referring to gender equality and the representation of women on the different bodies and so on. She had found another point (which she had not raised) very interesting, and that was the question of the roles of the president and vice-president. It would be very useful, at least once the president and vice-president came together, for them to decide how they felt that they should undertake the different tasks in relation to the implementation of the role. That would be extremely useful, because it would certainly clarify to them what they were supposed to do, and it would be very useful for people to know to whom they should go if they had to express an opinion on a given subject and so on. The question was one of defining the profiles before the elections and then understanding why a vice-president was needed. She said that because, in her profession, there was a secretary general and she was the deputy secretary general and, to be sure that they did not enter into conflict or contradict one another, it was very clear what the secretary general was doing and what the deputy secretary general was doing, to the point that the profile and different responsibilities were published, so that nobody could be surprised by what they did or said, and that was a very important point in terms of good governance. She agreed with those who had said that maybe WADA needed to be more specific in that area in the future. She dared to contradict the Director General, which she rarely did, but the question of the salary or remuneration would make sense if there were a clarification of the profiles of the president and the vice-president because, if one could see what the two were doing, then it would become obvious that perhaps the

issue of remuneration should be taken into consideration, but she took the point about the fact that WADA was infringing certain rules and therefore needed to be careful about how to proceed.

She hoped that her comments were useful. She did not wish to criticise anything or anybody but sought to improve the way in which WADA worked in the future.

She took the point about confidentiality. She had not been referring to that, because that was also an issue about confidentiality for the director general; she had been thinking more about the fact that WADA sometimes had difficult debates and the members rarely met in camera, with the exception of the Executive Committee members, who could take a decision. That could be useful in difficult situations for the president not to feel alone in saying things or taking decisions. She had thought it worth mentioning the way in which the Executive Committee could support and help in a process that could sometimes be difficult.

MR DE VOS thanked the colleagues for the clarifications and thanked the public authorities and Mr Díaz in particular for the offer to have a teleconference when finalising the draft before it went to the Foundation Board in Katowice. It would be useful to have a discussion so as to finalise the draft and reach a consensus on that. It was much appreciated and he thought that the practical arrangements should be made for that.

He fully agreed with some parts of what Ms Battaini-Dragoni had said but not with everything, because he did not believe that the role of the president and vice-president should be done ad hoc every time there was a new combination. A more solid basis was needed and it should be clarified from a governance perspective and not just something two people agreed upon in a café or a bar. It needed to be clarified in a document. The independence requirement would justify a kind of remuneration and he agreed with what Mr Ryan had said in relation to the independence. All sport organisations, and not only sport organisations, were looking for independent people, and he did not know where they came from. They certainly did not grow on trees. It was necessary to motivate and have good people. WADA was an outstanding organisation and needed quality people, and that was why WADA needed to be prepared to have clear job descriptions and a clear policy on remuneration; otherwise, WADA would not find them. It was almost a profession for some people to be independent board members: it was becoming a job! That needed to be clarified. He understood the point about the tax situation and Swiss tax law on foundations, but it would not be a problem to ask the tax authorities about independent members being remunerated. He was somewhat surprised that there was no conclusive recommendation as yet from the tax authorities because, what with the whole process and the election of a new president in Katowice, under the current independence regulations, the president was supposed to be remunerated, so basically the colleagues were saying that they were not sure that they were able to remunerate the president, even though the whole process had been set in motion.

There was one thing that had not been addressed and he apologised, because the fact that Mr Kaiser had not addressed it probably meant that he agreed that the independent ethics board should not be a disciplinary body. That was a point that had not been addressed.

He referred to the terms of reference of the standing committees, which would be dealt with later on, he supposed.

MR GODKIN said that the term 'work in progress' had been raised a number of times that day, and many valid issues had been raised around the table, and some of those issues had given rise to other considerations and concerns, for example, the two-thirds consensus and the quorum issue, which raised other questions. It might be useful for everybody if the Director General could confirm the process to finalise the consultation and for presentation in November.

THE DIRECTOR GENERAL responded to Ms Scott. On the question of governance and whether the Nominations Committee looked at it first or after, it had been agreed upon and discussed. It was reflected in the terms of reference. If the terms of reference were adopted, of course the by-laws would be amended to reflect what had been agreed.

From the discussion, the issue of the role of the president and vice-president and their remuneration was clearly in the category of things that would need a bigger discussion, and it would not be possible to solve that by November. That had never been discussed. Under Swiss law, the statutes talked about the role of the president and the vice-president replaced the president if the president was incapacitated or if they delegated some of their responsibilities. That was a simple answer, but that was the current situation. It might be possible to have something more sophisticated in the future, but that would require some discussion.

On the ethics board, that was also not something that was on the table. The way in which the matter would be progressed and the principle of an ethics board had been approved by the group on

governance, so everybody was on the same page. It would be necessary to get into the details and the proposal was to come with a draft set of rules so that everybody could see what they were talking about, after which discussion and exchange could take place.

In response to Messrs Godkin and De Vos, it had been said that the document would be recirculated in about one week's time, and there would be a deadline for a response that would be relatively tight, because the document would have to be sent out again in time for the next meeting. If, during that period of consultation, there was a need for a teleconference to finalise a few points, he would be happy to organise that. That was the process. From then on, there should be a set of documents that could be adopted in November, on the understanding that of course they would evolve as a number of other issues were discussed further.

DECISION

Statutes and associated regulations/documents update noted.

– 4.3 Inaugural Nominations Committee

4.3.1 Costings

THE DIRECTOR GENERAL referred to the paper in the members' files which was for their information. It was the forecast in terms of the costings of the Nominations Committee. The people on the committee (assuming the Executive Committee appointed them) had agreed to work with a modest remuneration in line with what WADA gave to the Compliance Review Committee, so it was more of an indemnity than a remuneration. That was good news for everybody.

DECISION

Nominations Committee costings update noted.

4.3.2 Composition

THE DIRECTOR GENERAL said that the big item was the approval of the Nominations Committee. The members could see the report produced by Korn Ferry after the work they had done. They had made three recommendations in terms of independent people on the committee and had of course vetted the two nominees, one from the public authorities side and one from the sport movement side. They had been searching worldwide over several months. He had already heard some comments that some people would have appreciated greater diversity. Frankly, great efforts had been made but, unfortunately, at the last minute, one of the members from a different continent had dropped out due to other commitments. That would be the first Nominations Committee and there would be another opportunity to work on it. That was the recommendation that had been made by Korn Ferry. They had extensive experience dealing with human resources and so on, and he thought that the committee would be able to do a good job, and he completely agreed: WADA needed quality people. The document was before the members for comments and then for formal approval. The committee would have to start work very quickly, so it would be necessary to reach out to the members and then start work.

THE CHAIRMAN stated that his immediate reaction was that the Nominations Committee represented a huge step forward in terms of gender equity. Were the members happy to go ahead on that basis? He congratulated the Director General and all those who had taken part. WADA had been involved in that matter for almost exactly three years. It had been the first major reaction from the report on the Russian mess in 2016 and it had become much more complicated than anybody had thought. It was still more complicated. He had taken only a watching brief, because the terms of reference would be the members' and they would not be his. He thought that massive progress had been made and he did like the understanding that that was the first step and they were living documents and, presumably, WADA would get better year by year as things progressed. He thanked the Director General and Mr Kaiser very much for everything they had done.

DECISION

Proposed composition of the Nominations Committee approved.

– 4.4 Standing committees

4.4.1 Terms of reference and chair profile descriptions

THE DIRECTOR GENERAL said that the item was for adoption by the Executive Committee because it was necessary to go out and open a call for proposals for the chairs of the various

committees so as to start the process, which would then involve the Nominations Committee and so on. There were two documents for each committee: one was a description of the chairman's tasks, a kind of job description, and the other was the terms of reference that applied to the committee. It had been rightly pointed out that there was something in all the descriptions of the chairs that was inconsistent with the statutes and the by-laws: the term 'ex officio member' of the Executive Committee was used, and that was not the case, obviously. The chairs were rapporteurs to the Executive Committee and not ex officio members, so that would have to come out of the description of the chair positions. That would be corrected for all of the committees.

The terms of reference and the descriptions had been circulated among the committee chairs and some feedback had been received. All of the chairs, with the exception of the Athlete Committee chair, had agreed and were fine with the wording. There were two things, and he suspected that the Athlete Committee would be discussed more, because it was the one for which there had been a number of suggestions. Some of the suggestions were for discussion and some needed to be looked at in light of the decision taken by the Foundation Board the previous November. In particular, drawing attention to the Athlete Committee, there were two points that were not really up for discussion there: one was the size of the committee, because it had been decided that all of the standing committees would comprise 12 members, and that was a decision that had been taken by the Foundation Board and which he did not think could be changed, and the other was the principle that the Executive Committee nominated the chairs and members of the committee and, de facto, because the Executive Committee had the power to nominate, it also had the power to remove the members. The two things came from the broader context of regulation. The rest was for discussion and debate. There were proposals in the documents, one of which was what had been discussed previously in relation to order, and the only reason there had been a discussion was to be practical. It was simply a matter of cost because, if there were many applications for the chairmanship of the Athlete Committee, and they all had to go through the Nominations Committee, for each application, a vetting fee was paid, so the rationale had been to keep it at a reasonable number and pay only for those candidates likely to be of interest. He thought that a modus vivendi had been agreed upon. The item was open for discussion.

MR DÍAZ stated that he had distributed a letter among the members of the Executive Committee, specifically raising a concern in relation to the WADA Athlete Committee. He clarified that the letter by no means sought to start a debate in relation to the importance of the voice of the athletes. He thought that everybody was very clear on the importance of the athletes' voice. It was never his intention to judge the work of the WADA Athlete Committee and its honourable members, who were admirable athletes, starting with the chairman of the Athlete Committee, and he publicly expressed his appreciation for the time and efforts Ms Scott put into the committee. His concern dated back a long time, and he brought it up at that meeting because everybody knew that the chairman of the Athlete Committee had been involved in a very delicate situation of accusations, which had led to an investigation. Since the investigation was closed, at least from the point of view of WADA, he raised the concern. He had never wanted his concerns to be part of a conflict or to be misunderstood in terms of taking a position, so he brought them given that the investigation was closed. His concern related to the way in which the WADA Athlete Committee was headed. He never wanted to blame anybody or point the finger at anybody. It might have been for good reason, but somehow it was becoming a representative body. Whether that was good or bad, he did not know, and it was not for him to say, but what he knew for sure was that the Working Group on WADA Governance Matters had highlighted four very important items in relation to the Athlete Committee, the first of which was to place the athletes' voice at the highest possible level of the organisation. That was very clear. The WADA working group had also allocated an athlete seat on every single standing committee. At the same time, it had opened an unsolved process of discussion about how to get to a representative formula of the athletes guaranteeing gender equity, regional distribution and sport diversity. Finally, the working group described the WADA Athlete Committee as an expert group and not a representative body or some sort of a union. Was it good that it was described and had been approved by the Foundation Board the previous November as a representative group or as an expert group? In fact, it was an expert group. He did not know whether that was good or bad, but the fact was that it had been confirmed as an expert group. The fact was that there had been situations of conflict among the members and he believed that WADA needed to do something to help because, if the members helped, they would create coordination and harmony among the members of the Athlete Committee and would get the benefit of the athletes' support, voice and participation in every item on the agenda. His intention was not to create debate on the importance or not, but to highlight that, if it led to a discussion and solution on something that had been real for a long time, it would be very satisfying.

MR SHEPANDE spoke to the issues flagged in Mr Díaz's letter, which had been shared. He agreed that WADA had allowed the issue to hang for a long time, and he admitted that all of the members

should take the blame; of course, with the exception of the athletes involved, the public authorities, the sport movement and the WADA management should admit that they had not done enough to address the matter. They had been aware of what had been going on and the polarisation of the two athlete committees. Whether they took pleasure in that or not, he was not sure. He thought that the issue of harassment or bullying was just the outcome of one underlying factor that had not been addressed. The polarisation had been allowed to go on for too long and it was not a healthy situation. He did not want to blame the two athlete committees. WADA should formally address the issue. He did not want to go on complaining, so he would propose concrete recommendations as to how to move forward with finding a lasting solution to the issue. A team should perhaps be formally put together to bring the two athlete committees together to find a lasting solution and move forward, so as to be able to move forward in the following year with one group of athletes working in harmony.

MS BARTEKOVÁ said that she felt that she should clarify that there had been some issues within her commission, but she appreciated the work of the working group and had already informed the working group about the position in relation to the terms of reference and the chairman's requirements and descriptions. Full consensus had not been reached in the commission, and she highlighted two points that were deemed critical in terms of moving forward. In relation to the profile and criteria of the chairman, the commission did not believe that the chairman could be appointed up to 12 years after retirement from sport, which was a long time for a chairman to be in contact with anti-doping procedures and subject to testing. The athletes should be in touch with the reality of testing and should therefore provide an expert and qualified opinion. The second thing was that no consensus had been reached in relation to the independence criteria. Applying stricter independence criteria for the chairman would exclude a lot of qualified athletes in the athlete commissions, and she did not believe that the chairman of the tennis federation's athlete commission had different anti-doping experience and different issues to the chairman of the ice hockey federation's athlete commission. The commission believed that being an active athlete qualified an athlete to be eligible for the position of chairman of the Athlete Committee. Those were the issues that the commission was trying to solve, and she welcomed Ms Scott's initiative, which had been to discuss the matter in the WADA Athlete Committee. It was important to reach consensus on the issue. She said that both sides were currently trying hard to reach consensus. There were some issues that they did not agree on, but they could reach common ground with open discussion and understanding on both sides.

MR DE VOS said that the members were being asked to take a decision and approve the terms of reference and descriptions of the chair profiles. He welcomed the clarification about the reference to ex officio members, which would be removed.

Secondly, he believed that it would be good to clarify the possibility of the Executive Committee removing members because active members were needed, so the Executive Committee still needed to have the power to remove people who were not active in a committee. He supported that.

In relation to the Finance and Administration Committee, he thought that the role should also be extended to advising and reviewing the budget, not only the accounts, but also giving advice on the budget, and that was a simple amendment and it should not be too difficult to make.

He took on board the comments made in relation to the Athlete Committee and he fully agreed with the comments made by Mr Díaz that the Athlete Committee should be considered an expert group. It was not a representative body of athletes; it was an expert group to give advice from an athlete perspective on what the organisation was doing, but he believed that there should be some clarification. In addition to what Ms Barteková had said, the role of the chairman of the Athlete Committee was also to have the meeting agenda in line with the objectives and mandate of WADA. The framework in which the committee operated should be very clear and in line with the goals of the organisation and not for other purposes. He also thought that, when looking at the goals and objectives of the Athlete Committee, they were currently quite broad: to engage, inform, interact with and advocate for athletes, athlete representatives and other relevant stakeholders. It was too broad and, in line with what Mr Díaz had said, it should be narrowed down to the expertise provided and not a whole broader range of subjects that were perhaps not directly related to the role and goal of the organisation.

Those were basically his points. He agreed with reducing the size to have something workable and also supported the proposed process for vetting the candidates.

MR GODKIN made some short comments. In general, in relation to the changes, he noted the initiative to have people removed from committees at the sole discretion of the Executive Committee and wondered whether it might be wise for the Executive Committee to be able to establish some criteria or basis for removal so that the basis for which that might be taken was transparent. It would be a good protective mechanism.

He also believed that amending the terms of reference every year might not be particularly practical and wondered whether two or three years might be sufficient. That was a minor issue.

In relation to the Athlete Committee, from the update provided, it sounded like there was a process under way. He suspected it would be prudent to allow that process to play out and then, if further action were required, it could be considered.

THE DIRECTOR GENERAL said that he would try to be as practical as possible, as the members had to adopt something that day. First of all, the removal of the term referred to had been discussed as part of the discussion on the by-laws, and it stemmed from the fact that, if the Executive Committee had the authority to appoint, it had the authority to remove. To address the issue raised, it had been added that the Executive Committee would have to provide motivation for doing it, and that had been the way of dealing with it without coming forward with an exhaustive list of reasons because one never knew what one might face. It had been an obligation to be transparent and provide grounds for such a decision. It would be possible to elaborate, but the principle came from the by-laws and was not linked directly to the terms of reference.

There would be no problem for the Finance and Administration Committee; in fact, that was what it was doing, so that would be added.

There was not much time; it was necessary to publish the document and launch a call for chairs, because the deadlines were tight and, for the athletes, WADA would even reduce the windows for application to allow for the process with the Nominations Committee to take place, so the Executive Committee would have to find a solution. He understood that there might be some further discussion among the groups; but, until that happened, it would be necessary to come up with something. Therefore, perhaps the Executive Committee should take out the points on which there was currently no agreement and that would be factored into the decision process when it came to carrying out an assessment of the candidates, but it would not be put in, in particular whether it was 12 years, four years or six years. He did not know; but, if there was no consensus, perhaps it would be best not to put anything, see what candidates there were and then discuss the matter when the time came.

The other point to be discussed was what the members wanted included in the Committee objectives. Did the Executive Committee want to change the wording in point one, which he understood from Mr De Vos was that the athletes would be expected to provide a perspective on anti-doping issues from an athlete perspective? The size of the committee had been discussed, and that came from the statutes. It seemed to him that there was an agreement on the process with the Nominations Committee, so that was no longer an issue. The last one for discussion and which had not been raised was that the athletes' proposal was that the people on the committee would have no other seats on other bodies, and somebody had raised the stricter independence criterion. The Athlete Committee chairman was subject only to the general criterion of independence. As with all the chairs, except for the chairman of the Compliance Review Committee, it was the general criterion of independence that applied, and WADA would not rule candidates out under the stricter one. He sought the members' help.

THE CHAIRMAN said that he was not sure how much help that had been, but he took the Director General's point.

MS SCOTT offered to try to help, and she went back to addressing and responding to the comments made by Messrs Díaz and Shepande on the concerns about the way in which the WADA Athlete Committee was behaving or going and the fact that they were very concerned that it was a representative body. In fact, the terms of reference approved by the Executive Committee stated very specifically that the purpose of the Athlete Committee was to represent the views and rights of clean athletes worldwide while providing insight and oversight into athletes' roles and responsibilities as they related to anti-doping, so representation was very clearly a part of the purpose dictated by the terms of reference agreed to by the Executive Committee. She understood that the terms of reference were changing; but, for the past six years, those had been the terms of reference under which the Athlete Committee had been operating. While the Working Group on WADA Governance Matters had concluded that the Athlete Committee was *more of* an expert than a representative group, it had not taken the term 'representative' out of the picture. If one had three apples and two oranges, there were only more apples and it was not that the oranges had gone away and disappeared. The committee still had a representative function, and it could be shown and demonstrated across the board from the forums and symposiums to the engagement and the outreach, and she could go on. The fact was that athletes needed representation around that table and to deny that, and to try to say that the purpose of the Athlete Committee should not include interacting or engaging or advocating for athletes, then she guessed the question that had to be asked was, who was going to interact and engage and advocate for athletes at that table? The organisation had been created to protect integrity in sport and clean athletes. If there was no desire

to interact and engage and hear their views and perspectives and represent them, then she thought that there was something seriously amiss. That was her comment on representation.

Ms Barteková had made a comment on the four-year within retirement window argument, which was part of the Athlete Committee chairman's profile. The reason that the Athlete Committee had concluded or summarised that it thought that the 12-year period was a good, or ideal, window, and the committee was open and flexible and could take it down a bit, was that the practical issue was that the terms were three years. Having an active athlete on a committee did not really work well, in particular in the realm of anti-doping, which was complex and complicated and, when one brought in an athlete fresh out of their career and put them on a committee and gave them a three-year term with no chance to run for chairman in the second year of that term, then one was at a loss, especially given that part of the requirement for chairman was experience on a committee or chairing a committee and expertise and knowledge of anti-doping, so WADA would really be limiting itself in asking an athlete to be within four years of retirement to chair the WADA Athlete Committee. She did not think that that was a very good idea.

MS BARTEKOVÁ reacted to what Ms Scott had said. She of course supported the representation of the athletes. It had been talked about and of course it was in the interest of clean athletes to be represented at the table. She did not feel as though she was not representing athletes. Although she was in the Olympic Movement, she was still an athlete and, in her position and in the IOC athletes' commission, there was a really good structure to cooperate and communicate with the athletes. She was not criticising the role of the WADA Athlete Committee at all. She said that with all due respect, but she did not feel as though she was not representing the athletes around that table. The thing was that she supported the representation of athletes within WADA but believed that it had to be established with due process, the right process and a good structure, and the Athlete Committee had to be accountable to the athletes, which it was not at that point. She knew that there was work ongoing and she was happy to support the working group. She believed that the IOC athletes' commission would be able to be part of it and provide feedback and actually have that feedback considered. She believed that the working group on representation and the representation suggestions should have good content and good process, but that was something that could be discussed. She acknowledged and believed that there was a good intention on the part of the WADA Working Group on Athlete Representation and the whole WADA Athlete Committee to discuss that, but she had wanted to fairly state that she supported the athletes' representation given the conditions that she had presented.

MR DÍAZ said that his point might be related to item 9.2 on the agenda and wanted to share the common public authorities position in that regard; he did not know if it was the right time, but wanted to propose the possibility of creating a group that would involve some experts who could provide some help, and also the involvement of the president-elect, to give the athletes the confidence, hope and recognition, and to provide some guidance within those very important items.

THE CHAIRMAN welcomed the positive suggestion.

MR DE VOS clarified in response to what Ms Scott had said that the purpose of his intervention had absolutely not been to neglect or deny athletes representation in the organisation; on the contrary, but it was necessary to clarify who represented whom and what, and that was why the working group was probably the solution. He had been a member for only one year, but he saw that there was some confusion in relation to the representation of athletes and he saw that that needed to be clarified. He was sorry to say that. There was an elephant in the room, and it needed clarification. In his view, and from an Olympic Movement perspective, there was a great IOC athletes' commission, which was democratically elected, and there was a member of that commission on the Executive Committee, so the athletes' representation was secured by the Olympic Movement; nevertheless, that needed to be clarified and, if a working group could do so, so much the better. Perhaps there might be consensus on eight years rather than 12 (he was Belgian and Belgians always liked to find compromises). Perhaps that might be the solution?

MR MOSES stated that therein lay the problem. One of the fastest growing sports was currently the NBA, and one of the reasons for that was because it had strong union representation and athletes made their own decisions. From his experience, too much time had been spent trying to declare and determine which way the athletes should make their decisions and formulate themselves. That was no longer valid. Over the past two years, the members had seen that the athletes had very different views on the most major issues, in particular the issue concerning Russia, on which their opinion diverged completely from what WADA or the IOC or anybody else believed. He really did think that the athletes needed to be able to regulate themselves and make their own decisions and decide who they would like to appoint to the body. The time had really come and gone and he really could not believe that he had been there for six years and the members were still arguing about the WADA

Athlete Committee having a vote on the activities of the organisation. It just made no sense at all. He thought that it was a leadership issue. Hopefully, the next chairman of the Executive Committee would begin to give the benefit of the doubt to athletes and take a new direction in leadership, because it was just not working the way it currently was. He was frankly disgusted. He had been an athlete representative from the very beginning, and it was more than his personal position: it was also his professional experience that it was time for that organisation to have the WADA Athlete Committee have a vote on that body. It made no sense to not do that; it just showed that there was no consideration for athletes and what they had to say and having a true place at the table. As to the argument about whether they were experts or representative, the answer was that they were both. It made total sense for the athletes to have a seat at the table and to vote.

THE CHAIRMAN retorted that he would not respond to a couple of the remarks that Mr Moses had made and which he found personally offensive, but that was the end of it.

WADA was in the situation whereby it was changing the governance arrangements of the organisation because that was what everybody had wanted WADA to do. Part of that was how WADA brought its standing committees and representation into order. It involved a change in the terms of reference for all of the committees. There was absolute commitment to representation of athletes. Had the Working Group on WADA Governance Matters suggested that that could be achieved by simply moving two people from the current Athlete Committee onto the Foundation Board, that would have been done three years ago, but that was not what the working group had suggested; it had wanted there to be a proper system of representation, which was still being worked on and which would be picked up under item 9.2. There was no doubt at all that WADA wanted further athlete representation around that table; it was how WADA got there that was the issue. There was no difference, he promised, from WADA, from the president of WADA to the points that had been made about people from a large country in the east of Europe. He thought that WADA should in fact, in practical terms, decide to take the wording in the terms of reference and remove the representation issue. The terms of reference under which Ms Scott was operating had been written so many years ago and had not changed for all those years. Clearly, they had to change if athletes were going to be represented around that table. He assured the members that that was going to happen. In the meantime, there were the terms of reference on which the Executive Committee could agree. The Executive Committee could remove the issue on four, six, eight and 12 years and see how that developed, but the members would then be able to move forward, and move forward as quickly as possible thereafter, to achieve the direct representation of athletes around that table rather than have a committee that saw itself as representative when, as far as he could see around that table, people believed that that was not its proper role. Were the members happy with that? In the meantime, more neutral wording would be found.

THE DIRECTOR GENERAL asked if there were any suggestions on the wording of goal number one.

MS SCOTT pointed out to the Director General that the only word that the Athlete Committee had added had been 'advocate'. If the Director General wanted to remove the word 'advocate', she thought that the Athlete Committee would be fine with that; but, if WADA was going to have an athlete committee, it needed to have a committee that interacted and engaged with other athletes.

MR GODKIN asked whether the discussion about representation and its removal might be fleshed out. Was the Executive Committee taking representation out of that? He sought clarification.

THE DIRECTOR GENERAL said that he thought that the proposal from Ms Scott was to remove the word 'advocate'. Was that acceptable to everybody? Was the Executive Committee satisfied that it would then be able to proceed with the terms of reference as they were currently written?

PROFESSOR ERDENER suggested discussing it over lunch and coming back with a proposal and hopefully consensus. Instant coffee was not good; instant legislation was even worse.

THE CHAIRMAN agreed. The management would try to come up with different wording on goals and objectives point number one, and that would then settle the terms of reference issue, so that those who had to administer that could go ahead and continue.

THE CHAIRMAN noted that a drafting group had worked over lunch on an agreed change for the Athlete Committee. He thought it might be wise to read out the wording so that it would be on the record.

THE DIRECTOR GENERAL said that he had been told that the agreed wording was to replace the wording under goals and objectives point number one with 'to support and promote the voices of athletes on anti-doping issues by engaging, performing and interacting with athletes, athlete representatives and other relevant stakeholders. That was the wording to be in the terms of

reference. The documents would be finalised (the terms of reference, including that and the agreement on the role of the Nominations Committee and so on). The other thing was that his understanding was that the management would take out any reference to the number of years and that would be sorted out once the candidacies had been received and assessed.

MS SCOTT said that she and Ms Barteková had spoken during the break, so she thought that she would try to convene a call of the Athlete Committee and get consensus on that.

THE CHAIRMAN thanked the drafting group.

DECISION

Proposed terms of reference and chair profile descriptions approved.

4.4.2 Call for nominations – chairs and members

THE DIRECTOR GENERAL said that the call for nominations would be published the following day. He pointed out that some small modifications had been made to the documents in the members' folders. The main one for the Athlete Committee was the fact that the deadline had been shortened to 24 October, so it was one week shorter than the others so that the Nominations Committee would potentially have a chance to do its work before the athletes met later in November, and that was part of the agreed process. Therefore, if there were five or fewer than five candidates, that would allow the Nominations Committee to work. There had been no discussion with the Nominations Committee, so it was with the reservation that it would be available to do that shortly.

The other thing that had been added for every committee was the requirement to have a one-page cover letter of motivation for anybody applying to be chairman, because it would be a good idea to have an idea about why people were interested in being chairs. Those were the main changes; if the members could approve the document, it would be sent out as early as possible to allow the maximum number of days for people to submit applications.

THE CHAIRMAN asked if the members were happy with that.

DECISION

Proposed call for nominations approved.

– 4.5 Executive Committee and Foundation Board memberships 2020

THE DIRECTOR GENERAL said that, as always, WADA called for nominations to the Executive Committee. The mandate would be three years instead of one year, but the aim would be to ensure rotation, so the proposal was that, for both sides, there would be some positions for which people would be put forward for one year, for two years and for three years. The members would nominate people to the Executive Committee as usual in November, and then the members could decide among themselves how they wanted to apply the different rotation system. He had been asked a question by Australia, and the fact that people were appointed for three years did not change any current regional agreement, because nothing prevented them from resigning after two years and getting somebody else appointed. The mandate would be three years, but members could shorten it if they wished.

DECISION

Executive Committee and
Foundation Board memberships
2020 update noted.

– 4.6 Independent Ethics Board

THE DIRECTOR GENERAL informed the members that the issue of the independent ethics board would involve a consultation process, and the management would put on the table some wording for discussion.

DECISION

Independent ethics board update
noted.

– 4.7 Review of current expert groups and working groups

THE DIRECTOR GENERAL stated that the last thing to be discussed was the expert and working groups, which were different categories of standing committee which were not subject to the same

rules. One important thing for everybody to understand was that terms of limitation would not be applied to those groups, because they comprised people who were there only for their expertise, and it was important to retain that expertise when needed. The management would put together a document in January which explained the role of the groups and why they were needed and the Executive Committee would then have a chance to review the groups and decide whether they were still relevant. The management had mapped out the expert groups so that the members could see how many there were and what they did.

DECISION

Review of current expert groups and working groups noted.

5. Finance

– 5.1 Finance and Administration Committee report

THE CHAIRMAN informed the members that Mr Ricci Bitti had been unable to attend the meeting and invited WADA's Chief Financial Officer, Ms Dao Chung, to present the Finance and Administration Committee report.

MS CHUNG said that she hoped Mr Ricci Bitti would get well soon.

The meeting of the Finance and Administration Committee had been held in London, thanks to the hosts at UKAD, on 24 July that year. The minutes of the meeting were in the members' documents. The committee members had also briefly reviewed the 2018 audited accounts, which had already been approved by the Foundation Board in May, and the accounts had been deemed satisfactory and with no deficiencies in terms of internal controls. The Finance and Administration Committee had also noted that, in 2018, WADA had ended with a strong financial performance, generating a surplus of 3.1 million dollars compared to a budget of 1.3 million dollars, allowing more to be put into the operational reserve. The strong results came mainly from the 8% increase in contributions from the IOC and the public authorities, but a major factor was additional contributions of 1.3 million dollars the previous year, mainly from China and Japan (which together had contributed over 1.2 million dollars), and she thanked the stakeholders for that. The decrease in budgeted expenditure had also contributed to the positive result. The committee had also discussed some of the significant events that had happened and would continue to happen and that would have a major impact on the budget, which she would discuss later. The committee members had also discussed the 2019 revised budget, the draft 2020 budget and the outlook for 2021 so as to look at the trend in terms of financials. Obviously, the cash projections were very important and were also something that had been discussed.

DECISION

Finance and Administration Committee report noted.

– 5.2 Government/IOC contributions update

MS CHUNG informed the members that the table in front of them was the most updated one, and differed slightly to the documents in their files. WADA had received 95.46% from the public authorities compared to 97.37% at the same time the previous year, and there were still some outstanding contributions from Asia, including Kuwait, Oman, Kazakhstan, Lebanon and Pakistan for over 300,000 dollars; Europe, including Romania and French-speaking Belgium for over 100,000 dollars; and Argentina in the Americas for 150,000 dollars. All of that could be seen in the attachments. Additional contributions had also been received from the governments of Japan and Australia and, recently, from the Polish Government for a total of close to 430,000 dollars.

DECISION

Government/IOC contributions update noted.

– 5.3 2019 quarterly accounts (quarter 2)

MS CHUNG informed the members that, as she had mentioned earlier in relation to the significant events, going through the numbers, some departments had a very high level of spending, and she wished to provide a bit of background. On the list there was Russia and, due to the reinstatement, a lot of work had had to be undertaken by the Intelligence and Investigations Department. There had been a lot of work and resources in a very limited time period, and that had had an impact on the financials. Another thing that had had an impact was the cost of the Covington investigation, which

had started in November 2018 and ended in May 2019, totalling some 1.4 million dollars, and the last invoice would round the numbers up a lot higher than that. The whole governance reform also required a lot of resources and work and external consultants to help with the exercise. There were major deliverables committed for IT and ADAMS for the end of that year.

The topic of data security would never go away. WADA had dedicated internal resources to that in the Legal and IT departments; there were rules and regulations by the Canadian authorities that WADA had had to comply with, so that would require more funding.

The Director General had mentioned the strategic plan, which would be spread over two years. WADA had mandated PricewaterhouseCoopers for that process.

In terms of the office fit-out for the Montreal office space on the 16th floor, the staff was growing, and WADA needed more space, so that was another item.

There would be more consultation to intensify and support government relations, in particular in relation to the US Rodchenkov Act.

She had highlighted the significant events so as to give the members a better understanding of the costs.

As of 30 June, WADA had been at 92% of the budgeted income, whereas expenses had been at 52%, and additional contributions had come in at about \$260,000. That was at the end of June 2019. There was more revenue coming in from laboratory accreditation and re-accreditation. Additional contributions had come from Japan and Australia but, compared with the same time the previous year, China had come in with close to one million dollars which had created a big difference from 2018 to 2019. Because there was more income coming in in the first half of the year and expenses were spread out over the course of the year, the surplus was not representative, so the members should not read too much into that.

As to the departmental expenses, the departments with higher than usual expenses after six months included the Legal Department and the Intelligence and Investigations Department. ADAMS, and also the HR, recruitment and relocation costs had stood out in terms of higher levels of spending. The Legal Department was currently 117% over the draft budget. The investigation costs were high, as were data protection and litigation costs. The Intelligence and Investigations Department was at 60%, again related to Russia. Collecting data, testing, all of that had caused the increase in the expenses. ADAMS was currently at 51%. WADA was in the middle of hitting key milestones, and had hired more staff at the beginning of the year. The plan was to phase out consultants and keep in-house expertise to have more control over the deliverables and ensure the continuity of the operations.

Capital expenditure was at 54% of the total budget. Education, standards and harmonisation and ADAMS were in the 60% range, and that was because the timing and key deliverables were big factors in the level of spending. Depreciation was up, but that was not a cash item. Given all the increases, it had been necessary to revise the 2019 budget to take them into account.

DECISION

2019 quarterly accounts noted.

– 5.4 Revised budget 2019

MS CHUNG informed the members that two years (2017 and 2018) of very strong financial performance had allowed for more unrestricted cash and made it possible to put more money into the operational reserve. However, WADA was going through a tougher period, as the members could see with the level of spending. 2019 and 2020 would be more challenging. The income had increased mainly due to laboratory income. There was a loss in 2019 and it would go to \$1.5 million in the revised budget from the \$351,000 in the draft budget, due to legal, data protection and litigation, so the litigation reserve would be used in 2019 and 2020. WADA also planned to replenish the litigation reserve. The situation in relation to the Intelligence and Investigations Department was similar, with more staff members hired, meaning more costs, and it had been necessary to use about 750,000 dollars of the investigation fund along with the RUSADA assistance grant to offset some of the expenses. On the ADAMS side, the increase was 19%, due to the staff hiring, and there had been more expenses in relation to the vulnerability tests on the data security side. On human resources, expenses had also increased because of the costs related to hiring, including recruitment and relocation.

For the NADO and RADO programmes and communications, there was a decrease in expenses of over 300,000 dollars, and that was more because of a delay. All that came down to the cash. With

the deficit, WADA had to use the litigation reserve, and the higher capital expenditure boiled down to cash depletion of 725,000 dollars compared to the 481,000 dollars previously in the draft budget. The Finance and Administration Committee had approved the revised 2019 budget, so she submitted it to the Executive Committee for approval.

DECISION

Revised budget 2019 noted.

– 5.5 2020 draft budget

MS CHUNG informed the members that WADA was not yet out of the woods for 2020, but she would walk them through the high-level expenses. The income increase of 2.4 million dollars represented a 6% increase year on year with the Olympic Movement and public authorities increasing their contributions by 8% as approved by the Foundation Board. The total expenditure increase was 2.5 million dollars, mainly due to the fact that there were a lot of activities and programmes: the governance, strategic plan, all the mandatory events, the World Conference on Doping in Sport, the Executive Committee meetings and the extraordinary meeting of the Executive Committee. The legal expenses were slightly lower compared to 2019, so the spending for legal was more normal and, for intelligence and investigations, with one more investigator working in Lausanne, the expenses were lower. There would be an increase for NADO/RADO programmes and also for education. For science and research, there was an increase, and all the staff members had been hired in 2019 so there would be four new staff members in 2020. In terms of standards and harmonisation, there was an increase, due to the independent observers and retesting. The ADAMS and IT departments would be fully staffed for 2020. There would be a decrease in human resources in 2020, with fewer recruitment expenses and fewer relocation costs; however, it was necessary to expand the office facilities in Montreal, so there would be an increase in the rent. Depreciation would also go up, with all the investment in ADAMS over the past year showing in coming years. Capital expenditure would decrease by 600,000 dollars and that was a good thing; but, with all that, and the many iterations of the draft 2020 budget, there was still a two-million dollar deficit. There were many activities, and WADA had depleted the cash by about one million dollars with the use of the litigation reserve, and would have to deplete the reserve by about 600,000 dollars for one-time Montreal renovations which would hopefully be recouped in the form of a tenant incentive.

In terms of the outlook for 2021, it was not necessary to discuss 2021 at that point, but it was felt that it was important for the members to see where WADA was heading in the coming years. The total income increase would be close to 44 million dollars, or 10%, in 2020, assuming the IOC and public authorities contribution increase of 8%. An annual review would be required. The significant increase would also come from Montreal International with the renewed 2021-2031 contract, which would allow for an increase of over 900,000 dollars for 2021 and would increase year on year with inflation, so that would help a lot.

The expenditure would increase by around 900,000 dollars, mainly as a result of intelligence and investigations, NADO/RADO and education. Depreciation would continue at the high end due to the capital expenditure. The capital expenditure would be down. As she had said before, the plan was to phase out consultations, so the capital expenditure would also go down, and that was why she wanted to show the members the forecast for 2021, because there was light at the end of the tunnel. There would be a cash turnaround starting in 2021 and she believed that WADA would be cash positive.

In attachment number 3, the plan, as WADA would be emptying out the reserves, was for WADA to replenish them. That was good practice and, as a non-profit organisation, WADA had to do that. WADA needed an operational reserve. WADA had deficits but needed to allocate cash from the unallocated restricted fund into those specific reserves so that everything was transparent and could be controlled. For the first time, WADA would be building a reserve for research. It would be spread out over two years, from 2020 to 2021, for about 1.5 million dollars. As the members were all aware, the budget had been reduced significantly. The special research fund was joint funding between the IOC and the public authorities, and a lot of cash had been used up. By the end of 2019, there would not be much left for science; so, by 2021, the operational reserve would be at 3.9 million dollars, litigation at 1.5 million dollars, investigation at 800,000 dollars and research at 1.5 million dollars. The unrestricted cash would also have gone down to 3 million dollars by 2021; but, as she had said before, 2021 should be the year during which WADA turned cash positive.

The Finance and Administration Committee had reviewed that and approved the 2020 draft budget and recommended it to the Executive Committee to be put to the Foundation Board in November for approval.

MR RYAN said that it was good, obviously, to see Ms Chung and Mr Ricci Bitti doing such a good job heading towards 2021, and most people knew how close to the wind WADA sailed in terms of

finance, so it was good to see some light at the end of the tunnel. Obviously, there had been a big-ticket item, which had been unexpected: the Covington bill of 1.4 million dollars. To understand the total cost of the bullying allegation investigation, presumably that would have to be added to the expenditure that must have been incurred the previous year, in 2018, and that he guessed did not include any staff or allocation of administration costs in dealing with that in WADA. However, when one got such a big-ticket item, where did it come from, the general legal budget? How did one handle such an unexpected item?

MS BATTAINI-DRAGONI thanked Ms Chung for her very detailed presentation. Ms Chung had used the word 'deficit' a number of times during her presentation; did she understand that deficit meant overspending? In particular, looking into the financial regulations, if WADA adopted a budget as the Foundation Board did for the subsequent year, there was a budget with figures and a total. If Ms Chung said that there was a deficit, did that mean that more than what had been decided by the Foundation Board had been spent? For instance, in an international organisation such as the one for which she worked, if the committee of ministers adopted a budget, there was no way of overspending and, obviously, it was part of the management's responsibility to perhaps cut or suspend certain activities and bring them back the following year in order to remain within the limit. She would be interested to understand how it all worked.

MR KAMEOKA stated that Public Authorities had created a Working Group to review the continental split of the WADA budget. The Working Group had started to discuss potential revision of continental split from 2023 and beyond.

Further discussions would take place between and within the continents, and in order to facilitate these discussions and reach an agreement, he thought it was important that the process is based on specific amounts of contributions to be paid by individual countries after 2023.

Now that the Strategic Plan 2020-2024 is being developed, he wished to ask WADA Management to indicate the budget projection.

Furthermore, in updating the Strategic Plan and forecasting the WADA budget after 2023, he asked WADA Management to take into account concerns that increasing contributions to WADA funding by 8% every year was becoming a constraint to some countries to reduce their sporting promotion budget, including governmental spending on national anti-doping organizations.

MS CHUNG responded to the comments. In relation to the Covington issue, the 1.4 million-dollar expense had been a big-ticket item and had obviously been unplanned, which was why WADA had had to use the litigation reserve, which had been set up years ago, to offset some of the Covington costs, and it was necessary to replenish it.

As to the deficit, there were more expenses than income. It did not mean that WADA overspent, but she clarified that there was cash-based accounting and there were expenses. It was necessary to take into account all the depreciation that was not cash-based. To cut a long story short, there were more expenses for 2020 than income. With a lot of activities on WADA's plate, certain activities were delayed, and WADA had delayed hiring (one of the first things that WADA had done was delay hiring); but, in terms of activities and the ongoing Russian investigation, delaying was difficult. She understood that, when the governments and organisations approved a budget, it was for one year. Looking at just one year was not sustainable. It was necessary to take a longer-term view. All of the expenses were non-recurring expenses, but they were spread over more than one year. In any corporation, a one-off cost hit one year, but governance and certain other exercises were spread over two years, and that was how it was in that organisation.

THE DIRECTOR GENERAL explained that deficit meant WADA was spending more than it was receiving; however, as Ms Chung had pointed out, there had been years in which WADA had spent less than it had received, resulting in unallocated cash. When it was foreseen that WADA would spend more than it received, the unallocated cash was used to cover the difference, because WADA was not able to go into debt. WADA could operate only with the money that it had in its account. There was no borrowing to pay expenses. WADA did not spend more than the Foundation Board had approved. That should be clear.

MS BATTAINI-DRAGONI stated that the real issue was how to improve the capacity for flexibility. She appreciated the explanation, but would have thought that if, for an investigation, WADA had serious problems, because of the number of cases to be investigated, for example, it would resort to the use of special budgets there in order to absorb the reserves. She understood that the management did not touch the budget approved per se but had mechanisms to compensate if necessary, as had been the case in the Russian example given. She was not saying that it was necessary to postpone an important investigation because the money had not been foreseen in the ordinary budget adopted; she was just trying to understand how WADA functioned. In her case,

there was a budget and the Council of Europe could not spend more than the approved budget, but it could compensate with the reserves. She understood that WADA had a different approach, and could look at subsequent years.

THE DIRECTOR GENERAL maintained that that was exactly what WADA was doing: using the reserve to be flexible, and the following year in the budget the members would see the reconstitution of the reserve, because it was necessary to rebuild the reserve to allow for flexibility, so he thought that WADA was operating under the same kind of principle. At some point, there would be no more money and therefore no more flexibility.

He thanked the Japanese minister for his intervention. The 8% had been discussed as part of the five-year plan. When there was a new strategic plan, the whole issue would be reviewed again in light of the strategic plan. He understood that there were discussions among the public authorities in terms of the share split. That was work in progress. He understood the constraints. WADA operated on the basis of what had been agreed for five years; but, of course, depending on how the work progressed in terms of the share split, that could affect individual countries.

MR KAMEOKA said that, in most countries, the governments really had to plan ahead for budgeting and therefore the timing was also crucial. The governments needed to know how much they would have to allocate earlier rather than later, so that information was needed as soon as possible.

MR KEJVAL agreed with Ms Battaini-Dragoni that the budget was low. In that case, nobody had known how much WADA would have to pay. He understood that it had happened for the first time, and it was important to learn from what had happened and to establish a rule that, for all similar cases in the future, there would be the WADA by-laws and guidelines, and everything would be done in-house with a predictable cost. The idea was to have everything under control. It was possible and perhaps some kind of a working group could be set up to do that.

THE CHAIRMAN noted that that might be possible.

The Finance and Administration Committee had brought the budget for 2020 to the Executive Committee and recommended that it accept it. Were the members happy to take that to the Foundation Board at the World Conference on Doping in Sport in Katowice? He thanked Ms Chung for all the work she had done.

He asked Ms Battaini-Dragoni to understand that those were unique circumstances. When there was a table of 12 investigators looking at an enormous investigation, it became very expensive and, when one received a legal threat in the USA, one took legal advice and the legal advice was that one should counter that legal threat, and he promised the members that American lawyers were very expensive. He thanked Ms Chung for filling in for Mr Ricci Bitti and for doing it so well.

DECISION

Proposed 2020 budget approved to
be recommended to the Foundation
Board in November 2019.

5.5.1 Office of the president, Central and Eastern European Regional Office

THE DIRECTOR GENERAL told the members that the paper in their folders no longer reflected the proposed discussion. Since the paper had been submitted, there had been discussion on a European level and the conclusion from the discussion was that there were no longer any plans to establish a regional office in Poland, so the idea on the table that day was only to create a structure around the president: a presidential office to support the president in his future work in Warsaw with three people, including a director, a communications person and an assistant. The cost for WADA would be 80,000 dollars per year, and the reason the cost was relatively low was because it would be offset by a voluntary contribution of 200,000 dollars from Poland to the WADA budget, and there had been confirmation that Poland would support that for 2020. The proposal was there. It was important that the president have a structure around him allowing him to perform his work. The office would be a WADA office with WADA employees and the cost would be partially offset by the Polish contribution. It was not a first: when John Fahey had been president, he had had an office in Australia supported by the Australian Government.

MR DÍAZ referred to the office of the president, which he fully supported, along with the budget for the president, bearing in mind that he would be expected to engage; however, in relation to the formula on how to finance, in spite of the fact that a past WADA president had been supported by the Australian Government, there were some principles that had been approved in the working group for good governance requesting that the next president become an independent. Not being paid

required him to resign from his position as minister of sport and tourism before taking office, so he felt that having a particular government financially support the office of WADA president would be a conflict of interest. Like any other country, the country in question could make a direct contribution to WADA, and then WADA could approve the office of the president.

MS BATTAINI-DRAGONI said that the initial proposal had been withdrawn, for which she was grateful. The question of setting up a new office in central and eastern Europe to deal exclusively with central and eastern European countries had been really problematic. The Council of Europe had a structure that covered 50 countries and it was very important not to create any dividing line between eastern and western Europe. The Council of Europe had been looking at the office in Lausanne and, on the basis of a kind of evaluation assessment, if it was considered important to reinforce the office in Lausanne to take care of all of the countries in Europe, why not? However, the Council of Europe would support only one office dealing with the whole of Europe and not separating east and west. That was a very important political issue for the Council of Europe.

PROFESSOR ERDENER said that the sport movement supported the idea; however, having heard Mr Díaz's comment, it was also important. If the cost of the office could be covered directly by WADA, it would be better.

MR DE VOS supported the fact that the president of WADA needed support, but the question was to what extent a separate office was required. When he had read about communication being included in the cost, he had been concerned that WADA, which had a huge responsibility to communicate to the outside world, would be dividing communication responsibilities, which would lead to different communication and a cacophony, and that needed to be avoided. He understood that the president needed support to fulfil his duties; but, in relation to communication, it was important that it be done in one place and not in different places.

THE CHAIRMAN said that he thought that the practical way forward was that certain levels of support had been agreed upon and the Executive Committee should ask the Director General to monitor the situation closely as of 1 January 2020, in the knowledge that what had been promised would be for one year only. It would not be necessary to look at it again in the future. Was the Director General happy to take that responsibility on?

THE DIRECTOR GENERAL clarified that the structure would be under the WADA budget. The office would be paid for out of the WADA budget and the employees would be WADA employees. However, if Poland wished to make a voluntary contribution, WADA would not turn it down. The contribution could be used for other things.

THE CHAIRMAN said that it was possible to be the president of WADA without getting a penny from one's government for six years. It had occurred to him once that he should have proposed that the additional proposal be backdated but had decided not to.

DECISION

Proposal in relation to the office of the president approved.

– 5.6 Auditors 2020-2022

MS CHUNG said that the request for proposals had been sent to the big four accounting firms. Only PricewaterhouseCoopers had come back and submitted a full proposal. The other three firms had either not been interested or had declined to apply. She thought that it might be because WADA and the IOC had been working with PricewaterhouseCoopers for some time and the three firms might have thought that they would have less chance of being appointed auditors. PricewaterhouseCoopers had a partner rotation system to ensure the independence and objectivity of the audit, so the leading partner for the 2019 audit had been replaced: Ms Linda Beauparlant would be replaced by Ms Lucy Emery. The Finance and Administration Committee had reviewed the proposal and approved the three-year mandate and recommended that the proposal be put to the Foundation Board in November. The audit fee had originally been set at 65,000 Swiss francs but had been negotiated down to 61,000 Swiss francs per year, representing a saving of over 12,000 Swiss francs over three years. The negotiation had come after the meeting of the Finance and Administration Committee.

THE CHAIRMAN asked if the members were happy to recommend the re-election proposal to keep PricewaterhouseCoopers as the auditors to the Foundation Board in November. It was nice to see that some things never changed in a changing world, and that was that one went and negotiated with PricewaterhouseCoopers to reduce the fee.

DECISION

Proposal to recommend PricewaterhouseCoopers as auditors for the 2020-2022 period to the Foundation Board in November approved.

6. World Anti-Doping Code

– 6.1 World Anti-Doping Code review update

THE CHAIRMAN said that he would start with the World Anti-Doping Code review in the knowledge that, when the members got to Katowice, the purpose of the exercise was to complete the consultation process and the approval of the new Code and the international standards. Knowing the amount of work and consultation that had been done, he asked Messrs Sieveking and Young to bring the members up to date and tell them what they had to do.

MR SIEVEKING informed the members that, as the Chairman had correctly pointed out, WADA was in the very last phase of the Code revision process. Mr Young would present the latest changes and few remaining questions on the table. He underlined once again that the Code Drafting Team had particularly appreciated the commitment of the stakeholders throughout the process: the number of submissions had been impressive, as had been the quality of the comments received. There had been 211 submissions and more than 2,000 comments, which had been duly reviewed and discussed, showing the importance of the stakeholders in the process. The Code Drafting Team led by Mr Young had held 123 meetings or conference calls with the team members or with other teams or stakeholders. The draft tabled at the May Executive Committee meeting had been made public in mid-July and posted on the WADA website. Since that date, as expected, a number of comments had been received and duly analysed by the team, so the members had a red-line draft showing the latest changes made since May, and they also had a document with a few changes made since the documents had been sent to the members in early September. The reason for that was that there had been a meeting with the Council of Europe and the sport movement in August and also, while working on coordination and consistency in the Code and the international standards, some issues had been identified that had had to be fixed. The opinion of Judge Costa was almost finalised, and it would reflect the fact that the Code Drafting Team had proceeded with changes based on the comments Judge Costa had made throughout the work drafting the new version of the Code. There were still a few issues to be addressed. He really hoped that it would be possible to find a solution to them. The management needed to reach the final draft, and intended to publish the final draft for Katowice on the WADA website by mid-October, meaning that there was not much time to make additional changes, so he would need the members' guidance on the few points that remained open. The best person to guide the members through the process was Mr Young.

MR YOUNG said that the members were in the last lap of what felt like a very long race.

In terms of general reactions to the Code, the way one could tell that a legal document either worked or did not work was by exposing it to the crucible of litigation and, based on that test, the 2015 Code had fared really well. There had been more than 100 CAS cases under the 2015 Code and hundreds of IF and national cases, and what had been heard from the stakeholders was that the principles worked and the Code worked. The European Court of Human Rights, the CAS and the Swiss Federal Tribunal had said, however, that they had details that they would like to work out, and that was what the 2021 Code was mostly about.

What were the elephants in the room when talking to people about the 2021 Code? UKAD or an IF would have details, but everybody talked about how the Code was responding to the Russian scandal, how it was responding to the IAAF scandal, and how the Code was dealing with the fact that there had been all the IOC re-testing positives from Beijing and London.

Another thing that was an overview point was the relationship between the complexity of the Code and the concept of harmonisation. He thought that everybody wished that the Code could be 10 pages long but, if that were true, there would be no harmonisation. If everybody was to act in the same way with the same consequences, it was necessary to have some detail, and that was the balance. The good news was that the Code had been reduced in length by about one-third because some of the detail had been moved to the international standards.

In terms of the changes between the third and the fourth draft, there had not been a formal consultation phase and there had not been as many comments as in the other phases. One of the useful documents that could be seen in terms of fourth-draft changes was the summary of major changes. There were four different colours going through each draft on each point. He would give the members the top dozen of the fourth-draft changes and some of the subsequent changes made

after the fourth draft, and he would be perfectly happy to answer any questions on any of those changes.

In the third draft, there had been a real disconnect between the Code Drafting Team and the WADA Ethics Expert Group. The latter had been of the view that the fundamental rationale for the Code was not up to date in terms of ethical concepts and language. The Code Drafting Team position had been that, it had worked well and had been upheld by the ECHR and, if it was not broken, one should not try to fix it. The Code Drafting Team had then reached a compromise position whereby, from a legal point of view, it was the same and, from a language point of view, the WADA Ethics Expert Group was happy.

The Anti-Doping Charter of Athlete Rights was mentioned in three places in the Code, first in article 20.7.7, which said that the Anti-Doping Charter of Athlete Rights had to be approved by the WADA Executive Committee, so there would be no Anti-Doping Charter of Athlete Rights unless the Executive Committee approved it and, if there was a concern, even though it was supposed to be a recitation of rights and only a recitation of rights that were already in the Code, in the preamble of whatever WADA approved, it could say that the document did not trump the Code but was a guidance document.

He had been concerned that an athlete's lawyer might say that the athlete could be sanctioned under the Code but that they were raising the defence of the Anti-Doping Charter of Athlete Rights so, in the second place it featured in the Code, it said that that would not work, and the last place was in the fundamental rationale, and the charter would be one of the things that would go into the spirit of sport. As to whether or not to call it a charter, the Olympic Movement was concerned about the use of the word 'charter', and that was not necessary. It could be called a statement or a declaration, or even a chart of athletes' rights. What was important to the athletes was that the rights were listed in one place. What was necessary for the Code, since the Executive Committee would decide what went into the document, was a name to put on it for the Code and then, whenever the athletes and the Executive Committee agreed on the content of that document, it would get put in; but, to get the Code approved, the Code Drafting Team needed a name.

On the additional uses of anti-doping data, a typical use was to support an individual anti-doping rule violation case, and that was how it had been described in the Code, but there were a lot of different ways anti-doping data could be used effectively. How would WADA decide what to put on the monitoring list and later on the Prohibited List? One of the things laboratories could do was analyse for one permitted substance and another permitted substance used together to create a performance enhancing effect. The data would show how often the two were used together. When one established reference populations, what would one expect? Again, it did not have anything to do with individual athletes, but that data was very useful. The third point was something new. With the new transgender rules on testosterone concentrations, one could use anti-doping data for that purpose too.

On independence, there was operational independence in article 8 and institutional and operational independence in article 13, which was on appeals. Basically, under article 6 of the European Convention of Human Rights, one had to have one hearing at some point in which there was both operational and institutional independence. That would be the CAS hearing. In the first hearing, there needed to be operational independence. The Code Drafting Team had added definitions to both operational and institutional independence. An IF appointed a sitting panel of a doping control board to hear hearings, and had no power over how that board decided on a particular case. That board was completely independent in deciding on individual cases. That was operational independence. For institutional independence, the IF did not even get to appoint the board in the first place. It would have to be somebody such as CAS arbitrators. The Code Drafting Team had therefore added a description of what operational and institutional independence meant.

On substances of abuse and treatment programmes, those had been approved in the first, second and third drafts of the Code. One could get a three-year ban knocked down to a year if one satisfactorily completed an approved substance of abuse programme. Some stakeholders had asked how they would know what an approved programme was. That was a fair question. The first answer was to use common sense and the second was that it should not be a sham. The team had added a comment to the Code on that. If there were serious questions from the stakeholders, WADA could provide guidance of some sort to help them with their decision.

On recreational athletes, the protected person class got three benefits: they were relieved from the obligation in the no significant fault or negligence rule of having to show how the prohibited substance had got into their system; whether they had a disability or were young people, they did not have the same burden on them that one would expect to put on an experienced athlete. Second, the sanction where there was no significant fault for a non-specified substance could go down to a

warning instead of one year and, third, there was no mandatory public disclosure. All three of those should also apply to the lowest-level athletes, recreational athletes, and the team had left that out, the first piece, that athletes did not have to show how that had got into their system to get no significant fault. A number of people had pointed that out, and so the team had added it back in.

On the NADO conflict of interest policy, the members had all touched upon that earlier that day. What the Code Drafting Team had originally said was that one could not be on the board or in anti-doping for a NADO if one held those same roles in a government ministry or an IF, and that was great in terms of independence, but he had heard back that, in a lot of countries, one needed some of those same people on the NADO board and WADA would really upset the apple cart if it did that, so the team had limited it to say that one could not have operational control for a NADO if one also had operational control for an NOC, IF, etc. Hopefully, that would solve the issue of being too strict in terms of conflict of interest.

On who a signatory could employ, he thought that Mr Ryan, in one of the conversations, had raised the example of the deputy minister of sport in Russia, Mr Nagornykh. If the members believed anything from the McLaren report, that was a man who had been involved in covering up doping, and then he had gone with the Russian football club, and that should not happen. There should be something in the Code that prohibited that, and that was what that rule would do. There had been some back and forth with the Olympic Movement on 'engaged in conduct' versus 'sanctioned' and who would trigger the rule. The problem with the word 'sanctioned' was that, in the case of Mr Nagornykh, he had not been sanctioned, he had just been moved. A lot of people were allowed to resign. He thought that 'engaged in conduct' was the stronger approach. In discussions with the IOC, the team had talked about the fact that the sport organisation needed to knowingly allow a person to be employed, and that person was directly or intentionally engaged in doping conduct, which was fine-tuning the point that had been approved by the Executive Committee in the third draft, but it was a reasonable request.

What would happen when an officer, director or doping control employee who worked for a signatory got involved in doping? The third draft set out that all those people should agree to be subject to the Code, subject to applicable law. Ms Liz Reilly, the general counsel of the IPC, was on the Code Drafting Team. She had an employment contract with the IPC that said that, as part of her employment, she agreed to be bound by the Code subject to German employment law. What that meant was that, if she got involved in doping activities or covering up complicity, she was subject to being fired and disciplined under German employment law, and then she would be subject to Code sanctions, just like an athlete, coach or anybody else. The team had been working with the IOC on the language. The IOC had asked for direct and intentional misconduct again. It had been broad to include officers, directors, board members, employees and volunteers involved in doping control. There had been some concern about volunteers being too broad, so the team had taken the volunteers out. He thought that there were still some areas that might require further discussion with the IOC.

On the signatories' expectations of governments, signatories could not tell governments what to do. They were not the boss of governments, which were bound by international conventions, including the UNESCO convention, and it had never been the intent anywhere in the Code to say that those in sport who were signatories had the right to boss governments around and tell them what to do; all they were saying, as representatives of the sport movement, was what their expectations were of governments' behaviour. Other signatories could be told that they were bound, but governments could not be told that they were bound. There had been push-back from the governments on that, so the team had made it about as clear as he had just explained in the introduction that they were expectations and the sport movement was not the boss of the governments. There was a listing of what those expectations were and, instead of saying governments 'will' or 'shall', they said governments 'should'.

How did a sport organisation become a Code signatory? If it was recognised by the Olympic Movement, which paid half of WADA's budget, it could become a signatory by signing an acceptance of the Code or otherwise accepting it. If it was not recognised by the Olympic Movement, it could still become a signatory under a policy adopted by the Executive Committee of WADA, and that policy would have a couple of components. It had not yet been written, and it would be up to the Executive Committee to approve it, but it would have to be an organisation with significant relevance to sport. Then there would be other conditions such as not bringing WADA into disrepute, and then there was the economic piece, to the extent that WADA monitored Olympic Movement organisations. That made sense because it got half of its money from the Olympic Movement, and organisations outside the Olympic Movement needed to make some contribution to the burden they would put on WADA in terms of acceptance and the monitoring programme, so the sport would have to comply with the policy, and then there would be individual conditions on the sport as to what it needed to do to

remain a signatory. The Code was currently clear, and the members had already approved the fact that any obligation of an ADO under the Code could be delegated. It could be delegated to the ITA and other providers. The team had heard from the IOC that it was not as comfortable with the term 'service providers' as it was with 'delegated third parties', the legal equivalent; so, if it was the will of the Executive Committee, the Code Drafting Team would change it to 'delegated third parties'. There would be no legal consequence; it was just a matter of making sure that the standards in the Code were all consistent.

After the fourth draft, something had been handed out that morning showing all the post fourth-draft changes. A couple had to do with the signatories; the IOC sections were 20.1.7 and 20.1.8, but they applied to all the signatories, be they NADOs or IFs. There was one other that applied to governments: access to restricted areas, where there was a balance of competing interests. It was in the interest of anti-doping that athletes not be allowed to hide in restricted areas; so, when doping control officers arrived, they could not be told that they could not go somewhere because the athletes were training on a nuclear site or whatever it was. On the other hand, governments had legitimate interests in relation to visa restrictions, immigration and all of that, so the compromise was that the officers wanted to be able to have access, but within reasonable limits of national sovereignty on visas and access requirements and regulations. That would be enough for the Code, and then, if there was a real problem of people hiding their athletes on military bases or whatever, that would be an appropriate balance.

PROFESSOR ERDENER thanked Messrs Sieveking and Young for their very nice, precise presentation, which had been very useful. The Olympic Movement also thanked WADA in general for having a coordination meeting and bringing together the Code Drafting Team and experts from both sides, from the public authorities and the Olympic Movement. That had been another important step. He also thanked the Council of Europe for hosting the meeting. It had been a valuable exercise, allowing for continuity between the meetings of the Executive Committee and Foundation Board.

MS BATTAINI-DRAGONI thanked Mr Young for his very interesting and thorough presentation. She had the duty to report on an observation from the CAHAMA. It requested from WADA an interpretation of the status of comments that were in the Code and also the international standards. The CAHAMA suggested that the Code mention a reference that comments constituted an integral part of the Code and were mandatory. That was the first request, and it was important to be able to clarify the nature of the comments. They appeared, but were they mandatory or not? That was an important point for the CAHAMA. The second point, which would come as no surprise, was the request for harmonised use of gender terms (he, she, her, his, etc.) throughout the Code. Those were the two specific requests from the CAHAMA.

MR DÍAZ spoke on behalf of the public authorities to thank Messrs Sieveking and Young for arranging the multi-stakeholder meeting hosted by the Council of Europe. He sought clarification on article 22.2, for which a rewriting of the draft had been sent in on access to countries. Would it be taken into consideration?

MR GODKIN thanked the Code Drafting Team. There had been rich interaction on a number of the various elements of the Code, and any points of difference had been whittled down to a very small number. What process was currently envisaged? There were still some issues that he would like to be considered. Substance of abuse was still one of concern to some governments, and there were some other minor elements as well, so he would be interested to find out about the process between then and November.

MR RYAN commended the terrific work of the Code Drafting Team in cooperation with the public authorities and sport, and the members could see how close WADA was to getting over the line. In support of Mr Godkin, it was very important to understand the steps, because time was short. Great flexibility had been shown in terms of not finishing the work in detail on future Code signatories, and there was a lovely example of why WADA had to do that later on in the agenda with the multiple taekwondo federations that existed in the world. The flexibility was much appreciated, but it was very important to know if there would be another chance to have a joint public authorities and sport meeting, because that was a good way of getting over the line with a lot of those little details.

THE CHAIRMAN observed that there were remarkably few questions, indicating that much good work had clearly been done.

MR YOUNG responded to Ms Battaini-Dragoni that the Code said, in article 26, that the comments annotating various provisions of the Code would be used to interpret the Code. That was already in there, and had been there since the first draft of the Code. The intent was that, if there was a firm obligation, that was in the Code, but the examples and illustration of that were often in comments. His friend from the Netherlands, for whom he had a great deal of respect, had raised that point

consistently and he assumed that he was the one who had raised it again at the CAHAMA. There had been a long debate on that in relation to the 2003 or the 2009 Code. He would have been perfectly happy to make the comments mandatory so that anybody who published their rules had to have all the comments. There had been tremendous pushback from a number of organisations who had said that it was too long and too complicated for the athletes to understand and the comments would be published separately, and he thought that that was a debate that had already taken place and been decided. Knowing that it was something people had fought over before, he would be reluctant to introduce it at that late stage. He did not think anybody would object to gender harmonisation, and that could be looked at in the final clean-up.

In response to Mr Díaz and the minor suggestions in article 22, at least Mr Sieveking and he had looked at that, although the rest of the Code Drafting Team had not, but there were no problems with that, and he would put that in the category of some of the other minor changes made after the fourth draft.

He would let Mr Sieveking talk more about the process. He thought that there was always an opportunity for minor corrections and fine-tuning, but would have thought that substances of abuse was a bad example of that. That was a very major provision and it was one of the most popular provisions in the 2021 Code, and he would not expect that to change a lot. If there were comments on guidelines for instruction or something like that, he could see that.

In response to the question about the process, he referred to Mr Sieveking.

MR SIEVEKING said that WADA was very close to the end. There had been three consultation phases, and the team had reviewed and accepted many comments since May outside of any consultation phase, and had even delayed the submission of the latest draft to the Executive Committee to be able to satisfy the will of the IOC and the sport movement and the will of the public authorities to hold the meeting in Strasbourg in late August, and had even made changes since that meeting. It was necessary to publish by mid-October at the latest the version for approval in Katowice, so WADA was close to the end. Minor suggestions were always possible; but, in his opinion, the process was almost over. Having said that, the Executive Committee was the steering group and he would obviously follow instructions. A total of 2,000 comments had been reviewed over almost two years and the period could not be extended again and again.

MR YOUNG noted that it was a fairly remarkable process when one got all the sports and all the countries in the world to agree to a single document. It was not his nature as a lawyer, because he was a ready-aim-fire guy and not a process guy, but he had learned that the reason one got all the countries of the world and all the sports of the world to agree was the process and the information sharing of the process, so that nobody was surprised and everybody felt as though they had had their say. The closer they got to the finish line of Katowice, the more hesitant he was to come up with more new ideas so that nobody would feel surprised. Little changes that he did not think people would care about that had made the document had been added after the fourth draft, and he had talked about the things that he thought the members ought to care about, but he would not want to go to Katowice with surprises for the stakeholders that would undermine the credibility of the whole process.

MR GODKIN reassured the members that he was not seeking to extend the agony for anybody at all and he was perhaps ill-advised, but he understood that some of the elements had still been the subject of widespread discussion and not necessarily agreement, and substances of abuse was one of them. Mr Young might say that that was not necessarily the case, but the advice he had received was that there was still a spectrum of views about that, and in particular some concerns from the governments. He would take Mr Young's advice on that, but it was not to spring anything new; it was about where WADA was in terms of reconciling the spread of views.

MR YOUNG responded specifically to the comment on substances of abuse. The provision had been approved in the second and third drafts by that body, to the extent that there had been some concerns about the details of what a responsible substance of abuse treatment programme was. That had been dealt with in a comment. Having had it approved twice (the general concept of that) by the Executive Committee, he did not think that there was room for substantial changes in that article. There might be some governments that disagreed but he would ask them to talk to their NADOs, because that was something that had come out of the NADOs. That would be his comment on substances of abuse. It was also one of the ones that so many people had said was one of the really good ideas in the new Code.

MR GODKIN clarified that he did not think there was an issue with the concept. It was whether or not it was the way in which it was currently phrased or whether there was more scope to use, for

example, threshold limits and determination of use of substances of abuse, and he had spoken to NADOs and a number of medical experts about that. He was relaying their views.

MS BATTAINI-DRAGONI thanked Mr Young for his reply to her earlier question in relation to the comments. She had made the comment and it had at least been noted. Because of the answer she had been given, in particular knowing that the definition of operational independence was one of the comments and not authentic Code language, she had to ask Mr Young to include a clear reference that the reporting and the disciplinary parts of the result management process in the Code be separate, in line with the Council of Europe's anti-doping convention. That was the final point she wished to raise because of what Mr Young had said about the comments.

MR YOUNG respectfully and strongly disagreed with Ms Battaini-Dragoni. There were a few countries in the world such as Norway and the Netherlands in which the anti-doping agency investigated and decided to charge an athlete with an anti-doping rule violation, and then the NADO was out of it and it was left to a hearing panel to decide on the case. There was no prosecutor from the ADO; there was the complete separation Ms Battaini-Dragoni had just been talking about. That was a tiny fraction of the anti-doping world. Honestly, it would not work very well in big, important cases such as those he or Mr Taylor did. If one had a seasoned advocate who had spent hundreds of thousands of dollars on the athlete side, not to have anybody on the anti-doping side and just leave it to the panel to decide would not work. What was critical was not that the reporting and discipline were separate but that the panel, the people who made the decision, were independent. For most of the IFs and most of the NADOs, they typically had a doping control panel that made the decision, but the staff and the lawyers for the ADO, be it an IF or a NADO, investigated the case, made the decision to charge, and then they prosecuted the case as advocates in front of that independent panel. If that were changed, from the sport point of view, in big cases it would not work, and it would upend the way the IFs did it and, frankly, it would upend the way most of the NADOs worked. It would upend the way Australia, the USA, UKAD and the Canadian Centre for Ethics and Sport handled it. He understood that there was that view, but what was critical and what had been done with operational independence was to ensure that the people making the decision were not the same as the people prosecuting.

MS BATTAINI-DRAGONI objected that that was the point. The fact that it remained a comment, the question of the definition of operational independence, and that it was not in article 8.1 for instance, was not enough in her view. She fully agreed on the question of independence. Her comment was built on the previous one.

MR YOUNG said that perhaps what Ms Battaini-Dragoni was saying was that it should be moved from an example in a comment to a definition in the Code. That was a good point.

THE CHAIRMAN stated that it seemed that the situation in relation to substances of abuse was the last issue. The Code Drafting Team thought that it was correct and there was a reservation somewhere in Mr Godkin's mind. How might that get resolved so as to be able to move on?

MR GODKIN replied that he did not wish to scare the Chairman, because that was not the only issue: there was a small list. He would contribute his comments as he had before. There had been some very good interaction on that and, if there was some form of accommodation, so be it.

THE CHAIRMAN thanked Mr Godkin for the very elegant way of moving on.

MR YOUNG said that the Code Drafting Team sought the Executive Committee's approval to continue to refer to the athletes' rights document, and the team would work with the athletes. 'Charter' was a term that there was objection to. Whether it was a statement or a declaration or whatever it was, the Code Drafting Team would work with the athletes to figure out what that word would be, as long as it was not 'charter', and then the Executive Committee would get to decide on the substance of the document. Was that okay?

THE CHAIRMAN asked if that was what the members wanted to do at that time. Mr Young might be heading ahead a little bit to item 9.3. He thought he would rather have the issue dealt with at that time. That apart, were the members happy to move forward on the basis of Mr Young's request?

MR RYAN asked if the Code Drafting Team would find an accommodation with which Ms Scott and Ms Barteková were happy for the title of the document and the Executive Committee would be able to flesh out the detail of the document subsequently.

MR YOUNG responded that he had heard a concern about having document that trumped the provisions of the Code. That was why there was a provision in there that said that, whatever WADA called that document, it was not a defence to an anti-doping rule violation. That was already there; but, to the extent that anybody had concerns about that, the document approved by the Executive Committee could start out by saying that it was a general policy document or that it was meant to

recite Code principles and was not meant to trump the Code. One could say whatever one wanted. From the athletes' point of view, and he deferred to Mr Sandford or Ms Scott, the important thing was that athletes' rights should be included in the Code and, if one was an athlete, it was an awfully long document to read and it would be useful to have a list somewhere of the specific rights that were protected in the Code, or at least the most important ones.

THE CHAIRMAN concluded that, if that was satisfactory to everybody, that issue would be dealt with later that afternoon. Were the members happy that Messrs Young and Sieveking continue? He thanked them both for a formidable piece of work and hoped that it would be warmly welcomed.

MS HOFSTAD HELLELAND asked if everybody had agreed on the Anti-Doping Charter of Athlete Rights.

THE CHAIRMAN asked if Ms Hofstad Helleland wanted to finish the Anti-Doping Charter of Athlete Rights under the Code discussion or take it later on under the agenda item 9.3. He had thought that the members had agreed that it would go ahead with the Code Review Team and that Messrs Young and Sieveking would speak to the athlete representatives and they would finalise whatever language they wanted to use.

MS HOFSTAD HELLELAND responded that that was a good idea and she supported what had been proposed.

THE CHAIRMAN thanked Mr Young for his presentation. Presumably the members would get to look at it some time before the World Conference on Doping in Sport in Katowice.

DECISION

World Anti-Doping Code review update noted.

– 6.2 International standards review update

MR SIEVEKING said that many of the things he had said in relation to the Code applied to the international standards. A version of each standard had been tabled at the May meeting. As with the Code, some comments had been received after the consultation phase and discussed by the drafting team. The changes were reflected in the red-line versions that the members had in their files. As for the Code, in particular given that, over the past few weeks, harmonisation and consistency had been worked upon, some last-minute changes had been made, and he would present the changes that did not appear in the members' papers. As for the Code, he hoped to be able to post on the World Conference on Doping in Sport website the final version to be approved in Katowice by mid-October.

Starting with the new International Standard for Result Management, there had been no major changes since May. There had been mention of the permitted routes in article 5.1.1 because, in an initial review, in particular for glucocorticosteroids, it did not mean that one had breached the rules because one tested positive, given that some routes were permitted. He would come back to that point. It had also been updated to reflect the notice on clenbuterol approved by the Executive Committee in May. Some flexibility had been added in relation to the B-sample analysis and there had been further changes made in relation to operational independence, also further to comments made in Strasbourg in August. The team had added that Foundation Board members could not be part of the hearing bodies. There was no game-changing stuff there.

In the summary of the changes made since the version that was in the members' documents, the only thing that did not appear in the slide was that the team had deleted the example of the permitted route for glucocorticosteroids. There had been a mistake in that and it would be corrected, and there were also some very small changes in article 7.1, but the members would see the changes in the document when it was published. Nevertheless, there was nothing that changed the substance of the articles.

He gave the floor to Mr Taylor to discuss the International Standard for Code Compliance by Signatories.

MR TAYLOR informed the members that the only real change of substance in the current draft from the last version was to deal with a case that the members would hear about later, namely Signatories outside the Olympic Movement who 'paid to play'. There was a need, where there was non-compliance in such cases, to have, as one option in the range of consequences for non-compliance, the option simply to terminate the arrangement with the signatory, and that did not exist under the current regime, so the proposal was to add that option and hopefully it would not be controversial.

However, one matter had come up since the revised Standard had been circulated, and that related to the potential consequence of fines. One of the themes of the changes to the International

Standard for Code Compliance by Signatories had been to try to increase the number of consequences available, in order to allow for a gradation and a flexibility across the board to help ensure the consequences proposed reflected the seriousness of the breach. One of the ways to do this was to make a fine applicable in the case of non-compliance with High Priority requirements as well as in the case of non-compliance with Critical requirements, and that had been included as part of previous drafts of the Standard, but he wanted to propose a further amendment. The fine currently had a cap on it of 10% of turnover or 100,000 dollars, whichever was lower, and that worked fine for High Priority cases; but, in Critical cases, depending on the circumstances and subject always to proportionality, which was a key principle set out in the Standard, his suggestion was to remove the cap on fines. That was something that had come up practically in a recent case, and he was reflecting the experience of the Compliance Review Committee in trying to fashion and having the most flexibility to fashion an appropriate recommendation that met the requirements of proportionality and the requirements of the particular case. His recommendation was to provide that additional flexibility: the cap on fines should remain for High Priority cases but be taken away for Critical cases. The requirement of proportionality would remain in all cases; but, subject to that fundamental requirements, there would be no formal cap.

MR SIEVEKING said that, on the International Standard for Result Management, there was a change that did not appear but that would be made further to the technical comments received from the Olympic Movement in relation to the right to request a public hearing. In the new CAS rules, the athlete or the person being prosecuted could ask for the hearing to be public; that had been reflected in the International Standard for Result Management, and the IOC and sport movement had asked why there was no reciprocity on that particular point, and it was true. Why would the ADO prosecuting the case not have the possibility to request under the same conditions that the hearing be public? That change would be made.

On the International Standard for Education, the team had indicated the changes that it had made to the May Executive Committee version: some minor changes to clarify the responsibility of the signatories, and also to reflect the alignment with the latest draft Code, and wording had been changed to clarify the roles and responsibilities of IFs and MEOs. If the members had any particular questions on that or any of the standards, he asked them to give them to him and he would ensure that the respective drafting team would provide the answers. An important change to the standard was that the drafting team had asked the Code Drafting Team to include education as a Code definition, and there had been no objection from the Code Drafting Team, so the members had the definition of education as it would be incorporated in the Code unless there was some opposition. He thought that it was fair. Result management had a standard and was a defined Code term and education should follow suit.

On the International Standard for the Protection of Privacy and Personal Information, there had been a few changes since the May Executive Committee meeting. The example of additional anti-doping purposes that might require the processing of personal information had been expanded; in particular, the examples given in the comment to article 5.3 had been extended to add the promotion of education and research, but obviously that expansion did not mean that the use of the data should not strictly follow the requirement of the standards as to the use of any personal data of the athletes. Further specification had been added to article 10.1 in relation to retention times to make it clear that WADA was responsible for implementing the retention times and, in annex A, some explanations had been added as to why the 10-year and 12-month periods had been selected. Some last-minute changes had been made to reflect the latest changes in the Code, so the changes were not included in the members' documents. In particular, for personal information, a specification had been added for use for other purposes such as education and research and, still on results, in annex A, and due to the changes in articles 6.2 and 6.3, it had been necessary to reflect it in the standard.

On the International Standard for Testing and Investigation, there were only two changes since the May version: the gender of the witnessing sample collection personnel had to be based on the gender of the event in which the athletes had competed, and that was the practice followed at the London 2012 Olympic Games. The second change related to the blood collection officer and the checking of both arms. That was a recommendation in order to determine which arm was the best for collecting blood as opposed to the athletes deciding, as athletes who were blood doping would ensure that the arm used for blood transfusion was fully covered so the blood control officer would be unable to see the puncture wounds. There was no change to the ISTI document that the members had had since early September.

For the International Standard for TUEs, a specification had been added on the granting of retroactive TUEs to make it clear that that required prior approval from WADA, and also article 5.3 made it clear that a physician who was a member of the TUE committee would act as the chair of the TUE committee. Finally, more details had been provided to clarify which NADO and athlete should

file an application to be granted a TUE. Those changes appeared on the version that the members had. There was one slight change that had been made since, but it did not change the substance at all. The comment to article 4.2C had been shortened whilst maintaining the message.

The process for the International Standard for Laboratories was slightly different. The version approved in May would be entering into force in November and would remain in force until 1 January 2021; but, as soon as the Code and the standards were approved in Katowice, WADA would work to see where updates were necessary to ensure that it reflected all the changes made in the other standards, and then the updated version would be circulated from December to March to enable all stakeholders to comment. The version would hopefully be approved in May the following year by the Executive Committee and would enter into force on 1 January 2021 like all the other standards.

THE CHAIRMAN said that it was a massive piece of work to bring all the standards up to date and in line with the Code. Were there any specific questions? He very much looked forward to the debate in Katowice when the Code and the standards were presented and a record number of delegates had the opportunity to comment on them.

DECISION

International standards review update noted.

– 6.3 Code compliance

6.3.1 Compliance Review Committee Chair report

MR TAYLOR informed the members that the report was very short and he hoped that it spoke for itself. The main points were covered in other agenda items. There was a compliance strategy that the WADA compliance team had produced and the Compliance Review Committee had endorsed in August. The revision of the ISCCS had just been dealt with and there were other agenda items for a new non-conformity case and Russia.

DECISION

Compliance Review Committee Chair report noted.

6.3.2 Compliance monitoring update

MR DONZÉ informed the members that his report also spoke for itself, so he would not go into great detail. He highlighted a few elements of the programme, which was a critical one for WADA and required significant resources in terms of human resources, dealing with all the various departments and regional offices, but it was also very resource-intensive for the signatories, and the cooperation with Code signatories as part of the whole exercise of Code compliance should be commended. It was a tremendous collective achievement and every single corrective action that was being implemented as part of the work enhanced the level of anti-doping worldwide.

The focus of the work was on cooperating with stakeholders on the identification and resolution of non-conformities rather than on the sanctioning part. Of course, there were cases that needed sanctioning, but that was after proper process had been followed under the ISCCS and proper cooperation and support had been provided by WADA throughout the process.

In terms of the Code compliance monitoring programme and what WADA was doing, the members would remember from the various reports to the Executive Committee that there were three main tools used to monitor signatories' compliance, to which of course one should add all the intelligence and investigations work being carried out and other tools such as ADAMS. In terms of the tools being used, WADA was still helping signatories implement the corrective actions that had come out of the Code compliance questionnaire sent to them in early 2017. When he had been talking about remarkable work, just to give the members an idea of what that represented, as a result of the Code compliance questionnaire, more than 10,000 corrective actions had been issued by WADA to signatories, from the most minor to more significant ones. Follow-up work was being conducted by WADA with the signatories, and the work was progressing and increasing numbers of signatories were completing their corrective actions. It was work in progress. Significant resources continued to be devoted to the work, but it was very useful, because it was not only compliance monitoring work. It was very much seen as part of the development and capacity-building activities, in particular with smaller sports and countries.

The second element of the Code compliance monitoring programme was the audit programme. To date, the WADA teams of auditors, usually comprising WADA auditors and auditors selected from other ADOs, had conducted a total of 39 audits of IFs and NADOs. That year, 19 audits had been planned and 11 had been completed to date and, as the members would remember, each audit

resulted in a number of corrective actions being given to the relevant signatories, and the relevant signatories then implemented those various corrective actions. WADA had been focusing more energy since the start of the year on continuous monitoring because, as more and more signatories were seen to be completing the corrective actions resulting from the questionnaire, the aim was to ensure no particular gap between the first questionnaire sent to signatories in early 2017 and the next one, which would be based on the revised World Anti-Doping Code and international standards. It was anticipated that the next questionnaire would be sent to signatories between the beginning of 2022 and the beginning of 2023. WADA worked on monitoring the compliance of signatories on a continuous basis by looking at elements such as the decisions handed down by the signatories and the entry of doping control forms in ADAMS, looking at the way in which they conducted their anti-doping programmes and any other intelligence or information collected. To give the members an idea of the work, to date, 17 corrective action reports had been sent to NADOs or IFs as a result of that work of continuous monitoring when non-conformities had been identified.

To conclude his brief report, he wished to provide a few quick updates. The first was an important one showing the expansion of the programme: major event organisers had been incorporated in the monitoring programme; so, a year before their games, the IOC and IPC had received from WADA a Code compliance questionnaire. As far as he knew, the IOC had completed the questionnaire and the answers of the IOC were being reviewed by the WADA team. The goal was to ensure that major event organisers had a programme in place ahead of their major event which was robust and well thought out but also to integrate the work with the work conducted during the events by the WADA independent observers, and there was a real synergy there to ensure that what was being conducted by the major event organisers was compliant with the World Anti-Doping Code.

WADA continued to work on synergies with other organisations. There was a memorandum of understanding with the Council of Europe and WADA worked closely with the Council of Europe. That cooperation worked very well; there were regular meetings and WADA wanted to further enhance these synergies and hopefully one day have the same synergy with UNESCO as the guardian of the International Convention against Doping in Sport to ensure cooperation that was as effective as possible.

To conclude his presentation, he provided a quick update on one particular case that had been in the members' papers at the May meeting: the case of the Romanian NADO. The members had received in May a report summarising phase two of the investigation into Romania conducted by the Intelligence and Investigations Department. The third phase of the investigation was under way; but, based on the report received, to complete phase two of the investigation, the case had been discussed first by the Internal Compliance Task Force at WADA and then escalated to the Compliance Review Committee, which had decided in early August that a formal compliance procedure should be opened against the Romanian NADO. A corrective action report had been sent to the NADO, and WADA was waiting to hear about the corrective actions from the NADO, which had three months to do that under the ISCCS, since the requirements in issue were 'Critical' requirements. He would continue to update the members on the situation in Romania, but the two important parts were that the investigation was pending and that, in terms of the NADO, a compliance procedure had been opened and WADA was following up on that very closely.

THE CHAIRMAN noted that that was clearly a major area of activity for the agency and that had certainly improved overall services for anti-doping, and the point was that that process should continue.

MS SCOTT said that the athletes had grilled Mr Donzé on the point at the Athlete Committee meeting in Lima, but he had mentioned Romania. Following the meeting, there was a series of ongoing conversations, and the question was really why that had not been fast-tracked versus being given a three-month window to correct the non-conformity when in fact it had been discovered that cover-ups had taken place. That would seem to the Athlete Committee to be in fact critical non-compliance and flaunting of the rules.

MR DONZÉ responded that it was an absolutely fair question. From the WADA Internal Compliance Task Force's perspective, when the report of phase two of the investigation had been received and examined (phase one had been about the laboratory and phase two about the NADO), there was a clear view that the allegations of cover-ups had taken place a while ago and WADA had received strong confirmation from the Intelligence and Investigations Department that the new management of the NADO had been working well and professionally according to the rules. The fast-track process really was a process intended to ensure that, if there were alarming issues that were immediate, they could be addressed. In the Romanian case, the issues were from a few years ago and there had been no reason to believe that it was necessary to run a fast-track procedure, so the Task Force had opted for a classic non-compliance procedure and gone to the Compliance Review

Committee with that proposal. The Compliance Review Committee had endorsed the procedure. Work was ongoing. Without going into confidential matters, he could say that there had been two or three main problems with the Romanian NADO, including the involvement of the former president of the NADO in the cover-ups. That person had been removed from her position earlier that year. There had also been a problem with the director general of the NADO, and she had also been removed from her position. There had been some questions in relation to the structure of the NADO and the real independence of the NADO, and that was something that had been included in the non-conformities to be addressed by the Romanian NADO. It was not a matter of underestimating what had been happening in Romania. The laboratory had been suspended. The NADO was currently part of a compliance procedure; and the investigation continued. There was a strong view on the part of the Internal Compliance Task Force which had been shared by the Compliance Review Committee, that there was no need to fast-track the procedure.

MR TAYLOR said that the two people at the NADO involved had been removed and the Intelligence and Investigations Department had been very happy and confident that the people there currently were capable of taking the matter forward and, on that basis, the view was that there was no reason to move from the normal procedure to a fast-track procedure.

THE CHAIRMAN said that it was a good question because it indicated the scale of the operation undertaken and how complex it could all be.

DECISION

Compliance monitoring update noted.

6.3.3 Russia

MR TAYLOR informed the members that they had a short report in their files from Mr Younger, and he would be happy to speak to that report, and also update the members on matters that had developed since then. He was referring in particular to the process that Mr Younger had referred to in his report, WADA I&I was authenticating evidence and passing it to IFs to prosecute, but also following up on the discrepancies that had been discovered and that he had reported in May to the Executive Committee. The Compliance Review Committee was interested in particular in those discrepancies, and he would go back briefly to put the matter into context and then take the members forward to the current situation and hopefully where he thought things would develop in the following weeks. One of the key allegations made by Dr Rodchenkov was that there had been 'disappearing positives', i.e., positive findings that he would be instructed by the Russian authorities to bury. That had been disputed by the Russian authorities, but an informant had provided WADA with a copy of the LIMS database from the Moscow laboratory covering samples analysed from 2012 to 2015, which appeared to show presumptive analytical positives (in other words, from the initial screening process) that were not reported in ADAMS, and that had been one of the main reasons why the Executive Committee members had made it a condition of reinstatement of RUSADA that it provide WADA with a complete and authentic copy of the LIMS database and the underlying raw data. The WADA team had gone to Moscow in January 2018 and got forensic copies of the database and the underlying raw data, and the Executive Committee members had met by telephone in January and it had been decided not to sanction them for the late provision and to focus on authentication, and the Compliance Review Committee had said that it would look very carefully at any evidence or suggestion of tampering or inauthenticity of the data and pursue that rigorously and without delay. It had taken a while for WADA I&I to go through the data and authenticate it. Mr Younger had told the ExCo members in May that his team had compared the 2019 LIMS data with the 2015 LIMS provided by the informant, to see if they were the same, and they had been the same to a very great extent, including in relation to many presumptive analytical findings that had not been reported in ADAMS. Those findings had been in the 2015 LIMS and the 2019 LIMS, and the underlying data copied by the WADA team supported those presumptive analytical findings, and some of those findings were the cases that had already started, and WADA I&I were in the process of packaging the others up and sending them to the IFs, and he thought that 47 cases had been sent to the IFs to date, and some of those cases had already been started. Nothing he was about to say about discrepancies affected those cases: there were no discrepancies in relation to those findings, and the evidence was consistent in both databases and in the underlying raw data, and those cases were unaffected by what was to follow. Therefore, the IFs would be expected to progress them accordingly. Outside those cases, however, Mr Younger had said in May that there were discrepancies that he needed to investigate further. The Compliance Review Committee had met in June with him to understand more and commissioned him to engage with the independent experts at the University of Lausanne to focus on the scale of the discrepancies, the reasons for them and to see if it would be possible to place any of the causes of the discrepancies after Seychelles in September 2018, because from that point there could have been no confusion about the fact that the data had to be

handed over. So that was what WADA I&I and the experts had focused on, and they had spent a great deal of time investigating that matter and exchanging information and meeting with the Russians to understand their position. Those tasked with that work had come back on 6 September, and the Compliance Review Committee had met on 10 September with Mr Younger and the experts. There had been a day-long meeting and they had explained the situation in relation to the discrepancies. In short they had said in relation to the discrepancies that there was compelling evidence that the data provided was not complete and was not authentic. But what the experts had said, cautiously and properly, was that the data on its face appeared to have been tampered with, but they needed to understand any explanations from the Russian authorities. Absent an explanation, and there was not one that they could identify themselves, then the conclusion was that it was likely that there had been interference with the data and, importantly, there was evidence that that included interference in December 2018 and January 2019. The analogy he would draw was to an Athlete Biological Passport case, in which the experts looked at the blood data and could conclude that, unless there was some medical or other explanation, there was no explanation for the data other than doping. No charge was brought at that point. Instead, it would go to the athlete and the athlete would be asked for an explanation. Every now and again, an explanation came back that was accepted by the experts, in which case there was no doping case to be taken forward. It happened. That was the current situation with the Russians. The experts had said that, unless there was some explanation that they could not see or understand themselves, the evidence indicated to them that there had been deletion and alteration of the data, including after the meeting in the Seychelles. In light of that, the WADA Task Force had opened a formal non-compliance procedure, saying on 17 September to the Russian authorities that, based on the expert report, it appeared that there had been non-compliance with the critical requirement imposed in the Seychelles as a condition of reinstatement. That had been done on a fast-track basis: instead of the normal three months plus three months process, they had been given three weeks to respond. They had been given a copy of the forensic report and a list of questions and asked for comments and answers to the questions. The response would be provided in early October. There would be a meeting of Mr Younger and his team and the experts with the Russian representatives to discuss and understand their response, and the Compliance Review Committee had asked to be given an update as soon as possible after that meeting. Were the facts the same as the current assessment? Had anything been provided to the experts that changed their view? Had another explanation been provided for the evidence that they saw which meant that they no longer considered that the most likely explanation was tampering? It was very important that the members not prejudge the outcome of that process. It was extremely important to follow due process so that any outcome could not be challenged. There would be a meeting of the experts on 23 October and the Compliance Review Committee would stand ready after that to receive a report, and the members would receive a report in Katowice. If the experts said that their view had not changed, he expected to go to the members with a recommendation in Katowice. If they said that it had changed, the Compliance Review Committee would have to consider carefully what they said and why. There was a third possibility, which was that the experts might say they had been given more data or an explanation to pursue and needed more time. He did not know what they would say. What he did know was that they had worked very hard, had spent a lot of WADA's money and the Compliance Review Committee would continue to work extremely hard to make sure that, as soon as possible, consistent with due process, there was a clear set of facts and, based on those facts, which were currently provisional, if appropriate, the Compliance Review Committee would bring a recommendation to the members at the soonest possible opportunity. If there was a delay beyond Katowice, he might ask the members to consider whether or not a further special meeting might be needed after Katowice. However, he could not jump forward and tell the members what was going to happen at the meeting and what the report would be. It should also be noted that WADA had given a large part of the data obtained in January that related to track and field athletes to the Athletics Integrity Unit to share the burden, and the Athletics Integrity Unit had been following the same process of reviewing and seeking to authenticate the data, and the findings had been the same. In many cases, it was consistent and would support cases to be brought, but there were significant discrepancies, and those discrepancies meant that there were some findings in the 2015 LIMS that were not in the 2019 LIMS. Again, they were in the same place and needed to understand if there was an explanation offered by the Russian authorities for the discrepancies. Until there was an explanation, the members should not pre-judge the outcome. That was an overview, because there was a lot more detail. He hoped that would help people understand where WADA was and he would be happy to answer questions.

THE CHAIRMAN remarked that he was well aware of the additional information that there was and the amount of work that had gone into getting where WADA was. He thanked Mr Taylor for the most accurate of reports. Nobody could be unclear about the situation and the advice and how to follow it.

MS HOFSTAD HELLELAND observed that, without prejudging or knowing about the situation over the coming weeks, if theoretically the data had been tampered with, Russia would have a big problem, but WADA would have a bigger problem, and she was currently very sad because of the situation WADA was in. On behalf of the public authorities, she wanted to make a few comments to the management. It was important that the Compliance Review Committee be an independent committee, also from the WADA management. She hoped that it was clear for everybody that the committee was and should be independent. The governments wanted to underline the importance of transparency and openness on the part of the WADA management in its handling of the process and the case. The public authorities believed and wanted to stress that the process should not be delayed and the WADA management should stress that all relevant documents on the Russian compliance case in relation to the tampering of data should be available for the WADA Executive Committee and Foundation Board members in order to make the decision in November in Katowice. The public authorities did not want to come up against the same situation as the previous year. For example, the Council of Europe had not had time to discuss its mandate with the important information and papers that it should have. She believed that it was essential that the Russian compliance case come to a conclusion in 2019 while the present chair of the committee, Mr Taylor, who had done an excellent job, was still in office, and also the President of WADA if possible. It should not be a case for the new president when he took office on 1 January. She hoped that everything possible could be done over the weeks to come.

MR DÍAZ declared that, as the chair of the public authorities and a spokesperson on the common position of the public authorities, it was his responsibility to announce that they did not endorse the Vice-President's statement as a public authorities position.

MS SCOTT noted that Mr Taylor had referenced the cases already provided with the LIMS data to the IFs and the WADA Athlete Committee had been quite interested in those cases and ensuring that the IFs follow up on them. Mr Taylor had said that there was no risk of those cases being affected by the new revelations of tampering, but what about the cases to come? Was there a risk in relation to the cases being packaged and made ready for the IFs not standing up in the CAS, because the evidence of manipulation and tampering had recently been exposed? In relation to the declaration or assertion of non-compliance that would be coming from the Compliance Review Committee, she assumed that would be to RUSADA. Was that right? The Athletes' Committee had been hearing for about a year that all the audit reports on RUSADA had been quite strong and RUSADA was an exemplary NADO and functioning quite well, so how, in Mr Taylor's opinion, would a declaration of non-compliance be asserted on a functional NADO and how would that stand up in the CAS? RUSADA was obviously the responsible party, but it was compliant by all other means.

THE CHAIRMAN commented that it was not the first time those questions had been asked.

MR GODKIN suspected that his question was for the management rather than for Mr Taylor but, regrettably, the matter was already being reported in the media, and he would be interested in views on the public media strategy for what might come out of the body.

MS HOFSTAD HELLELAND responded to what Mr Díaz had said. Was he against transparency and openness in the process? The public authorities had been talking about that that morning and the Council of Europe had also supported that the public authorities underline that.

THE CHAIRMAN said that he was not entirely sure that that was the kind of debate Mr Díaz should be having in the middle of an Executive Committee meeting; but, if he wanted to respond, perhaps he and Ms Hofstad Helleland might speak amongst themselves.

MR DÍAZ stated that he had never made a judgement; he had simply clarified that the mandate for spokesperson on behalf of the public authorities was his.

MR TAYLOR responded to Ms Scott. On the risk of impact on other cases, as Ms Scott had noted, those that had gone to the IFs already were not affected. There would be further ones that were still in the process (it took a while to go through them) that would not be affected and could be progressed, because in those cases there was no inconsistency between the two databases and the raw data were there as well and were consistent with the positive findings reported in the databases. There was however a material portion of the target 300 cases which was currently affected and he said currently because the experts could recover deleted data through a process called carving, which was a technical process that he did not understand, and there were cases that had been sent to an IF involving deleted data that had been recovered. He was sure that there would be arguments in that case on the part of the athletes as to whether it was authentic, so he supposed that he could not say that there would be absolutely no impact on those, but his judgement, the judgement of Mr Younger and the judgement of the IF prosecuting those cases was that it was possible to rely on that data. However, there were other cases where there in the 2015 LIMS

database but not in the 2019 LIMS database and not in the raw data, where either they had not been able to recover the data or they had not got to those cases yet so they did not know if they would be able to recover the data. There were some cases in which they already knew that they would not be able to recover the data. There were, therefore, cases that had been affected. He could not say how many the final number would be, because the experts went to each case in turn, and it took them a week or two weeks for each case. They tried to recover the data even though it had been deleted. The picture was still emerging, but he could tell the members very clearly that there were cases that he knew had been affected and would not be able to be brought. One of the reasons for doing all of this had been to clear innocent Russian athletes, and he could tell the members that, because of the problems with the data, he did not think that they would ever be able to properly clear those Russian athletes. They would not have cases brought against them but it would not be possible to say that there had not been a case to answer because it would not be known if the data in their cases had been affected. That had been one of the objectives of the exercise, and due to the discrepancies it would not be possible to achieve. Nevertheless, in considering the cause of the discrepancies, it remained necessary to be careful, and the members should not get ahead of themselves or prejudge the outcome. But undoubtedly cases had been affected.

As to Ms Scott's observation that RUSADA was a functional NADO and that it was standing up and doing everything it was supposed to do, he agreed. In fact, several IFs had relied on RUSADA for investigations, and it had proven to be a very worthwhile partner. The International Standard provided for that. It provided that, even in a case of non-compliance with a Critical requirement, the starting point of sanctions was set out in Annex B, including the possibility to suspend, take over and/or supervise the activities of the NADO, but the Standard said that if the nature of the non-compliance was such that the ability and confidence in the NADO was not shaken, it was not necessary to take over, suspend or supervise. Therefore, if a case was brought for tampering, and assuming that there was no indication (and there was currently no indication) that the NADO had been involved, then the members could expect that that would be exactly the approach that the Compliance Review Committee would take in drafting a recommendation to the Executive Committee. There were other sanctions directed more at the government and other parts of the infrastructure, and those were the ones that all the members knew about and that had been flagged when the possibility had first been identified, including hosting of events and participation in events. Again, it was necessary to be careful, because WADA was not yet there. If and when WADA did get there, he was confident that the International Standard would provide the means to fashion a recommendation that was proportionate, and he reminded the members that, if WADA got there, the recommendation would come to the Executive Committee. The Executive Committee would need to decide whether to instruct the WADA management to send a notice alleging non-compliance and proposing consequences and if RUSADA did not accept them, it would go to the CAS. The CAS would decide on the consequences in the final outcome, not the CRC and not the Executive Committee.

That took him to Ms Hofstad Helleland's Comment that Russia had a big problem, but WADA had a problem. That was right, but in his view WADA also had a solution. The International Standard had been drafted in light of the difficulties encountered with the rules as they had been in 2016, in order to address the perceived shortcomings in those rules. So WADA would now find out whether the drafter had done a good job. He was confident that WADA had a process that was legally sound and transparent (because he agreed with Ms Hofstad Helleland about the fundamental importance of transparency). He assured Ms Hofstad Helleland personally that the Compliance Review Committee considered itself to be independent, and acted independently, and had no constraints that undermined its independence from the WADA management, the public authorities and the sport movement. He understood that was what the members wanted the Compliance Review Committee to be, and they wanted it to bring a recommendation that was unconstrained in any way, and he could assure the members that that was what the committee would do. He also agreed that there should be no delay, but that was a little bit out of WADA's hands, because he wanted to bring a case that he had absolute confidence in and that did not create problems for itself by rushing and compromising due process. He knew that nobody was suggesting that. If the experts told the Compliance Review Committee on 23 October that the explanations had been provided and did not change anything, the Compliance Review Committee would move forward; but, if the experts said that they needed more time, then they needed more time. He also agreed that it would not be fair to hand the case to his successor to deal with. It would certainly not be completed this year. If a decision were taken in Katowice, the notice would go out from WADA, and RUSADA would have three weeks to respond. If it disputed the allegation of non-compliance and/or the proposed consequences, the case would go to the CAS. So at best the case would probably get to the CAS before Christmas, but at least it would be in process and it would be possible to carry on from there. While his successor would take over in January 2020, he suspected he would be involved as a witness at the CAS. He hoped that addressed the concerns expressed.

THE CHAIRMAN said that Mr Taylor had answered the question of independence. He had never been to a Compliance Review Committee meeting. The WADA management provided logistical and management help. It was not involved in the decisions taken by the Compliance Review Committee. Like Mr Taylor, he regretted that the issue would not be finished before his mandate expired on 31 December, and he did not have the option of continuing it. It would be very nice if it were finished because it would then leave Mr Baňka to get on with many other things. As far as he was concerned, what had appeared in the media over the past two or three days had in the main been inaccurate. It was a series of rumours put together, generated initially by the ARD investigative network in Germany, but the network had got only part of the story. Nobody had been able to identify the fact that WADA had already started a compliance process. That had not hit the media until the previous day. There were only two groups of people who knew about that. One was the one or two people responsible for it in WADA and the second group was the people who received the information that WADA sent to them. He had no idea where it came from. He had his suspicions; but, like with every leak, one could never prove it. WADA was ahead of what the current reporting seemed to be. He would be clear about issuing a statement immediately after that Executive Committee meeting saying exactly what the report said if the members accepted it. He hoped that Ms Hofstad Helleland would accept it. She had asked a question and was certainly entitled to an answer.

MS HOFSTAD HELLELAND said that she was very confident that Mr Taylor would put the case forward in the best possible way. She was very happy about what he had said about transparency and independence. Some of the governments (not all) around the table were very aware of the need for transparency and openness about the process. She also understood that Mr Taylor and the Compliance Review Committee were not responsible for the delay; it was not all in his hands. She believed that others were responsible.

MR RYAN commented that it was a very serious issue and had been a serious issue for a very long time and, sadly, having thought that it had been brought to a conclusion, it was not concluded, and it was absolutely clear to everyone in the room that it was highly unlikely to be concluded by the end of the year because there was a CAS procedure and timelines set for that. Because of the importance of the case, he wondered if there would be any way of ensuring that Mr Taylor was kept on to run the case, staying within the rules, and to manage the process through to the end, because he thought that the Executive Committee and WADA in general had a great deal of confidence in Mr Taylor's ability.

MS BATTAINI-DRAGONI said that the public authorities had had the advantage of having Mr Taylor explain to them the previous day in their One Voice meeting what he had just said that day. She was very grateful that Mr Taylor had been able to inform, in an early manner, the representatives of the public authorities and, coming from an organisation based on the absolute respect of the rule of law, she was reassured about the fact that Mr Taylor had mentioned that the procedure was already ongoing, the information had been requested and clear dates had been indicated by the end of October and then as to the way in which he intended to put the necessary due diligence and pressure on the Russian authorities to come forward with the necessary information. If there was one body around that table that was particularly interested in the results of all of the steps of the graduated system currently in place, which was the novelty that the members were positively discovering in application, it was the CAHAMA, so she reassured everybody that it was an important subject, very delicate, and she looked forward in a very practical manner to receiving as much information as early as possible so that Europe would be able to proceed and discuss.

MR TAYLOR said that he was grateful for those comments. Although he would be stepping down as the chair of the committee, he would be very happy to be involved in the legal case, if it went forward, in order to provide whatever input was necessary. He did not want Mr Ryan to think that he would be walking away. Lawyers had already been instructed to help advise the Compliance Review Committee to ensure it was in the right place to bring that case if necessary as quickly as possible and to bring it to conclusion as quickly as possible. He should have said to Ms Hofstad Helleland, who had asked about documentation, that his intent would be, if the experts' opinion remained such that WADA wanted to bring forward an allegation of non-compliance and proposed consequences, that the recommendation would be put in writing and sent to the members together with the Intelligence and Investigations Department report and the experts' report, which was detailed. It was not the smoothest read but it was compelling reading, and in this way the members would have the basis on which the Compliance Review Committee had come to its conclusions and made its recommendations which he hoped would demonstrate transparency and help the members to make their decisions. He knew that the CAHAMA meeting was on 23 or 24 October, and he would be very surprised if the experts were able to come to the Compliance Review Committee and then the Compliance Review Committee were able to come to CAHAMA by then. If they did come back

and say that there was no change, he would get the recommendation to the CAHAMA with the supporting documentation as quickly as possible after 23 October. He understood that the members would need to consider it. He remembered the concerns expressed at the Seychelles meeting about the lack of notice, and did not want to repeat that. He wanted the members to have time to consider the recommendations so as to have a proper discussion, if necessary, once the experts had looked at the Russian response, in Katowice. If it were not possible to do it in Katowice, it would be necessary to make a decision about how to move forward.

THE CHAIRMAN concluded that WADA was to a certain extent seriously in uncharted territory. People had genuine requests for documentation and information. WADA was probably going to a senior court and would have to be correct in terms of process. He thanked Mr Taylor for his work and he gave the Executive Committee an absolute guarantee that WADA would follow top-class legal advice in order to bring the matter to an end.

DECISION

Russia update noted.

6.3.4 New recommendations of non-compliance

MR TAYLOR informed the members that they had in the papers a recommendation of non-compliance in relation to the International Taekwondo Federation, which was referred to as ITF Austria, because there were several taekwondo federations. It was not the taekwondo IF recognised by the Olympic Movement; it was one of those that paid a small fee of 2,000 dollars to be a signatory. Since it claimed compliance, as a signatory, it had to be part of the compliance programme and had been sent a CCQ. It had failed to respond to it and, despite many opportunities, it was therefore non-compliant, and he therefore proposed that the Executive Committee authorise WADA to send a notice alleging non-compliance and proposing the consequences set out on page two of the paper. The members would see that, in the case of a non-Olympic Movement IF, the consequences currently set out in the International Standard did not bode particularly well, which was why there was a proposal to have another consequence be the termination of the agreement to be a signatory. Nevertheless, WADA was where it was under the current Standard, and therefore the Compliance Review Committee made the recommendation that the consequences to be proposed be losing WADA privileges, ineligibility of its representatives to sit on boards or committees, and that its representatives and athlete support personnel be excluded from any multi-sport event, with that to be revisited in 12 months if it was still non-compliant, and the reinstatement condition to be that it fill out the CCQ.

MR RYAN said that he thought that a little more explanation was needed. As the members would see from the footnote, there were three taekwondo federations as Code signatories. The one the Executive Committee was discussing was a very small federation originating from North Korea, and it was basically a historical body that did not have very much activity. Sadly for the sanctions, he did not think that it had done any of those things ever in its existence. The good news was that, on 2 November the previous year, it had signed a joint declaration with the Olympic taekwondo federation (what he would call the real taekwondo federation), which was huge, to try to merge the two organisations, so he fully supported the proposal and hoped that the problem would disappear. In fact, it might help, as it could be a catalyst to get it to combine and work under the same umbrella, and then the big federation would be looking after anti-doping for the whole thing. That was also the reason why discussions were being held with the WADA management and everybody to find a way to look at the rules according to which somebody could become a Code signatory, to avoid in the future having endless federations under the same umbrella. A process was being looked at to urge them to combine rather than end up with lots of little ones paying 2,000 dollars just so that they could put the WADA logo on their website. He supported the proposal.

MR DE VOS said that, from the documentation, he got the impression that those federations were not monitored in relation to compliance and it had been the recommendation of the Compliance Review Committee to monitor the compliance of those federations. They were Code signatories. Was that going to change in the future? Would those organisations be monitored automatically and not based on the recommendation of another body?

MR TAYLOR answered that they were always part of the compliance programme; they were low priority and therefore had not been part of the first CCQ phase, but sending out the CCQ to them had been the first step in the compliance programme for them. Everybody in their category had received a CCQ and others had responded. They had not responded, which was why, having fallen at the first hurdle, they were there. The only reason they had come at that time, rather than before,

was because they were lower priority than the NADOs and IFs that had been part of the first wave of CCQs.

DECISION

New recommendation of non-compliance approved.

– 6.4 Technical Document for Sport-Specific Analysis – amendments

THE CHAIRMAN noted that the document was a technical piece of paper and was an important part of the anti-doping system, and the director in charge was Mr Ricketts.

MR RICKETTS told the members that they had before them a paper in relation to proposed changes to the Technical Document for Sport-Specific Analysis. He would take the members through the changes and provide a bit of background for new members so that they would understand the purpose of the document. The document had been in effect since 1 January 2015, and it set a minimum level of analysis for certain prohibited substances not normally part of the standard urine analysis that the laboratories conducted, the percentage of minimum level of analysis based on the physiological risk of the sport and discipline and the benefits of the substances, and the three groups of substances were on the screen. The minimum level of analysis or the percentage was then applied to the number of tests an ADO was planning to conduct on that sport and that determined the number of analyses that had to be conducted during the year. The aim of the document had originally been to raise the bar for ADOs not conducting those types of analysis and also achieve global harmonisation for athletes tested around the world for those substances. The TDSSA Expert Group had been set up to develop and monitor the document and it comprised NADO, IF and laboratory representatives. The document had been in place for over four years and there had been significant uptake by signatories. In particular, the implementation document was a critical requirement under the Code compliance programme, so that was obviously helping ensure that signatories were implementing it, and there had certainly been a significant level of increase in the number of sports and organisations conducting such analyses, and it had also been possible to enhance the capacity of the laboratories for those particular tests. In terms of the review, after the four years of implementation, WADA had launched a consultation process in March that year. It had taken several weeks of opportunities for stakeholders to provide comments. A total of 15 had responded, providing 47 comments. The main concerns had been the lack of flexibility in terms of implementing the technical document, in particular for the NADOs, which had so many sports to look after on their test distribution plans, and they had been finding it difficult to meet all of the minimum requirements.

The expert group had met in May and he would go through the proposed changes. First, new objectives had been put in place on the basis that the previous ones had already been achieved and, in terms of flexibility, there were three areas in which the expert group had come up with ways to enhance it. There were sports with 5% level of analysis, which one could say were lower-risk sports and, as such, those types of analysis for those sports had become optional. The idea of making them optional was to ensure that the resources that the ADOs would have applied to those lower-risk sports could be applied to higher-risk sports, so they could use that money to conduct and meet the requirements of analysis for higher-risk sports in their test distribution plans.

The second concept was not a new one and existed in the existing technical document. There was a process for applying for a reduction, which was being called an application for flexibility, which could result in a reduced percentage for certain sports, and it was based on a number of criteria that the ADO needed to meet. That process had also been improved and would be taken online, to an online system similar to the Code compliance centre system.

The final measure to provide further flexibility was the rounding down of minimum levels of analysis calculation; so, when applying that percentage to a whole number, WADA would be allowing the rounding down. Previously, it had always been a rounding up, meaning that at least there would be a minimum of one test, so that had also been included in the process.

There had been no changes to the postponement of the mandatory implementation of growth hormone. A couple of years previously, the committee had agreed to remove that from being mandatory until the endocrine module of the Athlete Biological Passport programme was developed and provided to the ADO. That work was still in progress and he would keep the members up to date on that.

There was also no change to the mandatory implementation of the Athlete Biological Passport blood programme for sports and disciplines with 30% for erythropoiesis-stimulating agents. That remained a mandatory requirement for all ADOs with athletes in a registered testing pool for those substances.

That was the summary before the committee. The plan was that the revised document would come into effect on 1 January, and it would be published later that month based on the outcome of that.

THE CHAIRMAN concluded that the process had been complicated but a real success. Was it the members' wish that the amendments and the amended document be approved and put out for adoption starting on that particular date?

DECISION

Proposed TDSSA amendments approved.

7. Legal

– 7.1 Covington report recommendations

MR SIEVEKING made two short points before moving onto the Covington recommendations. In relation to the litigation report in the Director General's report for the Mixed Martial Arts Federation case, the management had amended article 23.1.1 and had also obtained a stay in proceedings until January. There was a working group dealing with the matter and the suspension of the proceedings until January 2020, so time was of the essence there and he hoped that a solution would be found quickly.

Three memoranda of understanding would shortly be signed by WADA. He had been asked by Messrs May and Hayashi to mention them. The first was a memorandum of understanding that would be signed the following day with the Japan Sports Agency which was in fact the continuation of the cooperation with Japan in relation to assistance to RADOs in Asia. It highlighted the significant Japanese contribution. Also, two memoranda of understanding would be signed, one with ASADA and with ASIDES, the South African NADO. With ASADA, the memorandum of understanding had to do with assistance to the Indian NADO and, with the South African NADO, it concerned assistance to the Nigerian NADO. In both cases, the memoranda of understanding were tripartite: WADA, ASADA and the Indian NADO, and the South African NADO, WADA and the Nigerian NADO. He had wanted to draw the attention of the Executive Committee to the documents to be signed.

THE CHAIRMAN commented that, as far as the Mixed Martial Arts Federation was concerned, he had not been entirely wasting his time on the Gold Coast the previous year.

MR SIEVEKING referred to the four recommendations in relation to the Covington report. The members would have seen the assessment of the Legal Department concerning the recommendations. He considered that the recommendations in relation to the adoption of a code of conduct and the clarification of the role of the standing committees and the Athlete Committee were being addressed in the framework of the governance review process, but there was one outstanding recommendation, which had to do with mandatory training for Executive Committee members on best practice for boardroom dialogue, so he sought guidance from the members on what they thought about that provision. That had been discussed with Covington, which had said that there should be a one-hour or two-hour class for each Executive Committee member. Comments had been received from the public authorities that it might be too short. He asked the members what they thought in relation to that recommendation and then he would come back to them at the next Executive Committee meeting with a proposal from companies that might run the courses, if they were considered necessary.

THE CHAIRMAN asked if reactions in writing were sought as opposed to immediate reactions.

MR SIEVEKING responded that that was the Chairman's call.

THE CHAIRMAN retorted that it was Mr Sieveking's call.

MR DÍAZ said that he would be happy to act based on the suggestion of experts in the field as to the proper amount of time for code of conduct training.

THE CHAIRMAN stated that his only suggestion was that the courses not be held before 1 January the following year.

MR GODKIN said that he would reserve some more considered comments for writing, but it struck him that there would be some potentially delicate conversations when there were very senior sport movement representatives and senior ministers having to do a mandatory course on boardroom etiquette.

THE CHAIRMAN concluded that it was Mr Sieveking's call. Mr Sieveking could think about it and work out how to proceed on that particular issue.

DECISION

Covington report recommendations noted.

8. Science and medicine

– 8.1 Health, Medical and Research Committee report

PROFESSOR ERDENER informed the Executive Committee that the end of August was traditionally the time of year for holding a series of important scientific meetings, starting with the List Expert Group meeting, the meeting of the Project Review Panel, the meeting of chairs of the scientific and medical expert groups, and finally the Health, Medical and Research Committee meeting to prepare all the recommendations on the Prohibited List and the research projects for the Executive Committee meeting. Dr Rabin would present the recommendations of the expert groups for the Executive Committee's approval.

WADA had recently announced the suspension of the New Delhi WADA-accredited laboratory. It was possible that a couple of other laboratories would face the same fate over the coming weeks. He insisted that it was technically and administratively possible to meet the requirements for accreditation as laid out in the ISL. WADA had visited several laboratories as part of the site audit programme that were doing very well.

Technical letters would be presented for the first time for the approval of the Executive Committee in anticipation of the new ISL version coming into force on 1 November. All the technical letters would be made publicly available on the WADA website.

The prevalence project progressed with three events completed since May: the European Olympic Games, the Pacific Games and the Pan American Games. Unfortunately, it seemed that some logistical aspects had made data collection more complicated, with only about 20% of athletes surveyed during those events. It would be necessary to conduct a few more studies in 2020 to compile a sufficient number of athletes across various events to optimise the statistical calculations and finalise the model. As he had alerted the members in previous meetings, WADA had almost exhausted its research money. In fact, there were only \$121,000 to finish the year and only 1.8 million dollars for 2020. He urged the Executive Committee members to give their utmost consideration to strengthening the research budget for the following year and coming years if the members did not want to compromise their collective anti-doping efforts and the credibility of the agency in the future.

WADA was continuing its efforts to engage the pharmaceutical companies as illustrated with the signature of the agreement with the Japanese company, Kyowa Kirin, before lunch that day. WADA was also entertaining discussions at a more global level to potentially strengthen support by that important group of partners.

He gave the floor to Dr Rabin to present the draft 2020 Prohibited List and research projects for the Executive Committee's approval that day.

DECISION

Health, Medical and Research Committee
report noted.

– 8.2 2020 Prohibited List

DR RABIN stated that the Prohibited List was an important international standard and the members' approval was sought. WADA was preparing the 2020 List of Prohibited Substances and Methods, and there had not been any substantial modifications to the list that year. The proposed changes for 2020 were highlighted in yellow.

The entire S1 section was highlighted in yellow for the simple reason that what had been S1A and S1B had been merged to have a single section on anabolic androgenic steroids, making it possible to remove the previous comment on endogenous versus exogenous. That had also been made possible because some of the technical considerations had been moved into the technical documents related to the ISL. There were two anabolic steroids that had been added by name in the list of examples: epiandrosterone and methylclostebol, to illustrate the new anabolic steroids that could be seen in dietary supplements or that were more prevalent on the market. Interestingly, when talking about dietary substances, unfortunately, there were still substances developed for the purpose of becoming medicines (which were sometimes not even approved) around the world that made their

way into certain dietary supplements. A recent example was a substance going by the name of LGD-4033, which was also known as ligandrol, and that name had been included, even though it was not an official name but something that could be seen on the Internet, to inform athletes that they needed to be extremely careful about exposure to such substances.

In section S7, argon had been removed. For information, when it had been added, it had been more because of its association to xenon, as there had been no proof that argon met the criteria at the time, but it had been more of a precautionary measure. After consideration, the group had come to the conclusion that that was no longer the case and argon was not considered an issue. Signalling had been added to the TGF-beta inhibitor, illustrating how more was learnt about all those mechanisms that were uncovered almost every year on the effect of some of those growth factors, so it had been purely for accuracy.

There was no change to S3 and S4 except that, under S4.2, upon the recommendation of some stakeholders, including JADA, two selective oestrogen receptor modulators had been added to the list of examples.

There was no change to S5. In the method section, a specification had been added that manipulation under the use of proteases was related only to the manipulation of the use of samples. Some proteases were used in oncology for cancer treatment and of course the group had not wanted to have those included or covered by the list.

There had been more of a substantial change in M3, in particular under gene doping, where WADA was sometimes struggling to encompass the most recent innovations in the gene therapy environment. The group had tried to rephrase the section referring to nucleic acid and also in terms of the impact on the mechanisms. The following year, he would be back with another definition, because the group was already considering some imminent changes. The aim would be to try to be even more comprehensive the following year.

There had been no change to section S6, other than the addition of octodrine, which unfortunately was one of the substances increasingly being seen in dietary supplements, so WADA was really trying to use the list as a vehicle of information to warn the athletes that that should also be of concern to them. An addition had been made to the topical application of some of the substances. The aim had been to be a little bit more precise about the use of imidazole derivatives by being very specific, and referring no longer to topical application but being even more precise and talking about dermatological, nasal and ophthalmic use of those derivatives.

On narcotics, there was even more precision as a result of reference to the optical isomers of all of those narcotics when they did exist. Finally, for cannabinoids, there had been some legitimate comments made the previous year about the fact that the wording had been sometimes ambiguous (although not wrong) and could have left room for interpretation; so, with the help of one of the leading experts in the field who was a member of the List Expert Group, the group had completely reviewed the section, also based on comments from the stakeholders. It covered cannabis, cannabinoids and, in particular, those with THC mimetic effects, except of course cannabidiol, a substance that was fairly widely available for pain management. That concluded the list. There had been no change in P1.

The Prohibited List was submitted for approval by the Executive Committee.

THE CHAIRMAN noted that that used to be the main reason, in the more peaceful days of WADA, for that meeting in September because a list had to be approved to come into effect on 1 January the following year. He was sure that Dr Rabin would be happy to answer any questions the members might have, but he warned the members that there was one member of the List Committee sitting in the room so he asked them to phrase their questions accordingly.

MR GODKIN said that he supported the Prohibited List and recalled that there had been work going on looking at potentially simplifying the Prohibited List. Was that still on the agenda overall?

DR RABIN responded that he did not know if it would be a simplification because the list was complex by definition. He thought that some effort would be made and hoped that the members would see that coming to fruition the following year or the year after to reorganise the information and make it a bit more attractive and also a bit more intuitive. That was a request that had been received from the List Expert Group and the WADA management had taken it on board. He believed that there were ways of presenting the information in a different way, and perhaps giving some examples as annexes instead of having them covered by the chapter itself. That could make it at least visually simpler. He was afraid that he did not think the science would get any simpler in the coming years or decades. He was not too optimistic about that side of things.

THE CHAIRMAN asked the members if they approved the Prohibited List as presented by the Health, Medical and Research Department, which would be circulated so that everybody would be aware well before 1 January 2020.

DR RABIN referred to the monitoring programme. There was only one change that year, the addition of ecdysterone. He had read some interesting headlines that WADA was going to prohibit spinach because ecdysterone was extracted from spinach; but, to reach a level that would have an anabolic effect, one would probably need to consume more than 40 kilos of spinach a day, so he wished all those who wanted to try doing that good luck. He did not believe that was very realistic. The rest was simply reorganisation of the monitoring programme and remained the same. The monitoring programme was up for approval.

THE CHAIRMAN asked the members if they were happy with the current monitoring programme.

DECISION

Proposed 2020 Prohibited List approved.

– 8.3 Annual research projects 2019

THE CHAIRMAN noted that it was actually quite significant in his view that the suggested total was currently one-third of what WADA had previously spent on medical research, and that was because it spent huge amounts of money conducting very complicated inquiries into cheating and paying very expensive American lawyers, so he suggested seeing what the best use of that money might be.

DR RABIN said that 53 grant applications had been received that year from 22 different countries and four different continents. The sections and priority themes were the same as they had been in the previous years, approved of course by the Health, Medical and Research Committee, and the members would see the distribution of the number of projects per theme. That was important, as WADA sought to strike a balance between the different themes. The process of reviewing those grants was also very important. WADA had established nine different and independent panels of scientific experts with a total of three members per panel, and had benefitted from the support of 27 external independent reviewers when reviewing those grant applications. The applications were also reviewed by the Project Review Panel, which comprised members of the Health, Medical and Research Committee, independent experts (different to those reviewing the grant applications) and the WADA management.

The usual process of presenting the recommendations to the Health, Medical and Research Committee had been followed. The Health, Medical and Research Committee had held its meeting at the end of August that year. They were being submitted to the Executive Committee for final approval. Looking at the research projects received that year, out of the 53 projects presented, 19 were being recommended for approval for a total of a little less than 2 million dollars, spread between the regular fund taken from the WADA routine budget and the remains of the special fund received from the sport movement and the public authorities. There was always a reduction in some of the projects and, exceptionally, one had been increased by a modest 11,000 dollars because WADA had wanted the team to do more than what it had proposed, but it was important to be able to guide the teams in terms of what WADA expected from them. He would not go into the details, but there were projects that improved analytical capability, which was why it had been possible to make substantial progress in the sensitivity of equipment or the way in which the newest equipment was incorporated into anti-doping practice.

Peptides were always a concern, and the members had heard a number of times about dry blood spot. WADA was also exploring the possibility of using dry urine spot, because dried urine was much more stable than liquid urine. That was of interest. To be able to report some adverse analytical findings, it was necessary to invest in reference materials of some of the metabolites uncovered specifically for anti-doping purposes.

There were always aspects in relation to distinguishing between prohibited substances or pathways leading to prohibited substances, so that was the subject of one of the projects, and also the ability to detect some of the newer peptides or proteins revealed by science almost every year, not to say every month, so it was necessary to keep up with developments. Of course, the pharmacokinetics of some substances were of concern and, whether they liked it or not, athletes lived in a world in which food was processed and manipulated and sometimes prohibited substances to which the athlete population could be exposed were found in food, so WADA needed to constantly better understand the sources of contamination that could be found, including in meat.

In 2019, some of the projects had been approved under targeted and reactive projects, which were very important because they allowed WADA to be very reactive. Sometimes there were projects

that WADA wanted to be able to fund very quickly because they responded to an urgent need, or sometimes there were specific needs, and it was important to go to the teams and ask them to do some specific work for the benefit of anti-doping, and there had been four projects approved in 2019 for that.

Continuing with the projects from the special fund, anabolic steroids were always a concern. 50% of adverse analytical findings every year came from that category, and WADA kept working on its ability to reveal those substances and better understand the metabolism of those substances, hence the major effort to look into the long-term metabolites or the confounding factors (which included alcohol and ethanol), in particular for testosterone. There were therefore some projects proposed in that area.

WADA always also continued efforts for the Athlete Biological Passport, with several projects approved, either to improve on the identification of sample tampering or the detection of some of the markers for the steroid module. It was very important to continue to support and further develop the Athlete Biological Passport. There were always going to be substances of concern, and insulin was one of them, so one project had been approved in that field, and also to be able to establish some thresholds for substances that were prohibited, in particular cobalt. Cobalt was known to have an effect on the increase in red blood cells, but cobalt was also a component of vitamin B12 (cyanocobalamin was of course not prohibited), and WADA wanted to be able to further distinguish between the sources of cobalt. It was not believed that cyanocobalamin was an issue, but WADA certainly wanted to further investigate that. That concluded the projects proposed for approval in 2019.

He would continue with the joint project by the Fonds de Recherche du Québec and WADA to launch a joint call for projects on artificial intelligence. A total of 10 proposals had been received, two of which had not met the mandatory criteria, but they had been interesting as they covered different aspects of or application of AI. WADA had followed the same usual process to review the projects and have them approved. Two of those, the one from McGill University and the one from Dataperformers, had already been approved by circulatory vote in June by the Executive Committee. There was one project that lagged a little bit behind: the project from Elements AI, a Montreal-based company, which was more complex because it required access to some information in ADAMS. ADAMS was a wonderful repository of data which was certainly underexploited in terms of the ability to identify suspicious profiles, but that also required very careful handling and management of the data. For obvious aspects, WADA had worked with the legal team and experts and also some external legal teams to review the project and be able to access the data with all the safeguards required to protect that information. The data did not belong to WADA, so WADA would go to the stakeholders, IFs and NADOs and request their approval to use some of the data required. As indicated on the slide, at least in the pilot study, at least 10,000 profiles would be needed to be able to run the AI programme for the algorithms used in AI, so that was quite a substantial amount of data, because it was not only 10,000 profiles: there would probably be about 10 or 12 variables per profile, so he was talking about potentially 150,000 bits of data required just to run a pilot study. There had also been some elements in relation to intellectual property. WADA wanted to be sure that, at the end of the pilot phase, it would be able to use the tools and the algorithms developed by the AI company and use them in the future for anti-doping purposes. The whole picture would involve using the existing algorithms and fine-tuning them for anti-doping purposes to identify suspicious or abnormal profiles of athletes who had potentially used prohibited substances. The project was for the approval of the Executive Committee and, if approved, further work would be done on ethics. Although there had been clearance from the independent ethical reviewer, he wanted to make sure that the process was properly concluded. WADA would then of course negotiate the contract with the company. He wanted to be clear that the overall project would cost 500,000 dollars, with half paid by WADA and half by Elements AI. That was a maximum, because a couple of elements would need to be done internally and that would subtract a little bit of money from the total. That project and the others were up for approval.

THE CHAIRMAN said that, again, sadly, WADA had to rely very heavily on the Health, Medical and Research Committee and experts to produce all the information, because the members were so busy dealing with other matters that they did not have enough time to discuss how to invest money in the future. Were there any points on the suggested distribution of just under two million dollars plus the agreement with the institution in Quebec?

He asked the members to agree that that was what WADA should do and that it should write to the successful applicants and proceed as it normally did.

DECISION

Proposed 2019 annual research projects approved.

– **8.4 Athlete passport management units**

DR RABIN informed the members that the item represented the logical step following approval of the technical document on APMUs because it was necessary to anticipate the fact that the APMUs needed to be certified by WADA before 1 January 2020; so, of course, the Athlete Biological Passport team worked very closely with the APMUs and there were currently 10 APMUs for approval, bearing in mind that there would be five to seven more for approval in November, so that all the APMUs would ultimately be certified by WADA by the due date of 1 January 2020. The members had the technical documents prepared by the Athlete Biological Passport team with a standard approach making sure that the key mandatory elements under the technical documents were fulfilled by all the APMUs proposed for approval that day.

THE CHAIRMAN commented that it seemed to be a logical process. There were therefore two new proposals and eight already existed and were functioning. Were the members happy with that list of 10?

DECISION

Proposed technical document on APMUs approved.

– **8.5 Technical letters**

DR RABIN said that, under the new version of the ISL due to come into force on 1 November, the technical letters, which were level-two documents, needed to be approved by the Executive Committee. There were four letters, one of which had to be removed, because there had been a very late comment by one laboratory, which had brought some data to the attention of WADA which would require it to review one value in the technical letter, but it was important that that value, which would be a trigger point (he was talking about technical letter 18), be given due consideration. He asked the members to allow him and his team to remove technical letter 18, which would involve changing the numbering, because number 19 would become number 18, and so on. It was only a minor shift; overall, the principle remained the same and reflected the information that was increasingly being gathered on the contamination of some of the substances and the fact that bacterial contamination did lead to the production of some prohibited substances from non-prohibited substances, so that was something that had been uncovered with the ultra-sensitivity of modern-day equipment but which needed to be taken into account in the reporting of adverse analytical findings by the anti-doping laboratories.

THE CHAIRMAN observed that, yet again, sadly, one of the two regular things that came across his desk was problems with laboratories. The science became more complicated, the ability of the laboratories to deal with it properly got more complicated, and he imagined that that was almost a never-ending struggle; so, to do that properly, the Executive Committee needed to approve the technical letters.

DR RABIN specified that the members were being asked to approve three of them, which were labelled 19, 20 and 21 in the members' files and which, because 18 had been removed, would be re-labelled.

THE CHAIRMAN repeated that the members were being asked to approve 19, 20 and 21. He thanked Dr Rabin and Professor Erdener. That was a big area of activity for the agency.

DECISION

Proposed technical letters approved.

9. Athletes

– **9.1 Athlete Committee report**

MS SCOTT informed the members that the WADA Athlete Committee had recently held its meeting in Lima, Peru on 28 and 29 August in conjunction with and hosted by the Para Pan American Games, and she thanked the IPC and the Para Pan American Games organising committee for hosting the meeting. The Athlete Committee had been very well looked after and had had an opportunity to

engage not only with the Pan American athletes but also with para athletes, which was very important, and the Athlete Committee had very much enjoyed the experience. A wide array of subjects and topics had been discussed, including some of the ongoing projects, including the Anti-Doping Charter of Athlete Rights, the ombudsperson project and athlete representation within WADA.

In terms of highlights, the Athlete Committee continued to follow Russia very closely, and she thanked Mr Younger, the Intelligence and Investigations Department Director at WADA, for being so willing and available for several conference calls to take questions from the Athlete Committee. The Athlete Committee strongly encouraged WADA to be open, public and transparent as the cases progressed, but also encouraged WADA to follow up with the IFs that had been provided with case materials and establish clear timelines and deadlines, as it was important for athletes to know that progress was under way and the end was in sight, bearing in mind that some athletes had been waiting a long time for their medals.

The Working Group on Athlete Representation was another project initiated following the recommendation of the Working Group on WADA Governance Matters to improve representation within WADA prior to being considered for a seat on the Executive Committee. The working group had done its best to progress that under a tight timeline, and most recently had circulated a survey to a broad group of athletes seeking their feedback on a series of questions, so the idea was that the answers would be analysed and collated and available to the WADA Executive Committee and Foundation Board in November, hopefully with a proposal by that time.

Work on the Anti-Doping Charter of Athlete Rights (she would keep referring to it as a charter for the time being) had been ongoing since 2017. It had been available for almost the entire period for consultation. Thousands of athletes around the globe had been spoken to. It had been reviewed by the Code Drafting Team and by the Centre for Sport and Human Rights, and the WADA Ethics Expert Group had taken a look at it. The Athlete Committee had taken great care not to rush the project but rather make sure that it was done right. The Athlete Committee was quite happy with the product. Obviously, it was open to changing the title to another word and ensuring that the preamble included language that made sure people understood the legal power that the charter had (or did not have).

The anti-doping ombudsperson project was a project born out of the charter and the consultation, which had led to feedback from a lot of athletes that it was necessary to have a source within WADA to look to for advice and guidance on navigating the increasingly complex world of anti-doping. It was a project that the Athlete Committee had really embraced, thinking that it was part of its role to serve athletes and help them, especially in relation to anti-doping. What the Athlete Committee was learning was that there were sometimes more questions than answers and that in fact it was more complex than probably originally thought. The Athlete Committee was therefore progressing the project more slowly than probably originally intended and really trying to take an evidence-based approach, knowing that establishing an ombudsperson office within WADA without making sure that the scope and resources were available to make sure that it functioned to the best of its ability might backfire, so the Athlete Committee wanted to ensure that it was done properly so that it would be as efficient and strong as it could be.

On ADAMS, the Athlete Committee had renewed the call for an anonymous digital reporting platform, as it continued to receive feedback from athletes that they would like an anonymous platform to report concerns and incidents that they encountered when going through the doping control process and the testing experience. Time and again, the Athlete Committee heard that it was just impossible to fill out a form in front of the person one was making a complaint about. The Athlete Committee had been calling for that for a number of years and strongly renewed the call again.

One of the other issues discussed had been the FINA world championships and, whilst there had been back and forth about whether or not the podium was the right place to protest, everybody had agreed that the athletes who had been protesting had in fact done so as much out of frustration with the situation as with anything else. It had been disappointing for both athletes, the athlete who had had to compete under suspicion and the athletes who had had to compete against somebody who was under suspicion. The Athlete Committee felt that the situation should have been mitigated and processed before the world championships in an effort to ensure that both sides were treated fairly at the event.

Prior to the meeting, it had been reported publicly that there was quite a range in sample storage and reanalysis capacity, in particular when it came to continental games and other international events, so the WADA Athlete Committee had taken note of that and strongly suggested that a standard of harmonisation be introduced in the ISTI in relation to sample storage and reanalysis capacity, especially for major games and continental events.

She made a note and a special remark about a meeting hosted most recently by the incoming president-elect, Mr Baňka. He had hosted a roundtable of athlete representatives from across the athlete spectrum, and three of the Athlete Committee members had been able to attend. They had really appreciated the opportunity to engage in a meaningful conversation with the incoming president and had left the meeting feeling very hopeful and very optimistic about athlete engagement in WADA in the future, so she thanked Mr Baňka again for that opportunity. The Athlete Committee had also been encouraged to know that the meetings were scheduled to be an ongoing event, so that was very good and very positive.

MS BARTEKOVÁ thanked Ms Scott for her report. She spoke on behalf of the IOC athletes' commission members who were on the WADA Athlete Committee: Emma Terho, Kirsty Coventry and Ryu Seung-min. She raised some concerns about the work and the process of work of the WADA Working Group on Athlete Representation, also connected to content. Some of the members from her side had constantly provided feedback and had felt like they were in a committee of three apples and two oranges, saying no thank you, but they had a different opinion and believed that there could be some improvements. Ms Scott and the WADA Working Group on Athlete Representation were aware of that, so she believed that they would move forward a little bit. She believed that there had not been best practice in terms of incorporating her recent feedback. By way of an example, she and her colleagues had wanted to be part of the discussion in Lima via conference call because the majority had been unable to attend the meeting, but they had not been given access to be part of the meeting, so that was something that she wished to raise as a concern in relation to the work of the WADA Working Group on Athlete Representation. She had offered to be part of the working group and her work and volunteering had been declined. She shared her concerns with the Executive Committee and of course asked Ms Scott to react.

MR KEJVAL spoke about the ombudsperson proposal. It was a very good idea. The NOCs were very enthusiastic about it. Many had their own independent ombudsperson: a totally independent body elected by the general assembly. The responsibility of the ombudsperson usually involved doping, harassment, gender and other legal issues. The work would be very beneficial. There were issues of language and accessibility, and it would be good to coordinate the work and be in contact with the local ombudsperson in relation to the decision-making process. That was the proposal that was already being worked on.

MS HOFSTAD HELLELAND thanked the president-elect for his initiative to invite the athletes, and she could see that the athletes were very inspired and very motivated to cooperate closely with the new president. She thought that they felt very involved, and she wished Mr Baňka and the athletes luck on the way forward in terms of making the athletes' voice strong within WADA. It was smart, for the matter of the ombudsperson, to take some time to see how the position could be the person or institution WADA wanted it to be, and the Council of Europe would contribute significantly, as it had a lot of good experience and expertise when it came to that. It was about rule of law and human rights and she thought that the athletes should take the necessary time to make the ombudsperson the one everybody wanted.

She also understood that the Anti-Doping Charter of Athlete Rights would be discussed in Katowice. That was a very important signal to send out to the athletes. It had been worked on for two-and-a-half years, and the Executive Committee and Foundation Board members had had the chance to provide feedback on what the athletes had been working on, and she thought that it would be a great conference in terms of supporting the charter and also sending out the signal to the athletes that the hard work they had done lately was very much appreciated.

MR DÍAZ recalled his proposal to provide guidance and help on the WADA Working Group on Athlete Representation. For the charter, the common position of the public authorities was to support it, whatever it ended up being called, but hopefully the Legal Department would provide clarity on one point. The concern, since the charter would be linked to the Code, was whether it was some sort of declaration or a legal document with legal implications. If the Legal Department could provide that clarification, that would be very helpful.

THE CHAIRMAN commented on the presentation of medals. The IOC was very keen that, if a medal was to be re-awarded, it be presented properly. For information, he had gone down specially to London to present a bronze medal to an athlete from the Beijing Olympic Games who had waited 11 years for her medal. He was pleased to say that it had been done during the Anniversary Games in London with 37,000 people in the stadium but, since the stadium held 70,000 people, there had been a few empty seats, and UK Athletics (not always the best organisation in the world) had kindly given her 100 free tickets, so she had been able to bring many more people to see her get her medal and have a celebration than would have happened had she had her medal in the stadium in Beijing

all those years ago. He strongly supported the feeling that athletes had that that should be done properly.

MS SCOTT responded to the comments by Ms Barteková on the practice of not permitting members to join by conference call. That was actually a policy that had been in place since 2017 and was designed to encourage members to join the conversation in person. They were all busy, that was for sure, but the most effective and productive conversations were those that were in person, so the Athlete Committee did not allow people to join by conference call. That was just a policy; it was nothing personal. Ms Barteková had referenced the WADA Working Group on Athlete Representation and her offer to volunteer for that group. Again, it was nothing personal, but the decision had been made early on not to include members specific to the different groups that would be consulted, so it had not been a consultative group, but rather a working group, not unlike the WADA Code Drafting Team, which was a small group of people working on a project and doing broader consultation. Given the tight timelines, it had been decided to keep the group small and consult with every group rather than trying to bring every group into the working group, so it would not have been possible to do that for the IOC athletes' commission without doing it for the IPC athletes' commission and World Players Association, etc. That was the basis of that decision.

She thanked Mr Kejval and Ms Hofstad Helleland for their comments and support on the ombudsperson proposal. She also thanked them for their support in relation to the charter.

In response to Mr Díaz's comment, she believed that Mr Young had addressed the concern about the charter being a legally binding document and he had answered that it was not. It was a document that outlined the rights of athletes that were already iterated in the Code.

THE CHAIRMAN said that, quite clearly, there was not total unanimity in the Athlete Committee about the question of representation and he was tempted to accept the offer from the public authorities to consider putting together a small working group to move that on because, as Ms Scott herself had said, the Athlete Committee had not come up with the perfect answer for the kind of representation that was sought. Mr Young would deal with the charter issue as part of the Code review and the ombudsperson proposal again clearly needed more work, and the example given by Mr Kejval of individual NOCs having their own ombudsman was something that perhaps ought to be built in. On that basis, he thanked Ms Scott for her report. There was work to do and the Executive Committee should move on.

MS SCOTT supposed that she had missed the part about another working group on representation. She asked if the suggestion was that another working group on representation was going to be created in parallel with the WADA Working Group on Athlete Representation that was already active.

THE CHAIRMAN responded that that was what he had assumed the offer was from the public authorities.

MS SCOTT asked whether that would supplement the work already done by the Working Group on Athlete Representation from the WADA Athlete Committee.

THE CHAIRMAN replied that he did not know the answer to that question.

MR DÍAZ said that, basically, the proposal was to provide guidance; if it had to be together, it really made sense. The proposal was to try to help create proper procedures to avoid any possible conflicts and any possible misunderstanding on the procedures, which was why he had requested the presence of the president-elect, who was somebody who had been close to the athletes, as well as, instead of political members, mostly experts in the field. That was the proposal.

MS SCOTT pointed out that there were currently external experts on the Working Group on Athlete Representation. The idea and the intention was to have a proposal by November at the World Conference on Doping in Sport, so she was not sure how the new working group would work alongside the existing working group. Perhaps that could be clarified.

THE DIRECTOR GENERAL stated that he was not sure he could clarify anything, but what he could do was liaise with the public authorities. The idea was not to replace the work already being done, and there was clearly discussion among the athletes about the work, but rather to get to a proposal that could be considered to be put on the table. Obviously, that had not progressed much since May and it was not an easy topic, so he would be happy to try to help and probably include experts already involved in the work, together with the government's experts.

MR GODKIN complemented the comments. The president-elect was not at the table, but reference had already been made to some initiatives that had begun, and he thought that those

needed to be taken into account as well as any external processes. The president-elect was not at the table and he did not want that to be overlooked in the process.

MR DE VOS added that the Olympic Movement supported the idea of the working group and, of course, the situation and representation of the athletes concerned everybody, so they would also like to be involved.

THE CHAIRMAN said that the Director General had offered to try to coordinate all of that, because the object of the exercise, as he clearly understood it, was that there be direct, proper further representation of the athletes around that table, and that was what WADA was trying to achieve.

DECISION

Athlete Committee report noted.

– **9.2 Athlete Representation Working Group update**

DECISION

Athlete Representation Working Group update noted.

– **9.3 Anti-doping Charter of Athlete Rights**

DECISION

Anti-Doping Charter of Athlete Rights update noted.

– **9.4 Ombudsperson proposal**

DECISION

Ombudsperson proposal noted.

10. Education

– **10.1 Education Committee report**

MR MOSES informed the members that he would provide a brief overview of the developments in relation to the WADA education activities, the details of which were already in the members' files. The most significant update to provide was that there was a standalone WADA Education Department, which underscored WADA's commitment to education. The new director, Amanda Hudson, had been a member of the committee for quite some time. She had moved from London to Montreal and brought a wealth of experience and competence, which she had shared as a member of the committee. She had previously headed a successful education programme at UKAD. She was very dynamic and capable and she had shown at her first meeting that she had a really outstanding level of leadership and dynamic personality that really brought a breath of fresh air into the mix. The Education Department, being new, would look to prepare a strategy with a clear focus aligned with the new WADA strategy currently in development, and that would involve managing the growth of the department and managing all the key developments happening in anti-doping, and he hoped that all would be able to collectively support the advancement of education as a core function of any anti-doping programme, ultimately supporting athletes and those around them to train and compete clean.

The key development was the impending adoption of the new International Standard for Education, and the international standard was the most significant advancement of education policy in anti-doping since the establishment of the World Anti-Doping Programme. That, allied with an enhanced education article in the new Code and the promotion of education as one of the key strategies in anti-doping efforts, all helped to strengthen not just education but also anti-doping and clean sport overall, and the stronger policy framework helped protect athletes by ensuring they had access to education and accurate information, helping to navigate what was becoming an increasingly complex anti-doping system.

A number of key principles had informed the policy development and he would talk about just two. First, an athlete should be educated before they were tested and nobody's first experience in anti-doping should be with a stranger asking them to urinate in front of them. Secondly, he noted that the majority of athletes wished to compete clean and that a significant number of anti-doping rule violations were inadvertent, and the hope was to change that, so providing better and more robust education helped support that majority to remain clean and reduce the incidence of inadvertent doping. That should be a concern and a common goal for all, government and sports.

He was very grateful to those people who had really supported the development of the International Standard for Education and welcomed the endorsement and approval of the Executive Committee. Once approved, one of the Education Department's priorities would be to support the implementation of the standard supported by stakeholders, in particular the WADA Education Committee. The committee was very active. There had been a lot of input and participation by committee members, subgroups had been formed with members volunteering time to support key initiatives including the drafting of the standard and, more recently, the development of the guidelines for education document, which would be a useful guide for stakeholders to develop education programmes.

The Education Department was also working with various stakeholders to develop an implementation plan to provide further support mechanisms for ADOs in 2020, and work was also going on with the IOC and other organisations to provide more effective support to anti-doping organisations in the pre-games period to enable them to help prepare and where possible educate their athletes and athlete support personnel prior to their arrival in Tokyo. There were still incidences of athletes arriving at the Olympic Games uneducated, causing a risk to themselves, their team, their country and the games themselves, so he hoped that WADA would be able to work together with the IOC towards the common goal of increasing the number of educated athletes participating in the Olympic Games.

The e-learning platform had been doing fantastically. ADeL continued its success in providing a strong base of knowledge for all users, with a number of ADOs using it as a key tool in their education programmes. Languages and courses continued to be added for all types of stakeholders and growth was exponential. The previous year at that time there had been about 6,000 users; currently, there were up to 60,000 people all over the world who were using the platform.

At the next meeting, the Executive Committee would be asked to approve the Education Committee recommendations in relation to the social science research grants. There would be a meeting coming up shortly to discuss that. The Social Science Research Project Review Panel was currently reviewing them post an independent peer review process, so the peers reviewed first and then the Social Science Research Project Review Panel, after which the Education Committee would discuss and bring forward recommendations for approval. That year, 36 applications had been received from a variety of countries, although the Education Committee continued to support and encourage a greater diversity of applications.

He was pleased to announce that, on completion of the WADA open tender process that year, hosts for the 2020 and 2022 global education conferences had been confirmed. The 2020 conference would be kindly hosted by the National Integrity of Sport Unit in the Australian Government supported by the NADO, ASADA, and the 2022 conference would be kindly hosted by the Agence française de lutte contre le dopage supported by the French Government. WADA would issue press releases on the matter on 26 September and he sought the members' support to promote and encourage participation in those events in light of the significant policy changes and, more importantly, the opportunity for education professionals to meet and share practice. He would be there to support all the stakeholders, and he asked the members to bear with them as they established themselves in the office as a new standalone department.

THE CHAIRMAN asked if there were any questions.

DECISION

Education Committee report noted.

11. Any other business

THE CHAIRMAN said that WADA was going to sign an agreement with a leading Japanese pharmaceutical company, Kyowa Kirin, and that was the kind of hopeful standard arrangement that WADA would have with leading pharmaceutical companies, which would give WADA evidence of their developing portfolio of substances and identify anything that could be used by athletes for illegal performance enhancing purposes. It was a very useful thing, and he asked the members to wait just for a moment whilst the members of the company signed the declaration.

DR RABIN announced that the WADA President and the members of the Executive Committee were honoured to welcome Dr Masashi Miyamoto, who was the Executive Director of the Board and CEO of Kyowa Kirin Company Limited, a leading pharmaceutical company in Japan and also a global actor in the pharmaceutical industry. The company had approached WADA some months previously expressing a desire to contribute to WADA's global efforts against doping in sport. Indeed, as a discoverer, manufacturer and developer of new medicines, which sometimes risked becoming doping agents, the company had taken the proactive approach of coming to WADA and proposing to

establish an agreement that would facilitate the identification of those drugs in the company's portfolio and give WADA the possibility of developing anti-doping tests before those drugs were made available to the public and sometimes unfortunately to the athletes. The activity fitted very nicely into Kyowa Kirin's corporate philosophy of contribution to the health and wellbeing of people, and even more so to the company's commitment to life, which was to stay sincere always, and which could be readily applied to the values of clean sport. He congratulated Dr Miyamoto and Kyowa Kirin on their willingness to contribute to clean sport and prepare an agreement to seal the cooperation between the two organisations. He asked the two presidents to proceed with the signature of the agreement.

Coming to the end of a long day, THE CHAIRMAN thanked the members very much.

He informed the members that they would be meeting in Katowice at the World Conference on Doping in Sport, which would be a celebration of 20 years of WADA, and he really would like the members to think of it as a celebration as opposed to yet another period of grinding out difficulties with problem countries. An extraordinary meeting of the Executive Committee would be taking place in January, probably at the IOC's wonderful new offices in Lausanne, and that was part of the governance rules that hopefully the Foundation Board would approve at the World Conference on Doping in Sport in Katowice. The Executive Committee would be back in May in Montreal, and there would be an Executive Committee and Foundation Board meeting on 16 and 17 May. The September meeting, the one dealing mainly with the Prohibited List, would be held in September 2020, he was not yet quite sure where, and then, in November 2020, he understood that the members would be meeting in the marvellous city of Istanbul, which was a very special place.

The members had in front of them, among other things, one of the few printed copies of the 2018 annual report, which was a splendid publication that gave a clear idea of the sheer scale of the activities of WADA and had already been picked up from the web-based edition by a responsible journalist in the UK who was very interested in accounts, so he congratulated the communications team for doing that.

The members had lots of little gifts and bags, effectively from JADA, in many ways celebrating the anti-doping efforts by World Rugby.

He thanked the hosts in Japan, the new colleague, the minister, and all the staff in that quite magnificent building in which the meeting had taken place, the interpreters and audiovisual providers who did fantastic work, and also WADA's own staff. It was all very easy to say it was hard work reading 1,800 pages; it was a formidable effort to prepare that amount of information for the members, and he congratulated Ms Withers and the girls and the Director General and his fellow directors and all of the staff.

There would be a dinner with the Japanese friends who had very kindly invited every citizen from Japan who had been on the WADA Executive Committee, and that made them pretty special people as far as he was concerned.

He thanked the members for all their work over a long and complicated day and declared the meeting closed.

14. Future meetings

Executive Committee – 4 November 2019, Katowice, Poland;
World Conference on Doping in Sport – 5-7 November 2019, Katowice, Poland;
Foundation Board – 7 November 2019, Katowice, Poland.
Extraordinary Executive Committee – 23 January 2020, Lausanne, Switzerland
Executive Committee – 16 May 2020, Montreal, Canada;
Foundation Board – 17 May 2020, Montreal, Canada;
Executive Committee – week of 14 September 2020, location TBC
Executive Committee – 11 November 2020, Istanbul, Turkey

Foundation Board – 12 November 2020, Istanbul,
Turkey
Executive Committee – 15 May 2021, Montreal,
Canada
Foundation Board – 16 May 2021, Montreal, Canada
Executive Committee – week of 13 September 2021,
location TBC
Executive Committee – week of 15 November 2021,
location TBC
Foundation Board – week of 15 November 2021,
location TBC

The meeting adjourned at 5.40 p.m.

FOR APPROVAL

SIR CRAIG REEDIE
PRESIDENT AND CHAIRMAN OF WADA