

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

Minutes of the WADA Executive Committee meeting 14 September 2021, Istanbul, Turkey

The meeting began at 12.30 GMT+3.

1. Welcome, roll call and observers

THE CHAIRMAN informed the members that, due to other commitments, Mr Kersh was unfortunately unable to attend the meeting again; therefore, Europe would not be represented. However, Mr Husting was present, not as a deputy, as Mr Kersh had already exhausted his deputy limit, but as a representative of One Voice, so Mr Husting would present the position of One Voice on some points of the agenda but would not take part in the discussion or exercise voting rights. There was one new member, Mr Herrero, representing CADE and the Americas region.

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

Mr Alexandre Husting represented Mr Dan Kersch from Luxembourg, in an observer role. *[He had asked the President for approval to be present and speak as Chair of the One Voice group, to present their views on specific agenda items].*

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

The following representatives of WADA Management attended the meeting: Mr Olivier Niggli, Director General, WADA; Mr René Bouchard, Government Relations Director, WADA; Ms Dao Chung, Chief Financial Officer, WADA; Mr Sébastien Gillot, Director, WADA European Office and International Federations Relations; Mr Kazuhiro Hayashi, Director of the WADA Asia/Oceania Office; Mr Kevin Haynes, Compliance, Rules and Standards Director, WADA; Ms Amanda Hudson, Education Director, WADA; Mr Stuart Kemp, Deputy Chief Operating Officer, WADA; Mr Francisco León, Programme Development Director, WADA; Ms Catherine MacLean, Communications Director, WADA; Mr Marc-André Matton, IT, Data and Digital Development Director, WADA; Mr Tom May, NADO/RADO Relations Director, WADA; Ms Maria José Pesce Cutri, Director of the WADA Latin America Office, WADA; Mr Rafal Piechota, Office of the President, WADA; Dr Olivier Rabin, Senior Executive Director, Sciences and International Partnerships, WADA; Mr Tim Ricketts, Testing Manager, WADA; Mr Rodney Swigelaar, Director of the WADA Africa Office; Mr Alan Vernec, Medical Director, WADA; Mr Gunter Younger, Intelligence and Investigations Director, WADA; Mr Julien Sieveking, Legal Affairs Director, WADA; Ms Shannan Withers, Chief of Staff, WADA; and Mr Frédéric Donzé, Chief Operating Officer, WADA.

The following observers were present: Ulrich Haas, Michael Vesper, Richard Budgett, Hannah Grossenbacher, Andrew Ryan, James Carr, Alexandre Husting (refer above), Sophie Kwasny, Sergey Khrychikov, Richard Baum, Hiroki Toyooka, Tomohiko Arai, Marcos Díaz, Clayton Cosgrove and Darren Mullaly.

- **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 with the next item.

2. Minutes of the previous meeting on 20 May 2021

THE CHAIRMAN noted that the draft minutes from the May meeting had been included in the document set shared three weeks previously, and no requests for changes had been received. The minutes from the extraordinary meeting on 19 August would be submitted to the members for approval in November.

DECISION

Minutes of the meeting on 20 May 2021 approved
and to be duly signed by the President.

3. Director General's report

THE DIRECTOR GENERAL said that he was very glad that, after a year-and-a-half, the members finally had the opportunity to meet in a hybrid format and he hoped to have more and more members able to attend meetings in the future. He thanked the Turkish hosts for their wonderful hospitality in Istanbul. He was very pleased to be with everybody there. The next meeting was planned for Paris and he hoped that, by then, even more members would be able to attend. His written report was quite comprehensive and he did not intend to go through it in any detail, although he would be happy to answer any questions. The report consolidated many of the activities.

The report illustrated that, despite the Covid situation, WADA remained very active and was still trying to deliver on all of the commitments and programmes. The work being done had been slowed down by the situation but, overall, most of the programmes had been delivered. On private funding, WADA was certainly a bit behind what had been expected but he was still hopeful that it would be possible to announce positive news by the end of the year or even at the November meeting.

The offices around the world still operated predominantly remotely, depending on the constraints and local rules in each country.

In the Finance section, WADA had received about 50% of the US contribution, and he was hopeful that the USA would fulfil its commitments and would pay the outstanding amount soon. WADA was extremely uncomfortable with the approach taken there, where payment was being withheld or delayed in order to put some pressure on the organisation to make certain decisions.

WADA had also received a request from the USA and World Athletics to deal with the issue of cannabis. It was a very sensitive issue and not something that had not been discussed previously. The members would hear an update later that day. WADA was certainly open to having a discussion on the matter and would do so, but it required due process and broad consultation before any conclusion could be reached.

He would be happy to take questions on his report.

MR NIWA stated that the Tokyo Olympic Games and Paralympic Games had concluded on 5 September. They had been postponed for a whole year because of Covid. They had been held without spectators and with a number of restrictions. Thanks to all the support received from other countries, as well as people in the sport movement, Tokyo had been able to deliver the Olympic Games successfully, thereby fulfilling the responsibilities of the host country. The Government of Japan had been working on training doping control officers, establishing a laboratory for the Tokyo Olympic Games and setting out a framework for sharing intelligence and infection prevention measures among other initiatives. Based on those efforts, Japan had been very pleased to be able to cooperate

with WADA, the ITA, the IOC and the IPC to conduct doping tests and sample analyses and share information at the event. Japan had also welcomed staff from overseas to carry out doping tests and sample analysis operations. He thanked WADA and all the others who had so kindly provided support throughout the Olympic Games.

MR LALOVIC thanked WADA, the Director General, the staff and, of course, the President, for all the activities and energy put into working under very difficult circumstances over the past year-and-a-half. He focused on one point in the report concerning the new-generation ADAMS. In relation to ADAMS, the sport movement welcomed all the efforts put into improving the athletes' experience of the tool. Athletes were not always very well prepared and much had to be done in that regard; having said that, more should be done to ensure the functionality of ADAMS for ADOs, which had to use the tool daily. That included the use of new technologies, technologies automatising communication between systems and increasing available data to further support ADOs with their obligations under the Code, and ensuring that stakeholders could work efficiently with the tools they were required to use should remain a priority for the organisation as that also affected its capacity to lead the fight against doping in sport. He therefore urged WADA to keep up the energy already invested in improving ADAMS by keeping the system a priority within the organisation.

MS EL FADIL noted the Director General's report. The African Union appreciated all the efforts undertaken by the WADA management. She also congratulated Japan on its successful Olympic Games in spite of the challenges of Covid-19. The Director General had mentioned the issue of the US authorities and Africa continued to encourage more engagement and discussions and also requested a review in relation to the issue of cannabis and looked forward to hearing more on the matter later on in the meeting.

MR ROBERTSON echoed the comments made by his colleagues to thank WADA for the work done during difficult and challenging times and acknowledged the excellent hosting of the Olympic Games and Paralympic Games in Japan. New Zealand was providing support to Niue to facilitate the ratification of the International Convention against Doping in Sport. Niue had committed to a timeframe and pathway for ratification, with the intention of having that coincide with the UNESCO COP in October. New Zealand remained committed on behalf of Oceania to supporting the Pacific Island friends in Niue to do that.

He sought a little more detail on staffing, as the update did not really provide the information that he would expect in terms of understanding who had been taken on and what their experience was. Given the strategic issues that WADA was facing, more detail in relation to the staffing update would be appreciated by New Zealand in future reports.

MS SANGENIS thanked the WADA members of staff for the impressive amount of information sent out. She also thanked Professor Erdener. She had not been able to travel to Turkey but she thanked him for organising the first hybrid meeting. On the Director General's report, she asked him to explain the administration strategy to achieve a gender balance and inclusion within the organisation. It was a little off-balance, with 22 men in senior leadership positions and only six women, so she encouraged some further work on that.

PROFESSOR ERDENER thanked the Director General on behalf of the sport movement for his very comprehensive report. He had two short comments. The sport movement sought further understanding on the administration strategy to achieve gender balance and inclusion within the organisation. The fact that, of the 22 senior leadership positions, only six women were listed in the revised organisational structure ought to be discussed.

In relation to cannabis on the Prohibited List, he supported the process of the List Committee and suggested that a clear analysis be conducted on the implications of its removal. Careful attention would be necessary on that really sensitive matter.

MS BATTAINI-DRAGONI stated that she was grateful for the opportunity to pay tribute to the work done over the past month to prepare the meeting, with very interesting results coming from the internal discussion in relation to the new organigram and the way in which the office should function, in particular in Montreal. In the report presented by the Director General, she noted the reference to documentation in the dossiers in relation to the USA and the question of the partial payment of its contribution. The work ongoing in another committee to prepare possible new rules

to deal with the question of non-payment, delayed payment or partial payment of contributions by member states was very important work. She was very much looking forward to seeing how WADA could protect itself against any attempt to use money or other pretexts to destabilise or create difficulties in WADA and having a set of rules to deal with the measures that the organisation could take. She knew that they were being prepared and looked forward to a good debate on the proposed rules. She wanted the point on non-payment by one country to be noted.

MS TERHO supported the efforts made in relation to the ADAMS athlete experience and also welcomed the idea that education could be shared via ADAMS to make it better coordinated. She thanked WADA for the efforts made in relation to the athlete experience, which was important.

THE DIRECTOR GENERAL reiterated that ADAMS remained a priority for WADA and the energy would be maintained; but, unfortunately, it was also a question of funding and not just energy. WADA would continue to make the effort; IT was an important element in the budget and as much was done as could be done, although it was a very burdensome element. Technology evolved constantly. It was clearly a priority, the user experience was important, in particular the athlete experience, but also the ADO experience, the fact that the system would be user-friendly and would provide information that users were looking for. The automated communication with other systems was something that had been discussed for some time and it also had some legal implications in terms of what could and could not be exchanged. Again, the ADAMS team was aware of it and it remained a priority.

There had been some remarks about cannabis, and the List Group and the Health, Medical and Research Committee would look at that issue, which was a very sensitive one. There was not one view on it, but WADA would carry out due process and would come back to the table for discussion and the members would hear more later on from the Science Director.

He would be happy to provide Mr Robertson with the details he would like in relation to the staffing update, and he could certainly take the discussion offline to see what other elements might be useful. He was trying to be concise in reporting; but, if there were any further elements that Mr Robertson would like, there would be no issue.

To answer Ms Battaini-Dragoni's point, without wishing to reopen previous discussions, the previous time it had been agreed that the management would prepare a paper on the consequences of potential non-funding, and that paper would be discussed with the public authorities and the sport movement before coming to the table. On the questions from Professor Erdener and Ms Sangenis about gender balance and inclusion, he asked the COO to provide some numbers to put things into perspective. If one simply looked at the leadership of the organisation, it was true that there was an imbalance, and WADA was aiming to improve that, but it would take time because things did not change overnight. However, looking at the organisation globally, the situation was actually very different.

MR DONZÉ added to what the Director General had said. Clearly, the area of diversity, equity and inclusion was critical to the success of WADA as an international organisation and it was taken very seriously. The focus on that area was reflected by a number of global figures in relation to staff, for example, WADA was proud to have individuals from 58 nationalities and female employees accounted for 60% versus 40% of male employees within the organisation; however, work needed to continue in that area and WADA wanted to go further as an organisation. That included ongoing work to provide all employees with opportunities for career development and increase the number of women in the leadership team, and that would be done as part of succession planning, but other ways were also being explored to ensure a better balance in that area of the organisation, so WADA continued to take that area very seriously and he would look to update the Executive Committee in due course on further developments in the area.

DECISION

Director General's report noted.

- **3.1 Covid-19 update**

MR RICKETTS said the paper the members had in their files contained all the information on the matter, so he recapped the highlights, starting with the level of testing conducted, in particular that

year, in 2021. He was happy to say that the levels of sample numbers were back to the same as they had been pre-pandemic; in particular, the number of out-of-competition samples collected between January and July had been 105,000 for 2021 and, for 2019 during the same period, 90,000, so 15,000 samples more had been collected between January and July that year. That was particularly important leading up to the Olympic Games and Paralympic Games in Tokyo and really showed the efforts of the ADOs given the difficult situation. In terms of the number of in-competition samples for the same period, WADA was at only 62% of the level of samples collected in 2019; obviously, that was linked to the limited number of events and competitions taking place during that period, so all in all, it was good news and would hopefully continue over the coming months.

The Strategic Testing Expert Group would meet later that month to view the preliminary findings from the study it had been conducting on alternative sample collection methods, in particular looking at the variations of being able to collect samples virtually. He had nothing concrete to report at that point, as work was ongoing, but he would update the committee when he was ready to present the outcomes.

There had been two independent observer teams in Tokyo for the recent Olympic Games and Paralympic Games. The role of the teams had been to work closely with the IOC and the ITA and Tokyo 2020, as well as the IPC, to ensure that the best possible anti-doping programmes were implemented. He thanked the IOC, the ITA, Tokyo 2020 and the IPC for their cooperation and assistance and also the members of the independent observer teams, comprising experts from the anti-doping community, including athletes and WADA staff, who had done a great job given the circumstances. Both teams were working on their reports for the games. Obviously, the focus of attention had now turned to the Olympic and Paralympic Games in Beijing and WADA was currently putting in place the teams and logistics to support the independent observer teams for those Games.

DECISION

Covid-19 update noted.

- **3.2 Founding president update**

THE CHAIRMAN informed the members that, the previous week, WADA had received a joint letter from One Voice and the IOC, so his understanding was that a consensus had been reached on that point.

THE DIRECTOR GENERAL asked if there was anybody from the sport movement or the public authorities who wanted to take the floor before he spoke.

PROFESSOR ERDENER said that the ball was in the Director General's court. The sport movement was waiting for more details and draft regulations on the subject.

THE DIRECTOR GENERAL said that a letter had been received and he was pleased that consensus had been reached. He was happy for Mr Pound. In terms of next steps, he made a proposal. He did not think that it would require any formal change to the WADA statutes, because WADA was not creating a position that had any formal role in the way in which the organisation functioned, so it could be done through a resolution, which would be adopted by the WADA Foundation Board at the next meeting, recognising the existence of the title; but, since it did not have any further impact on the organisation, it would not require anything else. That would be the first thing, the resolution would be prepared for the Foundation Board and, on the assumption that it would be approved by the Foundation Board, the proposal was to invite Mr Pound to the Foundation Board meeting in Paris and, once the resolution had been formally approved, there would be a small ceremony to honour him and give him an opportunity to address the Foundation Board on that occasion. He would be happy to take comments or suggestions.

THE CHAIRMAN confirmed that management would proceed in the way in which the Director General had explained to prepare for November.

DECISION

Founding president update noted.

- **3.3 MoU with Association of Southeast Asian Nations (ASEAN)**

MR BOUCHARD said that the members had the documents in their files. The memorandum of understanding had been developed and negotiated by the WADA Asia/Oceania regional office with the Singapore Government and the Southeast Asian RADO. The aim of the memorandum of understanding was simple: to promote cooperation to support the development and implementation of Code-compliant anti-doping programmes, to strengthen the integrity of sports in the region and to build capacity. The memorandum of understanding would come into effect upon its signature on 28 October if the document was approved by the Executive Committee, and the memorandum of understanding would be valid for a period of three years and could be renewed upon the acceptance of both parties.

PROFESSOR ERDENER supported the memorandum of understanding.

MR NIWA stated that, as the Executive Committee member representing the Asian region, he very much welcomed the signing of the memorandum of understanding between WADA and ASEAN, and hoped that it would further strengthen the anti-doping system in Asia with the leadership and partnership of WADA.

MR HUSTING reiterated his apologies for the absence of Mr Kersch. He would speak on behalf of One Voice and he thanked the Chairman for his understanding and flexibility. On the memorandum of understanding, he supported it but also reiterated the request for a general strategic approach on signing so many different memoranda of understanding made during previous Executive Committee meetings.

THE CHAIRMAN said that he had received the same question the previous time and would respond, as he had at the May meeting, by saying that he believed that the number of memoranda of understanding signed by WADA should always reflect the real needs of the organisation and its partners, so each and every memorandum of understanding signed was thoroughly analysed to avoid any doubt as to whether it served the goals of WADA. All of the memoranda of understanding were aimed at leveraging WADA's capacity in different areas such as investigations, education, science, programme development, testing and many others, so WADA was signing a number of memoranda of understanding to support the work and enhance its network and relations. He believed that the Executive Committee could approve the memorandum of understanding with ASEAN.

DECISION

Memorandum of understanding with ASEAN approved.

4. Governance

- **4.1 Working Group on the Review of Governance Reforms update**

THE CHAIRMAN reminded the members that the working group had been constituted in November 2020. The Executive Committee had decided to select a group of experts to advise WADA on where to go with the reforms. He thought that the working group was doing its job very well. Professor Haas, who was the chairman of the working group, would guide the members through the second interim report.

PROFESSOR HAAS stated that it was a pleasure to have the opportunity to present the second interim report. He appreciated the hospitality and he was more than happy to see real people in person at his first hybrid meeting.

The second interim report comprised three sections. First, he would be talking about the recommendations to date. The second item concerned the open issues and, if there was any feedback at that point in time, it would be more than welcome. Finally, he would provide a very short update on the code of ethics from the working group's perspective, as he had seen that it was on the agenda as a separate item.

In terms of general comments on the recommendation, the working group had tried, wherever there was a need and wherever advisable and possible, to distinguish between short-term and long-

term recommendations. The group thought that the foundation was dominated by the principle of equal partnership and it had tried to uphold that principle on every occasion. As an equal partnership between the governments or the public authorities on the one hand and the sport movement on the other, everybody knew what governments and public authorities were, and the sport movement covered the IOC, IPC, IFs, Olympic and Paralympic Movement, NOCs, NPCs and umbrella organisations. He would stop at certain points during his presentation and hoped to receive as much feedback as possible. Was there any guidance or feedback that the public authorities or the sport movement would like to give on the general comments?

PROFESSOR ERDENER observed that the sport movement in general had mentioned some of its expectations at the May meeting, and he reiterated some of the views, such as emphasis on the importance of stakeholder representation within WADA, and the sport movement also supported maintaining the current composition and structure of the Executive Committee and that of the WADA Foundation Board.

PROFESSOR HAAS referred to the two big leftovers from the 2018 recommendations. One concerned athlete representation and the other concerned the NADOs. The working group had tried to focus on those two items first. On athlete representation, the starting point was that there was an understanding within the group that the WADA Athlete Committee should act as a forum for the broader athlete community, reflect diversity and fulfil new tasks. It was a very diverse group of athletes and they needed representation, which was why the working group thought that the status of a standing committee was probably not appropriate. The WADA Athlete Committee should be a distinct body with distinct rules, and it should be larger in number compared to the standing committees because the members would have to be sent to the various working groups and standing committees, hence the need for the full breadth of knowledge and expertise within the group.

The next item was that, in order to be a representative on the WADA Athlete Committee, the person had to fulfil specific criteria, meaning that they needed to be an international-level athlete within the meaning of the World Anti-Doping Code. The athlete needed to be bound by the World Anti-Doping Code and the previous two criteria needed to be met within a certain lapse of time, within six years of resigning until taking office.

To reflect the diversity, the proposal was to have three communities from which to recruit athletes, the first being athlete representatives from elected members of the IOC athletes' commission and the IPC athletes' commission since the representatives had been elected by a very broad community. The second group of athlete representatives would come from the athlete committees of the IFs, of course limited only to those IFs that were signatories to the Code. The idea had been developed closely with the two athlete representatives on the working group and the WADA Athlete Committee. Every IF athlete committee would have only one vote, the athlete representative would have to be a member of the athlete committee of the IF and everybody falling in the first group would not be eligible for the second group. There might be missing skills or diversity, hence the reason for the third group, to try to fill the gaps, done by a special nominations panel. Some might say that it was burdensome, with two different nominations committees, but it had been the strong wish of the athletes to have more self-governance when choosing their representatives; so, at the end of the day, the bureaucracy argument was not that important because WADA would be drawing from existing bodies, thus not really increasing bureaucracy.

One of the most important functions of the WADA Athlete Committee would be to elect the chairman and vice-chairman, and the second would be to select those members who would represent the athlete community in the working groups and other standing committees. There had been a couple of unresolved questions, which had been sent back to the Athlete Committee, one of which was whether people from the first group, the IOC athletes' commission and the IPC athletes' commission, would be eligible for the position of chairman and vice-chairman. The members would hear from Mr Sandford later on about those matters. That concluded everything on the Athlete Committee. Any feedback from the governments or public authorities and the sport movement would be more than welcome.

MR SANDFORD thanked Professor Haas for his report. He had been thinking about how to approach the matter. He had some concerns about it and his primary concern was who should be doing the work, not necessarily on athlete representation within WADA but specifically on the Athlete

Committee, and he did not want to take away from the work because it was really good and there was probably a great deal that could be agreed on and worked through. The WADA Athlete Committee had set up an Athlete Representation Working Group to look at and develop models specifically on the Athlete Committee, and that had been exceptionally well supported by WADA, the stakeholders, the Executive Committee and the Foundation Board over the past few years. It still had work to do and aimed to complete it and present it to the Athlete Committee in October and then to the Executive Committee and the Foundation Board in November for a final decision. His concern was who should be doing the work because it was his understanding that the Working Group on the Review of Governance Reforms would be looking at broader athlete representation within WADA and the Athlete Committee working group would be looking at the Athlete Committee and would then have to coordinate to ensure that the two fitted together. From an athlete point of view, he had some overarching concerns that, if WADA departed from doing it that way, whatever model ended up being decided on, if it had not been developed by athletes for athletes, it would lack the legitimacy that athlete representatives got from developing a process for what they believed was their best athlete representation and, unfortunately, at a time when WADA should be being more athlete-centred and working with athletes, that would be a step in a different direction.

MR HUSTING commented that the public authorities believed that it was up to the athletes to define the appropriate way of designating their representatives and the same thing would be said later on in relation to NADO representation.

MR ROBERTSON thanked the working group for its effort; it was a lot of work and much appreciated. He endorsed what Messrs Husting and Sandford had said. Oceania believed that it was important that the final proposals come from the Athlete Committee. There was no doubt that the Athlete Committee needed to be working with the working group; but ultimately, he endorsed the view that, if that was to be a group that had the support of athletes in an enduring way, in their initial creation, the proposals needed to be driven and finally presented by the Athlete Committee. That was not to say that there was not a role for the working group, because there was, but it was necessary to understand the importance of the athletes being in charge of the final proposal.

MR DE VOS referred to what Mr Sandford had said about who should be doing the work. It had been a clear mission of the working group to look at the entire governance of the organisation and not only specific parts, because it was one big organisation with different aspects that needed to be looked at. The committee was not asking for the Executive Committee and Foundation Board to have their own governance reforms, which was why the matter had been delegated to a very competent working group, and he thanked Professor Haas and his colleagues for their report. In relation to the Athlete Committee composition, the sport movement was of the opinion that it should not be too big; it should be workable and probably 20 members was too many. The sport movement recommended 15, which would probably be more workable than 20 and it was already more than the standing committees, which comprised 12 members. There was something strange going on when looking at the three different groups. He had the impression that there was some discrimination, because why would the athletes who had been elected by their peers (the IOC and IPC athletes' commissions, for instance) have fewer rights than other athletes who were in certain cases not representative because they had not been elected by their peers? So, looking at the questions raised at the end of the section, he was personally quite disappointed about the approach, because there was clear discrimination between the different categories of athletes identified. Why was that necessary? It should perhaps be the other way around, that those who had not been elected could not be chairman or vice-chairman. He asked the working group and the Athlete Committee on behalf of the sport movement to look at that and perhaps provide a clear answer as to the need for that distinction, not to say discrimination.

In relation to the special nominations panel, he wondered why it was necessary to reinvent the wheel. WADA had a Nominations Committee; it had taken a long time and discussion to reach a compromise in relation to the composition of the Nominations Committee, which was independent, so why was the Nominations Committee then not good enough to make the recommendation for the composition of the third group?

There was some contradiction: Professor Haas had spoken in his introduction about short-term and long-term goals, which he fully agreed could exist, but he believed that they could not be

contradictory. On the one hand, Professor Haas said that the composition and number of members of the Athlete Committee should be reduced in the long term; but, in the short term, the number would be extended. That was a contradiction. Nevertheless, he thanked the working group for the hard work.

MS BATTAINI-DRAGONI referred to impartiality and flexibility. She had had the pleasure of reading the proposals submitted by Professor Haas and she could see the willingness to try to find solutions with a view to keeping the discussion open and ongoing on the question of how to reach the final destination, namely increasing the role of the athletes in the entire construction of WADA, and she had to admit that the work was extremely interesting, pedagogical and clear, and it helped the members to think and continue to think about the decision. She had also appreciated the impartiality. Having said that, it was indeed a very difficult issue and perhaps the best way forward was not to pretend that it would be possible to quickly reach a solution everybody would like. She saw it more as a process with flexibility, during which some changes could be made and then it would be possible to verify whether the changes were good for the benefit of all the stakeholders. If that was not the case, WADA could still revert to alternative solutions. That was the way she felt about the exercise, which was not an easy one. There was a culture in WADA; WADA had existed for 20 years, and it was important for many of the members to be able to open up or give a chance to the culture to continue with the new needs existing for WADA to be strong and really functioning.

PROFESSOR HAAS responded briefly to some of the points made. It was clear that the working group did not take away anything from anybody; that would be a wrong description of its mandate. There were two athlete representatives on the working group, and the members did not take decisions against those two athletes. One of the athletes was the chairman of the sub-committee of the WADA Athlete Committee tasked with the Athlete Committee governance piece, and the working group always tried to find common solutions. The second thing was that the issue had been tabled in the first interim report. The working group had said that there was an overlap of mandates between the WADA Athlete Committee and the working group and the proposal had been to proceed in close cooperation with the athletes, and that was what had been done to date. The two groups were not operating in silos; they were in close cooperation. He had talked to the Athlete Committee several times and the members had said that, since they sometimes had problems finding solutions, they would welcome external proposals, which they could consider. To make it clear, nothing that the working group did, sought to take away from anybody else. He thought that a solution had to be found. In 2018, WADA had promised to find a solution. It was 2021 and there was no solution. That was a political decision: how long did the members want to wait? That was up to the Executive Committee. Of course, the working group sought guidance.

The second issue raised was the question of discrimination. The athlete community was very diverse; the working group had recognised that in discussions and talks with the Athlete Committee, and had tried to have the diversity reflected within the WADA Athlete Committee. It was extremely important for the working group not to differentiate between 'good' athlete representatives and 'bad' representatives. That was completely wrong. Everybody came from a different background and the working group tried to be inclusive and not discriminatory. The underlying idea for some of the questions was that those athletes coming from the constituency of the IOC or IPC athletes' commissions were somehow already represented within the Executive Committee, because the sport movement allocated one seat to an athlete representative from that constituency. The idea was to have that in the statutes in the future. That was the reason for all the other athletes who did not have representation on the Executive Committee, and he would come to that later. The working group's suggestion had been to try to find some way of representation. Everything that the working group sought to do was not to discriminate. The working group tried to work with the Athlete Committee, seeking clear guidance as to what it wanted and, if it made sense from a governance perspective, the working group would try to put it in the rules.

Lastly, of course, there were discrepancies. First, the working group itself had been large and then it had been reduced. There was sometimes no other option. People wanted to make sure at that moment in time that the broader athlete community was reflected. That solution had to come quickly. Once there was trust in the system, the second-level discussion would be completely different. Then, it might be possible to reduce without scrimping on diversity and different cultural backgrounds. He took up the idea that it was a continuing process. The ideal solution would likely not be found by

November. It was necessary to have a longer-term strategy. It was important at a certain point in time to tell people what should be at the end of a very long tunnel. The idea was to give an idea of the kind of things that were being discussed.

Continuing with the Executive Committee, it was clear that, after the consultation process, people had said things had to change within the Executive Committee, and they had had plenty of ideas. It had been clear to the working group that, in order to implement any of the significant trends, the composition would have to change. However, in the short term, he saw difficulties with decreasing the Executive Committee composition and, in certain respects, there were also advantages as the Executive Committee was currently structured, because the working group saw the continental representatives on the public authorities' side as an advantage rather than a disadvantage. From a benchmark perspective, what was the best one for an executive committee? It should be small. That was the reason for which the working group differentiated between short term and long term. In the short term, if one was going to implement significant trends, it would have to increase. The goal at the end, once there was trust in the system, was that WADA should progressively try to reduce the numbers. Again, because there was a discrepancy between the short and long term, in the short term, he thought it would be good to add one person, and everybody on the working group had agreed. Whether another two members could be added to the Executive Committee had been very much debated, and that was why the working group sought feedback. If only one person should be added, the working group thought that it should be the Athlete Committee chairman, to show more or less how the WADA Athlete Committee members were represented. If the Executive Committee deemed that further members should be added, more athlete representatives or independent members, then the working group would need some guidance as to how to implement that. In the long term, once there was trust in the system, there were ways of decreasing the number of Executive Committee members to have somewhere between eight and twelve people. If the members had any feedback, it would be most appreciated.

MR ROBERTSON said that, from Oceania's perspective, the priority was an increase in independent members within the Executive Committee. Oceania did support the addition of three independent members. One of those should be an independent athlete and the other two independent experts who could add to the Executive Committee's capacity to do the job it needed to do. He respected the fact that it could mean a reduction in the number of public authority and sport movement members if that was the best way to ensure the proper independent voice in the Executive Committee. That was the direct answer to the request for feedback.

MR HUSTING supported and echoed what the previous speaker had just said. He had not mentioned that during his previous intervention; but, in general, the public authorities were very appreciative of the work done by the working group and all stood behind the principles included in the proposal made by Oceania, which should provide a long-term direction for WADA's governance. In relation to the Executive Committee, as had just been said, he supported the initiation in November of a formal process to add three independent members to the Executive Committee, one of them being an independent athlete, whilst ensuring that the balance between the public authorities on the one hand and the sport movement and athletes on the other hand was not distorted.

MR DE VOS observed that the matter was a complicated one and thanked Professor Haas and his group for the work that had been done. He fully understood the attempt to reduce the size of the Executive Committee because it needed to be efficient, but how realistic was that and would it not create more problems, negotiations and discussion than just keeping it at its current size? The sport movement did not agree to the further increase in the number of members, perhaps with one exception. In the general introduction, Professor Haas had mentioned a very important principle, that of the equal partnership between the public authorities and the broader sport movement, and that needed to remain key: it needed to remain a principle. It was already complicated enough to reach conclusions, and that was made even more difficult by remote meetings because of Covid, etc. He was happy that it had finally been possible to organise an in-person meeting and he urged the public authorities to attend them, as it was really important to have a dialogue, including informal dialogue, to have more open discussions than were possible in the formal framework of the Executive Committee meetings.

On the issue of the athlete representative, there was some misunderstanding. It was very important to underline that athletes who had been elected by their peers within the IOC or IPC framework, or by the IFs or NOCs, because many other organisations also had athlete committees, did not represent the IOC, IPC or IFs; on the contrary, they represented the athletes of their sport. They were independent of the organisation they worked within. He asked the members not to consider them as representatives, or puppets. They were not. That was a very important principle in the work in that field. He had heard reference made to the need for an independent athlete on the Executive Committee. What was an independent athlete? Why would an athlete be more independent than those already in the athlete committees? He did not really understand that and thought that there should perhaps be some clarification. He agreed with Professor Haas in that it would indeed be good if the chairman of the WADA Athlete Committee were a member of the Executive Committee. That was evident and the principle was already applied at the IOC, IPC, NOCs and IFs. In order to do that, he believed it was first necessary to have an agreement on how the WADA Athlete Committee would be composed, governance and the procedures for election.

MS SANGENIS thanked Professor Haas and the working group for such an extensive piece of work and the energy and time taken to come up with a proposal. The members could agree or not, but detailed work had been undertaken. She emphasised that, when proposing the election of new members to the Executive Committee, the members should be extremely careful about looking at the balance between the public authorities and the sport movement members, which was and continued to be the spirit of WADA. When talking about independent athletes, it was necessary to be very careful not to tip the balance between the public authorities and sport movement. In terms of the voice of the Athlete Committee, the athlete members were elected by their peers and the discussion should be maintained among the athletes as to who they were represented by. She thanked Professor Haas again for his detailed presentation.

MS YANG said that she was sorry she was unable to attend the meeting in person due to travel restrictions. She gave some thought to the topic being discussed. She had been among the first group of WADA athlete representatives in 2003 and then she had had an opportunity to join the IOC athletes' commission. From her experience, and the other athletes in the room might agree, their first role was as athletes, it was not about the organisation that they were in, IOC, WADA, the IFs. Their first role was as athletes, so they got together to talk about athlete issues. Then, no matter which organisation they served, they talked about issues and how to protect their interests. It was a volunteer job, and she was passionate about it. She had heard talk about individual athlete roles and independent athletes, and she was confused too. They were all athletes and their primary role was as athletes. She reminded everybody not to make things too political. The athletes were there for a simple reason: to protect athletes and to give priority to athletes. She congratulated WADA on the first in-person meeting since Covid; she missed everybody.

THE CHAIRMAN thanked Ms Yang. It was nice to see her.

MS TERHO added to what Ms Yang had said. The Executive Committee was talking about adding members to the Executive Committee and there had been mention of the WADA Athlete Committee chairman, which would bring athlete representation on the Executive Committee to two instead of an athlete representing one group and an athlete representing another group. That would be two athletes, both representing all athletes, as Ms Yang had said.

PROFESSOR HAAS thanked the members for their feedback. That was the first point on which the discrepancy between the public authorities and the sport movement was huge. The difference between one and three did not seem big, but it was huge. Some kind of process would be needed between the public authorities and the sport movement. The public authorities and the sport movement would have to discuss among themselves, as it was not a gap that the working group would be able to bridge; that was rather obvious. He wondered whether the Chairman might find a solution for that.

The second thing that was really important for him was the choice of words. What did an 'independent athlete' mean? It insinuated that there were athletes who were not independent athlete representatives. That was purely discriminatory. The working group had abolished that language completely. There was no longer any talk of independent athletes because nobody knew what they were and it insinuated that there were good and bad athlete representatives. That would not be

something that the working group would engage in. If the members wanted to find a solution, they would have to tell him what characteristics they would want. Again, he did not think that athlete representatives grew in silos somewhere. WADA wanted those who had been engaged in the past, those who had shown that they were interested in athlete representation, so they would be growing in some kind of institutions and organisations, and they were the ones that the Executive Committee would want to engage and not people they had never heard of before. That was the most dangerous thing that one could do. The Athlete Committee had suggested that the Executive Committee take those people on the athletes' commissions of IFs, people who had shown that they were interested in representation. The working group would need some kind of process to bridge that gap, as it would be difficult to do alone, and the working group would not support any kind of discrimination between good and bad athletes, as that would be highly problematic, as he had said.

As to the Foundation Board, there was a significant overlap between people and tasks on the Executive Committee and the Foundation Board. People wanted to change that. The working group had suggested a principle, which would be that people sitting on the Executive Committee would not be voting in the context of the Foundation Board; but, for the president and the vice-president, the working group had been clear that there needed to be that link. There had been disagreement as to whether or not the Board should be enlarged. However, one thing was clear: the working group had said that it wanted all the Executive Committee members to attend Foundation Board meetings as it might be necessary to explain things; it had been talking only about voting rights. That was a principle suggested by the working group.

The second item it was still working on was personal and substantive overlap. It was a trend within the working group to reduce the tasks of the Foundation Board and shift more from the Foundation Board to the Executive Committee.

The second big item on the agenda for the working group in relation to the Foundation Board was the role of the NADOs. The working group thought that the NADOs played an important role and proposed incorporating them. The working group's vision was that the chairman and vice-chairman of the WADA NADO Expert Advisory Group would sit on the Foundation Board. In order to make sure that there were no misunderstandings, the working group thought that the NADO expert group would comprise two representatives of NADOs from each continent to have regional representation and that each continent would elect their representatives as they deemed fit. It would be a self-governance issue with all the continents putting forward their representatives on the NADO Expert Advisory Group, and then the chairman and vice-chairman would be taken to serve on the Foundation Board. There were a couple of highly controversial issues on which he sought guidance. The first had to do with whose camp they were in. A lot had been said about the equal balance between the public authorities and the sport movement, so would they be on the ticket of the public authorities? If that was the case, there would have to be some increase on the sport movement side. The second question was the status of the new members on the Foundation Board. Would they have full voting rights or partial ones, not on the budget, for example? The public authorities had said over and over again that that posed an issue. If they were to have no rights whatsoever, then they might just as well not be allowed to take part in the Foundation Board meetings. Those were the questions in relation to the Foundation Board. Again, any guidance would be much appreciated.

MR DE VOS said that he would be happy to provide feedback, but first he thanked Professor Haas for his clear position in relation to the previous point and his answer regarding the Executive Committee and the definition of an independent athlete. He fully supported the approach.

From a principle perspective, he fully agreed with the idea of avoiding overlaps, and it was necessary to be clear about what was meant by this. The Executive Committee of course needed to prepare the Foundation Board meetings and needed to discuss the agenda, so it was logical that the Executive Committee members would discuss the agenda and topics for discussion by the Foundation Board. He believed that the structure of the organisation could be looked at in a similar way to a non-profit organisation, with a board and a general assembly. In that case, the general assembly was the Foundation Board and it was responsible for a limited number of things, including elections, the approval of accounts and the budget, but with limited powers, and the Executive Committee would be considered to be the executive body of the organisation. That could help avoid overlap, of membership as well, as the Executive Committee members should of course be present at the general

assembly or the Foundation Board meeting, but they did not necessarily need voting rights, as long as the principle highlighted as principle number one in the general introduction remained applicable: the equal partnership between the public authorities and the sport movement in the composition. There, he agreed with the direction of the working group and would be happy to discuss that, but it was not necessary to increase the membership. It was already complicated enough and adding more members only made things more complicated and discussion more difficult. On the other hand, he understood that the current statutes allowed for 40 members on the Foundation Board and there were currently 38, so he would be open to filling the two places and agreed with the proposal to have one for the public authorities and one for the sport movement in order to maintain the balance, and then he would not have any problem with the public authorities bringing somebody from the NADOs. To answer previous requests in relation to the increase in athlete numbers, there could be an additional athlete representative from the sport movement, and that went in the direction of some other points mentioned earlier, so he could agree with that.

As to creating specific additional places for NADOs, he believed that NADOs fell under the public authorities. The governments were responsible for and funded the NADOs, many of which were public entities, so they belonged to the public authorities, and he had no problem with the public authorities increasing NADO representation as the sport movement increased athlete representation. That probably answered some of Professor Haas's questions, at least from the sport movement side.

MR HUSTING said that, in relation to the Foundation Board, the public authorities believed that it should be more representative, meaning including NADOs, and the NADOs had to be understood as being separate from the public authorities. That position had already been stated in May, including NADOs and athletes, and he underlined that any extra seats had to be attributed equally, with the same number of NADO and athlete seats.

In relation to the responsibilities of the Executive Committee and Foundation Board, both should be de-conflicted, with the Executive Committee responsible for policy implementation and enforcement of decisions, while the Foundation Board should focus mainly on strategic management and legislative matters and act as an oversight body. Rather than reducing the tasks of the Foundation Board, the position would be to increase the tasks of the Foundation Board after an in-depth review of the key tasks of the Foundation Board and the Executive Committee. The public authorities also wished to underline that moving the discussion from the Foundation Board to the Executive Committee could reduce the overall transparency of the discussions within WADA.

In relation to the question on voting rights, the proposal to remove voting rights in the Foundation Board for members of the Executive Committee was not ideal in the short term and should be discussed carefully on the basis of what had already been mentioned on the distribution of tasks between the Foundation Board and the Executive Committee, whilst preserving the equal partnership between the public authorities and sport movement. In relation to voting rights, a common approach should be taken for NADO and independent athlete representatives with similar entitlements. They should have partial voting rights, but voting on budgetary matters should be reserved for the public authorities and sport movement members. They should have a full vote on other matters.

MR HERRERO introduced himself. He expressed the enthusiasm and passion of CADE, working together for sport and athletes and to improve what was done in the field. Beyond political considerations, it was a great opportunity to improve. As Ms Yang had been saying, it was a great opportunity to improve conditions for athletes and increase equal access. He was not only thinking about the performance of athletes. He thanked Professor Haas for his presentation and leadership in the extremely important issue. His region believed that the Foundation Board was representative and therefore there should be balanced representation so that all people and regions were equally represented. He asked the working group to consider the possibility for all regions to have the same number of seats in order to take the necessary decisions. There should be no region with fewer seats than other regions when the decisions to be taken would be affecting athletes all around the world.

MR ROBERTSON endorsed what Mr Husting had said. He did not agree with the idea that the NADO voice could be heard through the public authorities. The Code actually required that the NADOs be operationally independent of governments, so it was not logical or sensible to see the seats on the Foundation Board for NADOs coming from the public authorities; in many ways it did not reflect the relationship that existed or the operational independence that was important for the integrity of

the system. It would not be possible for the NADOs to be heard through the public authorities; they had to stand alone in that regard.

MR HUSTING added that he also had a common position in relation to question number two. For the public authorities, the working group proposal for a NADO representative to be sourced from the WADA NADO Expert Advisory Group was very highly problematic and they did not support it. The terms of reference for that group allowed the WADA Director General to appoint NADO members and the chairman and vice-chairman on that expert advisory group, so that was a proposal he did not support.

MS BATTAINI-DRAGONI underlined the real structure of WADA, namely a co-management system, which had been important when WADA had been created. It had gone through some difficult times, and there the members were, discussing in a co-management formula, in order to understand how to fix certain things or how to integrate new dimensions in the work of WADA, because WADA had to evolve in accordance with the times. The principle of co-management and equality remained, but co-management was a system that was open to modification. She had understood that there were already some things that seemed to be acceptable to everybody and others that might not yet be mature enough. There was no need to go against the principle of co-management simply because it was felt that certain elements had to be included. She also took from the debate what had been said by Professor Haas, which was that there was a moment when, on certain specific subjects, and not trying to deal with everything, but at least some basic aspects of the reform, people had to come together and talk to one another, and clearly WADA could not push for something if there was still a need for discussion. There was a good framework and a lot of work had been done by Professor Haas and the working group, some things were going slowly but were advancing and seemed to correspond to what was needed; if some others were not yet acceptable, the Executive Committee would take note. She simply wanted to say that it was not an easy exercise at the end of the day and, after almost two years of discussion, it was a little frustrating to see that the Executive Committee was not yet there and not able to go to the Foundation Board with clear-cut decisions, with the exception of the one mentioned by Mr De Vos about the possibility of adding one person to the Executive Committee.

MR DE VOS agreed that it was indeed a very difficult discussion and he could understand that it was sometimes a bit frustrating, but the members were trying to make progress, and the sport movement had given some indications on the structure of the organisation that there were opportunities to discuss and find solutions that brought it into line with what was done for other organisations. The members should not focus too much on the detail of the NADOs. It was not worth discussing, in the sense that he did not understand the comments on it because NADOs were already representing the public authorities on the Foundation Board. The Saudi member came from the public authorities. There were already many public authority deputies who were NADO representatives and, as the IFs and NOCs were the operational arm of the IOC and the sport movement, the NADOs were the operational arm of the public authorities and the governments. In Europe, the NADOs decided on the European mandate within CAHAMA, so it could not be denied that the NADOs were part of or very much linked to the public authorities. Again, many were funded by the public authorities. There could be no clearer link than the sources of the money: follow the money. The equal partnership between the public authorities and the sport movement needed to be the basic principle of the organisation. Each partner had the right to decide on their delegation. It was not for one partner to say how the other partner needed to fulfil the mandate.

In relation to voting rights, either one was a member of the Foundation Board or one was not, but making a distinction and giving members different votes depending on who they represented did not make much sense.

In relation to the comment on regional representation, he thought that that was meant to be within the delegation of the public authorities and it did not concern the sport movement, but he wished to make it clear.

MR ROBERTSON apologised for speaking again on the matter. He respected the fact that there were differences of opinion, and the Executive Committee needed to work through them in the spirit of the organisation and the partnership. He reiterated that the public authorities had agreed on some detailed responses and could put them through in writing. People would be aware of the work done

by Oceania that Mr Husting had alluded to earlier on. He had proposals that could be sent for people to study in detail after the meeting. He did want to respond again to the question on the relationship between NADOs and governments and he could certainly reflect on his own circumstances, in which the government funded the operation of their NADO; however, they had independence and integrity and he did not think that a phrase such as 'follow the money' was perhaps the best one to use. There were important distinctions in the way in which governments operated so that they had independent anti-doping bodies working alongside them. He therefore continued to hold the view that it was not a logical representation of the relationship between the NADOs and public authorities, but he respected that there were differing views that had to be worked through.

MR HUSTING repeated what had been said by the previous speaker. The public authorities did not share the same point of view as that expressed by the sport movement on the NADOs. They strongly disagreed with any suggestion that the NADO voice could be heard through the public authorities. When reading the Code, it placed strict independence criteria (article 20.5.1) on NADOs to demonstrate operational independence from the governments; it would therefore be completely illogical and possibly non-compliant with the Code to assume a system of representation that relied on the NADOs being considered part of the public authorities.

PROFESSOR HAAS made one point of clarification. Looking at the proposal and the recommendation, it was not that the WADA management appoint NADO representatives. The NADOs of the various continents would choose their representatives, they would come to the advisory committee and, within the advisory committee, they would appoint a chairman and vice-chairman and any of those would in principle be a representative on the Foundation Board, so it was completely detached from any WADA influence. It was a different type of advisory committee, so that fear was not realistic. The second thing was that the gap was wide and it would not be bridged by the working group. There had to be some process in place to bridge the gap. He encouraged the members to be honest and truthful during that process. Were they in that camp or the other camp? There could be no doubt that NADOs were in the family of the governments. He had been a NADO representative, he had run the German NADO, and of course he had represented the German Government, so it could not be a question of whose family they belonged to. Of course, they were part of that family. The members had heard that there were institutions that might threaten to withhold money if the NADOs did not do what they wanted. It was a weird example, but it might exist. In most of the countries, the chairman of the NADO would be appointed with government votes. It was therefore unrealistic to say that they did not belong to a certain family. What was important was how much trust one had in the family member. Of course, he trusted his wife more than his children, and he trusted them less than his cousins. That was the important thing the members would have to tackle. The members would have to say how much trust they had in their family members. It was obvious that the governments did not have full trust in their family member because they were saying that they could vote on everything but the budget, proving that there were feelings of distrust, and it was those items that should be looked at, not the camp issue, which he thought could be resolved. The members should look at the important decisions to be taken. If the members said that there could be an element of distrust, there were many other ways to tackle the issue. That was the only recommendation he would give when trying to bridge the gap during the process.

The same would apply to the athlete representatives on the Foundation Board.

Then, of course, there was a list of open issues. From what he had heard, he had been given some guidance on a couple of issues, but anything more that could be given, even in writing, would facilitate the work considerably. There were still some open issues on the Executive Committee, the Foundation Board and the WADA Athlete Committee. There were issues in relation to the Nominations Committee, the standing committees and the Compliance Review Committee, and a huge issue in relation to independence across all bodies which was still an important task, so any feedback that the members had at that point would be fantastic.

Lastly, the working group had had a look at the compromise formula on the code of ethics and had discussed it in detail. The principles enshrined in the compromise formula would add to a better decision at the end of the day, so the decision would rest with the independent ethics board, but the Executive Committee would have some kind of say, because it could comment on any of the proposals to make the decision better, and any decision that was better than the previous one would be a huge

advantage, so he fully backed the compromise formula. There had been some caveats, and they would be looked into once the detailed proposal on the code of ethics was on the table. There were a couple of questions on independence and who could participate in the recommendation process by the Executive Committee, but those were details and he thought that the compromise formula was a consensus within the working group.

THE CHAIRMAN drew some conclusions from what had been said. First, he thought that it should be stressed that any proposal needed to be realistic. WADA needed to be able to implement proposals. A two-thirds majority was needed to make changes, so consensus and compromise were necessary. Failure to achieve consensus would mean the status quo in governance, so either WADA found consensus and moved forward, even with small steps, or there would be no reform, and he did not think that would be good for the organisation, and it was the stakeholders' responsibility, not the responsibility of the WADA management. After the discussion, it was clear that, on some issues, the Executive Committee was closer to reaching consensus than on others, so he thought it important to focus on the short-term recommendations first. The public authorities should sit down with the sport movement before the November meeting and discuss on what issues there could be consensus in November. He therefore asked the members to form a small group comprising one Executive Committee or Foundation Board member from the public authorities, one from the sport movement and Professor Haas, and he strongly encouraged them to do that as soon as possible and set up a timeline for the meetings. If something took more time, that could be deferred to May, but it was necessary to have something in November, although first of all a compromise was necessary. That was his expectation. Last but not least, he wished to thank Professor Haas for moderating the discussion that day and for his hard work, which was much appreciated.

PROFESSOR ERDENER thanked the Chairman for his idea. He fully agreed that there could be a small group to further discussion. The sport movement fully supported the idea. He proposed his colleague Mr De Vos to be a member of the group and wished his friend luck.

MR NIWA appreciated the work of the working group to advance WADA's governance reform. He agreed with the comment made by the minister from New Zealand and One Voice, and acknowledged that it was crucial to ensure independence and transparency of the activities of WADA and the proposal to support the participation of independent athletes and NADOs was important. The implementation of the recommendations should be divided into the short and long term and some challenges should be discussed. It was important to ensure an equal balance between the public authorities and sport movement and there should be further discussion in that regard.

DECISION

Working Group on the Review of Governance Reforms update noted and proposal to create a small working group to reach consensus approved.

- **4.2 Code of Ethics/Independent Ethics Board update**

MR SIEVEKING informed the members that he would provide a brief presentation. At the May meeting, two versions had been tabled, one option with the decision for the Executive Committee and the other with the decision for the independent ethics board. Regrettably, no consensus had been found at that meeting. There had still been division among the members. WADA had asked its legal counsel to draft alternative models, which had been presented to the Working Group on the Review of Governance Reforms at the end of June. At its next meeting, the working group had decided to support one of the alternative models with some comments, which would be presented. Should the Executive Committee support the new model, the management would immediately start drafting a revised version of the code of ethics. He sought the approval of the Executive Committee, as he thought that everybody would like to have a code of ethics approved at the Foundation Board meeting in November.

MR KAISER said that he would lead the members through the alternative option that had been prepared and seemed to meet the views of the public authorities and the sport movement within the working group. The alternative model was entitled 'reconsideration process', as it affected only one part of the previous draft of the code of ethics. The general principles remained the same, as did the

implementation and the procedure. The situation was totally different in relation to the deciding process. Basically, the move was towards a decision process whereby the independent ethics board and its panel would render the final decision, but there would be a solution to give a certain amount of proposal faculty to the Executive Committee. The principle was to permit the Executive Committee to invite the independent ethics board to possibly reconsider the provisional decision of its panel.

He led the members through the different steps of the process. The panel would first submit a deliberation report to the chairman of the independent ethics board when the panel took the position that the investigation of the case was completed and a provisional decision was reached, even though not yet formalised. The independent ethics board (but not its panel; from that moment onwards, competence was moved from the panel to the board itself) could order interim measures for the whole period of the reconsideration process. Once the deliberation report had been prepared, the chairman of the independent ethics board would deliver the report to the chairman of the Executive Committee on a strictly confidential basis because of its possibly sensitive nature, and then the chairman of the Executive Committee would determine whether any of the members of the Executive Committee was impaired in terms of participating in the discussion because of a lack of impartiality, a conflict of interest or because a member of the Executive Committee was involved in the context of the facts addressed by the proceedings conducted by the panel, and the chairman of the Executive Committee would determine whether a member was impaired by applying the WADA governance regulations and, of course, if a member was impaired, they would be excluded from the Executive Committee's internal comment process. The chairman of the Executive Committee would then forward the deliberation report to the Executive Committee members, but always on a strictly confidential basis because no final decision would have been rendered by the panel. Having received the deliberation report, the Executive Committee would be able to do two things: send comments and submit requests for further investigation. It should be a decision of the Executive Committee (not necessarily unanimous) taken in accordance with the WADA governance regulations. If the Executive Committee sent only comments on the deliberation report, the independent ethics board would provide a summary of such comments to the concerned person so that, in fact, the concerned person could submit a written answer on such comment and therefore have their right to be heard properly applied and respected. Alternatively, the Executive Committee could submit a request to the independent ethics board to conduct further investigation, such as collecting additional evidence, additional documents, hearing witnesses, ordering expertise or any other measures that the Executive Committee felt should be done before the panel could render its decision. Then, the independent ethics board (and not its panel) would decide whether or not to ask the panel to conduct further investigations, and it would do so even if not requested to do so by the Executive Committee, because the comments by the Executive Committee might justify the conduct of additional investigation. The independent ethics board should also indicate which measures should be undertaken and, in principle, the concerned person should be informed. There were, of course, situations whereby confidentiality was necessary to avoid the risk of tampering evidence or creating problems for any investigation to be conducted. In principle, however, the concerned person should be informed. The decision of the independent ethics board could not be appealed because all the decisions until that point were of a procedural nature and were final in that respect; the appeal would be made against the final decision only. Once the comments had been made by the Executive Committee or a request considered by the independent ethics board, the panel would complete its investigation and would then render its final reasoned decision. It had been felt, and he thought it was a good idea, that the decision should also specifically address the Executive Committee comments and, of course, the answers given by the concerned person within the decision, which could then be appealed. In relation to the appeal against the decision, the decision of the panel could be appealed to the CAS by the concerned person (which was obvious), and by WADA in one situation only: if the independent ethics board was a totally separate legal entity to WADA, for example another foundation created by WADA to serve the purpose. But, of course, if the independent ethics board was a WADA body, even an independent WADA body in terms of its functioning, independent from the Foundation Board, the Executive Committee and the management, then it remained a WADA body and the decision of the panel of the independent ethics board would be a WADA decision; therefore, WADA would not be able to appeal its own decision. He hoped that the members would be able to decide to go ahead down that route so as to be able to prepare a proper and complete draft code of ethics before November.

MR HUSTING stated that the public authorities really welcomed the proposal of the alternative model for the code of ethics and very much looked forward to the final draft. He also responded to the previous item and said he would send in comments in writing in relation to governance, as suggested by Professor Haas.

MR DE VOS said that he was happy to see the enthusiasm to start drafting the rules. He had a couple of questions, which would also be provided in writing to the relevant people. From a principle point of view, he was still not completely convinced about whether the final decision on sanctions should be taken by the independent ethics board or by the Executive Committee and, from the explanation of Mr Kaiser, there was also an open discussion as to whether it was a WADA body or a completely independent body and who could appeal it and who could not. It was necessary to have clarity about that. To open the door for potential compromise, if the independent ethics board had the right to take a decision, should the Executive Committee then not review also the composition of the independent ethics board so that at least one voice from each of the constituents (public authorities and sport movement) would be involved in the board, in a similar way as was done with the Compliance Review Committee? That could be a solution, to then hand over the final decision-making to the ethics board. Was it the panel that took the decision or the independent ethics board? It was important to clarify that. He welcomed the mechanism that the Executive Committee at least would be informed, and maybe even involved in the process. Would there be a possibility for the panel of the independent ethics board or the chairman of the independent ethics board to be heard by the Executive Committee? Would there be the possibility for dialogue or just a report handed over and looked at by the Executive Committee? Again, he was open to looking at and fine-tuning the mechanism so that it would really serve its purpose.

THE CHAIRMAN concluded that Mr Kaiser would clarify some issues after the meeting; but, from his perspective, the code of ethics was a core element of governance reform and, therefore, it was necessary to reach agreement so as to bring it forward for approval in November. It was a must for WADA and for all the stakeholders. It had been discussed at length and, frankly speaking, it was time to reach consensus and finalise the work. He was open to some adjustments but asked the members to be flexible and agree on an option that included a reconsideration process with a final decision to be made by the independent ethics board. He asked Mr Kaiser to draft a version based on the new model for November.

DECISION

Code of ethics/independent ethics board update noted. Mr Kaiser to draft a revised version based on the new model for adoption at the Executive Committee meeting in November.

- **4.3 Standing committees 2021 – Call for nominations**
- **4.4 Executive Committee and Foundation Board memberships 2022**

THE DIRECTOR GENERAL said that he would combine the two items. The deadline for standing committee nominations was 1 October, so he asked the members to talk to their constituencies and make sure that WADA received nominations by that time.

In relation to the Executive Committee, the rotation policy had been implemented for the sport movement, so there was also a deadline by the end of October for nominations to the Executive Committee.

MS EL FADIL stated that Africa would be starting the process for its region to be adequately represented. Cameroon was being nominated to replace South Africa, and Africa would definitely meet the deadline just mentioned by the Director General.

DECISION

Information in relation to standing committees and Executive Committee and Foundation Board memberships noted.

5. Athletes

- 5.1 Athlete Committee Chair report

MR SANDFORD noted that the members had the report in front of them, so he would take it as read, but there were two main things on which he wished to concentrate and provide a verbal update. The first was the athlete anti-doping ombuds and the work the working group had been doing on that. Considerable progress had been made in recent weeks, and he would take any feedback on his update to the members on next steps to the working group. The next WADA Athlete Committee meeting was on 6 and 7 October and the working group would present its final recommendation to the Athlete Committee; the Athlete Committee would then have a discussion, make any changes it saw fit and then make a final presentation of the proposal to the Executive Committee and Foundation Board in November, so a final detailed report would be provided at the next meeting.

In terms of key take-aways, at the previous meeting, he had spoken about two models being considered: the employee model and the contractor model. Having received feedback from stakeholders and after discussion with the WADA management on what was important, the contractor model had been deemed the most appropriate, essentially offering a contract to make sure that the person and the office were as independent as possible. There had been a number of comments from stakeholders about the fact that they thought that independence was key to make that work. The other change in how the Athlete Committee was looking at rolling it out was a practical consideration, in that some leadership was necessary, so WADA could not just go out and engage four contractors and have them go off in different directions. WADA really needed leadership and somebody responsible for the office and reporting back to the Executive Committee and Foundation Board and making sure that the office was managed in a cohesive way in terms of the set-up and services offered. He was talking initially about having a contract for a chief ombuds, based in Europe, not in a WADA office but independent of that, and a job description would be put out in due course if that was approved by the members. The chief ombuds' role would be to set up the office and then start offering services. The previous time, the Executive Committee had spoken about the importance of being able to offer the services regionally and through regional ombuds. The Athlete Committee still 100% supported that but recognised that it would not be achieved immediately, so the chief ombuds would be in charge of regionalising the service as well, on a needs basis, meaning that decisions would be deliberate and considered, and there would be no rush to do things that could not be done properly. In the proposed budget, the members would have seen that some money had been put aside for that, for which he was very thankful, and there were some quite good opportunities for finding outside funding for that, so that would be one of the things that would be sought in the future. Also, once the chief ombuds was in place, one of the things they would be responsible for would be finding further funding so as to be able to offer more services and continue with the regionalisation of the office. The timeline was to report in full detail for a decision in November and then, assuming that was approved, the working group would go out later that year and early the following year to try and find the person to lead the office and take up the contract.

On athlete representation, the members would see an update from the Athlete Representation Working Group and he did not wish to poke the hornet's nest any more than he needed to, but there were key differences between having the work done by the Working Group on the Review of Governance Reforms and by a group of athletes who had a mandate from the Athlete Committee. One could go back in time and see how it had happened: it had come about because of the recommendations from the previous governance working group adopted by the Foundation Board and followed by the Executive Committee. The Athlete Committee had been working through that process for what felt like an exceptionally long period of time, but was very close to the end of it. Exactly the same as for the ombuds working group, the Athlete Representation Working Group was hoping to have a final model or models to present to the Athlete Committee at the October meeting, and then the Athlete Committee would present those to the Executive Committee in November. They were close to the end of the road, and he sought the members' endorsement for the Athlete Committee to continue to do that work, because he thought it was vitally important for athletes to have a say in how they were represented in the strongest way possible. Ultimately, that would be the members' decision to make. In terms of what he was presenting from the Athlete Representation Working Group, a lot of progress had been made. In the past, the working group had presented a

number of models, and there had been talk of developing new models. There were some key things upon which everybody agreed. There was a new model A and a new model B, although he would not read too much into the individual models. At the previous meeting at the weekend, a third model had been considered, and those models would continue to adapt and change as things were finalised and, as one thing changed, it often led to other changes, so he would not read too much into the models because they were very much a fluid position and reflected discussions over previous weeks. He invited the members to look at the things on which some consensus was starting to form. The first point was composition. There were three categories of Athlete Committee membership: elected, appointed and IOC/IPC. That represented quite a change compared to the situation in the past. There was also a change in language. The working group recognised that those were the three groups, and the discussions to be had in the coming weeks would be on the make-up of the groups. The working group generally agreed on the eligibility criteria, term lengths, diversity and skills, so there were a lot of key fundamental principles that were agreed on. That was a really good place for heading into the final stretch, being able to come up with the models to present to the Athlete Committee and the Executive Committee.

The Athlete Committee wanted to have strong athlete representation within WADA, to be representative of the entire athlete community as much as possible; but, to do that, it needed a budget and a secretariat. That was a feature of other athlete committees, but that would not probably be one of the recommendations put in with a model, although it would be a side recommendation to enable those models and athlete representation to succeed within WADA and for WADA to be able to say that it was an athlete-centred organisation. He would make some comments later on the proposed WADA budget. The working group was in consensus on that point at that time, and it might be something that came up in the future as well.

MR ROBERTSON made a brief comment in response, picking up on what he had said earlier on the working group report to endorse the comment about the importance from an athlete perspective of decisions about athletes having the Athlete Committee and its working group at the centre. He recognised that it was a hornet's nest, but it was important to acknowledge that. He could see that the proposals were not far apart, and there was a recognition that there was an opportunity for the Athlete Committee and the working group to come together and resolve that. He did not think that the differences were large, but the position that the Athlete Committee was taking was a reasonable one.

MS KANOUTÉ congratulated Mr Sandford on his relentless efforts to continue representing the athletes and empowering them through the WADA Athlete Committee, and she thanked Mr Sandford for his patience. She took the opportunity to congratulate Ms Terho on her election as the chairman of the IOC athletes' commission. She looked forward to Ms Terho continuing to empower and represent athletes.

MS TERHO thanked Mr Sandford for his report and the work put in by the Athlete Committee's working group. To repeat what Mr Sandford had been saying, it had been possible to schedule meetings to discuss with members of the working group but it was crucial to meet as a whole group instead of having individual discussions. It had been said that there was not a big difference between the two models; but, as Mr Sandford had mentioned, those were things that had been discussed, and there was currently a potential third model, so she looked forward to having the discussion as a whole group and then going to the Athlete Committee meeting on 6 and 7 October.

MR SANDFORD thanked Ms Terho and Ms Kanouté for all their work and congratulated Ms Terho on her election as the IOC athletes' commission chairman.

DECISION

Athlete Committee Chair report noted.

- **5.2 WADA Activities with Athletes update**

MR KEMP informed the members that there was a paper available on engagement activities of WADA above and beyond the Athlete Committee activities. That being said, WADA worked in close cooperation with Mr Sandford and the committee to find ways and means to bring the WADA strategic plan to life and become even more of an athlete-centred organisation. He passed on his thanks to

the IOC and the IPC. In lieu of conducting outreach activities in Tokyo that year, WADA had been fortunate enough to find creative ways of ensuring anti-doping messages were available to athletes. He reiterated his thanks to the two organisations. WADA continued to bring the plan to life, the athlete engagement strategy with the Athlete Committee, and he was happy to hear from the three athletes who had just spoken. He looked forward to updating the members further in November on those activities.

DECISION

WADA activities with athletes update noted.

6. Compliance

- 6.1 Compliance Review Committee Chair report

MR WOOD noted that the members had the report from the Compliance Review Committee but he wished to make some brief updates. Since the May meeting of the Executive Committee, the Compliance Review Committee had held its regular August meeting plus a number of ad-hoc meetings to discuss the non-compliance cases he would present under item 6.3. Before doing so, he acknowledged that an enormous amount of work had been undertaken by WADA staff to deal with a rush of documents. As previously reported during 2020 and the first quarter of that year, the committee had endorsed a number of flexible measures to provide signatories with more time to correct their non-conformities. From the time of the April meeting that year, the hold on pursuing compliance procedures had been lifted, leading to the decisions at the August meeting of the committee that had resulted in the recommendations before the members in relation to the non-compliance cases. The committee had received regular updates from the WADA management concerning compliance monitoring activities, notably the audit programme and the use of virtual audits. The committee had been pleased that it had not seen any weakening of the compliance monitoring programme during the pandemic, and that had paved the way for the release the following year of the Code compliance questionnaire. The committee had received regular updates on Russia, including the implementation of the CAS award concerning the holding of championships in Russia and the ongoing monitoring of RUSADA's anti-doping activities and restructure. The committee had also received regular updates on the work that had been continuing in relation to weightlifting. He would provide a brief update in relation to the FIA case later on which obviously concerned the implementation of the CAS award. Finally, in relation to the next agenda item, the committee had fully endorsed the proposal to expand the current prioritisation or tiers policy that would make more signatories accountable for compliance.

DECISION

Compliance Review Committee Chair report noted.

- 6.2 Revised policy for WADA's application of the International Standard for Code Compliance by Signatories

MR WOOD noted that the committee had received updates over the past five years on the evolution of the compliance monitoring programme that WADA had put into place following the introduction of the 2015 Code which had also included the establishment of the Compliance Review Committee. Over that period, it had noted that the initial prioritisation policy had been required to reflect the resources available to WADA and signatories for effective monitoring as compliance maturity grew. With a Code compliance questionnaire being released the following year, the one tool that affected all IFs and NADOs, he agreed with the WADA management that the time was right to expand the current policy to make more signatories and anti-doping programme areas accountable for compliance requirements and to extend the reach to major event organisers. The committee had been very pleased to see that WADA had undertaken a rigorous benefit-risk assessment, including a resource modelling exercise to provide a revised policy that would allow the compliance monitoring programme to develop and improve. That was in line with the continual improvement that was central to the WADA compliance strategy. The committee proposed that the Executive Committee approve the revised policy to come into effect the following year, and that the population of the tiers be presented to the Executive Committee at the November meeting for information. That exercise was

currently being undertaken on the basis of the most recent national sporting performance data, including physiological doping risk information and information acquired from the recent Tokyo Olympic Games and Paralympic Games. He would be happy to answer any questions in relation to the policy.

MR HUSTING said that the public authorities fully supported the revised policy but had also received some technical requests. First, if possible, the publication of the tiers list in order to enhance transparency and overall trust in the system, and then the alignment of the tiers of the major event organisers with the tiers of the IFs and NADOs, and the inclusion of testing and education as a minimum requirement for the tiers for IFs and NADOs.

PROFESSOR ERDENER supported the revised WADA policy.

MS TERHO welcomed, on behalf of the IOC athletes' commission, the additional focus on education, ensuring that all ADOs implemented an education programme. During the anti-doping sessions organised at the IOC international athletes' forum, the athletes had expressed a strong need to improve athletes' access to anti-doping education, in particular at the national level, as prevention was the first step to help protect athletes from doping practices, so the first interaction with anti-doping was education as opposed to testing or rule violation.

MR WOOD said that, as far as the technical information was concerned, a report would be provided at the November meeting concerning the tiers and also the criteria for selection of the population of the various tiers, but transparency was very much under consideration and would be dealt with.

In relation to the question about the alignment of the major event organisers, IFs and NADOs on testing and education, it was understood that that was a matter of some interest and the committee really understood that and had no problem if it was the wish of the Executive Committee that that happen. It had looked at it, obviously, and had taken the view that, as far as testing was concerned, that was for those NADOs that fell within the reach of the exceptional circumstance clause where bad faith or lack of commitment were concerned; but, if testing and education were to be included and aligned across the tiers, he saw no problem with that if that was the wish of the Executive Committee.

THE CHAIRMAN asked if the members agreed to approve the revised policy as presented to come into force on 1 January 2022, and that the population of the tiers be provided in November.

DECISION

Proposed revised policy for WADA's application of the International Standard for Code Compliance by Signatories approved.

- **6.3 Recommendations of non-compliance**

THE CHAIRMAN reminded the members that a further update on compliance cases had been shared on 10 September prior to the meeting, reflecting the updates received from certain stakeholders.

MR WOOD indicated that there had been another further update during the past 48 hours, so it had been a very fluid situation. Since the August meeting of the committee, the situation in that area had been very fluid, with new exchanges of correspondence on an almost daily basis. The members had the two updates to the paper and he would provide an oral update in a moment. Bringing the cases forward, the committee had acknowledged that declaring signatories non-compliant was a last resort and any consequences proposed had to be fair and proportionate, as well as consistent between signatories. The high number of cases arose from two unique factors: first, the fact that a number of signatories had not complied with the critical requirement of bringing their anti-doping rules or legislation into line with the revised Code, and also the impact of the pandemic and the consequent delays for some signatories in taking corrective action. Of course, in relation to that, procedures had been frozen for a time.

He presented the cases by grouping them on the basis of the source of the non-conformity. Dealing with the non-conformity of anti-doping rules with the 2021 Code, as the members were aware, the current Code and international standards had been approved at the World Conference on

Doping in Sport in November 2019 and the requirement had been for all signatories to have anti-doping rules in line with the Code and adopted into their legal systems by 1 January 2021. Between November 2019 and January 2021, WADA had provided very considerable resources to support signatories in achieving that, including the release of the model rules on 13 December 2019, the provision of webinars and making staff available for advice and reviews of drafts submitted for checking. At the turn of the year, over 90 signatories had been yet to adopt rules in line with the Code. They had all been sent a corrective action report on 11 January 2021 with a three-month deadline and, by the time the deadline had expired, 27 signatories had still not completed the task, and they had entered the three-month compliance procedure. Since then, there had been a steady decline in the number of outstanding cases, and WADA had 14 cases left. In respect of submission, recommendations had been made following the August meeting. Since then, there had been a great deal of activity by signatories and WADA staff. As he would note later, the steps that had been taken in some cases had been assessed as justifying an amendment for an assertion of non-compliance with immediate effect to one of placing the case on the watch-list. In reaching the relevant decisions in August that year, the committee had had before it and taken into account a letter from the Council of Europe, dated 20 July 2021, concerning the impact of the Covid virus on signatories, and also the constitutional and legislative complexities that existed in some countries which could render change somewhat lengthy and slow. The committee had not underestimated those factors; but, in relation to the first, the committee had observed that the pandemic had been a global crisis, yet most of the world in broad terms had managed to deal with the issue, including some that had needed to amend their legislation. Further, it could be argued that the reduced anti-doping activity during the relevant period had given signatories an opportunity to address the requirement. In relation to the second point concerning countries that had chosen to adopt laws and legislation in order to establish anti-doping regulations, that had not been a requirement of the Code but rather their choice. The committee saw that, until signatories had regulations or laws that were compliant, there would be an uneven playing field. It was very important to have complete compliance across all signatories in terms of having Code-compliant laws.

Before moving on to the individual cases, he confirmed that, when reviewing them in August and September, the mandate of the committee had been to consider them individually but also to ensure consistency in its decisions and proportionality in the consequences that it proposed, and that applied equally to those cases in which a recommendation of assertion of non-compliance with immediate effect was made and to those for which a watch-list recommendation was made.

In relation to the rules cases that the committee considered would be appropriate for the watch-list, he indicated that, since the 10 September update that has been shared, of the 14 compliance cases still outstanding, eight were considered by the committee as appropriate for watch-list recommendation. They were the Belgian Flemish community, the Belgian French community and the Belgian Brussels community, Latvia, Portugal, Spain, Greece and the Netherlands. The updated draft rules for the Belgian Brussels community and Greece had been submitted over the past 48 hours and, following assessment, the Compliance Review Committee was satisfied that they should also go on the watch-list. The watch-list was provided for in article 8.4.5 of the standard, and the criteria that the committee had applied consistently in relation to the rules were that a draft set of rules or legislation compliant with the Code was provided, along with a corrective action plan and a calendar for adoption within four months. If not adopted within that time, the signatory would automatically be declared non-compliant, with the consequences and reinstatement conditions proposed.

In relation to the first seven of those NADOs, they had submitted draft rules or legislation that had been assessed as compliant along with a plan and a calendar for adoption within four months. In relation to the Netherlands NADO, the committee had assessed it was appropriate for the watch-list because a partial calendar had been provided, possible solutions had been identified and were being discussed in relation to the matter and strong commitment by the government had been received to have the changes made and adopted within a four-month period. As a result, the Compliance Review Committee recommendation, which had originally been one for an assertion of non-compliance for the eight NADOs, was one that should be amended so that they would be placed on the watch-list.

MR NIWA stated that there were certain areas over which NADOs had no control, so it might take some time depending on the country. For those areas beyond the control of the NADO, WADA should

be very careful about imposing severe consequences across the board. In relation to those recommendations presented, he asked the Compliance Review Committee to kindly reconsider its stance for those NADOs that had non-compliance for cases related to the implementation of the Code in the legal system.

PROFESSOR ERDENER said that the sport movement supported the recommendation of the Compliance Review Committee in principle but saw that there was a high number of NADOs unable to adopt regulations in relation to the Code due to governmental procedures. What could be done to prevent that kind of situation in the future?

MR DE VOS said that the proposed decision for those NADOs referred to some kind of a warning; was that the same as being put on the watch-list? He wanted to avoid confusion, because the document said that they would receive formal notice, and he understood that that was the same as being placed on the watch-list.

MR HAYNES responded that a formal notice would go out, but it was a watch-list situation. They would be given an additional four months to implement and, if still outstanding at the end of that four-month period, it would become an automatic non-compliance.

MR WOOD repeated the names: the Belgian Flemish community, the Belgian French community, the Belgian Brussels community, Latvia, Portugal, Spain, Greece and the Netherlands.

THE CHAIRMAN asked if the members agreed to approve the Compliance Review Committee's watch-list recommendation. The members unanimously approved the recommendation.

MR WOOD continued with the rules cases and the recommendation of non-compliance with immediate effect. There were four NADOs and two federations yet to qualify for the watch-list and they were still not compliant in relation to adopting rules or laws that were compliant with the Code. They were the NADOs of the Belgian German community, Montenegro, Romania and Thailand, and the two IFs: DIBF (Deaf Basketball) and IGSF (Gira). Those two federations had not supplied any rules or calendar to do so. Reminders had been sent and suggestions had been made to Deaf Basketball as to how to move ahead. As yet, there had been no response. Gira was the subject of item 6.4 on the agenda in relation to the non-payment of fees. If an assertion of non-compliance were made in relation to the rules corrective action, which included the consequence of removal from the list of signatories, that item would become redundant. It had been proposed in relation to that federation that one of the consequences of non-compliance would be removal from the list of signatories. He could go into more detail in relation to what was outstanding for the other four NADOs, but the situation was that they had not yet reached the stage of supplying rules or legislation compliant with the Code and/or a calendar for adoption within four months. The committee recommended that the original recommendations for assertion of non-compliance with immediate effect should stand.

MR DE VOS sought to clearly understand the procedure. It was necessary to understand that NADOs needed time to adapt; in some regions of the world, changing rules and legislation due to a thorough democratic process took time, in particular during the Covid period, so had that been considered in full? Was there not a contradiction somewhere with the same NADOs placed on the warning list or receiving formal notification and losing? Could that be clarified?

MR WOOD said that the simple answer was that, for those NADOs that had complied, in the sense that they had provided draft rules and legislation that would comply with the Code and had provided a calendar to let them bring those rules or laws into force within four months, that explained why they were on the watch-list. They were ready to comply; all they needed to do was go through the legislative process within four months. The appropriate situation for them was not to give a recommendation of non-compliance but to place them on the watch-list to bring the legislation into line by adoption within a four-month period, after which they would be free of any consequences; although, if they did not comply, then of course they would be subject to non-compliance with immediate effect, with the consequences and reinstatement conditions. For the other ones, and there was only a limited number, four NADOs and two federations, they had had plenty of time and assistance; but, for one reason or another, had not yet got to the stage at which they had draft rules or laws in line or a calendar indicating that they could implement them within the four months that the other people got. That was the difference. It was clear that the pressure exerted by taking that

course had certainly encouraged the other people to come to the watch-list situation and, if those cases were pushed back or returned, it would seem that the pressure or the incentive would disappear. It was understood and he could certainly confirm that the complexity of the legislation in some countries or the constitutional limitations had made it difficult; but, with some of those, WADA did not even have a draft, let alone any information on the entry into the implementation or execution process.

THE DIRECTOR GENERAL asked for clarification. WADA had adopted the watch-list. What was the list of non-compliance recommended? There was no overlap as far as he knew. He asked for the list of those recommended for non-compliance.

MR HAYNES responded that, in relation to the anti-doping rules, those recommended for non-compliance with immediate effect were the NADOs of the German community of Belgium, Montenegro, Romania and Thailand, and then two IFs: DIBF and IGSF. There were additional watch-list organisations related to the anti-doping programmes, so there was also a recommendation to watch-list Uzbekistan and Iran from the audit programme.

THE DIRECTOR GENERAL suggested dealing with non-compliance first. Maybe the members should take a decision on the non-compliance recommendation.

PROFESSOR ERDENER indicated that Gira appeared to be a different item.

THE DIRECTOR GENERAL told Professor Erdener that he was right but suggested dealing with Gira as well at that point.

MR DONZÉ clarified the matter, because reference was currently being made to ADOs recommended for non-compliance based on their rules. There were another two ADOs recommended for non-compliance based on non-conformities in their anti-doping programmes; so, to be absolutely clear, he suggested that Mr Haynes also give the list of the two organisations that were recommended for non-compliance based on non-conformities in relation to their anti-doping programmes, making a total of eight ADOs, and then he could also list the proposal for watch-listed ADOs, so as to have two lists: one for non-compliance recommendations and one for the watch-list.

MR HAYNES said that, for non-compliance with immediate effect, the recommendation was for the Belgian German community, Montenegro, Romania, Thailand, DIBF and IGSF (for the rules), and the Democratic People's Republic of Korea and Indonesia (for their anti-doping programmes). That was the list of recommendations for non-compliance with immediate effect.

MR HUSTING stated that he had been very pleased to receive an updated document reducing the list of organisations to be declared non-compliant and was really pleased to hear that some had been removed from the list and placed on the watch-list; but, as the members would understand, it was a very sensitive issue, in particular since there were still four NADOs on the list. He recognised the importance of the work of the Compliance Review Committee and really supported the Compliance Review Committee but would also like to draw the attention of the Compliance Review Committee and its chairman to a number of issues raised by the NADOs on which he wished to hear from the Compliance Review Committee. Some NADOs had indicated that they had done everything possible to be compliant and had adopted the appropriate legislative framework but that the national legislative procedure was no longer in their hands and they therefore invoked the force majeure mentioned in article 8.4.3 of the standard. Some NADOs had also reported that all the consequences of possible declarations of non-compliance had not been assessed, and that was provided for in article 8.4.6 of the standard. Lastly, in accordance with article 10 of the standard and annex B, the Compliance Review Committee had to ensure proportionality in the consequences of the decisions on sanctions to be taken which did not seem to be the case according to some NADOs.

Finally, on the particular case of Belgium, he had understood that three NADOs from Belgium were being placed on the WADA watch-list and would then receive an additional four months' time. The German community NADO could be declared non-compliant and, according to Belgian colleagues, the risk could be that sanctions for the non-compliant NADO could also affect the whole territory of Belgium, including the NADOs that would be receiving an additional four months. Therefore, he asked the Compliance Review Committee to answer the points raised by the NADOs to understand whether all the arguments had been taken into account by the Compliance Review Committee. On his side,

the public authorities had dissociated the cases of the NADOs of the Democratic People's Republic of Korea, Indonesia and Iran and supported the sending of a formal notice, and the same applied for the DIBF and IGSF. The public authorities supported the sending of a formal notice for those.

MR LALOVIC stated that he had understood during the discussion that point 6.4 had to be discussed immediately because there were some changes to the proposal for the decision from 10 September and the meeting of the Compliance Review Committee, so he reminded the members about the position of the sport movement that signatories should have until the end of the year to pay their contribution in full. That had been discussed in May. The sport movement had also proposed that they should be able to request payment of the fee in instalments by the end of the year. The sport movement understood that the recommendation was linked to the lack of responsiveness and failure to adopt the 2021 Code compliance rules. Could WADA confirm that the organisation was not setting a precedent for signatories who would have difficulties paying their contribution in full before September? Should that not be the case, the sport movement would support declaring them non-compliant with the revocation becoming effective on 1 January 2022. He saw that the two points had been somewhat mixed up during the course of the discussion.

MR HERRERA thanked the Compliance Review Committee for the presentation. He greatly appreciated the work of the Compliance Review Committee and the recommendations. CADE in the Americas felt that, historically, the measure might be seen as unfair and potentially damaging for sport, in that a NADO could be punished for actions that were beyond its control and beyond its powers. Normally, parliaments or governments were responsible for taking those legislative measures. Part of the problem and the limitations of NADOs when it came to complying with Compliance Review Committee requirements depended on legislative action, which was the responsibility of parliaments and governments in the various countries. He also believed that, when a NADO was compliant in terms of education, training and outcomes, it should not be punished, because sport and anti-doping would lose out. He reiterated that the Compliance Review Committee should reconsider its position, obviously with great care and analysis, but it should revisit the conditions that led to such punishment and sanctions. The central message should be that WADA might be creating inconvenience for the anti-doping programmes when looking at legislative changes in countries, in particular in Latin American countries, in which the issue of sanctions and the Prohibited List gave rise to a great deal of debate, and parliaments in those countries were unable to resolve the issues as quickly and peacefully as people would like. In the process, it was also necessary to look at balance. Some NADOs were far more developed than others, so WADA should try to focus on the NADOs that were lagging behind so that they could update their processes and comply with the Compliance Review Committee's requirements.

MR NIWA said that, if there was full consensus, that would be ideal, but obviously the public authorities and the sport movement had their own position, so the public authorities had to make efforts to ensure compliance. As a representative of Asia, he did not want to put Thailand on the non-compliance list and asked the Compliance Review Committee to revisit the matter.

THE CHAIRMAN said that the Compliance Review Committee was a technical, non-political, independent body, which applied the provisions of the ISCCS. Having rules in line with the Code was the first critical requirement set out in the standard and the consequences recommended by the Compliance Review Committee corresponded to the critical requirements. He thought that all the members agreed that reaching a non-compliance status was a last resort for the Compliance Review Committee and not a situation that WADA wanted for the anti-doping organisations, and it continued to do everything possible to help those countries. Nevertheless, the rules were the rules. In his previous capacity as a minister of sport, he recalled having to face the risk of non-compliance with the Code. At that time, Poland had been given three months to amend the sports act during the parliamentary holidays. It had been challenging, but it had been done. Fortunately, those compliance issues had been resolved, and perhaps that was why he did not fully understand why some stakeholders had failed to change their legislation despite the fact that almost two years had gone by since the adoption of the Code. That was incomprehensible.

MR WOOD pointed out that some of the NADOs whose rules were not yet compliant had not even provided a draft set of rules or laws that were compliant, so it was not simply a case of complexity of implementation or adoption; it was the fact that they simply had not provided what was needed

as the basis for being considered for the watch-list. They had had plenty of time, plenty of notice and support through model rules, with continuing engagement from and correspondence with the WADA staff, advice given and revisions suggested, so everything possible had been done by the WADA staff over that fairly lengthy period to assist. It could not be said in relation to the four NADOs yet to qualify for the watch-list that the problem was a delay in legislative process. It was not the first time they had been through the process, so they should have had the opportunity to understand from an early date that, if there were complexities in legislation, it was a good case for starting work on it early. It was important in relation to whether they should be given extra time because of potential complexity in legislation; but, as far as the consequence point was concerned, he could assure the committee that the Compliance Review Committee had considered carefully what the consequences were and whether they were proportionate, and the members would see that there were no fines and, looking at the extra consequences set out in the supplementary table, by no means had all the consequences been imposed. There had to be consequences to make the assertion meaningful and the assessment of the committee had been that they were proportionate. It was unfortunate in relation to Belgium that three of the NADOs had reached the watch-list stage and the fourth had not. If the three had got there, one would hope that the fourth could get there and, of course, if an assertion of non-compliance was made, there was a period of time to bring it into line.

THE CHAIRMAN stated that it seemed that some of the stakeholders did not want to support the recommendations of the Compliance Review Committee, but he thought that the members should definitely support the recommendations, and proposed doing so. His question was which members of the Executive Committee were against the Compliance Review Committee recommendations on non-compliance for the countries and federations listed. Was anybody against?

MR HERRERA voted against the proposal.

MR NIWA said that it was out of his control, so he recommended reconsideration of the matter.

THE CHAIRMAN asked if Mr Niwa was against the proposal.

MR NIWA confirmed that he did not agree.

THE CHAIRMAN concluded that there were two votes against, so the Compliance Review Committee's recommendations on the non-compliant countries and federations listed were approved.

THE DIRECTOR GENERAL asked if there were two more that Mr Haynes had recommended for the watch-list.

MR HAYNES confirmed that, in addition to the rules-related watch-list cases already approved, there were two more for Uzbekistan and Iran, which had both met the criteria to be watch-listed for their anti-doping programmes.

THE CHAIRMAN concluded that the Executive Committee approved the recommendation of the Compliance Review Committee in relation to those two countries.

DECISION

Recommendations of non-compliance
approved.

6.3.1 Update on the International Automobile Federation (FIA)

MR WOOD explained that, since the report had been sent to the Executive Committee and the previous ad hoc meeting, WADA had not received a response from the FIA and WADA had given the FIA a deadline of 24 September to provide that response. In the meantime, WADA had received external legal advice in response to the FIA legal memorandum provided. The case would be considered again by the committee at its October meeting and a report would be provided to the Executive Committee for the November meeting. The Compliance Review Committee was currently waiting to see if it got the response that was hoped for.

DECISION

Update on FIA noted.

- **6.4 International Gira Sport Federation (IGSF) – consequences for failure to pay 2021 annual compliance monitoring fee**

Item dealt with under agenda item 6.3.

7. Education

- **7.1 Education Committee Chair report**

MS KANOUTÉ said that it was a great pleasure to present the report of the Education Committee. Most of the members had already received the report, so she would highlight some points and provide a quick overview of progress to date. The key priority from the outset had been to reform the role and responsibility of the committee so that it could support the work of the Education Committee and Education Department. For that, it had been essential to have a work plan to make it possible to leverage the expertise of the members. The members had been given an opportunity to volunteer for the different sub-groups set up for key areas important to the Education Department. Thanks to the approval of the research expert advisory group that had been established, she looked forward to having a great connection with that advisory group, since social science was the backbone of everything that was done to ensure that all the programmes designed, implemented and monitored were backed up with scientific evidence. There were currently separate meetings scheduled with the advisory group and some committee members were part of the advisory group. It had been obvious that it would not be possible to meet objectives with the normal schedule of meetings, so it had been important to have informal meetings to have reports from the sub-groups and also for her as the chairman to be able to report back to the group after the Executive Committee meetings.

Looking closely at the Education Committee sub-group priorities set for the committee, the members would see the athlete support personnel curriculum. A sub-group had been created for that matter, with the same approach as for the athlete curriculum. In education, it was important to target athletes and the entourage, so it had been deemed important to have a curriculum to help ADOs develop education programmes and for them to have a support document for that, so one of the priorities of the athlete support personnel curriculum sub-group was that the focus should be on coaches, parents and medical professionals. The sub-group would review, advise and seek endorsement in November, and hopefully that would be included in the Code implementation support programme as had been done for the athlete curriculum.

Another sub-group worked on the terms of reference of the committee. WADA had invested in a new standalone department for education and the work the committee was doing was to support that department, so changes were necessary to ensure that the work of the Education Committee was in line with the departmental direction and activities within WADA. She hoped to be able to present the new terms of reference in November to the Executive Committee for approval.

Another sub-group worked on the education strategy, together with the Education Department, to set the direction of education over the coming years.

Looking closely at the key initiatives supported in the Education Department, the members would see the global learning and development framework, and they had received a summary of what the programme entailed. Again, as a reminder, it was a global learning and development framework that fell under the strategic priority of WADA, the goal being to enable stakeholders to develop training programmes and qualification standards for anti-doping professionals in the ecosystem. That was an ongoing project and members of the committee had volunteered to be part of the technical working groups. The Education Committee had also launched a first-ever skills survey to assist with the skills required in anti-doping work and to see the different profiles and how to exploit that by ensuring that the necessary skills and professionals were involved in the initiative.

On social science, again, thanks to the new strategy and the three-tiered approach approving the projects and the grants and for the allocation of grants, there were 18 projects that had been approved by the Executive Committee in May. Also, there was an athlete vulnerability survey that had received over 570 responses to date in relation to social science, and there was also the social science research survey that had received over 360 responses. The Education Department also continued to work with the Sherbrooke Research Chair.

The last key initiative supported was the International Standard for Education guidelines, to support different stakeholders by ensuring they could develop, monitor and implement their anti-doping programmes as part of Code compliance. It had been published in English and French and the Spanish translation was under way, so that was also a great step forward.

The new revised version of ADEL had been launched in January 2021, and that had been quite successful as, since the previous August, 29,000 active sessions had been recorded and 109 ADOs had signed up to and were using it. In collaboration with the ITA and the IOC, the Tokyo courses had been very successful, with over 10,000 completions of the course by athletes and coaches, and the Beijing version of ADEL for the Olympic Games was under development in collaboration with the ITA and the IOC.

On the global learning and development framework, five technical working groups had been established. Committee members had volunteered to be on the working groups to develop professional standards for key anti-doping roles and define specific training programmes to be piloted in Europe, so work had started in 2021 and early 2022 on a series of webinars for stakeholders in Europe.

Again in relation to social science research, the specific strategy was already over one year old, so the Education Committee would take a look at how far it had advanced and looked forward to reporting on how it had been working at the next meeting in November.

Partnership was key in the field, and it was important to work with different stakeholders to achieve the objectives in education. It was a matter of everybody contributing together. She was excited to be attending one of the biggest international multi-sports events for 13- to 15-year-old talented athletes and to be able to advocate for education there. A number of key decision-makers in the education field would be there and she looked forward to that event and collaborating further with them. The department was also collaborating with FIFA to advocate for the inclusion of clean sport values and would have a link to ADEL, which would be crucial. The Education Department was also working on developing a digital version for children in ADEL.

Last but not least, there were meeting updates. Like all the other departments, it had been necessary to hold virtual meetings, the last of which had been in April. There would be an informal meeting that would provide an opportunity to talk about what was being done, and the next formal meeting should take place at the end of October or early November. She very much looked forward to the global education conference that had been postponed, and appreciated the kindness of the hosts in Australia. All the Executive Committee members were invited to attend the global conference in Australia in September 2022.

THE CHAIRMAN thanked Ms Kanouté for her presentation.

DECISION

Education Committee Chair report noted.

8. Finance

- 8.1 Finance and Administration Committee Chair report

MR NG said that the Finance and Administration Committee had held its virtual meeting on 23 June that year. The committee had reviewed the 2020 audited accounts already approved by the Foundation Board. The members had also reviewed and approved the 2021 revised budget and recommended the 2022 draft budget to the Executive Committee. There would also be a recommendation for a multi-year budget for 2023, 2024 and 2025. At the June meeting, there had still been uncertainties about the US payment for 2021 and 2022, but he was happy that the USA had made a first payment of 1.6 million dollars and another 1.3 million dollars would be forthcoming. The Director General had presented the new organisational and work structure under the Covid-19 situation.

DECISION

Finance and Administration Committee
Chair report noted.

- **8.2 Government/IOC contributions**

MR NG noted that 88.7% of government contributions had been made as of 13 September, compared to 91.6% the previous year. All the other details were in the report.

DECISION

Government/IOC contributions update
noted.

- **8.3 2021 quarterly accounts (quarter 2)**

MS CHUNG informed the members that the first six months' spending had been a continuation of the 2020 pandemic, with in-person meetings and events cancelled or postponed, including the annual symposium in March and the Executive Committee and Foundation Board meetings in May, all of which had been replaced with video-conference meetings. Total expenses had reached 40% of the revised budget compared to 46% at the same time the previous year. The savings from the first half of the year had come from less or no travel at all and the reduction in expenses in relation to the running of the office. Legal affairs had reached 62% of the total revised budget; however, the litigation fees were at 1.5 million dollars of the revised budget. Of note was the unpredictable nature of the cases and the pending cases, notably the LIMS and the Chinese swimmer Sun Yang cases. WADA would receive money to be paid by RUSADA as part of the CAS ruling, and that should make it possible to offset the extra litigation costs. On depreciation, WADA was at 48%, with the website and the ADEL platform, with the move to expenses on capital expenditure as per the IFRS. Capex seemed to be on the low side but that would catch up in the second half of the year. The surplus, 17.1 million dollars, did not mean much at that point, as more would be seen in the revised budget sections.

DECISION

2021 quarterly accounts noted.

- **8.4 Revised 2021 budget**

MS CHUNG informed the members that she would present some of the highlights of the 2021 revised budget. In terms of contributions, the total was 44.1 million dollars, and WADA was 757,000 dollars higher than the budget due to the payment related to prior years' contributions. As far as the contributions from the IOC and public authorities were concerned, they had been kept at the same level as in the budget. The total operating expenditure was 43.2 million dollars, a decrease of 1.5 million from the budget of 44.7 million dollars. Savings made in the first half of the year and some from Q3 would help to compensate if not offset some of the shortfall on late payment of contributions. WADA programmes at the Olympic Games and Paralympic Games had been reduced due to restrictions caused by the pandemic. WADA had budgeted more in-person activities and events to take place in Q4 of that year. The majority of spending had been revised down in the revised budget, with the exceptions mentioned earlier and the litigation fees as explained. Capex had increased for the revised budget, mainly for the work on ADAMS and in technology.

On the office facility following the decision not to expand the Montreal office, work was under way to assess and redesign the space and other requirements to adapt to new ways of working, so WADA would need to inject some capital for renovation costs; however, the landlord would give WADA some monetary incentive to do that. Once she had the full costs and had compiled them, she would present them to the Finance and Administration Committee. She foresaw important savings, as the space had been reduced compared to the initial expansion plan, so the rental cost originally forecast for future years would be lowered, and that would bring about important savings that should offset the investment put in over time.

The surplus for the revised budget was 215,000 dollars positive compared to the budget deficit of 1.9 million dollars. In relation to the operational reserve, the surplus budgeted for that year would

allow WADA to increase the operational reserve by one million, which was called for because of the pandemic and uncertainty for the future. Once money was put into the reserve, there would still be cash left, which should be used for some of the future activities in 2022.

MR KEJVAL observed that two budgets had been agreed upon the previous year: the normal one and the one without the US contribution. He understood that WADA had received 60% of the contribution, but he saw that the entire amount had been included in the budget. Perhaps it might be possible to clarify the kind of budget that would be used. He expected the USA to pay its contribution in full.

THE DIRECTOR GENERAL answered that WADA was currently working on the assumption that full payment would be received from the USA. There was a scenario should that not happen (for 2022), but the revised budget was on the assumption that the USA would fulfil its obligations.

MS EL FADIL acknowledged that Covid-19 had affected everybody's economies and budgets, but she sought clarification on the 8% increase. Was that still going to happen?

MS CHUNG responded that, for the revised 2021 budget, the increase of 8% as approved by the Foundation Board in 2017 was being followed. Spending was all planned out; but, in the revised budget, there were savings for 2021 which would go into future years.

DECISION

Revised 2021 budget noted.

- **8.5 2022 draft budget**

THE CHAIRMAN stated that the item was for recommendation to the Foundation Board; the Foundation Board would discuss it and reach a decision at its November meeting.

MS CHUNG said that WADA had prepared two scenarios for the draft budget: one in accordance with the 8% annual increase and the other without the US contribution. In both cases, WADA was running with a deficit, but that would be funded by savings made over the past two years, as she had explained earlier. In both scenarios, efficiency measures had been put in place; but, in the scenario without the US contribution, significant cost reductions had been considered and included, with the obvious consequence that some projects would have to be delayed. Under the regular scenario, the total contributions from all funders totalled 44.5 million dollars, of which the IOC and the public authorities would each contribute 21.8 million, and the remaining 2.8 million would come from other funders, including Montreal International. In terms of expenses, she hoped that, in 2022, there would be a more normal course of operations. That would be another Olympic year with the Beijing Olympic Winter Games, and more activities were anticipated for WADA in the athletes' area as compared to the Tokyo Olympic Games, which had involved more restrictions. WADA would also be investing more in IT security to further secure the technical environment. With fund limitations in 2022, WADA's goal was to maintain a minimum level of scientific research, with a budget of four million dollars for 2022 and years to come. There would be a limited number of staff and recruitment would be delayed for later years. WADA would continue to apply a policy of at least one virtual meeting for those committees with more than one meeting planned in the year. All the activities postponed due to the pandemic in 2020 and 2021 had been added on top of the planned activities for the 2022 calendar.

In relation to the fact that WADA was exceptionally proposing an unbalanced budget for 2022, it had been clearly felt by the WADA management that the savings made in 2020 and 2021 should be used for anti-doping activities required in the short term as opposed to saving that money, and that level would not allow WADA to perform all the activities that it should perform in an ideal world and, most importantly, the cash position accumulated in 2020 and 2021 would largely absorb the anticipated cash depletions in 2022 and would still remain positive at the end of 2022.

On the scenario without the US contribution (the USA was to contribute 3.2 million dollars in 2022), WADA had prepared a number of cost reduction measures should that occur. WADA would seek extra funding from the public authorities of 1.6 million dollars and, with the IOC matching, that would compensate for the US shortfall. Unfortunately, it would be necessary to reduce research funded by WADA's own funds and use the IOC and public authorities' extra funding to operate the

annual research budget in 2022. The investigation reserve would have to be used to subsidise operations and WADA would have to further delay and freeze recruitment and delay some of the key projects, and potentially hold one Executive Committee and Foundation Board meeting virtually. Last but not least, the capital expenditure would be reduced.

Those were the highlights of the 2022 draft budget.

MR ROBERTSON asked for clarification on the total amount of savings from 2020 and 2021 in dollars. Had consideration been given to utilising reserves as opposed to some of the cuts to programmes in the event that the US contribution was not made? Those were very extensive cuts to programmes and he wondered how much consideration had been given to the use of reserves rather than all those programme cuts.

MR SANDFORD appreciated all the work that had gone into preparing the draft budget for 2022. He had some specific questions and a couple of points on athlete engagement and Athlete Committee meetings and the reference to one in-person Athlete Committee meeting and one virtual meeting. If that was returning to normal then it would be a brand new normal, because there had always been two in-person meetings plus additional online or virtual meetings, so that would be cutting in-person meetings by half, which was a lot. Looking at the Athlete Committee for the following year, there might be only one person with whom he had ever sat with in person at an Athlete Committee meeting, which was far from ideal. Since WADA was trying to be an athlete-centred organisation, it was really important to have Athlete Committee meetings and that they be in-person, and he would totally agree with the Executive Committee and Foundation Board members in that they had continually said that in-person meetings were important. The same applied to Athlete Committee meetings.

MS BATTAINI-DRAGONI welcomed the presentations and clear and helpful documents. She was obviously worried about the situation of a member country not having paid its contribution in full. She understood that one of the ideas would be that, if the USA did not pay its contribution, the IOC and the public authorities would be prepared to compensate by splitting the total amount not paid by the USA. She asked for clarification and the intentions of the IOC and the public authorities. However, she did not believe that it was a good way to proceed to ask the public authorities and the IOC to compensate for the non-payment by an important member state. That might even inspire other countries not to pay their contributions in the future if they were not happy with a decision taken by WADA. WADA would be opening the door to something that was not acceptable in her opinion. The USA had to pay a debt: an amount that it owed. WADA was an international intergovernmental organisation, and she did not think that other international intergovernmental organisations would accept that kind of situation. It was important to clarify in the basic texts of WADA the rules to refer to in order to deal with such situations. She was happy to have had the opportunity to make her point. The non-payment could create complications in the future.

She sought clarification in relation to the five-year development of the budget. She saw a trend to move from 8% to 6% and wanted to know if there was any indication of a willingness by the two major stakeholders of WADA to contribute that lower amount and whether that was sound and corresponded to a willingness to do that or whether it had been proposed and was a wish. She did not know if it corresponded to reality. She hoped that there would be a continuation and not an interruption in the way in which the budget was increased.

She referred to the question of health, medicine and research. She had heard from Ms Chung that there was an intention to invest in research. That was very important, as it was an extremely important dimension of the work of WADA to have a strong committee and be able to deal with the difficulties around the world in terms of doping and have the means to fight appropriately.

MR KEJVAL said that the budget proposal for 2022 was clear, and he understood everything, even the strategy in the event of no contribution from the USA. A lot of time had been spent on governance reforms and, if he was not mistaken, WADA had never monetised that. He wanted to see the impact of the governance reforms in the 2022 budget.

PROFESSOR ERDENER provided clarification in relation to what Ms Battaini-Dragoni had said. The IOC had said that it would be ready to make the same contribution to WADA as the public authorities. That meant that, if the public authorities could do something more, the Olympic Movement would always be ready to transfer the same amount to WADA.

THE DIRECTOR GENERAL stated that the use of the reserve was part of what WADA would have to do and would be a balance between savings and using the reserve to allow for essential programmes to be maintained.

Responding to Mr Sandford, it was important to understand that the same policy applied to all the committees in WADA. They were asked to have one virtual meeting, which had a significant impact on the overall budget, so there was no different treatment for any of the committees. That did not prevent the Athlete Committee from accepting an invitation from somebody to host a meeting. It was a little simplistic to argue that, because the measure applied across the organisation, WADA was not athlete-centred. There were a lot of items in the budget in which WADA invested money, and the programmes were there to serve the athlete community, so it was not just about meeting in person.

Ms Battaini-Dragoni had certainly raised a very good point and it would have to be taken into account. The first group of countries that would have to deal with potential non-payment by the USA was the Americas region. An overall amount of the budget was split by region, and each region had to fulfil its share of the contributions, so the first question would be how the Americas would deal with the regional contribution. There was no idea to have a systematic request to other governments to compensate for lack of payment, but rather to see if a few governments might be willing to make a voluntary contribution to help offset the situation and allow WADA to continue its programmes, and that contribution would then be matched by the IOC based on the principle of equal funding. On the question about the long-term plan, he also hoped that the partners would be willing to continue that. WADA was trying to maintain a four-million-dollar investment in research every year. The scientific community was really insisting on the fact that the current investment in research was not enough, and four million dollars was probably not enough either, but it was what WADA was trying to guarantee as a minimum. The amount was a transition between one situation to a situation whereby WADA hoped to get private funding to help, while maintaining a steady investment of at least four million for research. It was too early to respond to the question; he would enter into a dialogue with WADA's partners and would see the outcome in terms of the long-term strategy.

Mr Kejval's point was a very good one and WADA had done that for the reforms already adopted. He would certainly try to put a figure on the new elements for governance reform; for future governance reforms, it would be necessary to put numbers on them. The cost was significant and should not be underestimated.

MS CHUNG answered Mr Robertson's questions in terms of savings in 2021. For 2020 and 2021 combined, the figure was around 3.5 million dollars in terms of cash savings, and that would absorb largely the 2022 deficit.

MS BATTAINI-DRAGONI stressed that, at that stage, having heard from the Director General, it was important to continue to invest a lot in fund-raising from private sources instead of asking member states to contribute for countries that did not pay. She simply wanted to underline the importance of fund-raising.

THE CHAIRMAN declared Ms Battaini-Dragoni's point taken. Did the members approve the proposal?

DECISION

2022 draft budget to be recommended to the Foundation Board for approval in November.

- **8.6 2023-2025 budget forecast**

MS CHUNG presented some of the key highlights of the 2023, 2024 and 2025 budget forecast. She was very grateful for the financial support from the public authorities and the IOC over the past five years for the 8% annual increase, and of course all the funders involved. WADA would not be where it was without the trust and support of the stakeholders and that had helped build a stronger foundation and allowed WADA to continue to develop projects and activities as per stakeholders' expectations. Demands were high and there was still a lot to do, as set out in the strategic plan. As such, she proposed to continue with the 8% increase for 2023 to ensure business continuity, in

particular the level of research. Special research funding would be completely exhausted by 2022. The department had tried to maintain, within the budgetary constraint, a level of four million dollars in research from 2023 to 2025 and of course aimed to increase in future years, if and when funding was available. In an ideal world, WADA should be able to fund research at a level of between six and seven million dollars, as highlighted in the report from the chairman of the Health, Medical and Research Committee. Aside from research, investigation activities would increase and WADA needed to continue to invest in ADAMS, which remained a key priority. ADAMS was a common platform for the whole sport community. To continue into 2024 and 2025, WADA would ask for a 6% annual increase to facilitate the transition in terms of staffing and all the related project delivery commitments, allowing WADA to further increase in efficiencies for new ways of working by investing in digitalisation and online communication tools, which had proven to be cost-effective in the long run. She expected more information to be requested for those years and acknowledged the request; she would prepare a detailed plan to present the funding destinations. That, in a nutshell, was the budget forecast, and she welcomed questions and comments.

MR HUSTING referred to the budget forecast from 2023 to 2025. The public authorities welcomed the development of the multiannual budget, but would also welcome clear explanations on the need for further substantial budget increases and would also like to see alternatives to the increases and asked for a strategic plan outlining core activities and detailing how the increase would be spent, as had been done in 2017 if he remembered correctly.

MR ROBERTSON endorsed the comment made by Mr Husting. Oceania would need significantly more detail than had been offered about exactly what the money would be spent on and what would be achieved with it before being able to approve budget increases of that scale. As Mr Husting had said, there had been substantial increases in WADA budgets in 2017 as part of that five-year plan and he thought that, at the time, there had been an understanding that there would be a return to baseline. He understood that there were increased costs, but those were substantial budget increases being requested at a time when many governments dealing with Covid-19 would be challenged. At that time, Oceania could not support the proposal without further information and discussion.

After that discussion, he intended to leave the meeting. It was one of the unfortunate aspects of virtual meetings and time zones. He believed that his deputy might be available to come on the call, but he would not be performing his ministerial duties well if he did not get some sleep.

THE CHAIRMAN thanked Mr Robertson for his participation, understanding and patience.

He acknowledged the request for further information, and would be happy to look at the detail, as had been done in 2017 for the previous multiannual financial framework; however, he drew the members' attention to two issues. One of the issues had been mentioned by the Director General, and was about the need to spend a minimum of four million dollars a year on science. Also, the reforms being discussed and implemented involved costs, and that was the question raised by Mr Kejval, so he was convinced that WADA's budget should systematically increase over the coming years. Combined with the other activities, such as partnerships with business, that should allow for a more effective fight against doping in sport. It seemed that there was no other choice than to defer the recommendation following the request for more information to be provided at the November meetings.

In relation to the question asked by Ms Battaini-Dragoni, as the Director General had mentioned, he hoped to have some positive news about private funding in the coming weeks.

DECISION

2023-2025 budget forecast noted. Further information to be provided to the members prior to the November meetings.

9. Health, Medical and Research

- 9.1 Health, Medical and Research Committee Chair report

MR ENGBRETSEN said that it was too bad that his friend from New Zealand had had to go to bed, because he had been going to tell him a bit about the need for a research budget. The Health,

Medical and Research Committee was a very strong one, a well-balanced group with laboratory and research and sport medicine experts. He would talk briefly about the List and TUEs, and then Dr Rabin would give a presentation on the research programme. There were two new things about the Prohibited List, the first of which was glucocorticoids, which were prohibited for all injectable routes. That meant that one could no longer inject a 'Tour de France knee' or hip during competition. Any type of injection was illegal. The other thing that was of note was the reduction in salbutamol, a medication used frequently for asthma. It would be more challenging for athletes. Finally, in relation to cannabis, it was a cultural thing and had come up because of a US runner who had been punished prior to the Olympic Games and the USA had wanted to reduce or change the punishment. It had been decided that the Health, Medical and Research Committee would undertake a year-long review on cannabis and then come back with a recommendation on whether or not there needed to be a change. There was a huge variation in countries' attitudes towards cannabis. Some were very much in favour, some very much against, and some in between.

DECISION

Health, Medical and Research Committee
Chair report noted.

- **9.2 2022 Prohibited List**

DR RABIN said that there were some main changes to the Prohibited List. The minor changes did not necessarily have an impact on the Prohibited List itself but were more to do with providing clarification. On page 4, he drew the members' attention to section S0, which was an unusual section because it was a broad coverage of all substances that did not have official regulatory status and, for the first time, the List Expert Group and the Health, Medical and Research Committee members recommended including an example in section S0, in particular BPC-157, which was a substance found increasingly around the world, which had no official status and was being seen increasingly by athletes, and there had been quite a few requests to WADA as to whether the substance was acceptable or not in sport. A clear example was given. It was not the only example, but certainly it was one that needed to appear in the List itself.

In relation to section S3 on page 9, as mentioned by Professor Engebretsen, there had been a reduction in the maximum dose of salbutamol allowed in one shot or in one intake. There had been no reduction in the overall quantity that could be consumed by athletes in a given day, but there had been a reduction of the maximum dose that could be taken to avoid some athletes going over the decision limit and current threshold. It was also a trend in asthma therapies, in particular with salbutamol, to reduce the maximum doses given, so the recommendation was being made to the Executive Committee that day.

The next major change, or rather comment, was in section S8, on page 17. A lot had been heard about cannabis that day. First, there was a regular review by the List Expert Group members on that class of substances. They had not waited for more comments that year. The group regularly reviewed cannabis, cannabimimetics and cannabinoids because there were more and more substances appearing around the world with some therapeutic considerations. The UN Commission on Narcotic Drugs had confirmed in December 2020 that it would maintain cannabis in schedule 1 of the 1961 Convention on Narcotic Drugs. That schedule covered drugs, substances or chemicals with no currently accepted medical use but a high potential for abuse. Some of the authorities did consider that cannabis should remain on schedule 1 with all the levels of control that existed around the world, so that was also an important consideration for WADA as an international organisation to be aware of the position of other international organisations with authority in the field, in particular cannabis and cannabimimetics, so the review process would be conducted by the List Expert Group over the course of 2022.

On section S9, a decision had been taken the previous year by the Executive Committee. There had been some adjustments, because some stakeholders had come back with relevant comments to clarify routes of administration allowed or prohibited, and there had been a few adjustments to clarify which routes were prohibited, in particular at the overall level, and other clarifications on other routes of administration requested by some stakeholders to make the practice clearer to the stakeholders.

There had been a very significant effort from the communications and education colleagues to make sure that a lot of information was being delivered to the athletes via the different platforms. For example, via ADeL, there were some specific elements on glucocorticoids, and there had been communication to really put a lot of information out to the medical community, with Dr Vernec, the Director of the Medical Department, designing information for that audience, and of course to the global community through the Communications Department. The 2022 List of Prohibited Substances and Methods was presented to the Executive Committee for approval.

MR NIWA informed the members that, in Japan, the legal structure was such that cannabis was very stringently controlled.

PROFESSOR ENGBRETSSEN responded that he was fully aware that cannabis was outlawed in many countries in the world, not least in Japan.

THE CHAIRMAN asked the members to approve the 2022 International Standard for the Prohibited List, including the monitoring programme.

DECISION

Proposed 2022 International Standard for the Prohibited List and monitoring programme approved.

- **9.3 Research projects**

9.3.1 Annual research projects 2021

9.3.2 FRQ biomarkers project

DR RABIN stated that 66 projects had been received that year from five continents and 26 countries, with perhaps more representation from researchers in anti-doping laboratories than in previous years. Each project was reviewed by three independent reviewers. WADA had a large pool of reviewers and called upon them based on their expertise to provide independent reviews of each single project received. Then there was the Scientific Project Review Working Group, which compiled the comments and information and ranked the priority levels and made a recommendation to the Health, Medical and Research Committee; it had met on 26 and 27 August that year. Looking at the recommendations for 2021, he would not take the members through every single project, but would give a sense of why some of the projects had been selected. That year, 24 projects were being recommended for approval worth a little more than 2.8 million dollars. There was still a reasonable success rate, with about one-third of applications recommended for approval. As usual, there were some projects that deserved a slight increase in budget; however, most of the time, a reduction in the budget was proposed by the experts. About half of the adverse analytical findings seen every year related to anabolic steroids. That was still a very broad class of substance, and the idea was to continue improving the capacity to detect the substances. The metabolism of the substances was better understood, there was more analytical capability to analyse minute amounts in long-term metabolites of the substances, and there were some new detection methods that needed to be explored to see if they could be applied to anti-doping and in particular to the detection of anabolic steroids. It was about what was being looked for and how it was being looked for. There were always designer steroids and drugs developed for the purpose of doping in sport. It was also necessary to keep an eye on that, and that was what was reflected in the selection of the five projects.

Continuing with four other projects proposed for adoption, he had talked about long-term metabolites and metabolism, but he wanted to draw the members' attention to ecdysteroids and phytosteroids, usually considered to be a category of steroids that were a little bit different because they came from insects or plants, there was no receptor known; but, in fact, WADA had been able to gather a corpus of science that showed that those substances were probably working, so it was necessary to further explore that field, as they were increasingly being used and more needed to be done to better understand the substances and whether they should be prohibited. Ecdysterone was on the monitoring programme for the second year.

Five projects had been adopted in the area of peptides and protein hormones. About 20 years previously, when WADA had been established, some (including him) had predicted that that would

be a growing area, and it was a reality: more and more hormones and peptides were coming into the field, and that was what was represented in the selection of projects, including the usual substances, EPO and HGC, which were well known, but there were also new substances such as ACE-031, and it was necessary to be able to strengthen the ability to detect those substances, so those projects were in support of those activities and strengthening the ability to detect those peptides and hormones.

When talking about more regular classes of substances, it was necessary to constantly improve on the distinction between permitted use and prohibited use. Some substances were prohibited only in-competition; but, when switching from out-of-competition to in-competition status, one's metabolism did not change and the substances ingested out of competition could be found in competition. Therefore, there was an increasing move to the notion of minimum reporting levels with values indicating that it was more likely that a substance had been consumed out of competition or in competition, and WADA wanted to continue its ability to make distinctions between the different areas, and there were four projects that really helped support the approach, for some substances that were known well, such as beta-2 agonists and glucocorticoids.

Continuing with some of the projects, as alluded to in the past, the blood matrix was increasingly used in anti-doping. Previously, it had been mainly urine, but the blood matrix had become more prevalent. The members would remember the dry blood spot work started and the work done with the Athlete Biological Passport, and WADA was developing analyses in blood, reflected in three projects looking into the detection of autologous blood transfusion (certainly a very challenging area but one in which progress was being made), as well as support to dry blood spot and the Athlete Biological Passport.

To finalise the list of selected projects, reference material was needed for the laboratories to do their job well and report precisely what was found in the athletes' biological samples, and a lot had been seen of SARMs (selective androgen receptor modulators), one of which was ligandrol LGD-4033, and it was necessary to allow the laboratories to report the substance with more precision, which was why the synthesis of reference material had been proposed, and there were two projects in support of gene doping. Gene doping was increasingly becoming a reality, unfortunately, and WADA needed to strengthen its ability to report the use of gene doping technologies.

To conclude, there were 24 projects to a level of about 2.8 million dollars proposed, which exceeded the annual organic budget for research, at about 1.9 million dollars, so the proposal was to take 0.9 million dollars from the special fund provided by the IOC and the countries listed in the report, and he was extremely grateful for the donations, because they were what allowed WADA to survive and invest in research. A lot had been heard about the fact that the additional money was coming to an end, with fewer than 0.4 million dollars left, meaning that, technically speaking, WADA would not be able to fund any new targeted or reactive projects for the coming 15 months. WADA would not be able to support anything new, so that was a call for more resources as soon as possible to enable WADA to continue its research.

Referring to the research project on biomarkers, WADA was working with the Fonds de Recherche du Québec, and there were three areas that the two bodies had agreed to fund jointly. One was artificial intelligence, already under way, one was biomarkers, and that was the subject of his presentation, and there would be a third related to social science. There was a project on biomarkers and there had been a call for projects, for which 800,000 dollars had been put aside, with a maximum of 400,000 dollars per project. WADA had received only one application, since the procedure was very stringent. WADA was following the usual process of reviewing it with external experts. The project looked more specifically at biomarkers on the misuse of EPO and how to make the distinction between the use of EPO and hypoxic exposure. The team combined researchers from different countries and the cost of the project would be about 400,000 dollars. The aim was to find new biomarkers. The Health, Medical and Research Committee had given its approval following review, and it was conditional to the approval of the WADA Executive Committee, knowing that the FRQ had already approved the project.

WADA had put aside 0.8 million dollars for biomarkers, would spend half that amount if the project were approved by the Executive Committee, and would probably use the remaining amount to work with researchers in Quebec, because the money was being made available by the FRQ to

allow for a Quebec component in what WADA was doing and to target some interesting projects in relation to biomarkers. The proposal was to approve the project on biomarkers developed jointly by the FRQ.

THE CHAIRMAN asked the members if they agreed to approve the proposals for the 2021 annual call for grants and the research proposal on biomarkers.

DECISION

Annual research projects 2021 and FRQ biomarkers project approved.

- **9.4 Shanghai laboratory – candidate status**

DR BARROSO said that there had been an application for approval from the Shanghai University of Sport laboratory, which had expressed interest a couple of years previously in becoming a candidate laboratory, and WADA had received all the necessary information from the laboratory in compliance with the ISL. Having been assessed by the Laboratory Expert Group, the laboratory fulfilled all the requirements to become a candidate laboratory; therefore, he was putting the proposal to the Executive Committee for official approval.

THE CHAIRMAN asked the members if they approved the proposal.

DECISION

Shanghai laboratory candidate status proposal approved.

- **9.5 Technical documents or technical letters**

9.5.1 TD2022MRPL

9.5.2 TD2022IRMS

9.5.3 TD2022DL

9.5.4 TD2022EPO

THE CHAIRMAN noted that a circulatory vote would be sent out after the meeting for a formal decision.

DR BARROSO said that there were four technical documents currently under review, and they had already undergone a consultation process with all of the WADA stakeholders, finishing on 31 August, following which the comments received had been evaluated and considered by the respective working groups and by the Laboratory Expert Group and the WADA Legal Department when applicable. All the drafts had been finished, but there had not been enough time to present them for approval by the Executive Committee at that meeting, so they would be sent for approval via circulatory vote after the meeting.

The oldest technical letter in the repertoire, technical letter number one, had undergone revision, and it had been circulated for comments at the beginning of that week, so the comments would be processed over the coming couple of weeks, after which a final draft would be presented for approval. Technical letter 19 had become obsolete and would be removed because what was covered in that technical letter would be covered in the new TDMRPL. He wanted the documents to be approved by circulatory vote rather than waiting for the next meeting of the Executive Committee in November, because it was important that the documents become effective as soon as possible, on 1 January, to give the laboratories enough time to implement the changes in their standard operating procedures and make the necessary changes to their analytical methods. Some documents required extensive revision of the methodologies, especially the TDMRPL. If WADA waited until November, the documents would not become effective until at least 1 March, which was an unnecessary delay. Therefore, he was asking the Executive Committee to consider approving the revised documents via circulatory vote.

DECISION

Proposed technical documents/letters to be sent for approval by circulatory vote subsequent to the meeting.

10. Legal

- 10.1 Athlete access permissions to ABP haematological data in ADAMS

MR SIEVEKING informed the members that a decision was requested to approve a change to athlete access to biological data in ADAMS. A major investigation in anti-doping had shown that some athletes had been monitoring their data in ADAMS to help support personnel calibrate and improve their doping strategies. WADA did not want athletes to use Athlete Biological Passport data to undermine anti-doping efforts. The proposed change would be to remove the athletes' real-time access to the data, and that could be implemented very quickly by the IT team as soon as the proposal was approved by the Executive Committee. Legally, it was important to stress that there was no change to the athletes' rights to access their personal information under the ISPPPI. They would still be able to submit a request for the data, and no particular increase was expected because there were not many athletes affected by the change. Out of the 600,000 athletes in ADAMS, one needed to have one's own page, one's own ADAMS account and a blood passport to be able to see the data, so 8,400 athletes were affected out of 600,000. In addition, clean athletes were not interested in that data except for medical reasons. There would still be an obligation for the ADOs to inform them automatically as set out in the ISRM about any potential medical issue, so it would affect a fraction of the athletes, their rights would still be safeguarded, and it was considered a good change, because nobody would like to see cheats using ADAMS and the Athlete Biological Passport programme to enhance doping practices.

MR SANDFORD said that the WADA Athlete Committee supported the proposal. Having been contacted by the WADA Science Department, he had been able to pass on information to the WADA Athlete Committee and the only responses he had got back had been positive, that the athletes supported the proposal and thought it was a good balance of athlete rights and the needs of ADOs.

MR HUSTING approved the proposed change and also asked the WADA management, due to the very sensitive nature of the data, to take due consideration of the applicable data protection requirements and to consider the consequences for ADOs of the management of such requests in terms of human and legal resources and therefore explore if there were any other ways of collecting and transferring the data.

THE CHAIRMAN asked if the members agreed to approve the change to the athlete access permissions to Athlete Biological Passport haematological data in ADAMS.

DECISION

Proposal in relation to athlete access permissions to Athlete Biological Passport haematological data in ADAMS approved.

- 10.2 RUSADA CAS update

MR SIEVEKING stated that the work on Russia involved several departments in the agency. The monitoring of the Russian situation involved a great deal of work by WADA, calling for the investment of significant resources to monitor the CAS award implementation by signatories, fulfilment by RUSADA of the reinstatement conditions and the monitoring of the result management of the individual athletes' cases. The first two points were detailed in full in the report.

He would go straight to the update on the result management of the LIMS cases. WADA had been asked by the One Voice members at the May meeting to provide a more formal quarterly report, including the total cases allocated to IFs, the number of those cases actioned by IFs, the number of cases not being actioned by IFs and the reason for that inaction, and what WADA proposed to do or was doing to ensure all cases deemed viable were properly adjudicated. WADA had complied, and

the report had been included in the papers the members had received in advance of the meeting. It had not been an easy task given the amount of data and the fact that the data was changing on a daily basis. WADA intended to provide an updated version every four months, until all the cases had been dealt with, at the November Executive Committee meeting, in February, at the May Executive Committee and at the September Executive Committee meeting.

He presented the highlights of the reports and addressed the elements requested by One Voice. The members would see the strategy, the number of cases looked at, 794, 63 of which were analytical cases (article 2.1, presence of a prohibited substance), based on the retesting of the samples seized by WADA in 2014 and 2018 from the Moscow laboratory. The other cases were LIMS cases based on other evidence. The cases concerned 751 athletes, given that some had more than one violation. They concerned 39 ADOs, including one NADO, RUSADA, one major event organiser, the IPC, and 37 IFs. To address the first question asked by One Voice, 714 cases out of the 794 cases had been allocated to IFs, given that RUSADA had 62 cases, mainly retesting, and the IPC had 18 cases. Numerous cases were being actioned by the IFs and he stressed that, of the total number of cases, 90 had already resulted in sanctions. Specifically, out of the 714 cases allocated to IFs, 49 had already resulted in sanctions and 120 had been closed or there had been a decision that no anti-doping rule violation had been committed. For those categories, it was important to stress that all the cases had been duly reviewed by the WADA Intelligence and Investigations Department, Legal Department and external counsel and, in 116 of the 120 cases, WADA had accepted the outcome and had appealed four of the cases. Of the 714 cases allocated to IFs, 18 cases were being dealt with and result management was pending, meaning that the athletes had been charged with an anti-doping rule violation and proceedings were running. That left 527 cases not yet actioned, and that was the next element required by One Voice: the number of cases for whatever reason that were not being actioned by IFs and the reason for that inaction. The 527 cases were still under investigation, meaning that the IFs were still reviewing the files sent by WADA or waiting for scientific expertise and had not yet decided whether to bring the cases forward or not. The last element raised by One Voice was about what WADA proposed to do or was doing to ensure that all the cases deemed viable were actioned and pursued duly by IFs. It was important to recall that WADA was strictly monitoring all cases coming out of the Russian scandal based on a number of criteria. The first was the strength of the case and where the bar was placed in terms of what was viable and not viable in relation to the available evidence and, each time WADA received a new CAS award, the bar might be placed higher or lower depending on how the CAS assessed the evidence. The second was upcoming high-level events, and that was what WADA had done for the Tokyo Olympic Games and Paralympic Games, ensuring that no athlete with a potential strong case took part. The same was being done for the Olympic Games in Beijing, and a request would shortly be sent to all applicable IFs with potential pending cases involving the Beijing Games to ensure proper follow-up. Another element taken into consideration was the statute of limitations. Some cases dated back to 2012 or 2013, so that was also something that had to be taken into account to ensure that action was taken before the case was time-barred. WADA could appeal cases when it was not happy with the outcome, and had already appealed six LIMS-related cases to the CAS, including two recent cases in weightlifting and against the FIFA decision rendered two weeks previously. In every case in which a delay and subsequent absence of any timely decision could have consequences on an event, WADA could bring a case directly before the CAS to ensure that a timely decision was taken. That had not yet occurred, but might well be the case over the coming months. It had to be noted that all the cases were very complex for those who had to review them and required the involvement of legal and scientific experts and therefore a significant investment in terms of resources from those ADOs involved in the cases. Some ADOs had a lot of cases, for example, the Athletics Integrity Unit, which had 160 cases; the ITA, which was representing several ADOs, in particular the IWF, and had 250; the IPF, which had 40; and the IIHF, which had 27. What was also not helping the situation was that many cases, if not all, had to be sent to a laboratory expert for review. It was a key element of the process and the laboratories and their experts were already snowed under with work, so it took a lot of time. WADA was looking at the issue, but it had to be taken into account.

THE CHAIRMAN welcomed the detailed report on the result management of the LIMS cases which he was sure would be much appreciated by the members. He gave the members a heads-up: he would be meeting the following day in Istanbul with the Russian minister of sport and would talk

about the implementation of the CAS decision and the issue of RUSADA's independence, which was extremely important.

DECISION

RUSADA CAS update noted.

- **10.3 International Weightlifting Federation (IWF) update**

MR SIEVEKING said that the WADA Legal Department had reviewed all of the information requested from the ITA acting for the IWF within the timeline set in relation to the investigation. The department had also reviewed the investigation report published earlier that summer by the ITA, and had started analysing it in terms of potential non-compliance and had shared with the Compliance Review Committee at the meeting on 13 August the previous assessment, a summary detailing the action taken by the ITA, and the Compliance Review Committee had been satisfied with the update. At that stage, the action taken by the ITA had addressed where feasible most of the issues in question. He would be reporting on that in greater detail in November. Out of the 146 identified pending cases, 110 had been closed, some because the ITA had started or restarted result management where it had not been done, and it had also appealed several cases with a satisfactory outcome. Anti-doping rule violations had been accepted against the former president, Dr Aján, for tampering and complicity, as well as against two other weightlifting officials, one for tampering and one for tampering and complicity. WADA would obviously duly monitor the result management of the cases. On compliance, most of the issues predated the entry into force of the new standard. WADA had asked the same external counsel, Jonathan Taylor, who had produced the initial legal opinion saying that WADA could apply the standard for all pending cases the previous year, to address that quickly, if it could not be done properly; however, there were issues that had happened before 2018 and had not been corrected and WADA had asked for an additional legal opinion to see what could be done under the previous Code version before the entry into force of the ISCCS. WADA was waiting for that and was still analysing what was coming from the ITA, and would discuss that with the internal task force and obviously continue to update the Compliance Review Committee and the Executive Committee about progress in that regard.

DECISION

IWF update noted.

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

- **10.5 Extension of minimum mandatory period of storage of doping control samples**

THE CHAIRMAN noted that some informal comments had been received regarding the two issues, but he proposed postponing the discussion in relation to the two points until the next meeting, given the lack of time, if the members agreed.

MS BATTAINI-DRAGONI wondered if the extension of WADA's investigation powers would be damaging to the Intelligence and Investigations Department. She was also tired, but would not like to preclude a decision.

THE DIRECTOR GENERAL explained that there was no decision; it was a discussion. WADA had received a couple of written comments seeking clarification. He thought that the Executive Committee needed more time to have a proper discussion and deferral to November would be wise.

DECISION

Agenda items to be discussed further.

11. Other business

THE CHAIRMAN welcomed any comments or questions sent in by e-mail.

12. Future meetings

THE CHAIRMAN noted that unfortunately there was an unavoidable conflict in November with an IOC sport medicine meeting; but that the November meeting would be hybrid again, with an opportunity for remote attendance. He hoped that the majority of the members would meet in person. The meeting in May the following year would be in Egypt and he hoped to be able to confirm the dates by the October or November. He hoped that all of the members had found the meeting that day useful, and he looked forward to seeing them again in Paris in November.

He thanked the dedicated staff for planning and supporting the first hybrid meeting, the interpreters for their hard work and the wonderful hosts for hosting the meeting and for their great hospitality, with special thanks to Professor Erdener.

DECISION

Executive Committee – 24 November 2021, Paris, France;
Foundation Board – 25 November 2021, Paris, France;
Executive Committee – 12 May 2022 or week of 23 May, Cairo, Egypt, TBC;
Foundation Board – 13 May 2022 or week of 23 May, Cairo, Egypt, TBC;
Executive Committee – September 2022, Australia;
Executive Committee – 17 November 2022, Montreal, Canada;
Foundation Board – 18 November 2022, Montreal, Canada.

The meeting adjourned at 18:00 Istanbul time (GMT+3).

FOR APPROVAL

MR WITOLD BAŃKA
PRESIDENT AND CHAIRMAN OF WADA