

<b>Meeting</b>	International Testing Agency ("ITA") – Foundation Board
<b>Place</b>	Videoconference
<b>Date</b>	3 November 2020

## AGENDA

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

The Chair opened the meeting and welcomed the Foundation Board Members to the second gathering of 2020. Due to the global health context (Covid-19 pandemic), the meeting was held via videoconference.

She warmly welcomed ITA's two new Board Members, Mrs Chantal Brunner and Dr Roger Jackson, who were appointed in June 2020 following the report & recommendation made by WADA's Nominations Committee and the subsequent ratification by the WADA Executive Committee. The two new Board Members took the floor and introduced themselves.

The Chair explained that this meeting would give the Board the opportunity to discuss the following items:

- ✓ update on ITA's activity and development of ITA's projects with a focus on the Legal Affairs and the Science & Medical departments;
- ✓ examine the 2020 finances and approve the preliminary 2021 budget;
- ✓ review, and if necessary, adapt ITA's strategic plan; and
- ✓ take mandatory statutory decisions.

She reminded the Board Members that the ITA is an organisation whose governance can be linked to an Executive directorship entrusted to the Director General and a non-executive Supervisory Board that she is pleased to Chair. All exchanges, documents and non-public decisions are confidential and the same goes for the agency's employees.

She thanked the Members for being present and for all their valuable support. She also thanked the ITA Senior Office Coordinator for her support and assistance which allowed the Board to work in good conditions.

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

#### Chair of the Board:

Dr Valérie Fourneyron – *Independent ITA Board Member*

#### Members of the Board:

Mrs Chantal Brunner – *Independent ITA Board Member*

Prof. Peijie Chen – *Independent ITA Board Member*

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

Dr Roger Jackson – *Independent ITA Board Member*

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

Excused:

Mrs Kirsty Coventry – Member representing the Athletes

Start of the meeting: 3 November 2020 at 06h00 (Swiss time)

End of the meeting: 3 November 2020 at 10h00 (Swiss time)

**Item 2: Approval of the minutes of the previous Foundation Board meeting, 11 June 2020**

The minutes of the previous ITA Foundation Board meeting held on 11 June 2020 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 11 June 2020 via videoconference.

**Item 3: Reappointment of Board Members**

As per the ITA Statutes, the mandate of the two following Board Members was coming to an end (January 2021):

- ✓ Mrs Kirsty Coventry, athlete representative;
- ✓ Prof. Dr Ugur Erdener, IOC representative.

In accordance with Article 7 of the ITA Statutes and the Reappointment Policy adopted by the ITA Foundation Board, the two abovementioned Members could be reappointed for a period of two years.

The two Board Members had confirmed in writing to the ITA their wish to be reappointed for a further term of two years.

**DECISION:** The Board formally and unanimously approved the reappointments of Mrs. Coventry and Prof. Dr Erdener for a new term of two years as ITA Foundation Board Members.

**Item 4: Report by the Chair of the Board**

The Chair was hoping to meet the Foundation Board Members in person for the second meeting of 2020 in more serene sanitary conditions.

Unfortunately, this was not yet the case, and she highlighted the following items:

- ✓ ITA's structuring and development projects should continue to be carried out effectively;
- ✓ The entire sport movement was hoping to see international championships and Olympics back on the calendar;
- ✓ Staff should continue to be protected; and
- ✓ ITA's ability to absorb financial losses during its creation years while building a solid foundation towards a financial equilibrium should be ensured.

She explained that this was quite a challenge for an agency that is barely 2 and a half years old, and she congratulated the ITA Director General for leading the different challenges with accuracy and success.

The Chair mentioned that as of today, the Board would focus, during each Board meeting, on one or two ITA departments, in addition to Finance. She also mentioned the following items:

- ✓ The ITA successfully completed the ISO 27001 Certification which reinforces the ITA's expertise, independence and security;
- ✓ The first International Doping Control Officer (IDCO) face-to-face certification event took place in October 2020. This training program aims to offer athletes of the world the guarantee that wherever they are tested and whatever sport they compete in, the doping controls they are subject to are conducted safely, respectfully and with trained professionals in accordance with the World Anti-Doping Code and international best practice. Berlinger AG, the world leader in the manufacturing of kits for doping controls, is the official partner/Sponsor of the ITA IDCO Training & Certification Program;
- ✓ The relaunch of the Tokyo 2020 Pre-Games Expert Group and Games planning;
- ✓ Start of preparations for Beijing 2022 and Paris 2024;
- ✓ Tremendous legal & compliance work has been done on reanalyses, ADRVs, LIMS, IFs such as IWF & AIBA and assistance has been given to more than 60 International Federations to adapt and harmonise their anti-doping rules in light of the incoming 2021 World Anti-Doping Code;
- ✓ The pursuit of ITA's Education programs with the key underpinning principle "*An athlete's first experience with Anti-Doping should be through Education rather than Doping control*";
- ✓ The new ITA website should be operational by the end of 2020;
- ✓ The transfer of the Cycling Anti-Doping Foundation (CADF) has greatly mobilized the ITA team who is looking forward to welcoming them soon (January 2021).

The Chair finished by mentioning the economic challenge many are facing due to the Covid-19 pandemic. It is important that the ITA continues to convince people of ITA's expertise, added value and know-how in order to renew all ITA contracts by the end of 2020. The Director General has, with the Chair's agreement, informed all ITA employees that, if no unemployment measures had to be taken, all planned promotions would be suspended for 2020. The Chair sincerely thanked, on behalf of the Board, the ITA Director General and the ITA staff for the many adaptations made over the year to reduce ITA's expenses and focus on what was strictly necessary to pursue ITA's development without compromising on efficiency & expertise.

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

Since the last ITA Foundation Board meeting of June 2020, the ITA had continued to gradually increase its testing operations in countries that reopened their borders and where sanitary restrictions allowed doping controls to be conducted. While in-competition testing programs were still highly affected due to the cancellations of events, the ITA worked at over-capacity throughout the summer to maintain a high level of out-of-competition doping controls.

Over the past months, ITA's efforts were, amongst other, centred around:

- ✓ The management of its 45 partner IFs anti-doping programs and the onboarding of new partners. The IF Service Agreements currently in place would come to an end at the end of 2020, thus the ITA would shortly start with the renewal of all partnerships. To note that a number of ITA partners have, as a result of the pandemic and cancellations of their events, requested a reduction of the agreed management fee for 2020;
- ✓ The adaptations for Tokyo 2020 Olympic Games;
- ✓ The delivery of ITA's strategy and positioning;
- ✓ The consolidation of ITA's structure and finalisation of the ISO 27001 Certification on information security;
- ✓ The integration of the Cycling Anti-Doping Foundation's staff and program within the ITA;
- ✓ The implementation of ITA's International Doping Control Officer (IDCO) Training & Certification Program;

- ✓ The final set up of ITA's centralised long term sample storage facility in Switzerland.

The Director General mentioned that the 2020 budget approved by the Foundation Board in November 2019 had been significantly reviewed due to the pandemic and a revised budget had been approved by the Board in June 2020. In view of the many uncertainties around COVID and ITA's capacity to sign new contracts or maintain its current service agreements in place, the decision was made to trim down all expenditures, projects and hirings to those absolutely necessary for ITA's day-to-day operations. As a result, ITA was able to significantly reduce its overall costs compared to the approved revised budget with the consequence however that ITA's growth was unfortunately halted.

#### QUESTIONS/COMMENTS:

Dr Roger Jackson

- ✓ Dr Jackson congratulated the ITA and highlighted that it is important that the ITA Director General position and activities are supported in an appropriate way. The Chair of the Board thanked Dr Jackson for raising this concern, supported his views and replied that special attention shall be paid to ensuring adequate Human Resources to support the Director General and administration.

Mrs Chantal Brunner

- ✓ Mrs Brunner raised a comment similar to that of Dr Jackson and encouraged the ITA Director General to also monitor the health of the staff members who are currently working from home due to the pandemic in order to maintain an appropriate work/life balance. The Chair of the Board thanked Mrs Brunner for her comments and the ITA Director General explained that all staff members coming from abroad have been given the possibility to travel to their home country as of now to work from there until January 2021.

ITA Director General

- ✓ The ITA Director General mentioned that the ITA spends a considerable amount of its time on contract reporting and data access negotiations which slows down tremendously its main activity "the fight against doping ". A new financial model for the ITA may need to be considered to allow the ITA to dedicate more time to anti-doping work instead of contractual and data-access negotiations. One immediate action has been to push IFs to sign contracts for a longer period of time (4 year cycle instead of 2).

Mr Francesco Ricci Bitti

- ✓ Mr Ricci Bitti mentioned that the Olympic Movement has full confidence in the ITA and thinks it is well managed. He agreed that the ITA spends a considerable amount of its time on negotiations but believes this is necessary in the beginning to build confidence with its partners. He raised a concern regarding Intelligence & Investigations and mentioned that the ITA should have these capabilities in house to understand the principles of Intelligence & Investigations but this should not become a duplication of what already exists (for example at WADA). Regarding International Federation partnerships, he encouraged the ITA to first contact Federations, who are not yet partners, located in Lausanne to facilitate the transfer of Human Resources. Mr Ricci Bitti assured the ITA that he would continue to give his full support to ensure its growth and success.

ITA Director General

- ✓ The ITA Director General specified that in terms of Intelligence & Investigations, the WADA Intelligence & Investigations Department continues to grow and to uncover cases which IFs and MEOs must follow up on and investigate. WADA sets strict deadlines for these follow ups and the ITA needs to be equipped with qualified personnel to support its partners in this mandatory area under the Code failing what the IFs/MEOs may be declared non-compliant by WADA. The I&I unit would consist of 7 staff members (3 already secured dedicated to cycling only, 3 for all the other sports and events the ITA manages and 1 Head of department). Mr Sébastien Gillot confirmed that WADA fully supports the ITA to have these minimum capabilities in house considering the ADOs' obligations under Code to investigate and prosecute anti-doping rule violations that fall under their authority.
- ✓ The ITA Director General also mentioned that, in addition to the required Intelligence & Investigations resources, the Education Department would need back-up with the coming into force of the new International Standard for Education and the huge workload this triggers for the ITA Partners.
- ✓ The ITA Director General also explained that due to ITA's inability to expand its office space within the current HQ building, it has identified a good option located 150 meters from the current headquarters which would be available as of June 2021. Moving to bigger offices is needed to cope with the growth and the arrival of 12 staff from CADF. However, in an effort to save costs and in consultation with the Chair, the ITA will try to stay in the current offices until the end of its lease in 2023 and implement a mandatory Home-Office Policy to ensure current capacity levels. The situation will be reviewed at the beginning of Q2 of 2021.

#### ITA Chair

- ✓ The Chair mentioned that a number of International Federations have signed a partnership with the ITA but their level of delegation is not considered appropriate in terms of independence. Some Federations also seem to use that agreement externally to claim that they have partnered with the ITA, thus opening a reputational issue for the ITA. This situation is closely monitored and a Partnership Recognition Program is currently being set up.

The Head of Science & Medical, Dr Neil Robinson, and the Head of Legal Affairs, Mrs Dominique Leroux, gave a presentation about their respective activities. Further details can be found in *Annex 1*.

**DECISION:** The Foundation Board Members unanimously approved the ITA Director General's report.

#### **Item 6: Financial matters**

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

#### **2020 Actuals & Impacts Due to Covid-19**

- ✓ The ITA had estimated that the Covid-19 pandemic would decrease the revenues by CHF 1.6 mio which was offset by the reduction of operating costs and capital expenditures of CHF 2.1 mio and the additional COVID grant from the government of CHF 0.5 mio for technical unemployment. Hence the total shortfall for the year would decrease from an expected CHF 7.0 mio to 4.9 mio;

The ITA continues at the moment to depend on the Olympic Movement contributions to cover the loss.

### 2021 Budget

- ✓ The 2021 original budget revenues were planned to be 127% (CHF 3.9 mio) higher than prior years (CHF 7.0 mio vs. 3.1 mio) mostly due to the newly signed UCI (Union Cycliste Internationale) partnership and the increase of a number of existing contracts (eg. IWF, UWW);
- ✓ Operating Expenses were foreseen to increase by 52% (CHF 11.4 mio vs. 7.5 mio) versus last year mainly due to the increase of employees (12 Cycling Unit staff joining ITA). Other operating expenses were expected to increase following the growth of the ITA however many efforts have been deployed to keep a conservative way of spending;
- ✓ Personnel costs would increase by 50% (+ CHF 2.9 mio) versus last year as the number of Full Time Employee (FTE) required to support the operations would be 70 compared to 48;
- ✓ Capital Expenditures would increase compared to last year (CHF 0.8 vs. 0.5 mio) due to higher investments in IT tools (PASS) and office related investments;
- ✓ Considering the operations, the ITA would still be generating an operational loss of CHF 4.4 mio which would imply a support from the Olympic Movement Contribution to cover that loss. Considering the ITA's reserves, the ITA suggests, as in 2020, a CHF 3.5 mio Olympic Movement Contribution which would contribute to cover part of the loss.

The ITA Chair and Director General explained that several updates would be done in the coming months, therefore a revised budget would be shared with the ITA Board Members in early 2021.

The ITA Chair congratulated and thanked the Finance Manager for his report and work.

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

- ✓ The 2021 Budget including additional resources for education and I&I;
- ✓ The 2021 Olympic Movement Contribution of CHF 3.5 mio;
- ✓ Reappointment of Ernst & Young as external auditors for the year 2021.

### **Item 7: Update on ITA Strategy**

The ITA Director General presented an update on ITA's Strategy and further details can be found in Annex 2.

### **Item 8: Olympic Games Tokyo 2020 and Beijing 2022**

The ITA Head of Testing joined the meeting and presented an update on the operations for Tokyo 2020 and Beijing 2022. Further details can be found in Annex 3.

### **Item 9: Other matters / Miscellaneous**

Mr Sébastien Gillot, WADA Director European Regional Office and International Federations Relations, highlighted the following items:

- ✓ WADA had been very busy dealing with the Covid-19 pandemic over the last few months to provide guidance in regard to testing;
- ✓ WADA, GAISF & the ITA are working hard together to prepare IFs for a smooth transition to the new 2021 Code;

- ✓ WADA's Intelligence & Investigations department issued an interim report on the International Weightlifting Federation (IWF) which must be followed up by the ITA as the IWF anti-doping program has been fully delegated to it;
- ✓ The four-day arbitration procedure between WADA and the Russian Anti-Doping Agency (RUSADA) before the Court of Arbitration for Sport (CAS) had started.

#### **Item 10: Closing of the meeting**

The Chair sincerely thanked all the Board Members for their presence and contribution. She also thanked and congratulated the entire ITA team for their hard work and dedication.

The date and location of the first Foundation Board meeting of 2021 will be confirmed in due course.

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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*