

<b>Meeting</b>	International Testing Agency ("ITA") – Foundation Board
<b>Place</b>	Videoconference
<b>Date</b>	11 June 2020

## AGENDA

### **Item 1a): Opening of the meeting and welcome statement**

The Chair opened the meeting and welcomed the Foundation Board Members to the first gathering of 2020.

Due to the global health context (Covid-19 pandemic), the meeting was held via videoconference. She explained that this was a very particular and unprecedented context, that the consequences were major for all international and national sports organisations, and that the ITA was not spared. The Chair and the Director General felt it was essential to share with the Members the necessary measures put in place and the new agenda.

She thanked the Members for being present and for all their valuable support.

### **Item 1b): Roll call**

#### Chair of the Board:

Dr Valérie Fourneyron

#### Members of the Board:

Prof. Peijie Chen – *Independent ITA Board Member*

Mrs Kirsty Coventry – *Member representing the Athletes*

Prof. Dr Uğur Erdener – *Member representing the IOC*

Mr Francesco Ricci Bitti – *Member representing the International Federations (IFs)*

#### Ex-officio non-voting Member:

Mr Sébastien Gillot – *WADA Director, European Regional Office and International Federations Relations*

#### ITA Management:

Mr Benjamin Cohen – *ITA Director General*

#### Persons invited:

Mr Xin Xu – *Assistant to Prof. Peijie Chen*

Start of the meeting: 11 June 2020 at 10h00

End of the meeting: 11 June 2020 at 12h15

## **Item 2: Appointment of two new independent Board Members**

The WADA Executive Committee had approved the appointments of Ms Chantal Brunner and Dr Roger Jackson as independent Members of the ITA Foundation Board, following the report and recommendation made by WADA's Nominations Committee.

The decision of the WADA Executive Committee and the CVs of the two new independent Board Members were submitted to the ITA Board Members prior to the Board meeting.

**DECISION:** The Board Members unanimously approved the appointment of Ms Chantal Brunner and Dr Roger Jackson as independent members of the ITA Foundation Board. As Board Members, they will be granted joint signature of two and they will be attending the next ITA Board meetings.

## **Item 3: Approval of the minutes of the previous Foundation Board meeting, 4 November 2019**

The minutes of the previous ITA Foundation Board meeting held on 4 November 2019 were submitted to all Board Members prior to the meeting for review and comments. No comments were submitted prior to or during the meeting.

**DECISION:** The Foundation Board Members approved the minutes of the meeting held on 4 November 2019 in Katowice, Poland.

## **Item 4: Report by the Chair**

Since the last Board meeting, which took place in November 2019 in Katowice during the WADA World Conference on Doping in Sport, the activity had been intense, and it went through two very different periods.

Before March 2020, there was a sporting and social life, normal international travel and from one day to the other various health protection measures were put in place by governments worldwide.

Before the pandemic, the Chair had the opportunity to report on the ITA's development at the Olympic Summit and the Lausanne 2020 Youth Olympic Games.

She highlighted the following items:

- ✓ The growth of ITA's Partners, more than 40 IFs to date;
- ✓ Several new agreements signed with NADOs;
- ✓ The structuration of the team under the authority of the Director General, 47 staff members so far;
- ✓ The work and preparations for the anti-doping program for the Youth Olympic Games;
- ✓ The organisation of the Pre-Games Expert group for Tokyo 2020 with an approved program by WADA;
- ✓ The reanalysis program for previous Games entrusted by the IOC;
- ✓ The Long-Term Storage project;
- ✓ Intelligence and legal work with WADA regarding the appeal made to CAS from RUSADA;
- ✓ The support given to GAISF members in regard to compliance with the new code;
- ✓ Annual reports to IFs, transparency and follow-up of their program;
- ✓ Development of the education module;
- ✓ The realisation of the training and certification project for DCOs which will benefit from a first financial partnership.

The Director General would further discuss the above items in his report.

The Chair was delighted to highlight that the hard work had been acknowledged during each public occasion and during the IOC Session & IOC EB.

The Chair also mentioned the following points:

- ✓ The Chair had regular contact with ITA's Partners such as the IOC, WADA and the IFs, but also with Parliaments and Court of Auditors who want to better understand the organisation of the international anti-doping landscape which their national agency is a part of;
- ✓ Since March 2020, the ITA had learned to communicate via several channels such as the phone, Microsoft Teams, Zoom, Skype and other networks. The Chair had been regularly informed about the internal organisation, the measures taken by the Swiss authorities, those taken by the sport movement, the requests of federal partners or organisers of major events and, of course, the financial aspects which will be presented today;
- ✓ Decision of the UCI to delegate the management of its anti-doping program to the ITA as of January 2021. The Chair and the Director General had agreed on a prudent, applied and transparent methodology, which had been presented by the Director General at two major gatherings of the cycling families:
  - The strategy can be summarized as follows "No to the project CADF or ITA, yes to the project CADF and ITA". There is no question of losing the competence acquired by the CADF, pioneer in this field, but there is no question either of destabilising ITA's healthy and organic growth by making the areas such as finance and HR fragile. The ITA is still young;
  - The ITA is moving forward cautiously with UCI but with determination on the timetable for a transfer on 1 January 2021.
- ✓ She saluted the success of the initiatives taken by the ITA staff members and Education Manager to organise education webinars during the crisis, more than 1000 participants signed up for the first one. It was unexpected but it shows that the community is eager to learn and it is an opportunity to make the fight against doping more efficient. These webinars give us a chance to communicate with athletes, relay messages from WADA and show that the pandemic does not open the door for doping.

#### **Item 5: Report by the Director General**

The DG explained that the Covid-19 pandemic started to impact the ITA activities in January 2020. The ITA remained in close contact with WADA, Regional and National Anti-Doping Organisations (RADOs/NADOs) and its stakeholders to assess the developments of the situation on a daily basis.

The Director General highlighted the following main items from his report:

- ✓ 2019 was a busy and fruitful year for the ITA:
  - Further information about initiatives and projects can be found in the Director General's report.
- ✓ The ITA now stands in a more stable and healthy situation:
  - It will shortly be able to consolidate and finalise its internal structure, processes & policies.
- ✓ The Covid-19 had heavily affected the budget of the ITA Partners. Consequently, a number of them had requested the ITA to amend their contract and decrease services to cut costs. The ITA's position has been to show flexibility and adapt as much as possible while pushing Partners to delay -to the extent possible- the financial

discussions until year end so as to having full visibility over the programs and activities that could not be completed due to the pandemic. The ITA expects an important loss of income for 2020 (approximately 40%);

- ✓ The ITA will, towards the end of the year, renegotiate the contracts with its Partners for 2021 and onwards;
- ✓ The ITA spends a considerable amount of its time on contract reporting and data access negotiations which slows down its main activity “the fight against doping “:
  - A new financial model will be put forward for proposal to dedicate more time to anti-doping.
- ✓ The ITA delivered in January 2020 the anti-doping program of the Lausanne 2020 Winter Youth Olympic Games. The report delivered by the ITA can be found in the Board's working documents:
  - The ITA focused on the initiation of athletes toward anti-doping;
  - An education program was put in place;
  - No sample came back positive;
  - The same model is being developed for the Dakar 2022 Youth Olympic Games.
- ✓ Due to the postponement of the 2020 Summer Olympic Games, the ITA and IOC need to address the contractual and financial implications related to the postponement. Indeed, whilst the IOC is asking for a budget reduction, the Pre-Games Expert Group's activities will last for 8 additional months and the logistics for the program in Tokyo need to be significantly reviewed;
- ✓ The Long Term Storage project:
  - Aim: long term storage of samples of Olympic athletes financed by the IOC;
  - The construction of the centralized long-term storage facility (owned and managed by the ITA in Switzerland) has been delayed due to the Covid-19. The facility should be ready by July-August 2020;
  - The facility will be available to all ITA partners and Anti-Doping Organisations who wish to store their samples;
  - A communication co-signed by WADA, IOC and ITA will be sent to all anti-doping organisations to give them the opportunity to store samples in this facility.
- ✓ The ITA is officially closing the reanalysis of the London 2012 Olympic Games samples:
  - Based on a risk assessment, more than 50% of collected samples were reanalysed;
  - As soon as all results have been received, a full report will be sent to the IOC.
- ✓ LIMS:
  - On 30 April 2020, WADA provided 45 cases (from 4 different IFs) for the ITA to assess whether to bring forward as ADRVs;
- ✓ The ITA was targeted by hackers, but the strong internal system in place disabled them to access any information:
  - The ITA regularly hires professional hackers to make sure its security measures are up to date;
  - The ITA is in the process of obtaining the ISO Certification 27001 on Information Security.
- ✓ The ITA has given support to its Partners with WADA-related compliance activities and implementation of the new 2021 World Anti-Doping Code:
  - Ongoing support to several IFs with Code Compliance Questionnaires (CCQ), Corrective Action Plans and audits;

- Further to the completion of the CCQ on behalf of the IOC in September 2019, WADA issued a Corrective Action Plan with 12 corrective actions. All corrective actions were successfully addressed by the ITA and signed off by WADA. On 9 April 2020 WADA submitted a letter of compliance to the IOC.
- An MoU was signed with GAISF, by virtue of which all IFs were provided with the opportunity to benefit from ITA's expert support (free of charge up to 2 hours) in the adaptation of their anti-doping rules to ensure full compliance with the 2021 Code. The ITA, in cooperation with GAISF and WADA, developed a tailored version of the Model Rules adapted to the needs of the IFs. A webinar, led by the ITA, was organized in March 2020 and saw the participation of 70+ sports organizations. Thereafter, more than 40 IFs have requested some form of assistance from the ITA. This process is expected to continue throughout the end of 2020.
- ✓ On 30 January 2020, the Board of UCI unanimously decided to delegate the management of its anti-doping program to the ITA as of 1 January 2021. The Cycling Anti-Doping Foundation (CADF) is currently in charge of the UCI program. The proposal made by the ITA was to onboard the 12 CADF staff to create a dedicated Cycling Unit within ITA thus promoting synergies and leveraging both organisations' expertise to reinforce further Cycling's anti-doping program. The transition is currently in progress with a focus on all HR, financial, legal and organizational aspects:
  - On 11 June 2020 afternoon, the UCI would hold a Board meeting to approve and sign the UCI-ITA agreement;
  - An executive summary of the main contractual terms (UCI-ITA agreement) can be found in the Board's working documents.
- ✓ The absorption of more than 40 Partners in such a short time caused some operational financial issues (budget vs actuals):
  - This enabled the ITA to create internal control processes;
  - All processes are mapped to avoid any future issues.
- ✓ The ITA's training and accreditation programme for International Doping Control Officers (DCOs) is almost finalised. The aim is to ensure that all DCOs who collect samples on behalf of ITA's Partners are properly trained and accredited. The ITA would like to offer athletes the highest possible testing standards and to the extent possible control where required key areas of the testing supply chain in order to mitigate the risks. Today, the ITA relies exclusively on third parties (private agencies and NADOs) to collect samples and does therefore have limited control on the testing process thus exposing ITA and its Partners to liability:
  - The ITA has signed a sponsorship agreement with the world leader of anti-doping Kits Manufacturer Berlinger AG to support ITA's training initiatives;
- ✓ Due to the ITA's rapid growth, the need for additional office space became necessary. An official request signed by ITA Chair Dr Fournayron and ITA Board Member/IOC Vice-President Prof. Dr Erdener was sent to the International Wushu Federation and the Chinese Olympic Committee (neighbours) to seek their assistance to free up the office space they do not use. This request was rejected and so ITA started looking for other options. Several visits of new HQ took place and discussions are ongoing:
  - Today, the ITA can still rearrange the current office space to gain approximately 10 more workstations.
- ✓ Questions:
  - **Francesco Ricci Bitti**
    - Mr Ricci Bitti congratulated the Chair and the DG for their complete and comprehensive reports;

- He also congratulated the ITA for all its work regarding CADF and confirmed that he will continue to give his full support to encourage other IFs to join the ITA;
  - Mr Ricci Bitti asked how many positive cases came out of the London 2012 reanalysis. The DG responded that approximately 60 positive cases were confirmed;
  - He asked about the amount of LIMS cases. The DG answered that 45 cases from 4 different IFs had been sent to the ITA end of April 2020;
  - He congratulated the ITA for the numerous NADO agreements that had been signed over the last months. The DG added that almost 20 agreements had been drafted and that the agreements included **1)** information sharing **2)** commercial aspects for sample collection;
  - He asked for further details on the MoU that was signed with GAISF. The DG mentioned that this was put in place to **a)** promote ITA's role **b)** support IFs at no fee for two hours with their anti-doping rules to align to the 2021 Code **c)** get IFs to start working with the ITA;
  - He also asked for further details on IFs contracts (budget). The DG explained that within the contracts there are two financial parts **1)** the management fee **2)** a third-party variable cost.
- **Sebastien Gillot**
- Mr Gillot expressed WADA's full commitment to support and collaborate with the ITA. Over the past few weeks, several meetings had taken place between different WADA and ITA departments to discuss issues & solutions.
- **Kirsty Coventry**
- Mrs. Coventry thanked the DG for taking part in the recent global athlete's calls to explain ITA's position and activities during the Covid-19 pandemic;
  - She also thanked the ITA for sharing information with the Athlete 365 team;
  - She will come back to the ITA shortly with potential athletes who could join the launch of the IDCO project.

**DECISION:** The Foundation Board Members unanimously approved the sponsorship agreement for ITA's training initiatives and the investment in the ITA's future testing platform.

#### **Item 6: Legal matters (approval)**

The following ITA policies were presented to the Board Members for approval:

- ✓ **Compensation Policy for the ITA Foundation Board and Consultative Committees:** this policy lays down the conditions of the financial indemnities and compensation of the members of the Foundation Board and Consultative Committees;
- ✓ **Reappointment Policy for ITA Foundation Board:** this policy lays down the terms of renewal of the mandates of the members of the Foundation Board;
- ✓ **ITA Voluntary Fund Policy:** this policy outlines the framework pertaining to donations and other types of contributions, including acceptance criteria, approval process, allocation of funds and other related considerations.

The DG informed the Board Members about the end date of their current mandate:

- ✓ **Valérie Fourneyron**
  - Reappointed in November 2019 for two years - term ends in January 2022;
- ✓ **Kirsty Coventry**
  - Reappointed in June 2019 for two years - term ends in January 2021;
- ✓ **Ugur Erdener**

- Reappointed in June 2019 for two years - term ends in January 2021;
- ✓ **Francesco Ricci Bitti**
  - Reappointed in November 2019 for two years - terms end in January 2022;
- ✓ **Peijie Chen**
  - Reappointed in November 2019 for two years - term ends in January 2022;
- ✓ The two new independent Board Members are appointed on 11 June 2020 for two years.

**DECISION:** The Board Members unanimously approved the three policies.

### **Item 7: Financial matters (approval)**

The Finance Manager joined the meeting and highlighted the following items:

- ✓ **2019 Financial Statement:**  
With reference to the audit carried out by Ernst & Young for the year 2019 and the report on the accounts done by the latter, it is apparent that the ITA significantly grew its revenues in 2019 versus 2018 (CHF 4.2 mio, +407%) thanks to a growing number of Partners, the costs grew as well due to the hiring of new full-time employees (+24 FTE) in order to deliver the required services. Overall operating costs amounted to CHF 5.2 mio together with CHF 0.3 mio capital expenditures which resulted in an operating loss of CHF 1.3 mio. It is noted that the auditors recommend the approval of the financial statement for 2019;
- ✓ **2019 Actuals vs. 2019 Initial Budget prepared by PriceWaterhouseCoopers (PwC):**  
2019 revenues were 4x higher than initially planned by PwC (CHF 4.2 mio vs. 0.9 mio) due to a higher number of projects and IFs partnering with the ITA. Personnel costs were higher than planned as the number of Full Time Employee required to support the operations were 29 compared to 16 in the initial budget. Investments were much lower than predicted (CHF 0.3 mio vs. 2.1 mio) due to a conservative way of spending and the timing of these costs shifted to 2020. Overall, in 2019, the ITA lost CHF 1.3 mio vs. 4.8 mio as planned in the initial budget reflecting the conservative way of spending and the increase in revenues;
- ✓ **2020 Approved Budget vs. 2020 Initial Budget:**  
2020 revenues were planned to be +60% higher than initially budgeted (CHF 4.6 mio vs. 2.9 mio) due to a higher number of projects and IFs partnering with the ITA. Personnel costs were to be higher than planned as the number of Full Time Employee required to support the operations would be 49 compared to 26 in the initial budget. Operating Expenses and capital expenditures were to be much higher than expected (CHF 4.3 mio vs. 1.5 mio and CHF 0.9 mio vs. 0.4 respectively) due to the timing of these expenses initially planned for 2018 and 2019 and the ramp up of ITA's activities. Overall, for 2020, the ITA planned to incur a loss of CHF 7.0 mio and end the year with a cash balance of CHF 2.6 mio;
- ✓ **2020 Forecast vs. 2020 Approved Budget**  
Overall, we estimate that the Covid-19 situation will decrease the revenues by CHF 1.8 mio which are offset by the reduction of operating costs and capital expenditures of CHF 1.6 mio and the additional subsidies from the government of CHF 0.4 mio. Hence the total loss for the year will remain around CHF 7.1 mio as predicted;
- ✓ **3 Years Comparison - Cumulated Value vs. Initial Budget**  
Over a period of 3 years from 2018 to 2020, the cumulated revenues including the Covid-19 impact will be CHF 7.9 mio vs. 4.1 mio initially planned which represent a 93% increase. The planned cumulated costs amount to CHF 18.0 mio vs. 17.7 mio initially planned which is in line with the budget.  
The total cumulated loss over that 3 years period will represent CHF 10.1 mio vs. 13.6 mio in the initial budget due to the higher revenues which represent a 26% improvement.

The Chair and Mr Ricci Bitti congratulated the Finance Manager for his report and work.

**DECISION:** The Board Members unanimously approved the following items:

- ✓ Attribution of CHF 2'498'058 to Provision for upcoming costs;
- ✓ The financial statement for the year 2019;
- ✓ The financial report of Ernst & Young for the year 2019, the appointed auditors;
- ✓ Reappointment of Ernst & Young as external auditors for the year 2020.

**Item 8: Other matters / Miscellaneous**

The Chair suggested to hold the next Foundation Board meeting, if travel is permitted in November 2020, in Shanghai, China.

The date and location of the second Foundation Board meeting of 2020 will be confirmed in due course.

**Item 9: Closing of the meeting**

The Chair thanked all the members for their presence and contribution.

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These minutes are made in one original copy and signed in accordance with Article 9 of the ITA Statutes on \_\_\_\_\_.

Dr Valérie Fourneyron  
Chair of the Board

Mr Benjamin Cohen  
Director General

*Ms Jessica Hellman*  
*Senior Office Coordinator*  
*Minutes taker*