

**Minutes of the WADA Executive Committee Meeting  
15 May 2020, via videoconference**

The meeting began at 7.00 a.m (Montreal Time Zone).

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

THE CHAIRMAN warmly welcomed all the Executive Committee members and observers to the WADA Executive Committee meeting. People used the expression 'may you live in interesting times', so there they were, facing the invisible enemy and using advanced technology to meet virtually; however, he hoped that that would remain an exception and that the members would meet face-to-face soon. He also hoped everybody had received the message concerning the level of informality for the meeting and that ties had been left in the cupboard. Before starting with the day's agenda, he gave the floor to Ms Rodriguez, who was moderating that day's Webex meeting. She was the most important person that day, because she had the power to mute and unmute the members!

MS RODRIGUEZ greeted the members. She was WADA's event manager and would be the moderator for that meeting. Before beginning, she provided the members with some background information on the format of the meeting and an overview of the tool that was being used. She would share her screen. She knew that most of the members had attended the test presentation on the Wednesday but, as a reminder for those who had not been present, she ran through the features of the Webex meeting application very quickly. The members would see the 12 members of the Executive Committee and the official deputies. There were also the chairmen of the WADA standing committees, along with the WADA Director General, Mr Niggli. A few other people would join the meeting, including a few members of the WADA management team if they were required to contribute to the agenda. The participants that were on camera had control over their microphones and could intervene verbally in the meeting. The second category comprised the attendees, observers to the meeting, and participants in that category could not appear on camera, did not control their microphone and could not intervene in the meeting. She was the moderator and was there to assist the Chairman with the conferencing tool and to facilitate the interventions. Mr Witold Bańka, as Chairman of the agency, would of course retain control over the meeting.

THE CHAIRMAN said that the goal was to conclude the meeting as quickly as possible.

The following members attended the meeting: Mr Witold Bańka, President and Chairman of WADA; Ms Yang Yang, Vice-President of WADA; Professor Ugur Erdener, IOC Vice-President, President of World Archery; Mr Jiri Kejval, President, National Olympic Committee, Czech Republic; Mr Ingmar De Vos, Council Member, ASOIF, IOC Member, FEI President; Mr Nenad Lalovic, Executive Member, GAISF Council, UWW President, IOC Member; Ms Danka Barteková, IOC Member and Vice-Chair of the IOC Athletes' Commission; Ms Amira El Fadil, Commissioner for Social Affairs, African Union, Sudan; Ms Andrea Sotomayor, CADE President, Ecuador; Mr Yoshitami Kameoka, State Minister of Education, Culture, Sports, Science and Technology, Japan; Mr Husting, representing Mr Dan Kersch, Minister of Sport, Grand Duchy of Luxembourg; Mr Richard Colbeck, Minister for Youth and Sport, Australia.

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

The following representatives of WADA Management attended the meeting and contributed during various items: Mr Olivier Niggli, Director General; Ms Dao Chung, Chief Financial Officer; Mr René Bouchard, Government Relations Director; Mr Tim Ricketts, Standards and Harmonisation Director, WADA;; and Mr Frédéric Donzé, Chief Operating Officer; Mr Gunter Younger, Intelligence and Investigations Director and Mr Julien Sieveking, Legal Director.

The following guest speakers were present during relevant agenda items: Mr David Dellea, PwC and Mr Ioannis Meletiadis, PwC (Strategic Plan); Mr Ulrich Haas (US Bill on Anti-Doping, Rodchenkov

Act); and Ms Diane Smith-Gander, Chair, WADA Nominations Committee (Nominations Committee Report).

The following observers were present: Michael Vesper, Richard Budgett, Andrew Ryan, James Carr, Jean-Christophe Rolland, Christian Thill, Philippe Gueisbuhler, Santiago del Pino, Anthony Jones, Laurent Deville, Sergey Khrychikov, Machacha Shepande, Yewbzaf Tesfaye, Hiroki Toyooka, Hirokazu Kumekawa, Clayton Cosgrove and Bill Turner.

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

THE CHAIRMAN asked the members if they wished to disclose any conflicts of interest. In the absence of any request for the floor, he would continue.

### **2. Minutes of previous meetings**

THE CHAIRMAN drew the members' attention to the minutes of the previous meetings. There were three sets of minutes for adoption. The meeting on 4 November 2019 was the meeting that had taken place just before the World Conference on Doping in Sport in Katowice; the meeting on 7 November was the special Executive Committee meeting held to approve the Code and Standards, and had taken place on the last day of the World Conference on Doping in Sport; and the meeting on 23 January 2020 had taken place in Lausanne. There were also the minutes of the meeting held on 9 December the previous year, but that set was enclosed for information only, as it had been approved by circular vote in early January that year. Were there any questions on the minutes of the previous meetings?

MR HUSTING said that he wished to apologise on behalf of Mr Kersch, who would really have liked to participate in the meeting, but it had been impossible for him, being Luxembourg's Deputy Prime Minister and also Minister of Labour and Sport, so the strange period was quite a challenging one for him.

In relation to item 2, the European representatives approved all of the minutes, but wanted to raise one point in relation to the minutes of the meeting held on 4 November 2019 in Katowice: the document mentioned on page 9 the plan to set up a working group to review the implementation of the governance reforms. Europe regretted that that had been delayed and would have liked to understand the reason and the expected timetable for the implementation of the working group.

PROFESSOR ERDENER said that, as the Olympic Movement representative, they approved all the minutes.

THE CHAIRMAN thanked the speakers for their comments. Mr Niggli could correct him if he was wrong, but he believed that the issue mentioned by Mr Husting had been addressed in the Director General's report. Due to the exceptional situation, the agenda of that day's meeting was limited and some matters requiring robust discussion such as the working group had been postponed until later in the year.

THE DIRECTOR GENERAL said that it was on the first page of his report. It had been necessary to make a few choices in an attempt to keep the agenda for that meeting manageable and avoid keeping the members all day on a conference call, so the matter of the ethical rules and the working group had been postponed and he hoped to be able to restart that discussion in September or November, but it had not been deemed a priority for that day's meeting.

THE CHAIRMAN concluded that the minutes were approved.

#### DECISION

Minutes of the meetings of the Executive Committee on 4 and 7 November 2019 in Katowice, Poland, and on 23 January 2020 in Lausanne, Switzerland, approved.

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

THE DIRECTOR GENERAL welcomed the members. It was a pleasure to see them, albeit virtually. Most importantly, he hoped all of them and their families and friends were well. For the sake of efficiency and to avoid prolonging the meeting, he briefly gave the members a few updates based on what they already had in their files. He started by informing them that, in the Russian file and in particular in the current proceedings before the CAS, there had been (as had already been foreseen by WADA when writing the report) a postponement of the hearing for reasons linked to Covid-19, in particular the fact that the chairman of the panel came from Australia and was currently unable to

travel, so the meeting had been postponed and would take place in early November. Unless there were unforeseen events, he hoped that that would happen. It was clearly not a hearing that could easily take place virtually and a number of people would therefore be required to travel in order to attend.

Other elements he wished to bring to the table related to the strategic plan. There would be a full agenda item and a discussion on that shortly. The Finance and Administration Committee meeting mentioned in his report had been postponed to later in August (21 August) in the hope that by then, it would be possible to have an in-person meeting, because it was thought that, particularly given the current circumstances, it would be very important to have that opportunity. If an in-person meeting was not possible on 21 August, it would be held virtually. That was the fall-back position.

In relation to the strategic plan, it was the overarching document and he knew he was pre-empting some of the later discussion, but it was important to reassure everybody that, from the strategic plan, a very detailed operational plan was being developed, and that would link to the budget. There had already been agreement on figures for 2021 and 2022 and, in particular for the public authorities, WADA was clearly not intending to go above what had already been agreed, so the operational plan would prioritise in order to remain within the set limits. The following year, he would propose starting discussion on the subsequent years, after 2022, and the financial impact of the activities.

The final point had to do with the current litigation with the IMMAF, the International Mixed Martial Arts Federation, which had been going on for a long time. WADA had tried to set up a working group to come up with a new procedure in order to enable it to accept signatories to the Code. WADA was currently in a very peculiar situation, as it was being sued by the IMMAF before the Swiss courts, basically because the Global Association of International Sport Federations did not want to accept the IMMAF as a member and, therefore, under the current procedure, WADA could not accept the federation as a member. WADA was basically in the middle of that. He had said it already and he would repeat it: unless WADA came to some reasonable change in the procedure it applied, it would get a court decision that would force it into changing the way in which it proceeded. He was not sure it was in everybody's best interest to wait to have a court tell it what to do rather than meet around a table and find a reasonable solution that suited everybody. The work of the group had been disappointing. It was time for the group to move forward and be reasonable in terms of proposals made, and his plea was that everyone understand the urgency. Drafts had recently been circulated in the group and, for unfortunate reasons, one of the drafts had been leaked to the IMMAF, which had immediately filed it with the court, arguing that proceedings should restart as there had been no progress, so there were obviously people who would rather have a court decision than an agreed solution, which was unfortunate, but it also showed the importance of moving forward quickly. He therefore hoped to come to the Executive Committee with a concrete proposal by September. The Director of the WADA Regional Office in Lausanne, Mr Gillot, was available to answer any questions on that.

He would be happy to take questions.

THE CHAIRMAN drew the members' attention to the policy for the acceptance of new signatories. He understood all the considerations related to the case; however, taking into account the current claim against WADA, but also the fact that the goal for the Code should be to cover as many sports and athletes as possible, he appealed to the public authorities and the colleagues from the sport movement to progress and find consensus on the new policy as quickly as possible. He hoped that everybody agreed that WADA could not afford a further delay in adopting the policy.

PROFESSOR ERDENER thanked the Director General for his very comprehensive written report, which mentioned mainly points reappearing further down the agenda, but he also gave an update on the ongoing review of the Nike Oregon Project, which he welcomed. The Director General had also mentioned the situation of the IMMAF which had not been resolved. A hearing had taken place on 14 January at the CAS and a WADA working group was discussing a new policy for new signatories. As the Director General had also mentioned, it would be presented at the next Executive Committee meeting. Unfortunately, an interim draft had gone out to the IMMAF which was being used by the federation in the court case. He thought that the strategic plan would be discussed later on.

MR HUSTING referred to the RUSADA case. It was a topic of great interest for the European public authorities and he wondered whether WADA could keep them informed as to the progress of the proceedings, not only at the CAS, but also to disseminate all the available information among the wider anti-doping community. He commended WADA on its constant requests for public hearings, but asked for an update on the requests. He had not seen any official communication from WADA about the final decision in relation to the public hearings and he also wanted to know if there was still a possibility to have at least part of the hearing in public.

On the IMMAF, the members were supposed to have received a report at the Executive Committee meeting in May; as it was an important topic, he wondered when the report would be made available by the working group.

The third point not mentioned by the Director General had to do with the concerns of the Swiss authorities about the deputies of the Foundation Board members. It had come as something of a surprise to read that the Swiss authorities had some concerns about the Foundation Board members' deputies, so the first question was whether there were concerns only about Foundation Board deputies, or did they also include Executive Committee deputies? Had the WADA management already assessed the potential impact of the change on the WADA statutes and governance and was there already a timetable for planned actions?

THE DIRECTOR GENERAL thanked Professor Erdener for his comments.

He told Mr Husting that WADA was operating under the CAS rules for the Russian case, which required confidentiality. Therefore, WADA was providing as much as possible, but had to be very careful not to weaken its position or contravene the rules. Already, by announcing that it had requested a public hearing, it had been given a clear reprimand from the panel. He had updated the members on the dates. The proceedings were following their course in relation to the exchange of briefs, and there was nothing out of the ordinary in terms of what was going on. Until the proceedings were complete, it was confidential. Everything would be available for consultation once they were completed. In relation to the public hearing request itself, it had been refused by the court. That had been made clear and official, not so much by the court, but all parties had had to agree to it, and some had not, so there was nothing further that could be pursued and there was no such thing as a partial public hearing; it was either public or not.

On the IMMAF, he agreed. He hoped the working group would be able to progress the matter as quickly as possible, and he thought it was in everybody's interest to do so.

In relation to the Swiss authorities, it was a very interesting point. It had also come as a surprise to him that, suddenly, the Swiss supervisory authorities had an issue with WADA having Foundation Board deputies, something that had been in place since the beginning of WADA, so it was nothing new. However, having formalised everything in the governance reforms, WADA had drawn the authorities' attention to some of the practices that had been in place and which had perhaps been less formalised in the past. At that time, only the Foundation Board members were concerned because the Swiss authorities had jurisdiction only over the Foundation Board. The Executive Committee was created by the Foundation Board as a sub-committee or as a delegation of authority for a number of items, so the authorities were looking only at the Foundation Board. Secondly, no decision had yet been taken. WADA had received the information from the authorities as part of an informal exchange of letters, before they reached a ruling; therefore, WADA had already been in contact with them and tried to explain why the agency was somewhat different to typical Swiss foundations that were perhaps local, or the fact that there were other constraints with members coming from all around the world and, therefore, the level of representation sometimes made it difficult for the members to be there in person. WADA was trying to make the argument and explain the situation. WADA had also put on the table, because the worry came from the fact that, under Swiss law, the exercise of the function of a board member was eminently personal; therefore, board members were doing that on their own responsibility and should be exercising in person. Consequently, WADA was trying to make it clear (and it might require a few amendments to the rules) that deputies were representing the members and would therefore vote on instructions given by the actual members. Deputies did not come to bring their own views; they came to represent the members sitting there. WADA was trying to see if that might reassure the authorities that it was not creating two sets of members but rather that members would instruct their deputies when they went to meetings in their place. That was the situation. The ball was in their court. The WADA lawyers had written to the authorities and WADA was waiting to hear from them, but was not yet giving up on the arguments. He would, of course, keep the members informed as to developments.

#### DECISION

Director General's report noted.

### – **3.1 Strategic plan 2020-2024**

THE DIRECTOR GENERAL highlighted the fact that, since the discussion in January, the agreed process had been followed and there had been a workshop in March together with some representatives of the sport movement and the public authorities. As a result, a number of modifications had been made to the plan. There had also been an opportunity to discuss the plan again with the Athlete Committee, which had made a number of proposals that had been reflected in the latest version that the members had received. He hoped that the document met everybody's

expectations and that it would be possible to recommend to the Foundation Board that it approve it, because it was necessary to have that overarching document so as to then build on it, in particular the operational plan and the budget process for the years to come. Mr Dellea from PricewaterhouseCoopers would take the members through the situation.

MR DELLEA said that there had been a number of interactions over the past couple of weeks with many of the members, and he wished to recap what had been done since the previous presentation had been made at the Executive Committee meeting in January. The members had seen the screenshot setting out the whole journey. The group had started work in the middle of the previous year, getting an assessment and a clear understanding of the situation. Work had been carried out on determining, broadly speaking, the priorities and focusing on how to get that work done, by defining initiatives and KPIs, and one question that remained open and that was in the hands of WADA and was in the doing was really making sure that there was a budgeting process that started and that all of the work done to date fed into that. One point he wanted to highlight before going into greater detail was the difference between strategy and operation. It was very important to understand how to anchor the strategic plan and where the operational plan (which was the natural next step) fitted in. Some elements outlined the core difference between the strategic plan and the operational plan. On the left-hand side, in terms of the strategic plan, the focus was very much long-term, whereas the focus was very much on the next year, so short-term, for the operational plan. The strategic plan should be broad and give a sense of direction, whereas the operational plan was about being actionable in the short term. The strategic plan was transversal, so it really gave a top-down view across the entire organisation, while each operational plan was department-focused. The strategic plan was done by the senior management as a group, so across the entire organisation without boundaries, whilst the operational plan was by department. The strategic plan gave coherence to the operational plan while, from the bottom, the operational plan actually achieved the strategic objective coming from the top. The strategic plan, as had been seen also in the past (and the operational plan was testament to that), needed to be broken down to be actionable, and that did happen with the operational plan. Ideally, a strategic plan was transformational: it was about doing things differently, while the operational plan was about doing things better. That was an introduction just to anchor exactly where the strategic plan sat and where the operational plan sat.

Since August the previous year, the journey had been pretty long and the focus of the past few months had been very much on finalising the strategic plan and working on the operational plan. In terms of what had happened since January, there had been a virtual workshop with selected Executive Committee members or representatives in March, and they had discussed more in detail the strategic plan and given some insight into the work going on in the background by the senior management of WADA on the operational plan and strategic KPIs, which were also a very important aspect. As mentioned by the Director General, the Athlete Committee had been presented the same type of work, and some feedback had been collected from them some.

In relation to the operational plan, which had been going on in the background since January, there had been a workshop with each department to define priorities, and the group had iterated over multiple weeks the language and the 'flight altitude' of the operational plan to make sure it would be coherent and consistent across all of the different departments and so as to offer the senior management of WADA a good basis for prioritisation, the ability to understand how things compared, calibrate them and then take a decision on what was most important to go forward, given that WADA needed to be able to operate within the budgetary boundaries that it had, so that the strategic plan did not go above and beyond the budgetary constraints, hence the prioritisation through the operational plan. The iteration had been concluded and then the strategic KPIs defined as part of the strategic plan had been further refined as part of the operational plan, and he would show the members later what the document looked like.

Going back to the strategic plan, the members had received the document and he would like to open it up at the end of his presentation. The members had seen a number of suggested changes that he thought catered to the viewpoints of the different stakeholder groups talked to. He hoped that they were acceptable to everybody, as they really represented a shared viewpoint of what it would look like. The six strategic priorities remained the same. Not many changes had been made, although the athlete-centred point had been modified in an attempt to summarise the essence of it. Otherwise, the document had remained fundamentally the same. What had changed, and there were a couple of examples as part of the workshop, was that the plan needed to be executed within the funding approved to date, so it was not on top and above. More focus and emphasis had been placed on the fact that there was equal support from governments and the sport movement, and he gave a couple of examples of the language used. A new strategic initiative had been added on the implementation of the new Code by signatories, and the group had also emphasised the fact that the organisation needed to be able to leverage existing tools and platforms and then focus on efficiency. The essence was to place the emphasis on the fact that WADA was not there to reinvent or launch

new tools, but should make the maximum effort to leverage any of the tools available within the anti-doping ecosystem. As a result of the Athlete Committee meeting, the group had also come up with a couple of changes, and one of the most fundamental ones was on encapsulating the athletes' role across the strategic priorities, and the group had done so to really outline the fact that, ultimately, WADA's activities were to support athletes and the fact that the views of athletes were an important element in informing anti-doping policy. The group had included two additional initiatives as part of the athlete-centred approach, about having new communication mechanisms to seek athletes' views, underscoring how important it was to go out and seek their views and opinions, and then also having further effort on engaging with athletes to get feedback and their contribution to the development of anti-doping policies. That, in a nutshell, comprised some of the changes made since the version shared in January at the Executive Committee meeting.

The members would see some screenshots of the KPI document, which had also been looked at quite extensively over the past two meetings and had been shared for feedback. It was a working document, not something that would be fixed, as some elements were still moving, but it paid tribute to the efforts made by WADA to try to measure the impact it had across all the dimensions. The members would see an example of how WADA had gone about it, taking the strategic KPIs in the strategic plan which would be built down into an indicator, which would also be communicated to the members and the stakeholders at large in due course, in terms of how WADA was progressing; then, ultimately, what was under the hood in terms of actual metrics. That was the logic of the KPIs.

Then there was the operational plan, which was also a working document and currently work in progress, and it was the core tool for the Director General and the senior management to manage the organisation and make sure that they could make the departments within WADA accountable for delivering on the strategic objectives. A lot of work had gone into that. The slide on the screen showed one strategic project, so there was a clear description and an attempt to understand the benefits, who had what role, the dependencies, risks, timeline duration and eventually an initial estimate of cost. The members would see the significant planning work that had gone into bringing the strategic plan to life and, most importantly, a link was always drawn to the fundamental strategic priority and key initiatives within the strategic plan. In essence, the members were equipped with a direct link between the strategic plan and the operational plan back to back, allowing the members to make sure they were steering the organisation in the right direction. That was for strategic projects but also applied to business as usual activities, which were also very important and kept the ship going. There, the group had always tried to find the link to the strategic plan where possible. He showed the members the screen by way of an illustration. What was happening next would be the budgetary process for which, obviously, the work that the Director General had been carrying out on calibrating the different operational plans of the departments and the actual review of the budget 2020 would be key to defining the budget. That was a separate process; the group had not been part of that, and that was part of the usual process for budgeting by WADA.

In a nutshell, in terms of the big difference between the work done and the old strategic plan, the group had tried to summarise the key advantages of the new strategic plan compared to the old one: the old one had been very much focused on what WADA did, while the new one was focusing on what it strove to be and where it wanted to go; the old one had focused on everything that was important, whereas the new one was identifying priorities and determining where to set the focus; the old one had ascribed business areas, whilst the new plan broke functional area silos and had an organisation-wide view. It had been bottom-up, the sum of its parts, and it was currently very much top-down, there to give guidance in terms of implementation. With the exception of the areas of activities to be carried out, there had been nothing for which people could be held accountable, whereas there was currently a direct link to operational planning as part of the strategic plan, with concrete initiatives, indicators and metrics, which allowed the Executive Committee to hold the Director General and the senior management accountable to deliver the strategic priorities, and it allowed the Director General in turn to hold the middle management and the rest of the organisation accountable to deliver the operational plan. The group had tried to create a document that would be easy to digest, that could be shared with anybody outside WADA so that, within 15 minutes, they would all have a good grasp of what WADA was, what it did and what it was focusing on. He would be happy to take any questions from the members.

THE CHAIRMAN thanked Mr Dellea for the detailed presentation. Were there any requests for the floor?

PROFESSOR ERDENER thanked Mr Dellea for his really excellent presentation. On behalf of the Olympic Movement representatives, he wished to say a few words on the new strategic plan. As everybody knew, following the presentation in January and then, as Mr Niggli had mentioned, a working group meeting in March between the public authorities and the Olympic Movement, the plan had been revised and supplemented by PricewaterhouseCoopers. He was grateful that the proposals made had been taken into account. The new strategic plan was comprehensive and very substantial,

based on a detailed analysis. Meanwhile, the Athlete Committee had requested some mostly semantic changes, which he accepted. The video explaining the strategic plan had already been sent out and was very helpful. In his opinion, the plan should be recommended to the Foundation Board. Of course, implementation should be based on the already drafted KPIs, as Mr Dellea had also mentioned.

MS SOTOMAYOR proposed for the record that implementation through the operational plan should be within the budgetary limits approved previously. That was the recommendation being made on behalf of the Americas governments.

MR HUSTING supported the request made by Ms Sotomayor and also wanted to know whether WADA was considering conducting an independent evaluation of the strategic plan in 2025.

MR DELLEA thanked the members for their comments. He responded to Ms Sotomayor that, as outlined in the presentation, the strategic plan was not a revision of the budgetary constraints that had been approved. It was actually a tool so that the senior management would have the ability to determine priorities. There was no issue in that regard. He believed that that was the only point he needed to answer.

THE DIRECTOR GENERAL confirmed two things. First, from the management point of view, what Mr Dellea had said was true. As he had said in his introduction, for 2021 and 2022, for which there had already been an agreement on a budget limit, WADA would prioritise using the operational plan in order to stay within the agreed envelope, so there was no question and no intention of going above what had already been agreed. The intention for the management was to produce a longer-term plan the following year, allowing time for discussion for 2023 and 2024, on which there had not yet been any agreement, and therefore it would be possible to start the discussion as early as possible. In relation to the independent review, he was not sure. He thought the primary responsibility for reviewing the plan and enforcing the plan lay with the Foundation Board, which was responsible for ensuring that WADA was operating and following what was decided. Further discussion could be held, but the Foundation Board was responsible and would be receiving KPI updates on a yearly basis and would be able to assess the progress of the organisation, and the Executive Committee would have even closer follow-up in terms of how WADA operated and, if there was still a need for something else, it could be discussed further.

One thing that had not been raised but was important was that there were a few tweaks that had been made following the meeting with the Athlete Committee, and one suggestion that had been made the previous day was that, on page 15, regarding the focus in 2024 on the athlete paragraph, the athlete entourage had been left out, but the entourage of the athletes was very important, also when it came to the delivery of education programmes. So that there would be no surprise, in the final document to be approved by the Foundation Board, the management would add "*and their entourage*" to the end of the sentence referring to "*the contribution that our programme delivers for athletes*", so that they would both be captured in the sentence, as they were both part of the strategy.

MS EL FADIL greeted all the members of the Executive Committee and the Director General. The African Union supported the proposed strategic plan for 2020-2024 but wondered whether 2020 was the best year for that strategic plan. Everything had been interrupted since the start of the year by the Covid-19 pandemic, which had affected everybody, and activities had been postponed or cancelled, so how would it be possible to make the plan work in 2020 with Covid-19? The Director General had said that Covid-19 was far from over. It might affect the implementation of the plan in its first year, so how would WADA deal with that during the crisis?

MR SANDFORD said on behalf of the Athlete Committee that the strategic plan had been presented at its meeting on 22 April and the committee had really appreciated that and the quick turnaround from the feedback given as well, and it was great to see that that feedback had been taken on board in the strategic plan.

THE DIRECTOR GENERAL responded to Ms El Fadil's remark, which was an important one. He was not sure that the current situation would affect the overarching strategy, the strategic plan, although it would undoubtedly have an impact in 2020 on the operational plan and the revised budget. Postponing the Finance and Administration Committee meeting until later in August would give more time to try to assess the impact on operations and consequently the finances of the organisation; so, at the meeting in September and after the Finance and Administration Committee meeting, a revised 2020 budget would be presented along with an overview of the impact of the Covid-19 situation on the operations of WADA. The long-term strategy remained the same as described in the strategic plan.

THE CHAIRMAN added to the appraisal of the strategic plan. He agreed with the Director General that it was the primary responsibility of the Foundation Board to assess the implementation of the strategic plan. If the majority of members expected WADA to commission the external evaluation

study, the request would of course be carried out. He wished only to stress that it would be a costly exercise. He thanked the members for the fruitful discussion and thanked Mr Dellea and his colleagues for their assistance in the different stages of drafting the strategic plan. The Executive Committee would officially recommend the strategic plan to the Foundation Board for adoption.

#### DECISION

Executive Committee to recommend adoption of the strategic plan by the Foundation Board.

#### – **3.2 US Bill on Anti-Doping (Rodchenkov Act)**

MR BOUCHARD said that he would give a short update on US legislative activity in relation to the May 2019 Rodchenkov Anti-Doping Act (RADA). Since the WADA Foundation Board had met in November 2019 in Katowice, the act had continued to progress through the US legislative process. In October 2019, the bill had been approved by the House of Representatives; on 11 March, the US Senate Committee on Commerce, Science and Transportation had approved the act without debate. The next step in the process was consideration and approval by the full US Senate. No date had been set for a vote. Thereafter, the US president would have to sign the bill before it became law. In relation to WADA's position to date, the position shared with the relevant interlocutors in the USA, since the introduction of the bill in the US Congress, WADA had indicated that it supported the overall objective of the act, but it had also indicated that it remained concerned that, if passed in its current form, the bill could have an impact on the international anti-doping system. WADA had also indicated that, if the bill in its current form became law, it could fracture the harmonisation of rules of the global anti-doping programme. In addition, the legislation could have an impact on WADA's investigative capacity. It had also expressed the view that other nations could retaliate by enacting similar legislation with extraterritorial criminal provision.

There had been a number of meetings in Washington with the relevant interlocutors, and WADA had received different communications from a number of countries and NADOs raising concerns, verbally or in writing. There was one of the letters in the members' files from the legal advisor to the Council of Europe group. Another letter had been received the previous day from the Government of China. It was necessary to recall that WADA had been created with the joint desire and will of the public authorities and the sport movement to harmonise and jointly collaborate in the fight against doping in sport, so the bill went to the heart of WADA's mission, which was why WADA had offered the US authorities its entire cooperation to improve the bill. The members would hear the point of view of Professor Ulrich Haas from the University of Zurich on the bill. The members had an article written by Professor Haas providing background information and a detailed assessment of the proposed legislation. Following the presentation, there would be time allowed for questions, clarification and discussion.

PROFESSOR HAAS said that, when he had gone through the materials he had found in the US Senate Committee on Commerce, he had come across a quote. He wanted to start with that quote, which said ... *"if we don't act soon to preserve a level playing field – both here in the United States and around the world – we will be committing an unacceptable injustice to all those who believe in fair and clean competition"*. What was important to understand was that he subscribed to every single word in that quote. He was for a level playing field, of course he believed in fair and clean competition, and he thought that those standards should apply not only in the USA but of course all around the world. The starting point for everybody was clear. Everybody absolutely shared the common goals. The means to achieve those goals were actually what was being discussed. He wished to tackle a couple of the things in the quote in relation to the RADA. Looking at the situation in the USA, how would the RADA affect the situation there? He would say that the impact would be relatively minor because most sporting activity, or elite sporting activity in the USA, would not be covered by the RADA. The NHL, NFL, college sport and the NBA would all be excluded from the scope of the RADA. That was rather unfortunate, because the US Government, together with WADA, had tried for 20 years to get those sports under the umbrella of the Code. It was necessary to understand that, in about 80-90% of the elite sports to which the RADA did not apply, there was no protection for athletes and there was no protection of financial interests such as US sponsors or US broadcasting companies. Therefore, the impact on the USA would be relatively small. As to the impact worldwide, it would be considerable because the RADA provided extraterritorial application and that meant that the RADA would be applicable to sporting events abroad. Of course, there was a lot of legal debate among scholars as to whether or not a legislator should enact rules whose scope had an incidence outside one's own territory. At the end of the day, he thought that one would find some kind of legitimacy for extraterritorial application as long as one's territorial interests were targeted or affected. The question there was what US interests were affected. As he had said earlier, 80-90% of elite sports in the USA were not targeted by the RADA, and there would be no protection for athletes or of



financial interests, such as US sponsors or broadcasting companies, so why all of a sudden would US interests be targeted or affected if a sporting event were to be held abroad? Even more important to him was the question as to whether WADA needed extraterritorial effects, whether WADA needed a stakeholder jumping on the world scene and regulating the matter. There was an institution, WADA, which had been created to take the lead. It was a really powerful institution and there was nothing comparable in any other field of law. It was the main regulator, investigator and prosecutor and supervised compliance at the same time. Those were superpowers no other institution had on a world scale. So the question again was why another stakeholder would jump on the world scene. Looking through the materials of the bill, the members would find that there was an insinuation that WADA did not do its job. He would quote a couple of things from the report on the bill. It said, for example, that the Helsinki Commission position was that the international sport governing bodies such as WADA and the CAS had failed to address the problems underlying doping in sport. Witnesses had testified about the current state of anti-doping policy, the ineffectiveness of WADA and the CAS. Those were, of course, very strong words, but did that really capture the whole picture? Looking at the various fields in which WADA was engaged, for example, the regulations WADA had enacted, there was a 2021 World Anti-Doping Code that was the strongest ever. WADA had been congratulated on that by the US stakeholders. WADA had the strongest rules ever on Code compliance and had been congratulated by stakeholders around the world on having those strong rules. In addition, there was an institution that actively furthered the role of a prosecutor and did everything possible to get countries and signatories into compliance. Looking at the recommendations of the Compliance Review Committee, he did not have the impression that WADA lacked effectiveness or that WADA had failed to address the underlying problems of doping in sport. In terms of the effect of the RADA on the level playing field, his proposal was that, if one was steering a ship, it was better to have one skipper than two, the reason being because otherwise every skipper would use their own compass and, if the ship were steered by two different skippers with two different compasses, conflict would inevitably arise. That was also true looking at the RADA, because the RADA would disrupt the normative playing field. The RADA would not only tackle doping scandals by governments but it would tackle a lot of other things for which WADA already had the Code and different layers of laws would apply and inevitably lead to disruption.

The second issue to which he wished to draw the members' attention was that confidentiality and partial immunity were key to creating a climate favourable to obtaining intelligence. There again, several skippers on board, several prosecutors, several rules of law and layers one on top of the other would hamper the information pipeline, which was vital to uncovering future doping scandals. The members had created an institution accountable to the general public. Looking at the Executive Committee and the Foundation Board, everything was transparent and accountable. If there were a second skipper jumping on board, to whom would the second skipper be accountable? Having something like the RADA, he feared that there would be bandwagon effects. If people were allowed to jump on board and say that they were skippers, a lot of others would do exactly the same and, at the end of the day, there would be more skippers on the ship than people doing the job. He would even be willing to have a pragmatic approach, in that he would accept quite a few of the conflicts if they would really help to undo unacceptable injustices. If that helped undo those injustices, he would be prepared to accept a lot of things. But, if one looked at the remedies provided by the RADA, not a single medal, not a single cent of prize money would be returned to athletes on the basis of the RADA, so the most vulnerable people would not be protected by that bill. Secondly, what was necessary in the future was behavioural change. What would cause behavioural change? Would it be better to have criminal proceedings against a foreign government official? Would that provoke change in that country? Or would it provoke change if all signatories, acting together, boycotted on a worldwide scale the entity that had breached the anti-doping rules? That, he thought, would be a much more effective way to bring about behavioural change in the world. And finally, all governments had come together at a certain point in time to build a common legal framework for the fight against doping in sport, described in the UNESCO convention, and a couple of things in the RADA were in conflict with some of the provisions of the UNESCO convention. With regard to article 8 in the convention, he did not think that the RADA went in that direction. There was a provision in the convention that said that it accepted the lead of WADA, the dominant role of WADA in fighting doping in sport on a global scale. Why would one bypass and undermine such an institution if that was the goal? Finally, looking through the convention, every single point said that of course a national government could enact national legislation, but it would be appropriate, and appropriate meant trying to be in line with the Code, not undermining the Code, not making the work harder than it was already. There could be a couple of problems. In order to turn the page, he wished to say two things. The first was that the quote he had just presented was one from Mr Tygart and the second thing was that, just like the RADA, the quote needed only a little bit of twisting to turn it into something really effective that could act as a model for countries around the world. He would say: *"If we don't act soon to preserve a level playing field here in the USA and by strengthening WADA's role in the world, we will be committing an unacceptable injustice to all those who believe in fair and clean competition."*

*If we do not act, we also risk shattering the dreams of tens of millions of young kids around the world".* Then, he thought, the quote would be completely true. Having said that, he thanked the members for their attention.

PROFESSOR ERDENER observed that it was a really very difficult situation and the advice provided by the Director General in his report was very clear. Mr Bouchard and Professor Haas had also clearly mentioned something about the problem. There was a clear risk to the international fight against doping in sport posed by that legislation due to the extraterritorial jurisdiction, while accepting domestic professional leagues such as the NBA, NHL and NCAA, as also mentioned by Professor Haas. That supported the IOC statement issued on 12 March calling for harmonisation under the Code. That was important. The draft legislation undermined the central role of WADA, the Code and the UNESCO convention. There was also a letter on the table from the Council of Europe's advisory board on legal issues sent to the US representative on 9 March, and Europe should be asked to report on the response received. The Olympic Movement should voice its gratitude for the clear and substantial position and ask the public authorities to demand, in their own best interests, that the US abandon or at least reconsider that project.

MR HUSTING said that it was obviously a very sensitive issue, speaking on behalf of the public authorities, and therefore, as the European representative, he wished simply to inform WADA that an exchange of views on the US anti-doping act had taken place in March at the Council of Europe in Strasbourg, where it had been concluded that a meaningful dialogue on that matter with the relevant US authorities was necessary.

MS EL FADIL stated that the African region requested that WADA seek more information from the USA on the implications of the bill, especially outside the USA. Also, the bill might undermine the role of WADA's investigative capacity, especially when it came to whistleblowers. Therefore, it was necessary to be cautious, seek more information and have more discussion on the bill. That was the African position.

MS SOTOMAYOR asked about the impact of the approval of the bill on major event organisations and whether legal proceedings could be launched several years after a competition had been held. She wanted to know a lot more about the RADA, as Ms El Fadil had said.

MR BOUCHARD said that he would give the floor to the expert in the field in relation to the impact on the major event organisations. In relation to the comment on the need to have dialogue, he believed that dialogue was always productive, so he would leave his comment at that and ask Professor Haas to answer Ms Sotomayor.

PROFESSOR HAAS responded to the pertinent question asked by Ms Sotomayor. He thought that it would be applicable to all the major event organisations or those that had submitted to the Code. Proceedings could be lodged because the RADA targeted persons, and then there was a definition in the bill of 'persons', the concept of which was incredibly broad: it could be individuals, partnerships, companies, all other kinds of entities that could fall under the scope of the RADA. The only prerequisite was that those persons be implicated in a doping conspiracy; but, other than that, the scope extended to every single person around the world implicated in those 'conspiracies'. It could be a NADO in Japan or whatever country, it could be a major event organisation, it could be anything.

MS SOTOMAYOR made a recommendation. In order to enhance understanding, it would be important to establish a direct communication channel with the Government of the USA, so WADA could invite US Government representatives to a formal meeting to talk about the bill and have an exchange of opinion about controversial topics.

MR KAMEOKA stressed that it was extremely important that WADA approach the US Government so as to have dialogue. WADA had to protect its members and, as Professor Haas had said, it was necessary to seek harmonisation; so, by exchanging information and holding dialogue, it was highly likely that understanding would be deepened. He therefore encouraged WADA to do so.

THE CHAIRMAN thanked the members for their comments. Before concluding the item, he wished to make it very clear that WADA was not against the Rodchenkov Act or against governments using legislative powers to protect athletes in the fight against doping in sport; however, WADA had concerns about extraterritoriality and the protection of whistleblowers, so he believed that further dialogue with the US authorities was necessary to explain its position and better understand the consequences of the bill and make sure that it was in line with the WADA mission to protect clean athletes worldwide. Everybody welcomed the opportunity to hear from the US authorities' representative at the next Executive Committee meeting, so he believed that dialogue with the US authorities was essential to understand the views of the different stakeholders. He thanked the members for all their comments.

## DECISION

US Bill on Anti-Doping update noted.

### – 3.3 Covid-19 – impact on anti-doping

THE DIRECTOR GENERAL said that the item had been prepared to try to summarise in one place the situation in terms of the impact of Covid-19 on anti-doping in general and also on WADA operations in particular. He started by informing the members that the paper in front of them was still accurate. In terms of WADA operations, in Montreal and the regional offices in Tokyo, Montevideo and Cape Town, people were in lockdown, working digitally and remotely from home. Operations were going well. Coming from an older generation, he had not been expecting that it would work that well in terms of digital communications, but it was and people were being productive. He had also been expecting the level of work to go down after a few weeks of lockdown, and that had not happened: the level remained intense. That was good. The office in Lausanne as well as the presidential office in Warsaw had reopened, respecting of course the social distancing rules and so on. In Lausanne, there were fewer than 50% of staff members in the office at the same time. A plan was being prepared in Montreal for whenever things restarted, although there was currently no date for a return to the office. It was clear that it would be a long time before the old practices resumed, if ever, and remote work would remain an important part of the activities.

In terms of the impact on the budget, if the members had specific questions, the CFO would be happy to answer them. A number of important meetings had been postponed, including this very one and the annual symposium in Lausanne, and some other meetings; therefore, savings had been made. Some of the costs were being deferred. Obviously, the Tokyo Olympic and Paralympic Games were an example of deferred costs, from 2020 to 2021. There were also question marks on the level of income WADA would be able to collect that year, and it was probably too early to have a final view of the situation; that discussion would undoubtedly be held at the Finance and Administration Committee meeting.

He would ask Mr Ricketts to provide an update on the testing aspects of anti-doping under Covid-19. WADA had recently published new guidelines for ADOs on resuming their testing programmes, but under new constraints linked to the health situation. Mr Ricketts would also be able to provide an update on what had been done by organisations that had tried innovative ways of testing. WADA was also looking at the potential need to amend some of the rules, in particular for laboratories, in light of the current situation. There was the very simple example of the B-sample analysis, for which it was becoming almost impossible to meet the deadline for the requirements to do that within a certain period of time and have people travel to observe the opening of the sample.

MR RICKETTS said that he would focus on the impact of Covid-19 on the global testing programmes and what actions WADA had taken to assist the anti-doping community during those exceptional times in that particular area. Testing was one area that had gained a lot of attention, also in the media, based on the significant reduction in the number of samples being collected around the world. That had started to become evident in March, with around 9,000 samples being analysed (that was urine, blood and blood Athlete Biological Passport samples). That had then dropped to 550 samples for the month of April. Compared to the 25,000 samples collected in April 2019, that was a 97% reduction, which was very significant but also to be expected given the current situation. Of those 550 samples collected in April, a total of 30 ADOs had collected them compared to the 185 ADOs that had collected the 25,000 samples in April 2019.

The first communication on Covid-19 had obviously been with the Chinese NADO in early February. WADA had liaised closely with it on issues it had been facing with the virus and provided guidance where possible. Fast-forwarding to mid-March, many NADOs had started to announce that they were reducing or stopping their testing. In response to that, WADA had set up a dedicated Covid-19 section on its website and issued two documents, the first a guidance document to all ADOs on 20 March providing information and a number of recommendations to ADOs across all anti-doping programme areas based on what had been known at that particular time. The guidance document had also had input from the WADA NADO advisory group. At the same time, with input from the WADA Athlete Committee, an athlete question-and-answer document had been published, aiming to answer a number of key questions about which athletes might have concerns, and an updated question-and-answer document would be published over the coming days to ensure athletes had access to the latest information on the situation. WADA had of course answered many media enquiries on concerns about a lack of testing, including promoting the tools that WADA obviously had to assist during periods of reduced testing, including the Athlete Biological Passport programme, the long-term storage of samples to be collected immediately when testing resumed in countries and the ability to also gather intelligence and conduct investigations, and WADA had been encouraging ADO to monitor closely in that area. In mid-April, based on what had been learned and knowing that some

countries' restrictions were starting to be lifted, it had been felt important that ADOs be able to start testing again and get back up to full speed as quickly as possible. Therefore, in consultation with a NADO-based testing group, WADA had developed a detailed guideline on how ADOs could make a return to testing in a safe and healthy way whilst ensuring that procedures were aligned as closely as possible to the Code and the international standards. The result of that work was a 17-page guidance document published the previous week. The key principles of the document were that any testing planned was done in accordance with national government and health authority policy and also applied additional health and hygiene principles for testing missions to protect the health and safety of the athletes, sample collection personnel and others involved in the anti-doping system. That included a number of steps that had to be put in place before the sample was collected from the athlete, including a health assessment of the sample collection personnel, training of the sample collection personnel on personal protection equipment, such as gloves, face masks and sanitiser, and the correct hand-washing techniques to be used by the athlete and the sample collection personnel. Many of those recommendations were of course in line with those of the WHO. In addition, it was also important to communicate with the athletes, the NFs, the NOCs and NPCs in each country on the return to testing and additional measures that would be in place, etc. WADA would also be assessing the health of the athletes and those who might live with them by the doping control officer at the time of the test to determine whether or not they had Covid-19 or Covid-19-like symptoms, to establish whether or not the test should proceed at that particular time.

In addition, there was reference in the members' papers to three NADOs that had used the lock-down period to develop innovative and modified sample collection programmes so that some level of testing could continue in their country during the pandemic whilst also protecting the health of the athletes and the sample collection personnel. Those were Denmark, Norway and the USA. Since the paper had been distributed among the executive committee members, one other proposed programme, in the Netherlands, had been assessed, and just that week WADA had received further modified procedures from Hungary, although WADA had not yet completed its assessment of those. The three programmes proposed by Denmark, the Netherlands and the USA basically involved the athletes conducting the sample collection and sealing process themselves, and there was no witnessing of the sample by the sample collection personnel which would normally happen. Instead, the athlete was either connected to a doping control officer by video call or provided with an instruction manual and equipment to complete the process in their own home, again without the sample collection personnel being physically present. The sample collection equipment was either posted in advance and then collected by a courier (the USA system) or dropped off at the door by the doping control officer, who then waited in their vehicle to collect the samples from the athletes when they had concluded the process. In assessing the programmes, they did involve several departures from the International Standard for Testing and Investigations, mainly on the sample not being witnessed; therefore, it had the potential to be subject to various forms of manipulation. Some of the NADOs had put in place additional measures to reduce that, including measuring the temperature of the sample or subsequent DNA analysis of the sample; however, sophisticated dopers could still navigate those two areas. Having assessed the modified programmes, WADA had the role as the regulator to ensure the Code and standards were followed by all signatories; however, given the unique circumstances, it had also been felt that there was an opportunity to acknowledge and learn from the innovation of such programmes. In doing so, such programmes were considered by WADA to be temporary and experimental, which had provided a number of conditions under which the programmes should operate, including outlining the main departures, that the NADO would return to normal sample collection procedures as soon as current restrictions in their country permitted, and that the NADO committed to taking forward any potential anti-doping rule violation that might arise through the modified programmes knowing that the departures highlighted would likely be raised by the athlete in any result management process. The NADO was also required to notify all the IFs of the sports in which they had tested or planned to test athletes, outlining the modified programme and the departures it contained and also seeking their support in the implementation of such programmes. WADA also required that the samples that were collected under the temporary and modified programmes be recorded in ADAMS with clear references to distinguish such samples from other samples collected under normal procedures, and finally a commitment was requested from the NADO to provide feedback to WADA once the temporary programme had finished so that WADA could understand the impact of the programme and the pros and cons of its implementation as well as possible future work in that regard. In terms of the level of testing that the four countries had done in the month of April, the Netherlands had not collected any samples, and the restrictions in that country had recently been relaxed, which would allow for testing to be conducted under normal procedures. The programme would be used only if the athlete indicated that they or a person living with them had Covid-19 or Covid-19-like symptoms, so it was a back-up plan for the Netherlands. In Denmark, 13 samples had been collected in April; in the USA, 32 samples had been collected; and in Norway, which he had not yet mentioned, 116 samples had been collected through the system. The Norwegians were using a mobile camper truck converted into a sanitised doping control station.

The truck was driven around Norway, athletes were notified at their residence and the test was conducted outside the athletes' residence in a disinfected space, so samples in that situation were witnessed by the doping control officer and, of the four programmes, that one was the most aligned with the ISTI and WADA had made recommendations to other ADOs to consider using that type of programme if possible. A total of 161 samples had been collected under the four modified programmes out of the 550 that he had mentioned earlier for the month of April, so just under 25% of the total samples collected for that month.

In terms of looking forward, he was looking to review the impact of Covid-19 on testing programmes; so, based on what had been learned and what WADA would continue to learn during the pandemic, it was felt important to review the impact of Covid-19 on the testing programmes, including not only the effectiveness of the guidelines that WADA had just issued but also the outcomes of the modified testing programmes, with a view to potentially improving procedures in the future. It was felt that that could be done by using existing working groups that were already established and had a good cross-representation of testing and scientific expertise as well as good representation from IFs, NADOs and laboratories. That review was planned to take place later that year, hopefully when they were on the other side of the pandemic, and he would continue to report back on the outcomes of that. He would obviously also continue to monitor the pandemic closely and provide further updates to the anti-doping community as required. He would be happy to take questions on his summary of the situation.

PROFESSOR ERDENER thanked Mr Ricketts for his very detailed explanation and information. The Olympic Movement supported WADA's central coordinating role in the assessment of the worldwide impact of Covid-19 on anti-doping and in finding ways to continue testing, as well as the initiatives of several ADOs, which were exploring alternative ways of continuing testing during the pandemic, in particular the USADA remote testing with video link, Danish testing from the doorstep, checking temperature and genetic matches, and the Norwegian mobile doping control station, as also mentioned. Increased education and use of intelligence were advised as well as increasing deterrence through the promotion of measures such as the Athlete Biological Passport and sample retention and further analysis. The Olympic Movement supported flexibility in relation to the timing of funded research milestones in the current Covid-19 situation.

MR KAMEOKA thought that it was fantastic that a lot of work had been taking place in spite of the Covid-19 situation, and he was really grateful that such wonderful work had been done, such as guidance for the athletes and the question and answer document. He also thought that it was wonderful that so many countries were exploring a lot of innovative ways to tackle the issue, but he had also heard about some potential problems, such as the lack of witnesses or some other physical constraints. He understood that it was possible to learn from all of those trials. He understood that a lot of countries were trying out new innovative ways on a temporary basis; but, when thinking of the situation next year as the host country of the Olympic Games and Paralympic Games, it was also important to have something more fundamental or standardised, because everybody coming in with different rules and standards would make the job the following year very challenging. It was necessary to be prepared, bearing in mind that the pandemic might be around for a prolonged period, and have ways to validate the effectiveness of whatever programme WADA came up with. The Covid-19 pandemic was causing a lot of problems in the various countries and each country of course had different priorities and different schedules in mind, all of which meant that it was necessary to be prepared and work on a common goal and a common platform, so he urged WADA to continue working to come up with something more fundamental that could be carried out and implemented more easily. He thanked the members for their support.

MS EL FADIL commended Mr Ricketts on his comprehensive presentation. The whole world was working tirelessly to find lasting measures for clean sport, but had found itself with an unprecedented pandemic: Covid-19. There was therefore a need to find innovative ways and means to address the doping issues, in view of the fact that the perpetrators of doping could be taking advantage of the situation to cheat. Everybody was aware that, without normal competition schedules, the situation had created other worrying conditions for athletes, including physical, mental and economic issues. The challenge was the state of affairs related to doping and she appreciated the information presented. As the members continued to grapple with the new situation, how to ensure that athletes, NADOs and all the stakeholders remained compliant with the Code was the real challenge; therefore, it was important to have adequate response mechanisms in place. Everybody was aware that sport had the capacity to provide unique solutions to challenges, even for that unprecedented pandemic. She wished to suggest that WADA look at the sports being negatively affected and how to use sport as an avenue for intervention during the period of the Covid-19 pandemic. She mentioned that the African Union commission and the African sport movement had developed a plan of action to mitigate the impact on the post-Covid-19 period in particular with funding for sports. The bodies had met twice on the two levels and had devised an action plan on how the sport movement could be part of

the fight against Covid-19 in Africa. In addition, there would be a meeting with African ministers of sport in member states, and they would be called upon to have response mechanisms to deal with the impact, as well as awareness and advocacy campaigns to be established to draw attention to health practices, supportive structures and resource mobilisation exercises. She called upon WADA to join the initiative on the role of the sport movement in relation to Covid-19 and she believed athletes could play a big role in raising awareness and taking out the messages. It was also necessary to take care of the athletes themselves by creating special funds. Some member states in Africa had already established support funds. Everybody was in it together, and together they could find solutions. All should contribute to continuously fine-tuning the response mechanisms, mitigating any attempt to take advantage of the current situation which would compromise the efforts to fight against doping in sport. In spite of the situation, if everybody joined efforts, they would be able to mitigate the harm on the sport sector and also be part of the fight against Covid-19.

MR HUSTING thanked Mr Ricketts for his comprehensive report. He had been asked by many European countries to draw WADA's attention to the fact that the health crisis might have an impact on the entry into force of the new World Anti-Doping Code on 1 January 2021. It could call for some considerable legislative work by some countries, and that work was currently delayed or suspended due to the Covid-19 crisis. He also informed the Executive Committee that the monitoring group in Strasbourg at the Council of Europe had conducted a survey on the impact of the Covid-19 crisis and that the result of the survey could be shared with WADA if required.

MS BARTEKOVÁ observed that everything had already been addressed, but she wondered if she had understood correctly and whether the experimental testing methods had been taken as experimental as opposed to standard testing methods with a witness present during urine sample collection. Did WADA have a position or how would anti-doping rule violations be upheld for athletes if the tests were positive and it could be shown that the athletes had an adverse analytical finding? How would that be managed because of the special circumstances?

On information, it was unprecedented and athletes had been concerned from the beginning about the use of that time for other athletes to provide a window for doping, because it was not at a time when tests had been carried out. She believed it was important to communicate to the athletes everything that was being done. It was necessary to make sure that they knew that testing was going on, even in the specific circumstances, and that WADA was aware of the situation and wanted to protect their health. She also commended the WADA Athlete Committee on the issuance of guidelines for the athletes which were also shared through the IOC's Athlete365 network and commended WADA on great cooperation in terms of information because the more information, the better.

THE DIRECTOR GENERAL responded to the comments. He had nothing specific to add to what Professor Erdener had said. The members had the update from Mr Ricketts on the various innovative systems that had been put in place and he would come back to that when he responded to Ms Barteková. He agreed with the Japanese representative, and WADA intended to have a group look at innovative testing or the situation in terms of testing around the world to see if rules should be changed or not and what the standard should be, but WADA currently operated on the basis that, as soon as the health restrictions were lifted, normal testing should resume with the precautions indicated in the guidelines to safeguard health but no real deviation from the rules. However, as he had said, there might be areas, related to the laboratories, for example, in which WADA would have to tweak the rules, and it would do so well in advance of the Olympic and Paralympic Games the following year to avoid confusion in the lead-up to the big event.

He thanked Ms El Fadil for her comment. WADA would certainly be happy to be part of any efforts undertaken in Africa and would help where it could.

He told Mr Husting that it was interesting because, thus far, WADA had not been contacted by any country saying that it could not or would not be able to implement the rules by 2021. He understood and could imagine that, if parliamentary work was required, that could become an issue. Perhaps it was still too early to reach that conclusion. There was still time and hopefully things would resume. There was obviously a minority of countries that had a system requiring full parliamentary work and legislation to implement the Code, but there were a number that had that, so he would wait to hear from them and then address it with them. Nevertheless, postponing the entry into force of the Code would create a lot of disharmony, because some countries had already adopted the new rules and done the work, so that could create some confusion for a while, especially for the athletes. As such, he would rather address the issues if they were brought to WADA's attention by individual countries, but WADA had not yet been informed by any country. As far as the survey was concerned, he looked forward to seeing the results.

He told Ms Barteková that WADA had made it clear to the organisations that had done the testing that there had been deviation from the standards and, therefore, such testing could be considered

only experimental, although WADA had insisted that the organisation could try to prosecute athletes in the event of a positive test; but, to answer her question, he thought that the organisations might have a problem prosecuting the cases, so it was for them to mitigate the problem, perhaps by getting the athletes to agree to the deviation, he did not know, but WADA had clearly raised the problem with them and indicated the issue. That was why WADA had asked that the samples be distinguished from the other samples in ADAMS, to avoid any confusion and also, in terms of longitudinal profiles etc., it would be possible see that the samples had been taken under different conditions.

MR RICKETTS thanked everybody for their comments, questions and support of the work done to date. To add to what the Director General had said, he thanked Ms El Fadil for her comments. He welcomed the feedback from the African region as part of the overall review of the impact of Covid-19 and how to move forward.

In terms of compliance of signatories during that period, WADA had put in place some flexible measures for signatories, understanding the situation and being flexible on that approach; but WADA was continuing to monitor the compliance and activity of signatories and the Compliance Review Committee was due to meet in the coming weeks to discuss how the flexible measures would continue or whether they would be relaxed.

He thanked Ms Barteková for her comments. In terms of information to the athletes, WADA would update the current question and answer document on that. He knew that the athletes were anxious about being tested as well as gaps in certain countries, so they continued to work closely with the WADA Athlete Committee on that. Where gaps were seen when restrictions had been lifted, if gaps were being seen, WADA would obviously be sharing the information with the relevant authorities and trying to get testing back up and running as soon as possible under the revised principles provided.

THE CHAIRMAN thanked the Director General and Mr Ricketts. He agreed that, especially in those difficult times, it was necessary to work closely and cooperate for the future of anti-doping with all the stakeholders.

#### DECISION

Covid-19 impact update noted.

#### – **3.4 International Testing Authority – appointment of independent board members**

THE DIRECTOR GENERAL said that he would be extremely brief. The management had followed the process that had been agreed upon by the Executive Committee some years previously which was that, when the ITA wanted to appoint a new member to its board, it had to go to WADA. WADA evaluated it and then the Executive Committee voted on it. WADA had received the request from the ITA. Rather than setting up an ad hoc group to review the candidatures, the management had proposed using the existing Nominations Committee. The management had informed the Executive Committee of that in April and had received no objection, so had understood that there was agreement that that would be the way to proceed. The Nominations Committee had done its work, and the members had a comprehensive document before them. It had carried out the vetting and so on and had reached the recommendation that the two individuals, Ms Chantal Brunner and Dr Roger Jackson, from New Zealand and Canada respectively, should be appointed to the board of the ITA. He asked the Executive Committee to approve the nomination of those two individuals to the board.

PROFESSOR ERDENER declared that the Olympic Movement fully supported the appointment of the two independent members to the ITA board.

MR HUSTING stated that the European public authorities also approved the appointment of the two new independent members, but were somewhat concerned by the fact that, if they were not wrong, it had not been foreseen during the discussion on governance that the Nominations Committee would have the competence for vetting the ITA board members, or that its competence should be extended. Some of his colleagues from Europe had also asked WADA for more clarification on which independent criteria the assessment had been made.

THE DIRECTOR GENERAL responded that that was precisely why the letter had been sent out in April, to make it clear that, rather than appointing a new group, there was an existing group that had not existed back in 2017 and the idea had been to use that group to do the work rather than creating a new group. It had been deemed cost-efficient and sensible, which was why the letter had explained that it did not form part of the terms of reference, and that was why the Executive Committee had been asked if it had any objections. He did not think any objections had been received from Europe, so gathered that Europe had been comfortable with that. The assessment had been carried out based on the independence criteria that formed part of the ITA statutes; but, if he was wrong, Ms Smith-Gander could correct him. He thought that the ITA rules applied in that case.

MS SMITH-GANDER said that one of the issues that the Nominations Committee had had presenting the recommendation to the Executive Committee was that regarding the independence criteria. As the Director General had said, the committee had used the independence references in the ITA statutes and really applied the committee's sense of what would be appropriate. The committee did recommend that the executive committee should counsel the ITA to make it much clearer in the future, establishing what independence should look like in their specific setting. This had been included in the committee's report as members will have seen. She also thought it worth mentioning that in conducting their interviews with the ITA candidates, the two candidates had thought that they were in a competitive process and that this was very appropriate.

THE CHAIRMAN proposed following the Nominations Committee's recommendation and approving Ms Brunner and Dr Jackson as independent members of the ITA board. He saw no objections; both members were therefore approved by the Executive Committee.

#### DECISION

Proposed members of the ITA board approved.

### **4. Governance**

#### **– 4.1 Statutory/regulations**

##### **4.1.1 Endorsement of Foundation Board composition for Swiss authorities**

THE DIRECTOR GENERAL said that he would go through the various items. The Executive Committee would ask the Foundation Board to endorse its own composition, and that was a formality for the Swiss authorities. He did not think he needed to speak further to that.

#### DECISION

Endorsement of Foundation Board composition for the Swiss authorities to be put to the Foundation Board.

##### **4.1.2 Registered signatories**

THE DIRECTOR GENERAL referred to the proposal to make sure that the Vice-President was registered with the Swiss trade authorities to have the power to sign collectively, so that was also a formality that would be requested.

#### DECISION

Request in relation to registered signatories to be put to the Foundation Board for approval.

##### **4.1.3 Proposed indemnity allocation – vice-president, independent members of the Executive Committee**

THE DIRECTOR GENERAL said that the Foundation Board would be asked to approve proposals in relation to the introduction of remuneration or an indemnity for the vice-president and the two independent members of the Executive Committee. That discussion had been held in January and the Nominations Committee had actually proposed some sort of indemnification of independent members because, in order to attract people, it had been felt by the Nominations Committee that there should be some compensation for the time involved being an independent member, and at the same time there had been a request that, in those circumstances, the vice-president also be indemnified. The proposal was to get the Foundation Board to accept that and then to include that in the regulations once approved. The Swiss regulatory authorities had been informed by WADA in its informal conversation with them. That appeared to be acceptable and the authorities seemed to be in agreement. That concerned Executive Committee members and not Foundation Board members. The indemnification was for the two independent members who were in the Executive Committee and not the Foundation Board; but, for the vice-president, that concerned the extra burden of the Executive Committee and not the Foundation Board because, if it were the Foundation Board, it would be more problematic for the Swiss authorities. If the Executive Committee was comfortable, he would recommend that the Foundation Board accept the proposal and then it could be put to the authorities.

THE CHAIRMAN asked if there were any comments or questions.

PROFESSOR ERDENER stated that the Olympic Movement supported all three proposals.



THE CHAIRMAN asked if the Executive Committee could recommend all three items to the Foundation Board for a decision.

#### DECISION

Proposed indemnity allocation for the Vice-President and two independent members of the Executive Committee to be recommended to the Foundation Board for approval.

#### – **4.2 Nominations Committee report**

##### **4.2.1 Independent members of the Executive Committee**

MS SMITH-GANDER said that she would attempt to share her PowerPoint presentation with the members. She was pleased to present the Nominations Committee report to the Executive Committee. She would cover initially the independent Executive Committee members and then make some further observations.

The Nominations Committee had asked her very specifically to share with the members their approach, which was grounded in a strong belief that fulfilling its role as best it could was integral to the governance reforms WADA was trying to embrace; so, in considering the independence of the Executive Committee, it was very much the committee's understanding that WADA was trying to achieve good governance by way of two strong independent members around the table, who were put forward for consideration by the Nominations Committee from the sport movement and the public authorities.

The process that had been undertaken for the ITA appointments should not be used as any precedent as regards the Independent Members of the ExCo. Initially it had not been a unanimous view of the Nominations Committee that it was even possible to undertake the ITA selection process. The Committee had agreed to assist to support WADA. The reason the Committee accepted the truncated process was mainly in the interest of the time schedule that the committee had been asked to meet for these ITA positions. Given that, as she had outlined earlier, there was not a definitive explanation of what independence was, it had been felt appropriate to move forward with the two candidates, to interview them, undertake reference checks, and then confirm them in the recommendations to the Executive Committee. The Nominations Committee had not been able to devise a similar process to allow them to make recommendations for the Independent Executive Committee members.

In its first report delivered in January, the Nominations Committee had advised a set of considerations that it believed were incredibly important to embrace in order to encourage gender and geographic diversity and to bring a very different set of skills to balance the Executive Committee and that it was important to deliver a sizeable pool of candidates for selection rather than confirmation, and there was a quote from the report she had given before. As a result of the candidate pool process which had been conducted, there had been three candidates received, and the committee had been unanimous in its agreement that given the size, there was the need to look at the independence criteria and that was the first independence criterion before moving to the more stretching requirements for the Nominations Committee, for the independent members of the Executive Committee. That first independence criterion was that there should not be any past or present relationships or circumstances that could affect or appear to affect independence. The real integrity of the process as it currently stood to deliver that independence was actually underpinned by how many candidates were in the pool. The Committee is of the opinion that, by definition, the very fact of having only one candidate that is merely confirmed by the Nominations Committee creates the very circumstance which appeared to deliver non independence. Perhaps this might appear a semantic or definitional point, but it was very much the opinion of the Nominations Committee that, if the public authorities and the sport movement provided one candidate only and the Nominations Committee was purely asked to confirm that candidate, it immediately set a circumstance that questions the robustness of the process, and it immediately created a circumstance that therefore appeared to affect the independence of those candidates, and that was the rationale behind the lack of a recommendation.

Further observations related to the point that a very robust process would have the sorts of steps whereby a profile was defined as had been done and, instead of resumes received and then reviewed to allow a targeted selection interview guide to be prepared so that interviews could be conducted, analysed and then a set of questions identified for independent referees and the conduct of reference checks, and that was the process that had been followed for the Compliance Review Committee chairman.

The committee also believed that the independence criteria as defined could well be enhanced by formally setting cleansing periods or cooling-off periods between when somebody finished in a role and was seen to have gone through enough of a period to have become independent, and as existing in the corporate world, that might be three years but, in other settings, six months. It had been felt important to make a decision about what comprised an appropriate candidate pool and to create stronger candidate activation processes, with perhaps more of an open call for nominations and advertising, if not enough candidates arrived to mandate what the process would be to remedy the lack of candidates in the pool. The Nominations Committee would recommend a 12-month period, for candidates who were otherwise qualified but could not meet the independence test, and suggested that six to eight candidates would be a sensible pool size.

MR COLBECK thanked the speaker for the report and thanked the WADA management for the update. He noted the proposal to defer the appointment and the public authorities group supported that proposal. He agreed that having a strong field of candidates was important and suggested that the countries look at their own activities to ensure that there was an appropriate pool of candidates to be considered as part of the process. He noted the Nominations Committee's proposal to amend its regulations to, among other things, provide authority to source candidates for nominated positions. The public authorities acknowledged that the option should be explored to ensure that strong candidates could be put forward; however, the proposed amendment that would allow the Nominations Committee to source candidates was likely to create some issues in relation to conflicts, and it did not align with the WADA Working Group on Governance Matters recommendations with respect to that matter. As the Nominations Committee had been established a relatively short time previously, the public authorities proposed not changing the regulations at that point in time.

MR DE VOS spoke on behalf of the sport movement. He thought that it was necessary to make a clear distinction between the two points in the agenda: 4.2.1, which concerned the proposal to put forward candidates to be independent members of the Executive Committee on the one hand, and the eventual review of the regulations on the other hand. Those were two different processes. The sport movement believed that the Nominations Committee had rules that were applicable and should work within the mandate given to it under the current rules and not under a mandate for possible future rules. In those actual rules, there was no mention of the minimum number of candidates to be proposed by the public authorities or the Olympic Movement. The proposals that had been made were completely in accordance with the rules.

It had been made clear on several occasions, and that had more to do with a discussion under 4.2.3, that the sport movement believed that, when it came to the independent candidates for the Executive Committee, it was the role of the Nominations Committee to vet the candidates, and in that regard the sport movement fully agreed with the public authorities that the Nominations Committee should not have the role of actively seeking candidates, because that could mean a very serious conflict of interests. That was not possible.

In relation to the vetting, as he had said previously, there was no minimum number of candidates required in the regulations and the Nominations Committee was bound by the applicable regulations for the time being. Therefore, he saw under 2.2 of the Nominations Committee report that, although there was that concern of the Nominations Committee, in the end, it had reached the conclusion that the candidates had been vetted and no concerns had been raised by the Nominations Committee. There had still been the possibility, in the event of concerns about the independence of candidates, for the Nominations Committee to have made that point and it could have rejected a candidate or refused to vet them, which apparently had not been the case.

It was necessary to look at both points separately: first, the job of getting two independent executive members proposed to the Foundation Board; next, as there was nothing against those candidates, he believed that they could be proposed to the Foundation Board for election. In relation to the eventual review of the rules, the sport movement thought that there needed to be a separate process and it would be possible to discuss how to take that further, maybe by creating a commission or a committee to look at that. Again, whereas some of the proposed amendments made absolute sense, the sport movement really had reservations in relation to the point about giving the Nominations Committee a mandate to look for candidates should it feel that there were not enough candidates proposed by the relevant bodies.

MS SOTOMAYOR spoke on behalf of the representatives of the Americas governments to say that transparency during the process was important and the election of two newly independent positions was a matter for deeper debate, as Ms Smith-Gander had referred to considering waiting for a new person in the Executive Committee to analyse the final research in relation to those matters.

MR HUSTING recommended deferring the appointment of the independent members and also deeply regretted that so few candidates had been submitted by the stakeholders and would like to review the current process involving the Nominations Committee, public authorities and the sport

movement with a view to identifying issues that had prevented a number of applications being put forward and finding a suitable proposal and solution to that. He also had a question for WADA on the candidates who had already been nominated and whether they would remain in the process. He would have further comments to make under item 4.2.3.

MS SMITH-GANDER responded to the comments. The Nominations Committee acknowledged that there had been no vetting concerns identified, but the committee had not been unanimous in the view that the Control Risks vetting was even necessary to be undertaken because the members had felt that given none of the candidates actually met the independence criteria. She had chosen to launch the Control Risks vetting because she had been hoping that in this way the process would be able to move forward. She had wanted to clearly point out that the Nominations Committee had been unanimous in its view that the candidates were not independent and the reason that it had proceeded to Control Risks vetting was to try to aid the process. She had taken a decision as chairman to attempt to move to a compromise position and that, moving to the vetting, given the time that vetting would take to be complete in current circumstances this was in her view sensible to try to avoid delay. She needed to make it very clear that the fact that vetting had proceeded was not any sign from the Nominations Committee that the candidates were considered to be independent. The Nominations Committee absolutely acknowledged that, within the current rules, it had certainly been the right of the nominating bodies to present one candidate, but she thought in Lausanne she had tried to make very clear the difficulty that that would give the committee given the definitions of independence. She apologised for the poor sound quality.

THE CHAIRMAN asked if anybody had any further questions.

MR DE VOS thanked Ms Smith-Gander for the clarifications. It was a bit confusing then to read in the report that there had been no concerns raised about any of the candidates. He thought that the sport movement could agree with the public authorities' proposal, given the complexity of the whole matter, to postpone the two points, preferably to an in-person meeting because, also given the network connection problems, it would be very important to clearly understand the position of the chairman of the Nominations Committee and that of the public authorities. He fully agreed to defer the matter to a future meeting, preferably in-person.

THE CHAIRMAN concluded that the independence of the proposed candidates had been questioned by the Nominations Committee, so he thought that the Executive Committee had no other choice than to re-start the appointment process with the aim of ensuring that more candidates were proposed. On amendments to the regulations of the Nominations Committee, there was no consensus on the amendments proposed by the Nominations Committee, so he suggested establishing a small working group, as had been done for the strategic plan, comprising public authorities, sport movement and Nominations Committee representatives to discuss the possible amendments and agree on a proposal for the September meeting. Did the members agree?

THE DIRECTOR GENERAL said that he agreed with the Chairman, but wished to point out that the process in relation to the appointment of independent members was extremely important. Process was sometimes more important than the outcome. He therefore fully supported the proposal. He thought that there should be a discussion between the Nominations Committee and the two parties so that they would understand each other better in terms of process. Fair points had been made on both sides. In terms of timing, it would be good, and an attempt would be made to hold the discussion as early as possible. If it was a small group, it might be possible to hold it digitally, so as to be able to come forward in September with some kind of recommendation to go to the Foundation Board in November. It was necessary to progress things so as not to create too much delay. There had been a question from Europe as to whether the nominated candidates would remain in the race. His current answer was yes. Once the Executive Committee had agreed on the process, the Nominations Committee would do its job and come forward with recommendations. It was necessary to re-discuss process. Everybody needed to understand that this was a first. They were learning as they went along, there were some hurdles along the way, and he understood the difficulties but he thought that they could be solved through dialogue. That was a good way forward.

THE CHAIRMAN thanked the Director General for his clarification.

MR LALOVIC sought to understand whether that meant that, if there was only one candidate, they were not independent, or had he misunderstood something? That was the position of the Nominations Committee. What made the person un-independent, or dependent, if they were the sole candidate? He did not really understand and apologised for intervening.

MR DE VOS said that, in relation to the procedure, he would be fine with a digital meeting, but wanted to make sure that, until then, nothing would change in terms of the process, that it would be kept on hold and existing candidates would not be excluded, nor would additional candidates be requested. To support what Mr Lalovic had just said, he did not understand what the chairman of the

Nominations Committee had said about none of the candidates meeting the independence criteria, because the sport movement was convinced that the candidate for the Olympic Movement was completely independent and had had a much longer cooling-off period (around 10 years) than the one-year period proposed. He just wanted to make the comment for the minutes and keep the process on hold until the point had been clarified and a clear procedure had been agreed upon by the parties.

MR HUSTING stated that perhaps he had misheard but, if he had understood correctly, the Chairman had said that the process would be restarted. That was slightly different to just deferring the process. Was there a difference between restarting and deferring the process?

THE CHAIRMAN responded that, on the question asked by Europe, there was no difference. In relation to the other questions, he asked Ms Smith-Gander to clarify her opinion.

MS SMITH-GANDER said that, looking at the candidates that had been presented, in each case, the Nominations Committee had been looking at people who had long history as members of the Foundation Board, as executives or officials and administrators in anti-doping and so, in each of those cases, it had been felt that that demonstrated a lack of independence, that somebody looking from outside, seeing people nominated in that way from within that pool, would not regard these candidates as independent. At the risk of embarrassing somebody who was on the video conference, in Lausanne she had pointed out that, in the candidate who had since become the chairman of the Compliance Review Committee, there had been somebody who would have met the independence test and who did meet the independence test very clearly, and that was one way of the Nominations Committee trying to paint a picture of what somebody looked like who brought that complete independence, that really different skill set and came from a different group than normally might be nominated to the Foundation Board or the Executive Committee. In Justice Wood, the Nominations Committee members had seen somebody who had not been involved in anti-doping in a deep way in the past but who was very engaged with sport integrity and compliance and forensic matters, with an extremely good skill base for the sort of work of both the Compliance Review Committee or the Executive Committee, and these were the sort of candidates the Nominations Committee would very strongly encourage the Executive Committee to try to activate for the independent members of the Executive Committee. There could never be a question that their past activities or relationships would see them as being not independent. She was finding it difficult to explain and hoped that she had made it a little clearer, but she did think that it important to talk these matters through because the Nominations Committee had been unanimous, very consistent, on those points and that was why she felt she could be quite strong and consistent and tenacious about the matter. She did know that it was causing problems for the Executive Committee and she very much apologised for that, but she thought it was something worth fighting for. That was her response to those interventions.

MR DE VOS apologised, but it was really a very important topic and he had to say with all due respect that the answer from the chairman of the Nominations Committee did not make it easier. That was asking for an in-depth discussion about if somebody with past knowledge, even dating back a long time, of anti-doping matters would be seen as not independent. He could not understand but, again, that was perhaps due to the type of meeting taking place. The more it was discussed, the more it became complicated, so he insisted that it be dealt with at an in-person meeting, as it needed thorough discussion and review and a very good understanding of what each party meant. He proposed putting it all on hold until there was an opportunity to discuss it in person. Might that be possible? It would be better take more time to get the right decision than to rush it.

MR COLBECK said that he thought it was a very important and fundamental question for the Foundation Board. Thinking extremely carefully about it, and in his view, as somebody who was newer around the table, it went to some of the things that had been discussed even that evening and issues related to the strategic plan and how the organisation was perceived internationally in terms of what it was doing, and perhaps even had some reflection in relation to the activities of the USA in its proposed legislation. He thought that a very strong message was being sent to the Executive Committee by the Nominations Committee. It was a difficult decision for the committee to make but it went to what the Executive Committee proposed it ought to be doing in defence of the integrity of sport globally, and he urged colleagues around the table to think about that extremely carefully. It was a very important point being made, about having somebody at the table who could take a completely and utterly independent view of the decisions being made in the interests of the integrity in global sport in respect of anti-doping, and so he quite strongly supported the content of the report made with respect to the nominations received that day and he urged his colleagues to consider very carefully the comments made by the committee chairman which he thought were quite important for everybody.

THE CHAIRMAN observed that there was no consensus, so his proposal was to postpone the decision and re-discuss all the issues in the working group.

## DECISION

Decision on independent members of the Executive Committee postponed. Small group to be established to re-discuss and examine related issues.

### **4.2.2 Permanent Nominations Committee**

THE CHAIRMAN referred to the discussion at the previous Executive Committee meeting in January. It had been proposed that the members of the inaugural Nominations Committee be appointed to the permanent committee, with the result that the following permanent committee composition had been proposed to the Executive Committee for approval: Mr Stewart Beck, independent member, one year; Ms Regine Buettner, independent member, two years; Ms Diane Smith-Gander, independent member, three years; Mr Kelly Fairweather, sport movement member, two years; and Ms Maja Makovec Brenčič, public authorities member, three years. Were there any objections? If not, the members of the permanent Nominations Committee and the terms of office were approved.

## DECISION

Proposed members and terms of office of the permanent Nominations Committee approved.

### **4.2.3 Amendments to regulations of Nominations Committee**

Item referred to under 4.2.1.

## DECISION

Decision postponed.

## **5. Standing committee chair question period**

THE CHAIRMAN took the opportunity to warmly welcome all the newly appointed chairs of the standing committees and thank them for their readiness to lead their respective committees in the coming years. Committee reports had been provided in the members' files, so he asked all the committee chairs to be very brief when presenting their reports that day. The members would hear from all the chairs in alphabetical order of committee name.

MR SANDFORD thanked the chairman. It was his first Executive Committee meeting as the chairman of the WADA Athlete Committee and he thanked the members for appointing him. It was a huge honour to be the chairman of the WADA Athlete Committee and he looked forward to working with the Executive Committee members in the coming years. Those were obviously challenging times for everybody, and they were challenging times as well for athletes, creating a lot of uncertainty in relation to sport and anti-doping, and the Athlete Committee was working with WADA to answer those questions as quickly as possible and would continue to do so. The members had his report in their papers. He wanted to briefly go over some of the priorities.

The Athlete Committee had held its first virtual meeting on 22 April, and the first thing he wished to touch on was athlete representation in WADA. There had been an ongoing working group for the Athlete Committee over the past year. There was a new chair of that working group and it had been reformed in recent weeks and was meeting regularly and progressing that work and he hoped that, later in the year, it would be possible to present models to the Executive Committee based on the recommendations of the Athlete Committee.

The second priority on which the committee was working was developing the idea of an anti-doping athlete ombudsperson, and he thanked the WADA Chairman for his support on that. The Athlete Committee was in the initial stages of setting up a working group on that, and he would provide more information in the future, but he hoped to get the working group up and running very quickly and believed it was a project with a huge amount of potential.

Another of the Athlete Committee's priorities had been the Athletes' Anti-Doping Rights Act, which had been approved the previous year in Katowice and would, like the Code and the international

standards, begin its journey in the world on 1 January the following year. The Athlete Committee was talking to ADOs about implementation and he had been to a conference earlier in the year and spoken about that. The Athlete Committee would, with WADA, as part of its Code information and support programme, be providing a webinar to anti-doping organisations on that very soon. Obviously, as most people around the world were in lockdown, webinars had become a huge part of their lives and the Athlete Committee was also working on developing webinars focusing on issues affecting athletes and hoped to start rolling those out in the coming months.

THE CHAIRMAN thanked Mr Sandford for his report and asked the members if they had any comments.

MS BARTEKOVÁ thanked Mr Sandford for his report and wished to congratulate him on the record again, as she had done in January but without his presence. She commented on the work of the WADA Athlete Committee, of which she was also a member, on setting priorities and work to find the best model that suited the athletes within WADA, and the establishment of the ombudsperson and promotion of the Athletes' Anti-Doping Rights Act, which was really important. She also thanked him for the revised Working Group on athlete representation in WADA which she believed currently reflected diversity, and she believed and hoped that he would work progressively to find the best model. She could not wait for some of the outcomes.

She also wished to commend on the record the work of the WADA Athlete Committee in terms of providing support to the athletes in lockdown, as they had immediately found guidelines on the anti-doping policy during the coronavirus situation, and she encouraged him to do so with the committee members' support and also to make more effort when it came to the webinars on anti-doping education for athletes and, of course, to share expertise on testing and prevention with the athletes and bring the expertise to WADA. She congratulated Mr Sandford again on his appointment and looked forward to working further with him. He had done a great job thus far.

MR HUSTING noted that he had to raise the concerns of his European colleagues in relation to governance and transparency in the appointment of the Athlete Committee members. For many of his colleagues, that process had highlighted the urgent need to re-examine the standing committee appointment process as part of the ongoing governance review. He had also been asked to stress the importance of ensuring a proper balance between the public authorities and sport movement representatives on all the WADA standing committees.

MS YANG congratulated Mr Sandford on his appointment. She could see how much progress had been made, so she congratulated Mr Sandford and his team again. She wished to stress how important the WADA Athlete Committee was, because athletes were at the centre of all of WADA's efforts, so she encouraged the Athlete Committee to concentrate on all the topics that directly concerned the athletes and helped them in their personal contribution to anti-doping. One of the most important issues was education, from the beginning of their athlete career, and it meant prevention in practice, so she proposed very intensive cooperation with the WADA Education Department, which was crucial for the improvement of anti-doping efforts to help athletes from all over the world meet the requirements set out in the Code. She again congratulated Mr Sandford on his appointment.

MR SANDFORD commented quickly on the interventions. He thanked Ms Barteková for her comment and he totally agreed with Ms Yang. He thought it was good that Ms Kanouté, who chaired the WADA Education Committee, was also on the Athlete Committee. That was a really important connection, and the Education Committee did fantastic work and the education resources that WADA had were some of the best in the world, so making those available to athletes was really important. The webinars and making sure that the material could be promoted through webinars was vitally important.

On Mr Husting's comment about appointments, he would leave it to the Chairman or the Director General to respond, although he would just say that it was vitally important that the work of the working group happen quickly and, if the working group could come up with solid solutions supported by the Athlete Committee and if those were supported by the Executive Committee, athlete representation would be in a much better position in the future. He was very much aware that it was necessary to get those issues sorted as quickly as possible to avoid problems later on.

THE CHAIRMAN asked the Director General to clarify and respond to the question asked by the European colleague.

THE DIRECTOR GENERAL said that the chairman of the Athlete Committee had responded. In terms of balance between public authorities and the sport movement, he thought that WADA had tried in every committee to be very careful with that, but he did not want to go back to the discussion in January during which he had said that there had been no nominations from the public authorities

for chairs. As far as the nomination process for the committee itself was concerned, he did not want to spend more time on it. A vote had been taken by the Executive Committee and the members knew very well how the process had worked: it had been both transparent and democratic. Consensus would have been preferable. The governance reforms meant that the Executive Committee had had to vote and that was what had happened, so he did not think it necessary to go back on that. In the future, it was important to try to improve the situation and a working group to be set up to review the governance reforms would look at the new process in due course.

THE CHAIRMAN asked Mr Wood, the Chairman of the Compliance Review Committee, to take the floor.

MR WOOD appreciated the opportunity to participate in the meeting and introduce himself to the Executive Committee as the new chairman of the Compliance Review Committee, a position he felt very privileged to hold. He regretted that circumstances had not allowed for his physical presence that day, but he very much looked forward to a time when that would be possible. His summary of the Compliance Review Committee report would be necessarily brief because there was nothing he really wished to add by way of an update; however, it might be useful to note some of the key features of the work of the committee thus far that year.

The committee had met twice, once in Montreal in February and then by way of a virtual meeting on 30 March. The next meeting was scheduled for early August, although an earlier teleconference was also now planned in order to track progress in light of the way in which the pandemic had an ongoing impact on signatories. From a compliance perspective, it could be noted that ITF-Austria had been reinstated. There were currently no non-compliant signatories other than Russia. That remained subject to the CAS decision. The Covid-19 virus had had a significant impact on the work of all, and that had carried through to the review process the committee undertook at its meetings in considering possible non-conformities and possible non-compliance that might require some formal action on the part of the Executive Committee.

He would prefer to leave it to Mr Donzé to discuss a little later the flexible approach and measures considered necessary to adopt because of the pandemic, outlined in his compliance monitoring update. He could say, of course, that the measures adopted would be reviewed at the August meeting and again considered at the teleconference.

The committee had very much appreciated the opportunity to be involved in consultation and exchanges of recommendations in relation to the completion and release of the 2019 compliance annual report. That, of course, had been a first report and its structure as a template for future reports was seen to be valuable.

The committee was similarly appreciative of its involvement through consultation with the members of the internal taskforce leading to recommendations for the preparation of the 2020 compliance annual plan, which was in place as the internal working document and again provided a useful template for subsequent plans.

Finally, the committee had been involved in relation to the prioritisation plan, which it was hoped could be placed before the committee at its August meeting to consider any further input before it was referred to the Executive Committee.

THE CHAIRMAN thanked Mr Wood and asked if there were any comments or questions. He gave the floor to the Chair of the Education Committee.

MS KANOUTÉ said that, since it was also her first meeting, she wished to thank the Executive Committee members for her appointment. It was obviously a great honour to serve in the field of education and she felt that it was the ultimate brief to bring back the trust of athletes in the anti-doping system, so she was very grateful for the privilege and opportunity. That being said, the Education Committee had been unable to meet in person due to the Covid-19 situation; so, after consultation, the members had agreed to hold meetings virtually. It had been possible thus far to hold two meetings to replace the in-person meetings. She was pleased to say that most of the members had attended and she was also pleased to work with a very balanced committee, as far as gender, geographical location and skill sets were concerned. She was very grateful for that as well. She was also grateful to work with the WADA education team led by Ms Hudson, a very highly skilled team that the Education Committee was happy to support with guidance and expertise.

The first part of the meeting had been focused on welcoming the new members and ensuring that all members were aware of the governance structure, reporting requirements, terms of reference and overview of the newly formed Education Department. The second part of the meeting had focused on an update of the ISE to be launched in 2021 and its implementation, as well as an overview of the proposed WADA strategic plan. The committee was very pleased to see how the strategic plan really reflected education as a key priority for WADA and, again, a key engaging tool with the athletes.

To support the agenda, the committee would also be discussing the development of a working plan to move forward with a more structured way of working.

There had been three key outcomes to report: in relation to social science research, the decision had been made to postpone the call for proposals for 2020-2021 to October instead of April as was usually the case. There had been a decision for the Education Committee to develop guidance and measures to have ADOs during the pandemic disseminate effective education programmes. Another key outcome was in relation to the Code implementation support programme. The project was being led by the Education Department together with the WADA regional offices to create a support group to help ADOs implement and prepare for the implementation of the 2021 Code. It had been really successful and the Executive Committee could be very proud of the WADA Education Department in that over 2,000 new ADeL registrations had been recorded and over 3,500 views of resources already registered. The programme had started and there were some webinars planned in relation to the Code implementation support programme, so that was really also something that the committee had been discussing, and members of the committee had taken part in the project. In essence, that was the report of the Education Committee and she thanked the members for listening.

MR COLBECK referred to the proposed global education conference and where that sat in light of Covid-19. The officials in his department had been working really closely with WADA officials and he thanked all the officials for the work they had done to understand the situation with the pandemic but also to develop some options in relation to the conference, on which he would still be keen to continue to have some positive discussions. In place of October 2020, they were currently looking at new dates in 2021.

MS BARTEKOVÁ thanked Ms Kanouté for the report and congratulated her on her appointment; as Mr Sandford had mentioned previously, it was great to have a connection between the WADA Athlete Committee and the Education Committee. She had a comment on the use of the lockdown period for enhanced athlete education and she congratulated Ms Kanouté on the 2,000 new ADeL registrations and encouraged her to use the time while athletes were not training or had regular routines. They had time to spend at home on education, and perhaps social media communication should be used to promote education through the platforms.

MS KANOUTÉ thanked Ms Barteková for her kind words of encouragement. Obviously, there were already a lot of webinars and education sessions going on, and she had been very happy to witness the efforts ADOs were making all over the world to ensure some education was going on and taking advantage of athletes being at home. What the Education Committee wanted, as a regulator, was to ensure that that was done in a proper way and in a structured way that really fitted in with athletes' lifestyles, but also their locations. She knew that, in some places, for example in Africa, the Internet was not reliable, so radio shows were being broadcast. There was a wealth of webinars and education platforms; she had just wanted to ensure that WADA could also provide some guidance to athletes, and Ms Barteková was right, it was the time to do it. It was just a matter of finding the right communication channel to make the education efficient.

As to the Athlete Committee, she came from that committee, and from another IOC programme targeting athletes, so she was very much looking forward to working with Mr Sandford and using the Athlete Committee as the laboratory for any programmes in relation to athlete education. Education was obviously not only for the athletes, but they were the primary targets along with the entourage.

MS YANG congratulated Ms Kanouté. She had a question about the education of the entourage and wondered how that was set up. She also encouraged the Education Committee to have a specific education programme for the entourage.

MS KANOUTÉ thanked Ms Yang. She had been speaking about social science and what it had demonstrated was that, for any form of education to be efficient, it was necessary to educate the athletes, but also obviously the entourage. WADA had been very proficient in that field, and there was a wealth of education tools available on the WADA website and ADEL for the close athlete entourage, as it was known that the members of the entourage were key influencers of any decisions that athletes made. The first requirement was that the education needed to be values-based but also from the entourage. There were a lot of WADA tools available, and those of the different ADOs that had customised it, for parents, coaches and family members to be able to have some knowledge and have a positive influence on athletes when they were confronted with a decision to make on whether or not to dope. There was a lot of information already available for the entourage, and a lot of work had been done in that sense.

THE CHAIRMAN asked the Finance and Administration Committee Chairman to take the floor.

MR NG said that he was privileged to have been appointed to chair the WADA Finance and Administration Committee and he looked forward to working with the members to contribute to the



important work of WADA. He thanked the Director General and CFO for supporting him over the past two months. There was no further update to the written report. The change of the meeting from June to August had been reported by the Director General. The CFO and he would cover the other aspects of WADA finance under agenda item 7.

THE CHAIRMAN noted that any questions or comments could be put during the agenda item on finance later on. He asked the Chairman of the WADA Health, Medical and Research Committee to take the floor.

DR ENGBRETSSEN thanked the members for appointing him to the committee. He had already been part of it as a member for two periods, so he felt very privileged to now be the chair. He would refer to the List, research and laboratories.

The List had been sent out after the meeting in April and the documents were being circulated among the stakeholders for consultation with a 12 July deadline. The List Expert Group would meet in Montreal either virtually or in person in September and then the List would be reviewed again by the Health, Medical and Research Committee before being presented for approval to the September Executive Committee.

In terms of research, 72 projects had been sent in for grants that year and were currently being reviewed by independent external reviewers. Those comments would be discussed at the meeting in September and the proposals would be put forward to the Executive Committee after that meeting in September. One important thing was that research funds were getting smaller and smaller and most of the funds were actually being put into studies that were requested by WADA scientific and medical expert panels, meaning that there was very little left over for independent research funding. That was a problem.

On laboratories, after the problem, the number of operational laboratories remained low, but it was stable, about half the normal capacity, and some of the laboratories were progressively emerging from the pandemic and opening up, so hopefully it would become better.

He was an editor of the British Journal of Sports Medicine and a paper had been published recently by Dr Vernec from WADA on the prevalence of TUEs at the Olympic Games. There had been a notion that TUEs were so prevalent and those who had TUEs would win the medals. The study actually refuted that feeling and the inaccuracies and myths of occasional reports in the media had been sorted out, so that had been very good. He had covered the List, research and laboratories, and looked forward to working with the members.

## **6. Compliance monitoring update**

MR DONZÉ said that he would provide a little more information in addition to what had already been discussed earlier that addressed one of the points made by Ms El Fadil in terms of compliance monitoring. As the members were aware, compliance monitoring of signatories was one of the priority tasks at WADA, but it had of course been necessary to adapt to the current situation of Covid-19. There had been a number of ADOs that had had to reduce their activities and a number of ADOs that had had to suspend their activities, and therefore it had been necessary to adapt at WADA. In terms of what had been done, he made it clear that WADA continued to monitor compliance of signatories but had had to adapt its practices to the current situation and, following internal discussion and discussion with an approval by the Compliance Review Committee, starting early in April, WADA had taken a number of measures to be more pragmatic and flexible, bearing in mind the current circumstances in relation to compliance monitoring. That meant that, in terms of the signatories in the compliance procedure, WADA had decided to freeze the procedure and continue to work very closely with the relevant signatories to ensure that they could address their corrective actions. In relation to the signatories that had corrective actions to implement, WADA worked with them through the regional offices but without imposing the usual deadlines for compliance monitoring. That was, generally speaking, a more flexible approach. WADA still ensured that the part of development and addressing the corrective actions was being done by the relevant signatories, and it worked well, but it was necessary to take into account the fact that Covid-19 had had an impact on ADOs worldwide and on their work. A number of countries were deconfining, there was enhanced anti-doping activity around the world and WADA had acted accordingly.

There would be a conference call of the Compliance Review Committee, at which the members would be looking at the evolution of the pandemic and the impact the pandemic was having on ADOs and seeing how to move forward in terms of the approach to compliance monitoring activities. WADA continued to do its normal job. It had had to adapt and would continue to monitor the situation to see how it affected ADOs and the compliance monitoring activities, and continued to work on that on

a daily basis. That concluded his very short report, intended as a bit of a supplement to what had already been discussed.

## DECISION

Compliance monitoring update noted.

### **7. Finance**

#### **– 7.1 Government/IOC contributions update**

MR NG said that, since the written report, WADA had received from China, UAE and Bulgaria a total of 641,000 dollars and, as of 14 May, despite the challenges of Covid-19, 69.4% of budgeted public authorities contributions had been received, comparing with 81.6% for the same period the previous year. Overall, approximately 5.7 million dollars had yet to be received. On a continental basis, contributions from Oceania had been received in full. The countries yet to pay in Europe included Italy, Spain and Turkey (which between them amounted to close to 2 million dollars). He understood the difficult situation the countries were in and hoped the worst would be over for them soon and better days were coming. In Latin America, a total of 960,000 dollars were yet to be received from Mexico, Brazil and Argentina. WADA would probably not receive contributions from Venezuela for the fifth consecutive year, with 103,000 dollars to be paid for 2020. In Asia, a total of 1.7 million dollars was expected from Japan and Singapore in the coming weeks. He asked the members to refer to attachment 2 of their papers for details.

For additional contributions, WADA was grateful for 185,000 dollars received to date and thanked Australia and Japan (Japan's contribution was for programme development), as well as the City of Lausanne. Despite the cancellation of the annual symposium, the City of Lausanne had offered to extend its contribution to cover some of the cancellation charges and WADA was grateful for that support. He also wished to thank Montreal International, which had advanced most of the dues for 2020 and confirmed advance payment for the first quarter of 2021. The support from Montreal International would continue until 2031.

## DECISION

Government/IOC contributions update noted.

#### **– 7.2 2019 year-end accounts**

THE CHAIRMAN noted that the item was for recommendation to the Foundation Board for a decision. The auditor, PricewaterhouseCoopers, had recorded a statement concerning the 2019 accounts and the recommendation for approval. The video statement had been made available to the members prior to the meeting; nevertheless, he asked the CFO to provide some feedback on the 2019 year-end accounts.

MS CHUNG thanked everybody for sitting through the meeting. She knew that the hours were odd and it was late for some of the members. She would try to be as brief as possible. She would be going through some of the highlights of the 2019 year-end accounts. 2019 appeared to be a long time ago for some people. Everything before Covid-19 seemed like a distant memory, but what WADA had accomplished in 2019 was quite significant and paved the way for the future.

She gave some key points related to 2019. Overall, WADA had continued to perform well in 2019, ending the year with 38.1 million dollars in operating income. The year was of note for the significant contributions received: the IOC had paid its annual fees in full of 17.3 million dollars. The annual contributions made by the public authorities, combined with additional funding from mainly the Chinese, Japanese and Polish governments, totalled 18.8 million dollars. Together with the IOC contributions, an operating income increase of 8% was registered year on year, which was excellent. As Mr Ng had mentioned, Montreal International had continued to contribute its annual contribution of 1.5 million dollars in 2019 and, starting from 2021, it would go up to 2.4 million dollars for another 10 years. WADA thanked its stakeholders for their contributions to support it in pursuing the mission.

Moving on to the surplus, a surplus (or excess of income over expenses) of 573,000 dollars had been registered against a budgeted deficit of 1.5 million. How could a deficit turn into a surplus? That was a significant turnaround, because the strong contributions received from all sources of funding combined with reductions and control of expenses, including some delays in hiring staff, meant that the cash position was strong at the end. Actually, she had expected that 2019 would not be an easy year because it had been a busy year on many fronts, as discussed to date. The year had started with a huge amount of work undertaken by the Intelligence and Investigations Department due to the reinstatement of the Russian laboratory, and that also applied to the Compliance Review Committee, which had had a lot of work. One of the biggest events in 2019 had been the World

Conference on Doping in Sport in Poland. The Code review, the international standards review, the governance reforms, the strategic plan just mentioned and the investigations into improper conduct raised by a standing committee member had all kicked off in 2019 and spread out through the year. A lot of effort had gone into those activities, as had associated costs, which explained why WADA had budgeted a deficit. Cost control and the delay in hiring had helped generate a surplus at the end of the year.

On the cash front, with all the activities, it had been thought that WADA would be cash-deficient and that all the reserves would be spent on litigation and so on, but it had not been necessary, so those reserves remained intact.

Going into more detail on the operating expenses, 37.8 million dollars had been recorded compared to 32.7 million dollars in 2018, so there was an increase, mainly due to salaries or personnel costs. Staff had been hired, but at a much slower pace than planned, and WADA had not reached the staff numbers planned for 2019. WADA had been looking to hire in 2020 but, as the members could see, in light of the pandemic, the staff hiring planned had had to be adjusted. Project consulting fees had also gone up, stemming mainly from the Legal Department, the Intelligence and Investigations Department and the Executive Office for all the major activities she had mentioned earlier. WADA had gone from 3.5 million to 6.9 million dollars, but a big part of that had gone into the independent investigation by Covington. The rest had been allocated to the Code review, governance reform, laboratory testing and also the high profile cases, including the successful appeal to the CAS in relation to the Chinese swimmer Sun Yang, all requiring a lot of resources. More than 600,000 dollars had gone into that case. In terms of research grants, WADA had gone from 1.8 to 2.3 million dollars, mainly due to timing, but there was one thing to note: the research fund was decreasing and would run out at some point. There was a potential problem there. As for ADAMS, one could not not talk about ADAMS. Headway had been made in the fourth quarter of 2019 and early in 2020. As everybody was aware, Athlete Central and the testing centre had been launched, and they were the key milestones that WADA had committed to deliver. ADAMS required a lot of investment in terms of resources and capital. WADA would continue to deliver more in 2020. The next launch in 2020 was the switch to paperless, along with other modules, upgrades and enhancements. All of that work could not have been done without the support of athletes and other stakeholders throughout the development and testing phase of the system and WADA thanked them for that. As Ms Kanouté had also mentioned, ADeL was also a big platform, attracting over 20,000 people, so that was a good success story.

Moving on to capital expenditure, WADA was slightly over the budget, at 3.2 million dollars. ADAMS had of course taken up a big chunk of that, but it was good for all the things that had to be delivered. Administration had also gone up because of events in 2019, but there had also been relocation expenses due to staff increases. It sounded as if it was all increases in 2019, but there had been a decrease, of close to 800,000 dollars in travel, information, communications and IT costs. The move to the cloud had allowed for important IT cost savings as well as more efficiency in managing the network.

Moving on to interest on investment, that was the good news for 2019. WADA had reached 756,000 dollars, an increase of 12% compared to 2018. WADA had continued to invest in the very conservative investment policy as it always did, meaning not putting money in speculative products. The currency had been favourable, as the US dollar had been strong compared to other currencies, but that was volatile and could not be predicted. Thus far, WADA had taken advantage of it.

On the operations reserve, as per the agreed policy, any surplus was put into the operations reserve, so it had gone up to 3.9 million dollars, an increase of 500,000 dollars.

All in all, she was very pleased to report that the financial position of the agency was positive and she wished to thank the Foundation Board who had previously endorsed the 8% annual increase from 2018 to 2022. All the contributions made by the funders had been a tremendous help for WADA in the planning and pursuit of core activities, and WADA would continue to deliver stakeholders' expectations. There was a recording from the WADA auditor, PricewaterhouseCoopers, for the 2019 accounts, but PricewaterhouseCoopers had also issued an internal report for the internal control system, comprising all the findings when the books had been audited, and the detailed report had once again been favourable, with no deficiencies found in the accounting control, so all had been very satisfactory. The one new thing added this year was Covid-19. As auditor, PricewaterhouseCoopers had the responsibility to review the financial impact of the organisation and had concluded that Covid-19 should have no detrimental impact on the organisation for 2020; so, for contributions, the situation should remain the same. The agency would continue to monitor the situation very closely and the WADA management and PricewaterhouseCoopers would be in close contact.

MR KEJVAL said that he had three issues. He wished to congratulate WADA on reaching the figure of some 600,000 dollars, which was very good. He had another issue related to the bullying case, which represented almost 50% of the increase in the budget over the year and which appeared to be 1.6 million dollars. He would like it if that amount could be specified in the report. It was important because it was unprecedented spending, and everybody should know how much had been spent on that case. When he saw the results, there was a saving of 2 million dollars compared to the budget, plus 1.6 million dollars spent on the case, so 3.5 million dollars had been spent compared to the budget, which was some 10% of the overall budget. How exactly had the organisation been affected in terms of activities?

MS CHUNG responded that the investigation had hit WADA hard. It had cost about 1.6 million dollars, and the plan for 2019 had been to use the litigation reserve to alleviate the cost. WADA had not had to, thanks to all the additional contributions received last year and, again, knowing that big expenses would be hitting WADA was why measures had been taken to control expenses in other areas. She had mentioned the expenses before. WADA had had to delay hiring, so the hiring had not happened as planned, and all the cost expenses mentioned in the report had been saved. She was not sure if she had answered the question.

MR NG requested that the Executive Committee recommend that the accounts be approved by the Foundation Board.

#### DECISION

2019 year-end accounts to be recommended to the Foundation Board for approval.

#### – **7.3 2020 quarterly accounts (quarter 1)**

MS CHUNG said that the first quarter was not usually a big one in terms of spending, all the more so that year because of Covid-19: the symposium in Lausanne in March had been cancelled along with other meetings tacked on to it, so those things had not happened, explaining in part why WADA had underspent in March. Numbers-wise, the budget income was above 60% compared to the budget, and expenditure was at only 19%. Dividing the year evenly, spending should be at around 25% but, obviously, was not. As everybody could see with the Covid-19 pandemic, WADA was in an unprecedented situation, going into the second quarter with an almost complete halt in travel and hiring. More and more meetings had been cancelled, postponed or replaced with online conferences, so it was very hard to predict the outcome or savings at that point. There was a committee in-house to review and assess whether or not the events or meetings planned for upcoming months should be cancelled or replaced by any possible alternatives to carry out projects. Covid-19 was so destructive that it pushed the staff to rethink how they were doing things. Despite the lockdown, WADA was adjusting to the new normal and continued to deliver. Not everything was easy and not all business could be carried out online as desired, but that was the new normal and it was necessary to adapt to it. On expenses, she mentioned education activities, which had been done online with webinars and so on and so forth. That was it for the first quarter. She would be happy to take any questions.

THE CHAIRMAN thanked Ms Chung for her comprehensive report.

MR NG said that, when the Finance and Administration meeting took place in August, there should be better visibility of the finances, and the budgeted deficit of two million dollars was likely to change, so there would be a further report to the Executive Committee and Foundation Board.

#### DECISION

2020 quarterly accounts noted.

### **8. Departmental/area updates**

#### – **8.1 Intelligence and Investigations**

##### **8.1.1 Investigation report - China**

THE CHAIRMAN said that the report largely spoke for itself but asked for a brief summary of the findings.

MR YOUNGER said that he would not elaborate on the China investigation, as the members would have seen the summary report; however, based on the five main allegations that Dr Xue had made, WADA had not been able to investigate most of them due to their historical nature. He was talking about 30 to 40 years previously. Nevertheless, in cooperation with the IOC, WADA had been able to conduct a comprehensive reanalysis programme of targeted samples based on the intelligence received from Dr Xue; however, all the reanalysed samples had come back negative. Finally, WADA

had exhausted all other investigative leads that had any links to current times. To sum up, taking into account the historical nature of the allegation, that all the reanalysed samples had come back negative, that all the investigative leads had been exhausted without corroboration of doping and that Dr Xue had never personally witnessed doping or any of the alleged wrongdoings, WADA had concluded that there was insufficient evidence available to substantiate or corroborate the allegation of a largescale doping scheme.

THE CHAIRMAN thanked Mr Younger.

## DECISION

Investigation report noted.

### **8.1.2 Special intelligence and investigation fund**

THE CHAIRMAN said that, as the members probably remembered, the sport movement had requested more information on the Intelligence and Investigations Department and how the IOC's additional contribution would be spent. As a result, Mr Younger and his team had developed a project strategy outline.

MR YOUNGER reassured the members that he did not intend to repeat the content of the strategy document submitted in advance of the meeting, as he was sure that they had already seen it. He would also not bore the members by expounding upon the successes of the department when he knew that the members were aware of them, because it was thanks to their trust and therefore the resources allocated that the department had been able to achieve the successes. As a small international organisation, for WADA to bring the Intelligence and Investigations Department up to 14 people by 2022 was already significant. The whistleblower hotline Speak Up! had been running for three years and he was very pleased with the level of trust given to the organisation. He had never expected that there would be so many people out there motivated to speak up, even under difficult personal circumstances. Their continued drive for clean sport was really astounding. He was satisfied that the team put together could handle any of the complex investigations and associated challenges; however, the number and quality of Speak Up! reports had continued to advance and improve and it was therefore necessary to continue to evolve to meet the demands with the same level of professionalism. That said, he highlighted that there were some gaps that would need to be filled if WADA wanted to effectively combat all aspects of doping in sport. In that respect, the Intelligence and Investigations Department was very grateful and honoured that the IOC had not only publicly acknowledged the work, but also sought to strengthen the department with 2.5 million US dollars if the public authorities matched the amount. Subject to funding and the Executive Committee's approval, it would be launched as a four-year project with an evaluation phase after three years. Based on the results of the evaluation, the decision would be the Executive Committee's as to whether it should be continued. That was why the strategy document had been developed. The existing gaps had been considered as well as the need to strengthen intelligence and investigation capabilities in ADOs. That was why three areas were highlighted in the document. In terms of education, there were currently no resources to conduct intelligence and investigation training activities, so the proposal was to develop a targeted training programme to enhance ADO capabilities, and WADA would identify those that were committed but not resourced to investigate cases. Countries that financially contributed to the project would have priority access to the training projects and materials. In terms of compliance investigations, approximately 25% of all the registered Speak Up! reports were related to issues of non-compliance and could not currently be investigated. The Compliance Review Committee's Russian investigation had demonstrated that an independent in-house investigative body specialised in the area would bring value not only to the Compliance Review Committee but also to the wider anti-doping community. In terms of follow-up investigations, to date, WADA had not been able to conduct follow-up investigations into support personnel to effectively wipe out not only the doped athlete but also the entire support network. The proposal was to establish a support personnel investigation team, which would specialise in taking investigations to the next level.

He was fully aware that, in the current pandemic situation, it was very challenging to raise money for anti-doping. However, he had put some thought into what might help the members convince the administrations to finance and support the project. WADA currently supported five different law enforcement agencies with their investigations and had been approached by several others seeking WADA's support. In one example, WADA had assisted the German prosecutor with DNA analysis of seized blood bags and had been able to identify athletes who had been treated by the accused doctor. WADA had also provided numerous reports on the athletes to add weight to their cases. Therefore, with the Executive Committee's support for that proposal, WADA would be positioned to provide investigative support to the countries' administrations and their investment would flow directly back to the members' respective countries. More and more law enforcement agencies were realising the importance of anti-doping measures and the need to cooperate with others due to the current

international environment and the very specific nature of the topic. He was proposing several ways to help. It also went without saying that WADA would provide priority access to its resources to those countries that financially contributed to the project.

THE CHAIRMAN asked if there were any comments or questions.

PROFESSOR ERDENER said that the Olympic Movement welcomed the proposal made by Mr Younger for a strategy to strengthen WADA's intelligence and investigations activities. In accordance with the generous offer made by the IOC president, Thomas Bach, in Katowice, the IOC was ready to match the public authorities' contributions to the special fund of five million US dollars, amounting to 2.5 million dollars each. Following discussions with Mr Younger, there was a proposed strategy to strengthen the WADA intelligence and investigations activities. The proposal also set out a four-year project totalling four million US dollars, including education, training, compliance, investigations and follow-up investigations, as mentioned by Mr Younger. Thus far, the public authorities had not committed to their share of financing the programme. Only China, as far as he knew, had made a donation of 500,000 US dollars. The plan needed to be agreed upon with the public authorities so that the funds could be matched.

THE CHAIRMAN took the opportunity to ask the public authorities to consider additional contributions for investigations and research to make it possible to match the IOC funds. He understood how difficult the Covid-19 situation was, but every dollar counted. As a former minister of sport, he knew that, sometimes, especially at the end of the year, people discovered some available resources in their respective budgets, so he asked the public authorities members to consider dedicating them to clean sport and to help WADA enhance the system.

MR HUSTING acknowledged the request and the IOC request but confirmed that, unfortunately, it was not the best time for the public authorities to address the issue of additional contributions. He really regretted it, but the current situation was what it was.

#### DECISION

Special intelligence and investigation fund  
update noted.

#### **8.1.3 Operation LIMS update (including result management update)**

MR YOUNGER was pleased to provide an update on Operation LIMS and would then hand over to his colleague, Mr Sieveking, who would provide details on the subsequent result management process. He would be as brief as possible given the complex nature of the topic.

Operation LIMS had been tackled under three pillars: the target group, consisting of 298 athletes with suspicious data, the sample reanalysis programme and the Compliance Review Committee investigation. He would touch on the first two pillars. First, a critical phase of the target group pillar of Operation LIMS had recently been concluded with the handover of 298 case packages for 27 IFs and one major event organiser. That target group of 298 athletes had dominated the work of the Intelligence and Investigations Department for the past two years, as it had investigated around 600 samples and supporting evidence. The cases were largely built on circumstantial evidence, which had been particularly challenging legally and in terms of the investigative procedure. He was confident of the evidential quality of the case packages as, together with the IBU, WADA had already run two cases based on similar evidence. The responsible anti-doping panel had acknowledged the validity of the LIMS data and the athletes had been sanctioned. A couple of months previously, WADA had also provided some very strong cases to four federations. To date, only the IAAF had sanctioned 12 athletes, but he expected others to follow. Some of the concerned athletes had appealed the sanctions and the final CAS decision was being awaited; nevertheless, he considered it to be a great success and hoped it would serve as motivation and a model for the IFs. In the coming months, the IFs would assess their cases together with legal and laboratory experts and report back with their proposal on whether to proceed with anti-doping rule violations or close the cases. The Intelligence and Investigations Department, together with the legal partners, would review each case before reaching a final conclusion. Mr Sieveking would be able to elaborate further on the result management procedure. It was important to know that the composition of the target group was based on a top-down strategy. In other words, the number-one athlete in the group had multiple suspicious presumptive analytical findings, saved e-mails and manipulated steroid profiles, while athlete number 298 might only have an alleged manipulated steroid profile; therefore, it was very unlikely that all cases would end up as anti-doping rule violations, but the information should at least be used by the IFs for intelligence purposes, such as targeted testing. It was very important to know that WADA had also included evidence of those 145 athletes affected by the deletion or alleged manipulation of the Moscow laboratory. The IBU cases had proven that, even with deleted data, one could still be successful in court. The team had spent hours compiling evidence for the cases so as

to be able to confidently state that no Russian athlete who had been protected by the scheme between 2012 and 2015 would get away with it. The next step was in the hands of the IFs and the major event organisations, and WADA relied on them to show the same commitment to finally bring justice to those who had betrayed sport and clean athletes.

The second pillar of Operation LIMS was a comprehensive reanalysis programme. The concept of the exercise was very simple. All available samples with a presumptive adverse analytical finding on a prohibited substance that had been reported negative in ADAMS would be reanalysed. Additionally, WADA would reanalyse all available samples that correlated to any other evidence or intelligence held, for example, mentioning the urine bank list or the Duchess list, athletes named in the laboratory database, which was against the ISL, or athletes with inexplicable sample comments. One might question how WADA could be sure that it had not missed any questionable samples. He was confident due to the intelligence received that Dr Rodchenkov had, at that time, systematically documented information concerning the protected athletes in a concealed part of the database. The data had initially been recorded to ensure that, if questions were asked and samples requested, it would be possible to provide a prompt response and organise counter-measures to protect the athletes. It had never been anticipated that WADA would one day have a copy of the database, so he had no cause to believe that the information had been fabricated or manipulated.

The majority of result management was being done by RUSADA under WADA's supervision, and he was pleased to report that cooperation with RUSADA had been excellent. It had been possible to allocate every sample to its respective Russian athlete and, altogether, around 1,000 samples from the Moscow extraction mission in April 2019 would be reanalysed. No stone had been left unturned. A very thorough and comprehensive approach had been taken to detect and expose as many of the protected Russian athletes as possible. WADA had reanalysed around 330 samples and established 53 adverse analytical findings. The report stated 45; however, eight more had since been identified. That left around 700 more samples still to be analysed and he expected more adverse analytical findings to follow. Unfortunately, due to Covid-19, there were some delays in the reanalysis programme, but the aim was to finish it by the end of that year.

In relation to the final pillar of Operation LIMS, the Compliance Review Committee investigation, he could not say much, as WADA was bound by the CAS to confidentiality. What he could share was that his LIMS team, together with the partners from the University of Lausanne, had already spent a significant amount of time on ensuring that the case in relation to the alleged manipulation of laboratory data was solid and convincing to the CAS panel. He was confident in and stood behind the information presented.

MR SIEVEKING said that, after the huge amount of work done by Mr Younger and his team, it would be necessary to follow that very closely at the result management level. His team would be supporting, in cooperation with Mr Younger's team, the IFs where required. Obviously, the analysis of the evidence and the packages received from WADA's Intelligence and Investigations Department would require the assistance of his department for the IFs to analyse the evidence and properly classify and weight it. The support would be provided bearing in mind that WADA had a right of appeal against any decision taken by an IF at the end of the result management process. What was clear in terms of result management was that it was necessary to ensure that all cases were properly dealt with in a timely fashion and that each case outcome was satisfactory and complied with the applicable rules. To do so, WADA would provide support to the IF as appropriate but also bring to the CAS any case when it considered that the decision taken by the IF at the end of its own result management process was not satisfactory in view of the specific circumstances of each case and the available evidence. Consistency was a must when dealing with all the cases. In relation to the timeline, usually, as set out in the result management guideline, it was considered that any anti-doping rule violation should be dealt with within six months from its reporting; however, he understood that some flexibility would be necessary for those specific cases. Indeed, some federations had received quite a high number of evidentiary packages from Mr Younger which would require quite a bit of work on their side, and everybody knew that the cases were complex. Therefore, it might take more time until each IF had rendered a decision in all the cases referred to it but, again, he would be looking very closely at that and a first assessment of the status of each case would be made in the second part of the summer, three months after each IF had been provided with the evidentiary packages from the Intelligence and Investigations Department.

MR LALOVIC thanked and congratulated Messrs Younger and Sieveking for their updates. The IFs had some concerns and would like to avoid any kind of additional costs in cases that were weak, and it had been said that WADA would strategically guide the IFs. That was really important. The Olympic Movement really urged WADA to provide all assistance and resources necessary to IFs to prosecute cases and noted that 65 cases had already resulted in prosecution and the imposition of sanctions against athletes. He repeated that the IFs needed strategic guidance. He was the president of an IF

and the IFs really wanted to finish the job and prosecute all those who were guilty. He thanked the speakers again for their updates and work.

MR DE VOS fully supported what his colleague Mr Lalovic had said. Those were very difficult times. The pandemic was having a very big impact on the IFs and not all the IFs had the same resources. He understood that there would be a kind of support for IFs, but it would be good to have a little bit more clarity on how exactly WADA was going to support the IFs, especially, as Mr Lalovic had said, when it came to prioritising the cases to be prosecuted.

MR YOUNGER responded to the comments. He could answer the same thing to both speakers. The investigation carried out had been for the IFs to really focus on the cases that WADA considered to be the strongest. Case number 298 might be a bit weaker, but it was still a strong case. All the others had been left out in order to see how far to go. There would be some work to do for the IFs, but WADA would be giving them guidance, telling them to speak to their laboratory experts and internal experts and look in their own files about the athletes and then come up with a proposal as to how to proceed. WADA would certainly not leave them alone during their journey. Then, at the end, there would be a common decision with which both sides were happy, because WADA had the knowledge but, of course, the IFs still had some work to do. On prioritisation, the IAAF had shown it: it had received far more than 12 cases and had come back with a prioritisation and WADA had agreed. That was the message WADA wanted to send out: the IFs were not alone, WADA would help them, because WADA wanted to finish the whole episode, so could show the necessary commitment that the IFs needed to ensure that a good decision was reached in relation to their cases.

#### DECISION

Operation LIMS update noted.

### – **8.2 Legal**

#### **8.2.1 Key legal cases update**

MR SIEVEKING referred to two points, underlining that, as the members would have noted in his legal report, WADA suggested reopening consultation on the ISPPPI for a short period of time. WADA had received comments from the EU on the eve of Katowice, and had reviewed them. Some of the comments and suggestions had been deemed really important, so he suggested having another consultation on a slightly updated version of the standard to enter into force in 2021.

In relation to the cases, since the November meeting in Katowice, the Sun Yang hearing had taken place. It had been a major case, the outcome of which was very positive for anti-doping and, for information, the athlete had appealed before the Swiss Federal Tribunal, so the case was not over and he assumed that would entail a long and complicated procedure before the supreme court. He also wanted to underline that WADA had received one of the decisions in the two cases brought by Russian athletes before the court in Ontario, Canada. In the first case, the cyclist had filed a case against WADA and Professor McLaren claiming damages following the publication of the McLaren report and, in a very important decision, the first of its kind in Canada, the court had ruled that the issues raised by the Russian cyclist were essentially sport-related matters and fell within the exclusive jurisdiction of the CAS, so it was a very important decision underlining the specificity of sport justice.

Finally, he provided a short update on the IMMAF case mentioned by the Director General. The hearing had taken place on 14 January 2020, and WADA had asked for an additional stay, a first stay of the proceedings based on the pending work of the working group, and the other party had asked the court not to grant an extension of the stay of the proceedings. WADA was waiting for the decision and he would let the members know as soon as he had more information.

MR HUSTING thanked WADA for its intention to take into account the EU data protection comments when revising the international standard and asked WADA to keep the EU informed.

#### DECISION

Key legal cases update noted.

### – **8.3 Science and medicine**

#### **8.3.1 Updated joint declaration (new memorandum of understanding) with IFPMA**

DR RABIN briefly presented the renewed agreement between WADA and the International Federation of Pharmaceutical Manufacturers & Associations, also known as the IFPMA. Everybody knew how important it was for anti-doping to receive information from the pharmaceutical companies, in particular on new drugs and development that had doping potential, and of course information related to new treatments to facilitate access by athletes to those innovative treatments. In July 2010, a first agreement with the IFPMA had been established and, after 10



years and several successes, WADA had gone to the IFPMA and offered to renew and in particular, strengthen the agreement. The memorandum of understanding as presented was a framework agreement to facilitate collaboration with the pharmaceutical companies and, of course, when there was a need for specific exchange of information, a non-disclosure agreement was put in place between the pharmaceutical company of interest and WADA to facilitate and enhance the exchange of confidential information. That agreement as presented that day should facilitate the request for in-kind and financial support from the pharmaceutical industry, so the memorandum of understanding was presented for approval to the Executive Committee.

MR HUSTING said that, even if the EU approved the new memorandum of understanding, he wanted to be sure that WADA properly addressed the issue of sharing sensitive information with the IFPMA.

DR RABIN responded that the memorandum of understanding was the framework that allowed WADA to facilitate communication with the pharmaceutical companies. Where there was a special need to exchange confidential information, each involved company would establish a bilateral agreement, which would be a confidential agreement reviewed by the WADA Legal Department, after which the exchange of confidential information could begin. 99% of the confidential information came from the pharmaceutical companies to WADA. The only information WADA was likely to exchange with them was when there were particular operations and, when counterfeit drugs were identified, WADA usually went to the pharmaceutical company and informed them that it had identified counterfeit drugs for a product that they legitimately produced, but most of the information came from the pharmaceutical companies to WADA.

THE CHAIRMAN asked if the members agreed to approve the memorandum of understanding.

#### DECISION

Proposed memorandum of  
understanding approved.

#### **8.3.2 Technical letter**

DR RABIN noted that technical letters were, by definition, quite technical, and that one was no exception to the rule. The principle of that technical letter was that morphine was a prohibited substance with a threshold under the existing rules, but ethylmorphine, which was a precursor of morphine, was not a prohibited substance and was registered in a few countries. That technical letter gave WADA-accredited laboratories the possibility to distinguish between the intake of morphine, which was prohibited, and ethylmorphine, which was not, by looking at metabolites of ratios of morphine versus ethylmorphine and report accordingly, so that letter, which was a level-two document to be approved by the Executive Committee, was being presented to the members.

MR KAMEOKA stated that the technical letter was to become effective on 1 September 2020 and he wished to comment on the effective date of that proposed technical letter. It was his understanding that there was a need to secure additional amounts of standard substances, namely ethylmorphine and norethylmorphine, in order to properly implement the tests in accordance with the proposed technical letter. In Japan, those substances were strictly regulated by narcotic control laws and typically more than five months' lead time was to be taken into account to procure those substances under normal circumstances. In addition, due to the coronavirus, he was concerned that Japan might not be able to complete all preparations by 1 September, and that could also be true for laboratories in other countries. Therefore, he recommended moving back the effective date of 1 September to a later date. The new date should be determined after consulting with other laboratories in key countries to identify a more realistic schedule.

Furthermore, whilst on the topic of reference materials, he wished to share some developments taking place in Japan related to reference materials, although they were not directly related to the substances referred to in the proposed technical letter. The reference materials were key elements to ensure accuracy in doping analysis. In October 2017, WADA had sent the National Institute of Advanced Industrial Science and Technology of Japan an official letter to request that it develop new reference materials that were much needed by the global anti-doping community. Among the ten candidate materials given top priority, the institute had successfully developed two of the 10 substances in March that year: 3-beta-4-alpha-dihydroxy-5-alpha-androstan-17-one and 4-hydroxy-clomiphene, and had begun distribution thereof to the WADA accredited laboratories. He could not go into details in that day's videoconference but, if possible, he would like to show members samples of the substances developed in Japan at the September Executive Committee meeting. The Japanese Government remained committed to optimising the resources of various institutions to continue its contribution to enhance anti-doping activities at the international level. In Japan, two of the 10 candidate substances requested by WADA had been successfully developed,

meaning that there were eight more to go, and he hoped to satisfy WADA's request, hopefully by successfully developing the remaining eight substances in the near future.

MR HUSTING spoke on behalf of Europe to support the request made by the Japanese minister on the postponement of the entry into force of the technical letter. As there were no Olympic Games that year, he thought that the request was totally reasonable.

DR RABIN responded to Mr Kameoka. He apologised for the tongue twister with the names of the molecules, but that was the reality of what WADA faced. He warmly and officially thanked Japan and in particular NMI Japan for producing those certified reference materials. Usually, the work was not appreciated to the level of importance it had in anti-doping laboratories, but it was extremely important, in particular for some specific substances when those reference materials were available to the anti-doping laboratories and made it possible to report strongly some of the analytes faced in anti-doping analysis.

Coming more specifically to the technical letter and the date of its entry into force, if WADA developed those technical letters, it was because there was a real need and some laboratories had identified a situation that WADA believed was important to report to all the other anti-doping laboratories. The letter had been circulated between the end of March to mid-April among all the laboratories to make sure that they were informed and could get ready, including accessing the reference materials. WADA knew that those materials were available around the world, although sometimes it was difficult to order and receive them, because he was talking about morphine or a precursor of morphine, which were controlled substances. For the laboratories that might experience difficulties, WADA could certainly try to accommodate them if they requested more time for implementation, but he thought it would also be important for the other laboratories and the rest of the community not only to be informed but also to avoid reporting some potential false positives. It was known that ethylmorphine was sold in a few countries, and two laboratories (Stockholm and Oslo) had reported or faced such issues, so it was important that the laboratories know. Those laboratories that had more difficulty could go to WADA and request a delay, but he would personally recommend to the Executive Committee that the date of entry into force be respected and WADA could accommodate those laboratories that had more specific difficulties when it came to implementing by the due date.

THE CHAIRMAN asked whether postponing the entry into force would be harmful.

DR RABIN said that the laboratories were currently informed, so it was not a big problem. The problem was more in the official reporting process. A laboratory could currently report ethylmorphine and it would be considered to be a false positive. The laboratories were informed, but the process was still open. By having that letter come into force, it was clearly a level-two document that they would have to take into account. Those laboratories that could not report officially could inform WADA and delay the reporting. That was a possibility WADA was offering. Technically speaking, he would recommend maintaining the date and allowing flexibility with those laboratories that had some issues. That would help the system rather than postponing. That was his technical response to the comments received.

THE CHAIRMAN asked if Mr Kameoka agreed to the proposed approach.

MR KAMEOKA said that he would like to take a closer look, but it would be better to talk about it and start the discussion a bit earlier.

THE CHAIRMAN asked whether the Executive Committee was happy to approve the technical letter with the exceptions mentioned by Dr Rabin. He saw no objections. The technical letter was approved.

MR KAMEOKA stated that he was willing to approve as long as enough flexibility could be secured on that.

DR RABIN replied that that would be possible.

#### DECISION

Proposed technical letter approved.

### – **8.4 Open questions on departmental reports**

THE CHAIRMAN said that the item was to give the Executive Committee members an opportunity to address any questions on the departmental reports, including the reports in the files.

MR BOUCHARD wished to draw the members' attention to the governmental report. WADA was presently in negotiations with CONFEJES on the development and signature of a partnership

agreement with WADA. Discussion was ongoing and the documents were under review. It was significant because there were many countries that would be covered by the agreement and, once near to completion, it would be presented to the Executive Committee for final approval. He wanted to highlight the fact that WADA was working with CONFEJES, which was an important organisation.

## **9. Other business**

THE CHAIRMAN asked if there was anything that the members wished to raise.

MR HUSTING referred to item 8.8 on programme development and NADO/RADO relations. He passed on a request from his European colleagues to WADA to make available strategies for NADO and RADO programmes once they had been finalised, and a breakdown of ways in which the WADA Code signatories could contribute to the strategies would also be much appreciated by his colleagues from Europe.

MR MAY responded that WADA was in the process of finalising the RADO and NADO strategies and would be happy to share them with the stakeholders. He accepted the additional suggestion to break down how signatories could contribute to the strategies. WADA relied on partners and signatories to implement its development activities, so would be happy to share and receive feedback from signatories and partners on how it could improve its strategies in the future.

THE CHAIRMAN explained that there were decisions that needed to be taken by the Foundation Board, and WADA would send an update to the Foundation Board with a summary of the Executive Committee discussion and the decisions requested of the Foundation Board. The standard three weeks, 15 business days, would be given for decisions, after which WADA would report back to all Executive Committee and Foundation Board members on the approval.

## **10. Future meetings**

THE CHAIRMAN said that, unfortunately, China had indicated that it needed to pull out from hosting the WADA Executive Committee meeting in September due to Covid-19. The meeting location had been changed to Montreal subject to developments over the coming weeks and months.

The November Executive Committee and Foundation Board meetings would take place in November 2020 in Istanbul, Turkey. WADA was in discussion with a possible host for May the following year; all interest in hosting WADA meetings in September and November the following year would be welcome.

He thanked the members for their participation in the first virtual Executive Committee meeting. He thanked the dedicated staff for planning and supporting the meeting, as well as Ms Rodriguez for moderating. He wished everybody well as they continued to navigate those extraordinary times. That day was the international day of families, so he wished the members' families all the best. He thanked the members and hoped that they would all stay safe.

### DECISION

Executive Committee – 15 September 2020,  
Montreal, Canada  
Executive Committee – 11 November 2020, Istanbul,  
Turkey  
Foundation Board – 12 November 2020, Istanbul,  
Turkey  
Executive Committee – 12 May 2021, date and  
location TBC  
Foundation Board – 13 May 2021, date and location  
TBC

The meeting adjourned at 12h00 (noon).

### FOR APPROVAL

**MR WITOLD BAŃKA**  
PRESIDENT AND CHAIRMAN OF WADA