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WADA Compliance Review Committee recommends series of strong consequences for RUSADA non-compliance

WADA Executive Committee to consider recommendation and proposed consequences on 9 December

Having considered a report from the World Anti-Doping Agency's (WADA's) Intelligence and Investigations Department (I&I) and independent forensic experts, WADA's independent Compliance Review Committee (CRC) has recommended to WADA's Executive Committee (ExCo) that the Russian Anti-Doping Agency (RUSADA) be declared non-compliant with the World Anti-Doping Code (Code), as announced by WADA on **22 November 2019** ([//www.wada-ama.org/en/media/news/2019-11/wadas-compliance-review-committee-recommends-non-compliance-for-rusada](http://www.wada-ama.org/en/media/news/2019-11/wadas-compliance-review-committee-recommends-non-compliance-for-rusada)). This recommendation is accompanied by strong proposed consequences and conditions of reinstatement.

The CRC's recommendation was delivered to the ExCo in accordance with the agreed process under the **International Standard for Code Compliance by Signatories** ([//www.wada-ama.org/sites/default/files/resources/files/isccs_april_2018_0.pdf](http://www.wada-ama.org/sites/default/files/resources/files/isccs_april_2018_0.pdf)) (ISCCS). Because the contents of the document have since appeared in part in the media, WADA is now making the following details of the CRC recommendation public. The ExCo will consider the recommendation at a specially convened meeting in Paris** on 9 December 2019.

CRC recommendation in relation to non-compliance with data requirement

The 26-page CRC recommendation, which is signed by CRC Chair, Jonathan Taylor QC, reminds the ExCo that as part of the **20 September 2018**

<C:/Users/jafi/AppData/Local/Microsoft/Windows/INetCache/Content.Outlook/J1VQOLXN/RUSADA%20and%20the%20Russian%20> decision to reinstate RUSADA to the list of Code-compliant Signatories, "WADA's ExCo deemed the requirement to provide an authentic copy of the Moscow Data to be 'Critical' because:

1. it would enable the anti-doping community finally to resolve and draw a line under the allegations of a systematic conspiracy to dope Russian athletes;
2. it would ensure that any Russian athletes who had tested positive could be punished; and
3. just as importantly it would ensure that innocent Russian athletes could be cleared of suspicion."

The WADA I&I report was based in particular on a forensic review of inconsistencies found in some of the data that were obtained by WADA from the Moscow Laboratory in January 2019. Following WADA's decision on **17 September 2019** ([//www.wada-ama.org/en/media/news/2019-09/wada-executive-committee-discusses-rusada-code-compliance](http://www.wada-ama.org/en/media/news/2019-09/wada-executive-committee-discusses-rusada-code-compliance)) to open a formal compliance procedure against RUSADA, this review also included consideration of responses from the Russian authorities to a list of detailed and technical questions raised by WADA I&I and the independent forensic experts.

Based on the reports issued by WADA I&I and the experts at the conclusion of their review, the CRC determined that:

- The Moscow data are neither complete nor fully authentic. In particular, while the 2019 copy of the Laboratory Information Management System (LIMS) database matches in many respects the 2015 copy of the LIMS database provided to WADA by a whistleblower in 2017, hundreds of presumptive adverse analytical findings that appear in the 2015 copy of the LIMS database have been removed from the 2019 copy, and the related underlying raw data and PDF files have been deleted or altered.
- Some of the presumptive positive findings and related evidence were removed in 2016 or 2017, after the general scheme to cover up the doping of Russian athletes was first revealed by Dr Rodchenkov and then quickly confirmed by Prof. Richard McLaren's investigation (**Part 1** ([//www.wada-ama.org/en/resources/doping-control-process/mclaren-independent-investigation-report-part-i](http://www.wada-ama.org/en/resources/doping-control-process/mclaren-independent-investigation-report-part-i)) and **Part 2** ([//www.wada-ama.org/en/resources/doping-control-process/mclaren-independent-investigation-report-part-ii](http://www.wada-ama.org/en/resources/doping-control-process/mclaren-independent-investigation-report-part-ii))). However, further significant deletions and/or alterations were made in December 2018 and January 2019 (i.e., after the WADA ExCo imposed the data requirement). These activities were concealed by back-dating of computer systems and data files in an attempt to make it appear that the Moscow data had been in their current state since 2015. Furthermore, the commands issued to execute the manipulations, deletions and back-dating were also deleted, in an attempt to avoid detection of what had been done.
- In addition, on or after 25 November 2018 (i.e., again, after the data requirement was imposed), but before 10 January 2019 (i.e., before the Moscow data were made available to the WADA team), someone in the Moscow Laboratory:
 - planted fabricated evidence into the LIMS database (purported messages between laboratory staff members) to support the argument now being advanced by the Russian authorities that it was Dr. Grigory Rodchenkov and two co-conspirators who falsified entries in the Moscow LIMS database as part of a scheme to extort money from athletes; and
 - deleted from the LIMS database important evidence proving that another laboratory staff member was involved in the cover-up of doping by Russian athletes in 2014 and 2015. That staff member is currently an important witness for the Russian side in several cases, in which he denies there was any conspiracy to protect Russian athletes from exposure for doping, and calls Dr. Rodchenkov a liar.

The CRC concluded that this is “an extremely serious case of non-compliance with the requirement to provide an authentic copy of the Moscow data, with several aggravating features”.

CRC recommendation in relation to consequences (abridged)

The CRC has therefore recommended that WADA send a formal notice to RUSADA, asserting non-compliance with the requirement to provide an authentic copy of the Moscow data, and proposing the following consequences, to come into effect on the date on which the decision that RUSADA is non-compliant becomes final and to remain in effect until the fourth anniversary of that date ('the Four Year Period'):

- Russian Government officials/representatives may not be appointed to sit and may not sit as members of the boards or committees or any other bodies of any Code Signatory (or its members) or association of Signatories.
- Russian Government officials/representatives may not participate in or attend any of the following events held in the Four Year Period: (a) the Youth Olympic Games (summer and winter); (b) the Olympic Games and Paralympic Games (summer and winter); (c) any other event organized by a Major Event Organisation; and (d) any World Championships organized or sanctioned by any Signatory (together, the Major Events).
- Russia may not host in the Four Year Period, or bid for or be granted in the Four Year Period, the right to host (whether during or after the Four Year Period) any editions of the Major Events.
- Where the right to host a Major Event in the Four Year Period has already been awarded to Russia, the Signatory must withdraw that right and re-assign the event to another country, unless it is legally or practically impossible to do so. In addition, Russia may not bid for the right to host the 2032 Olympic and Paralympic Games, irrespective of whether the bidding takes place during or after the Four Year Period.

- Russia's flag may not be flown at any Major Event staged in the Four Year Period.
- Neither the President, the Secretary-General, the CEO, nor any member of the Executive Board/Governing Board of either the Russian Olympic Committee or the Russian Paralympic Committee may participate in or attend any Major Event staged in the Four Year Period.
- Russian athletes and their support personnel may only participate in Major Events staged in the Four Year Period where they are able to demonstrate that they are not implicated in any way by the non-compliance (i.e., they are not mentioned in incriminating circumstances in the McLaren reports, there are no positive findings reported for them in the database, and no data relating to their samples has been manipulated), in accordance with strict conditions to be defined by WADA (or the Court of Arbitration for Sport (CAS), if it sees fit), pursuant to the mechanism foreseen in ISCCS Article 11.2.6. In this circumstance, they may not represent the Russian Federation.
- Given the aggravating factors that are present in this case, RUSADA must pay all WADA's costs on this file incurred since January 2019 and, in addition, a fine to WADA of 10% of its 2019 income or USD 100,000 (whichever is lower). This is the maximum fine available under the rules.

CRC recommendation concerning RUSADA's operations

The CRC recommendation states that “the evidence (including from WADA's recent audits of RUSADA's operations) indicates that RUSADA's work is effective in contributing to the fight against doping in Russian sport, and that it is working productively in cooperation with other Anti-Doping Organizations, including in investigations within Russia. Therefore, the CRC does not recommend any special monitoring or supervision or takeover of RUSADA's anti-doping activities in the Four Year Period.”

However, one of the conditions of reinstatement is that WADA Management remains satisfied throughout the Four Year Period that RUSADA's independence is being respected and there is no improper outside interference with its operations.

Next steps

On 9 December 2019, WADA's ExCo will meet to discuss the CRC's recommendation. If the ExCo accepts the recommendation, formal notice will be sent to RUSADA, alleging non-compliance and proposing the above consequences, in accordance with the Code. RUSADA will have 21 days to accept the notice. If RUSADA does not accept it, the matter will be referred to CAS. If CAS imposes the proposed consequences, they will be binding and must be recognized and enforced by all Signatories.

** Following this media release, the Agency switched the ExCo meeting venue from Paris, France to Lausanne, Switzerland due to announced strike action in the French capital.