

Testimony of Dr Richard Budgett

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Before the

Subcommittee on Oversight and Investigations of the

Committee on Energy and Commerce

Hearing on

“Ways to Improve and Strengthen the International Anti-Doping System”

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Good morning, Mr. Chairman, and Members of the Subcommittee. I appreciate this opportunity to speak with you, on behalf of the International Olympic Committee (IOC), about the ways to improve and strengthen the international anti-doping system. Thank you for convening this hearing and for your interest in this important topic. The IOC has long recognised that cooperation between sport organisations and government authorities is essential for success in protecting clean athletes.

The protection of clean athletes is an absolute priority for the International Olympic Committee, and the IOC has been at the forefront of this effort for more than 50 years. Protecting the integrity of sport against those who seek unfair advantage requires constant vigilance and proactive improvements in methods of education, prevention and detection. The IOC's direct responsibility for anti-doping measures is limited to the Olympic and Youth Olympic Games, but our commitment to protecting clean athletes is much broader.

This is why the IOC founded, in 1999, the World Anti-Doping Agency (WADA) and financed it for the first two years. Since 2001, the IOC has provided half of WADA's budget with the other coming from governments. In 2016, the IOC contributed more than USD 14 million to WADA. In addition to this direct support to WADA from the IOC, the worldwide sporting movement invests an estimated USD 300 million a year on anti-doping activity.

For all these reasons, the IOC, more than any other stakeholder, has a deep and abiding interest in having a well-functioning WADA.

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The IOC strongly reaffirmed its commitment to protecting clean athletes in 2014 with the adoption of Olympic Agenda 2020, which also established a 20 million dollar "Protection of Clean Athletes" fund and extended the period for post-Games re-analysis to 10 years. Since then, the IOC has convened two Olympic Summits with stakeholders from throughout the world of sport to promote greater independence, harmonisation and transparency within the world-wide fight against doping in sport.

My own commitment to this issue is both personal and professional.

As a former athlete and Olympic Champion in Rowing in 1984, I have very strong feelings about attempts to undermine fair competition. As a Doctor in Sport and Exercise Medicine, I have had an opportunity to do something about it. I have devoted a large part of my career to the fight against doping in sport. Athletes like the two great Olympians with us today, should be confident that they can compete on a level playing field.

In my capacity as the IOC's Medical and Scientific Director, I am responsible for ensuring the health and safety of athletes at all editions of the Olympic and Youth Olympic Games. I also oversee all of the IOC's medical and scientific programs, including injury and illness prevention, education, research and the promotion of the health legacy from the Games.

Before joining the IOC in October 2012, I was the Chief Medical Officer and oversaw Doping Control and Medical Services at the Olympic Games in London. I have also served as team doctor for British Olympic Teams. I have been a member of the World-Anti-Doping-Agency's Prohibit List Expert Group, which identifies substances that should be prohibited in sport, since 2005, and have served on several national and international substance review panels. My publications related to Olympic sport include works focused on anti-doping issues.

From my perspective, doping is not just a threat to the integrity of sport; it is a threat to the health and safety of the athletes that I have an obligation to protect. Clean sport promotes health. Doping can destroy it.

The recent scandals around doping and sports manipulation have confirmed the need to strengthen the world-wide anti-doping system. In order to do so, it is necessary that WADA be confirmed as the regulatory body, setting the standards for compliance, and carrying out the assessment of all anti-doping organisations. The IOC strongly supports WADA in the lead to fight doping in sport and to protect clean athletes. The current review of the world anti-doping system must result in a stronger and more efficient WADA, with more authority over Anti-Doping Organisations (ADOs). It is crucial that WADA can ensure that NADOs, all around

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the world, are carrying out more testing on visiting athletes. In addition, sports organisations at all levels — including the professional leagues in the United States — should be signatories of the World Anti-Doping Code and commit to be Code Compliant.

Compliance monitoring, conducted by WADA, is also an important process which needs to be enhanced to ensure the protection of clean athletes. The IOC supports WADA's initiative to strengthen its compliance programme, including for sports organisations.

A compliance programme can only be effective if it is viewed as fair to all parties. Individual justice must be respected and guaranteed with a compliance framework designed to ensure that sanctions target only those responsible for non-compliance. In accordance with the principles of individual justice, clean athletes should not be sanctioned or punished for the failures of others.

Further in the interest of the athletes and for a greater independence of the anti-doping system, the IOC has offered a number of proposals to strengthen WADA's governance, including stricter guidelines on conflict of interest, and a clear separation between WADA's legislative, policing and sanctioning roles. The same organisation should not be empowered to make the rules, enforce the rules and determine the punishment for violating the rules.

The IOC has also proposed eliminating the current system of rotating appointments for WADA's senior leadership and has suggested that WADA's future leaders should be independent, without ties to sports organisations or governments. Fundamental fairness requires that the decision on the level and type of sanctions be independent and separated from the investigation "policing" role carried out by WADA.

To avoid even the appearance of a conflict of interest, the IOC has proposed, with the support of the 5th Olympic Summit, that anti-doping testing be independent from sports organisations and national interests. The Olympic Summit also called for the establishment, coordinated by WADA, of an Independent Testing Authority (ITA). The ITA will ensure equal treatment for all athletes around the world by establishing a harmonised standard for anti-doping testing. ITA will also provide a full doping control service that includes:

- Organising in and out of competition anti-doping controls using NADOs and private sample collection agencies; all analysis are exclusively conducted in WADA accredited/approved laboratories;

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- Establishing test distribution plans as well as the selection and number of athletes in the RTP;
- Collecting whereabouts and dealing with filing failures and missed tests;
- Managing the Athlete Biological Passport programme;
- Conducting the Results Management of cases;
- Prosecuting cases before an independent first instance body;
- Managing Therapeutic Use Exemptions;
- Collecting intelligence and conducting investigations in close partnership with actors in the field (WADA, NADOs and others);
- Managing storage of samples and analytical raw-data;
- Managing reanalysis;
- Setting-up a network of DCOs able to test worldwide in addition to using current providers.

WADA has responded to this call by establishing a Steering Group, with representatives from the Olympic Movement and public authorities, to recommend the best way to establish the ITA, and this ahead of the Olympic Winter Games PyeongChang 2018 in February. The IOC is convinced that the ITA is a great opportunity towards ensuring the protection of clean athletes and that its success will come through a strong cooperation between WADA, the sports organisations and the governments.

During the Olympic Games Rio 2016, the IOC went even further by separating its sanctioning powers. An Ad-Hoc chamber of the Court of Arbitration for Sport (CAS) was given sanctioning authority, with no change in the right of appeal to the CAS appeal chamber. By the Olympic Winter Games PyeongChang 2018, the IOC will also establish an independent investigation procedure and has proposed that sports organisations adopt similar measures.

With regards to the findings of the Independent Person Report, also referred to as the McLaren Report and mandated by WADA, on doping and manipulation in Russia, the IOC has established two Commissions, an Inquiry Commission and a Disciplinary Commission, to follow up on the allegations raised in the report.

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These two Commissions started their work last year, even before the publication of the full and final report by Professor Richard McLaren in December.

- The Inquiry Commission, chaired by the former President of Switzerland, Samuel Schmid, is addressing systemic issues. It is looking into evidence of an “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.
- The Disciplinary Commission, chaired by IOC Member Denis Oswald, is addressing issues at the individual level. It is looking into evidence of doping and manipulation of samples involving 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 are being re-analysed. The re-analysis will be to establish whether there was doping or whether the samples themselves were manipulated.

The work of the two Commissions is ongoing and they continue to closely cooperate with Professor McLaren, WADA and the International Federations. Gathering reliable evidence has been a significant challenge, as some IFs have already experienced; some IFs have had to lift provisional suspensions or postpone disciplinary procedures due to a lack of consistent evidence.

In closing, let me reiterate that the IOC’s ultimate goal is the protection of clean athletes and that we are fully determined to cooperate with all the actors engaged in the fight against doping in sport, this not only includes WADA, the International Federations and the athletes, with their entourage, but also the Governments.

Thank you for the opportunity to appear here this morning, and I look forward to your questions.

To further detail the above testimony, please find enclosed:

- 4th Olympic Summit Declaration :

https://stillmed.olympic.org/Documents/Conferences_Forums_and_Events/2015-Olympic-Summit/2015_10-17_Communique_Olympic_Summit-English.pdf

- 5th Olympic Summit Declaration :

<https://stillmed.olympic.org/media/Document%20Library/OlympicOrg/News/2016/10/2016-10-08-Declaration-Olympic-Summit.pdf>

- IOC Press release, dated 9 December 2016, on the Final Independent Person Report:

<https://www.olympic.org/news/statement-of-the-ioc-regarding-the-independent-person-report>