

April 2017

**Written statement of Mr. Benjamin COHEN, Director, European Office and International Federation Relations, World Anti-Doping Agency, to the Bundestag Sports Committee on the “Consequences to be drawn from the McLaren report”**

The World Anti-Doping Agency (WADA) was established in 1999 to promote, coordinate, and monitor at the international level the fight against doping in sport. WADA is composed and funded equally by the sports movement and the governments of the world. It oversees and works in cooperation with a network of stakeholders, each of which has its own specific set of roles and responsibilities.

WADA is responsible for the development and implementation of the World Anti-Doping Code (Code), the document that harmonizes anti-doping policies in all sports and in all countries. Other key activities include in particular scientific research, education, development of anti-doping capacities, and, more recently, investigations.

On 18 May 2016, WADA engaged Professor Richard McLaren as an Independent Person (IP) to investigate allegations of manipulation made by Dr. Grigory Rodchenkov, the former director of the WADA-accredited laboratory in Moscow. Specifically, per Professor McLaren’s [Terms of Reference](#), he was asked to establish the facts related to the following:

- Whether there had been manipulation of the doping control process during the 2014 Sochi Winter Olympic and Paralympic Games, including but not limited to, acts of tampering with the samples within the WADA-accredited satellite laboratory in Sochi (Sochi laboratory) that was established for the Games.
- To identify the ‘modus operandi’ and those involved in such manipulation.
- To identify any athlete that might have benefited from such manipulation to conceal positive doping tests.
- To identify if, potentially, this ‘modus operandi’ was also happening within the Moscow laboratory outside the period of the 2014 Sochi Games.
- Whether there was any other evidence or information held by Dr. Rodchenkov.

On 18 July 2016, McLaren Investigation Report Part I confirmed institutionalized conspiracy and cover-up, demonstrating manipulation of the doping control process in Russia. On 9 December 2016, Report Part II examined evidence not reviewed before 18 July and evidence obtained thereafter and reconfirmed the manipulation. It also identified a number of athletes who might have benefited from or were involved in the institutionalized conspiracy to manipulate the Russian doping control processes and in some cases to conceal probable positive doping tests.

WADA is confident in the conclusions of the independent McLaren Investigation, which has confirmed and provided evidence that:

- institutionalized doping conspiracy and cover-up occurred, demonstrating the manipulation of the doping control process in Russia;
- identified a conspiracy amongst Russian officials including the FSB, coaches, athletes and laboratory staff to cheat honest athletes from around the world over a sustained period covering 2011-2015;
- exposed corruption of the Winter Olympic and Paralympic Games at Sochi in 2014;
- identified unprecedented levels of cheating at London 2012 and accompanying bribery of sporting officials in one international federation (the IAAF) to avoid sanctioning of Russian athletes;
- Identified the number of athletes that might have benefited from or been a part of such conspiracy and cover-up.

The McLaren Investigation was never intended to determine whether or not a particular individual athlete identified in the IP investigation had positive doping tests or committed an Anti-Doping Rule Violation (ADRV) under the Code. The investigation was to determine what evidence there might be about the existence of an institutionalized process to manipulate doping control procedures and reporting. The aggregate of those individual athletes identified by the McLaren Investigation supports and confirms that the process operated systemically across a spectrum of sporting disciplines and throughout national and international competitions held in Russia.

As it relates to the number of 1,000 athletes outlined in McLaren Investigation Report Part II, as individuals potentially being involved in, or having benefited from, institutionalized doping conspiracy and cover-up related to the Russian doping control process, Professor McLaren and WADA have been clear that it is up to each Results Management Authority (RMA), i.e. International Federations (IFs), the International Olympic Committee (IOC), the International Paralympic Committee (IPC) and other relevant organizations to:

- examine the evidence made available to them by the McLaren Investigation Team for each athlete from their respective sport or falling under their jurisdiction;
- match the investigation information with any additional information the RMA may have that would not be known to the Investigation Team;
- determine whether or not there is sufficient evidence to pursue an ADRV under the Code or, whether further investigation is required, or target testing might be undertaken; and
- inform WADA of the outcome of their work, i.e. their decisions regarding whether to pursue ADRVs or not relative to their respective athletes.

WADA is supporting RMAs by ensuring that they have all the evidence collected by McLaren's Investigation Team; by helping them in their interpretation of the evidence; and, by monitoring the Results Management process that they are carrying out as stipulated by the Code.

The information contained in the McLaren report prompted the IOC to re-analyze more than 250 stored urine samples taken from Russian athletes who competed at the 2014 Winter Olympic Games in Sochi, Russia. The IOC has to date begun disciplinary proceedings against 28 Russian athletes who competed at the Sochi Games, acting on evidence that their urine samples were tampered with. In addition, the IOC has extended the mandate of its own Oswald disciplinary commission to reanalyze all Russian athlete samples from the 2012 London Olympic Games. This reanalysis program is currently ongoing but has, to date, resulted in 11 Adverse Analytical Findings for Russian athletes. Therefore, the results from the reanalysis of Russian samples from the Sochi and London Olympic Games are consistent with the findings contained within the McLaren Report.

For many of the athletes identified by the McLaren Investigation, the only evidence available is what Professor McLaren could unveil. Unfortunately, many samples were disposed of by the Moscow laboratory, which meant that they could not be retested. Furthermore, requests to Russian authorities by Professor McLaren for additional evidence went unanswered. Together, this means that there simply may not be sufficient evidence required to sanction with potential ADRVs some of the individual athletes implicated and listed as being part of the Russian doping control manipulation.

Regardless, the McLaren Investigation has increased protection of the clean athlete by:

- exposing institutionalized manipulation of the doping control process in Russia and how it worked;
- providing evidence and/or intelligence regarding athletes, which will result in sanctions and/or targeted testing that, in turn, will ensure that cheating athletes are either retroactively or prospectively sanctioned;
- ensuring that some international events were moved out of Russia; and
- resulting in some Russian National Sports Organizations being suspended.

Beyond the consequences directly attached to the investigation led by Professor McLaren, a number of lessons can be drawn from the past months.

The first one is the need to strengthen the global anti-doping system; in particular, the framework of consequences for cases of non-compliance of anti-doping organizations with the World Anti-Doping Code. The unprecedented situation we faced following the publication of the McLaren Report Part I, on the eve of the Rio Olympic and Paralympic Games, exposed a fragmented approach and prompted significant stakeholder debate over how to ensure that WADA, as the international leader of clean sport, would have the ability to act appropriately and

authoritatively when situations of non-compliance arise. A framework which would establish meaningful, predictable and proportionate sanctions in cases of non-compliance is currently being developed by WADA's Compliance Review Committee, which will make a number of proposals on the way forward to the Agency's Executive Committee and Foundation Board at their next meetings in May. Prior to any implementation, considerable consultation with all our stakeholders will be carried out. The proposed Graded Sanctioning Framework would directly answer the loud athlete call for stronger and more meaningful consequences for non-compliance. It would provide clarity and further deter organizations from straying into non-compliant territory in the future. Finally it would complement WADA's enhanced compliance monitoring program, which is already in place.

The second lesson is the recognition of both the value and the necessity of investigative work for the protection of clean sport. The fight against doping requires a combination of various tools, including prevention, education, testing and investigations. WADA has already strengthened its Intelligence and Investigations team, which has grown from two to six people and is operating independently of the Agency. This team is led by the former head of cyber-criminality of Bavaria, Mr. Gunter Younger.

Furthermore, recognizing the importance of whistleblowers – particularly in light of the fact that the Pound and McLaren investigations were triggered by whistleblowers – the WADA Foundation Board approved a whistleblower policy and program in November 2016. The Agency has since launched “Speak Up!”, a secure digital platform intended for athletes and others to report doping misconduct. Coming forward in good faith is a major decision that takes courage and conviction. “Speak Up!” provides athletes and others with a secure and confidential way to report activity that goes against clean sport.

The third lesson is the importance of ensuring that anti-doping organizations, including WADA, apply the highest standards of good governance. In particular, their independence and the prevention of detrimental conflicts of interests should be guaranteed. WADA has set up a Working Group on Governance Matters, which includes governance experts, as well as representatives from governments, sport, NADOs and, importantly, the athlete community, to study ways to strengthen WADA's governance structure and ensure the independence of anti-doping from sports organizations and national governments. WADA's hybrid sport-government model is unique, and has allowed for tremendous progress in the fight against doping over the last eighteen years. The Working Group will look at how it can be improved even further.

The fourth and final lesson is the recognition that higher funding is essential. Simply put, high stakeholder expectations require adequate funding. There is an urgent need to instigate a wider debate to encourage commitments from governments, sport and other stakeholders to ensure that WADA, and also National Anti-Doping Organizations (NADOs) and IFs, are provided with adequate funding to fulfill their roles and obligations with respect to the fight against doping. In this perspective, the Agency, along with its Finance Committee, is in the process of developing

a 'clean slate' draft 2018 budget to reflect its new level of work. Initial discussions about this budget will be held at WADA's next Executive Committee and Foundation Board meeting in Montreal in May.

Undoubtedly the challenges are numerous and many other lessons can be drawn from the events and revelations of the past months. The investigation led by Professor McLaren and the consequences that followed revealed that the fight for clean sport remains a difficult battle. Having said this, WADA's very existence is a testament to the strong commitment over time of both the sports movement and governments to protect clean sport and the rights of clean athletes, who are at the heart of sport. As the leader of clean sport, WADA is committed to pursuing its mission together with its partners and ensuring that the system is properly strengthened so that it is truly 'fit for the future'.