

[Note: Content related to Signatories other than RUSADA have been removed for the purpose of public disclosure on 15 September in advance of WADA Executive Committee discussions on 20 September.]

## **WADA COMPLIANCE REVIEW COMMITTEE**

**An independent standing committee established under Article 11 of the WADA Statutes**

14 September 2018

### **By email**

Mr Olivier Niggli  
Director General  
World Anti-Doping Agency

Dear Olivier

### **UPDATE FOR WADA EXECUTIVE COMMITTEE MEETING, 20 SEPTEMBER 2018**

The Compliance Review Committee (CRC) met yesterday to consider new information received by WADA in respect of various pending matters. Based on that new information, the CRC decided to revise its recommendations to the WADA Executive Committee as follows:

### **RUSADA**

You and the WADA President wrote to Minister Kolobkov on 22 June 2018, communicating to him the proposals made by the CRC on 19 June 2018 to resolve the two remaining Roadmap conditions. He responded yesterday, and at its meeting the CRC reviewed that response.

The CRC said on 19 June 2018 that it would recommend the first remaining Roadmap condition be deemed satisfied if the Russian authorities acknowledged the findings of the Schmid Commission, including in particular the finding that 'a number of individuals within the Ministry of Sport and its subordinated entities' were involved in the 'manipulations' of the anti-doping system in Russia. In his letter dated 13 September 2018, Minister Kolobkov writes: 'The Russian Federation fully accepted the decision of the IOC Executive Board of December 5, 2017 that was made based on the findings of the Schmid Report'. The CRC's view was that that amounts to an acceptance of all of the findings of the Schmid Report (which itself endorsed the core findings of the McLaren report, including that officials within the Ministry of Sport were involved in the manipulation of the anti-doping system in Russia). The CRC would therefore recommend that this condition now be deemed satisfied.

The CRC said on 19 June 2018 that it would recommend the second condition be deemed satisfied if the Russian authorities committed unconditionally to provide to WADA by a specific date in 2018 the access to the data and samples sought by WADA Intelligence & Investigations Department, i.e., (i) an authentic copy of the analytical data stored on the hard drives of the laboratory instruments that generated the LIMS data; and (ii) (where review of that analytical data indicates that re-testing should be undertaken) access to the samples stored at the Moscow laboratory for re-testing purposes. You and Sir Craig passed that on to Minister Kolobkov, with further detail, in your letter to him of 22 June 2018. In his letter of 13 September 2018, Minister Kolobkov writes: 'After the reinstatement of RUSADA and the consent of the Russian Investigative Committee, we will provide as soon as possible to an independent expert, agreeable to WADA and the Investigative Committee, the access to the analytical equipment to retrieve (under the supervision of the Russian Investigative Committee and under conditions that preserve the integrity of the evidence) an authentic copy of the LIMS data and of the raw analytical data mentioned in your letter. If based on the LIMS data and

the raw data, potential Adverse Analytical Findings are identified in respect of samples stored in the laboratory sealed by the Investigative Committee, we will work in a spirit of cooperation with WADA and the Investigative Committee and in compliance with the Russian Criminal Procedural Code to enable the independent re-testing of these samples in accordance with the International Standard for Laboratories'.

The CRC considers that this can be regarded as a potential breakthrough, and if this commitment is honoured then WADA will be able to ensure that all suspicions arising out of the LIMS data are resolved one way or the other. However, as it stands the commitment falls short of what was required, because it is not unconditional (provision of access is made subject to the consent and cooperation of the Russian Investigative Committee), and it does not include a set date in 2018 as the deadline for provision of access.

Therefore, the CRC recommends by a majority that the WADA Executive Committee resolves to reinstate RUSADA, subject strictly to the following post-reinstatement conditions:<sup>1</sup>

1. RUSADA and the Russian Ministry of Sport must procure that the authentic LIMS data and underlying analytical data set out in the WADA President's letter of 22 June 2018 are received by WADA by no later than [date X].
2. RUSADA and the Russian Ministry of Sport must procure that any re-testing of samples required by WADA following analysis of such data is completed by no later than [date X plus six months].

These two conditions are to be considered 'Critical' requirements (as that term is defined in the International Standard for Code Compliance by Signatories - ISCCS) of the World Anti-Doping Program. If either of them is not met, then at its next meeting the WADA Executive Committee will consider proposals from the CRC to address such non-compliance, based on the relevant provisions of the ISCCS.

The CRC discussed what the first deadline ('date X') should be. Its view was that there is a clear urgency. Ultimately the CRC noted that it was for the WADA Executive Committee to set the deadline, but recommended that the deadline be fixed for the soonest date that is reasonably practicable, and in any event no later than six months from the date of the Executive Committee's decision.

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Jonathan Taylor QC  
Chair  
WADA Compliance Review Committee

<sup>1</sup> In addition to the post-reinstatement condition set out in the Roadmap, which is that WADA must conduct a full compliance audit of RUSADA's anti-doping program within four months of reinstatement.