



INTERNATIONAL  
OLYMPIC  
COMMITTEE

Medical and Scientific Department

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By mail and e-mail

Honourable Tim Murphy  
Chairman  
Subcommittee on Oversight and  
Investigations

*Sent to :*  
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Lausanne, 13<sup>th</sup> April 2017

**Additional questions related to the hearing “Ways to Improve and Strengthen the International Anti-Doping System”**

Dear Honourable Tim Murphy,

Thank you for your letter dated March 29, 2017. You will find below the replies to your additional questions for the Record.

**1. Does the International Olympic Committee (IOC) have sole jurisdiction of the drug testing samples that are collected at the Olympic Games?**

**a. Do any other groups or individuals have access to those samples both re-testing and/or decision making? If so, what groups or individuals can access the samples?**

1. The IOC has sole jurisdiction at the Games.

a. Under the World Anti-Doping Code, WADA has access to all samples collected by any code signatory. No other groups or individuals have access to the samples for re-testing or decision making.

**2. It is my understanding that the IOC is retesting samples dating back to 2006 and has the results of those retests for the past three to four years. Is this accurate?**

**a. If so, have you released, or do you intend to release, these results?**

2. The IOC has stored samples from Olympic Games since 2004 so they can be retested if later information raises suspicions or if testing technology improves. The process of reanalysis is completed for 2004, 2006 and 2008, and ongoing for 2010, 2012, 2014 and 2016.

a. ADRVs are always publicly announced.

**3. The IOC issued blanket bans in prior situations where a National Olympic Committee failed to adhere to the values, ethics and Charter of the Olympic Movement — even when the violations did not implicate athlete conduct or were far beyond the control of individual athletes. For example, in 2012, the IOC suspended the India Olympic Association for holding elections that violated the Olympic Charter. Why was a blanket ban appropriate in this and similar circumstances, regardless of the impact of individual athletes?**

**a. Was the conduct identified in the two World Anti-Doping Agency (WADA) Commission reports in advance of the Rio Olympics consistent with the Olympic Charter?**

**b. What about the conduct identified by the WADA Commission reports is different from prior cases where the IOC issued a blanket ban?**

3. The NOC of Russia was not implicated in the two reports so there were no grounds for sanctions at the NOC level.

a. As the IOC's official statement said at the time of the second report's release, the conduct described in the reports is "a fundamental attack on the integrity of the Olympic Games and on sport in general." It is absolutely inconsistent with the Olympic Charter. That is why the IOC established two commissions to determine appropriate sanctions and measures.

b. As noted above, the reports did not implicate the Russian Olympic Committee.

**4. The IOC recently suggested that the Court of Arbitration in Sport (CAS) should be responsible for sanctioning athletes. Why does the IOC believe CAS is the appropriate entity for issuing sanctions?**

**a. If the CAS is responsible {Or sanctions, who would be responsible for adjudicating appeals of those sanctions?**

4. Following the principal of separation of powers, legislative, policing and sanctioning roles should not all fall under the responsibility of one organisation. The involvement of CAS ensures that sanctions are determined by an independent body, with no possibility of a conflict of interest.

a. An ad-hoc body of CAS is responsible for determining sanctions. Any appeal would go to a completely separate CAS appeal chamber.

**5. Why did the IOC find it necessary, and what was the reasoning behind, creating two separate commissions — Oswald and Schmid — after the McLaren report was released?**

**a. Please describe the scope the objectives of these respective commissions.**

**b. How does the IOC intend to use the results of these commissions?**

**c. What is the current status and timing of these commissions?**

5. The IOC Disciplinary Commissions are addressing two different aspects of the reports. One is focusing on individual actions, the other is looking into evidence of systemic corruption.

a. The IOC's announcement establishing the commissions defined their scope as follows:

- An Inquiry Commission, chaired by the former President of Switzerland, Samuel Schmid, is addressing the "institutional conspiracy across summer and winter sports athletes who participated with Russian officials within the Ministry of Sport

and its infrastructure, such as RUSADA, CSP and the Moscow Laboratory along with the FSB," in particular with regard to the Olympic Winter Games Sochi 2014.

- A Disciplinary Commission, chaired by IOC Member Denis Oswald, is addressing the question of doping and manipulation of samples concerning the Russian athletes who participated in the Olympic Winter Games Sochi 2014. In the context of this Disciplinary Commission, all the samples of all Russian athletes who participated in Sochi will be re-analysed. The re-analysis will be to establish whether there was doping or whether the samples themselves were manipulated.

b. The commissions will report to the IOC Executive Board, which will determine what sanctions should be applied. For more information, please see the recommendations of the 5<sup>th</sup> Olympic summit, which are attached.

c. The work of both commissions is ongoing. They are expected to complete their work in time for the IOC Executive Board to determine any sanctions before the Olympic Winter Games PyeongChang 2018 in February.

**6. Recently, an IOC Athlete's Commission member described the current lack of sanctioning criteria for sporting organizations who fall foul of anti-doping rules "completely ridiculous." What is the IOC's position on the current sanctioning criteria?**

**a. Does it need to be improved? If so, how?**

6. The IOC agrees that the sanctioning framework can be improved and welcomes the ongoing review by WADA.

a. As mentioned above and to avoid any conflict of interest, the IOC favours a clear separation between the legislative, policing role, which is clearly that of WADA, and the sanctioning authority which should be delegated to CAS. We also believe that anti-doping testing should be independent from sport organisations or national interests.

**7. It has been reported that some athletes who have been found to have doped and won an Olympic medal are refusing to return their medals. Does the IOC plan to collect medals from athletes subsequently found to have doped in Olympic events? If so, please describe this process.**

**a. Does the IOC plan to reallocate these medals to the appropriate athletes?**

7. The IOC relies on National Olympic Committees to collect the medal of any disqualified athlete.

a. The IOC believes it is extremely important that deserving athletes receive the medals and the recognition they deserve. In keeping with the guidance provided by Olympic Agenda 2020, the IOC has taken action to more-formally recognise Olympians who receive their medals belatedly.

**8. During the hearing you testified that the IOC has already taken steps to invoke change with a governance structure review. This review, which includes independent experts as well as representatives from sport and government, is tasked with examining the total of WADA, including whether the executive board should be independent of both sport and government. Please provide an update to the Committee regarding the status of this review.**

**a. Do you believe that this review will ultimately effectuate change in the governance structure of WADA? Please explain.**

8. The IOC, through the 5th Olympic Summit Declaration and the IOC Executive Board's 12 points Declaration, made clear recommendations to strengthen the worldwide anti-doping system as well as WADA and its Governance.

To respond to the call of the IOC and other Stakeholders, WADA has set-up a working group on Governance Matters to review its Governance. The IOC and the Olympic Movement were invited to actively take part in this working group and appointed not only experts in the field of sports and anti-doping to sit on the working group, but also in the field of governance and legal services.

The working group had its first meeting on 11 March and is expected to meet again before the Summer. The IOC is still waiting for WADA to confirm the date of this second meeting. Recommendations by the working group for future structure and improvement of WADA's Governance should be made to the WADA Foundation Board in September 2017.

a. The recommendations will depend on the consensus of the independent experts and stakeholders who make up the group. It is agreed by all stakeholders that the governance structure of WADA needs to improved, and we are confident it will be.

Yours sincerely,

Dr Richard Budgett  
IOC Medical and Scientific Director