



IPC Taskforce: Progress Report, November 2018

This report is provided on behalf of the IPC Taskforce and summarises our assessment of the progress that the Russian Paralympic Committee (**RPC**) has made to date in meeting the conditions for reinstatement established by the IPC. Specific reference is made to the decision by the World Anti-Doping Agency (**WADA**) to reinstate RUSADA (the Russian Federation's National Anti-Doping Organisation).

Background and context

1. This Taskforce was established¹ in late 2016 by the IPC Governing Board to assist the IPC in determining whether the reinstatement criteria and underlying verification criteria, as agreed by the Governing Board, have been met by the RPC following its suspension as a member immediately prior to the Rio 2016 Paralympic Games.
2. Subsequent to the decision by the Executive Committee of WADA² to formally reinstate RUSADA, the Taskforce has considered how WADA's decision impacts on the reinstatement criteria agreed by the Governing Board.

Outstanding requirements

3. As discussed by the Governing Board at its meeting on 11 September 2018, for the IPC reinstatement criteria to be met in full the following must be completed:
 - (a) The full reinstatement of RUSADA by WADA³.

¹ The Taskforce Terms of Reference are set out in Appendix 1 of the reinstatement criteria, available at https://www.paralympic.org/sites/default/files/document/161121134559873_2016_11_21%2BRPC%2Breinstatement%2Bcriteria.pdf.

² WADA's decision can be found at <https://www.wada-ama.org/en/media/news/2018-09/wada-executive-committee-decides-to-reinstate-rusada-subject-to-strict-conditions>.

³ Reinstatement Criteria 6.2 - *The RPC, IPC, International Federations that are members of the IPC, and RUSADA (once RUSADA has been declared Code-compliant again) are all able to carry out their respective anti-doping activities in Russia and in relation to Russian Para athletes and athlete support personnel effectively and without external interference (as part of this, the RPC will need to adequately address the findings of the McLaren Report).*



- (b) The provision of an official response specifically and adequately addressing the findings made by Professor McLaren, including the findings of an institutionalised and wide-ranging doping conspiracy and cover-up, and the involvement in that scheme of (among others) officials from the Ministry of Sport, the Centre of Sports Preparation of National Teams of Russia, and the FSB.
- (c) The RPC must pay to the IPC the reimbursement costs outlined in the reinstatement criteria.

Progress against outstanding requirements

- 4. The following provides the unanimous view of the Taskforce with respect to the three outstanding criteria.

RUSADA reinstatement

- 5. With respect to RUSADA, it is irrefutable that RUSADA has been conditionally reinstated by WADA. However, the reinstatement of RUSADA is conditional on the following, albeit that such conditions are to be met 'post-reinstatement':
 - *RUSADA and the Russian Ministry of Sport must procure that the authentic Information Management System (LIMS) data and underlying analytical data of the former Moscow Laboratory set out in the WADA President's letter of 22 June 2018 are received by WADA (via access to the data by an independent expert agreeable to both WADA and the Russian authorities) by no later than 31 December 2018.*
 - *RUSADA and the Russian Ministry of Sport must procure that any re-analysis of samples required by WADA following review of such data is completed by no later than 30 June 2019*
- 6. A possible scenario is that on 1 January 2019, should RUSADA not provide the LIMS and analytical data, RUSADA's reinstatement may be revoked by WADA.
- 7. It is relevant to note that WADA and the International Association of Athletics Federations (IAAF) have criteria in their respective roadmaps related to access to the samples previously held by the former Moscow Laboratory. The IPC does not. The



Taskforce therefore considers this matter as relevant to the IPC solely as a condition for the ongoing compliance of RUSADA.

8. ***The Taskforce is accordingly satisfied that RUSADA has been conditionally reinstated, albeit that such compliance is conditional and that there is a possibility that WADA may revoke RUSADA's reinstatement on or shortly after 1 January 2019 should the conditions not be satisfied.***

The McLaren Report

9. The reinstatement of RUSADA by WADA is intrinsically linked to the Russian Federation's acceptance of the McLaren report. In turn, the RPC's acceptance of the McLaren report is intrinsically linked to the Russian Federation's acceptance insofar that it has become clear that the RPC is unable to provide a response inconsistent with that of the Russian Federation.
10. WADA, through its conditional reinstatement of RUSADA, has determined that the matter of the McLaren report can be adequately addressed through the acceptance of an alternate report, notably the IOC's own investigatory report on the circumstances related to the Sochi 2014 Olympic Winter Games (otherwise known as the Schmid report).
11. It is important to recognise that at the time of the RPC's suspension and the agreement of the IPC's reinstatement criteria, the only report available to the IPC was the McLaren report, published on 18 July 2016, with the Schmid report not published until 2 December 2017. However, the Taskforce deems that there are two significant differences between these two reports.
12. The first significant difference is that the McLaren report was commissioned by WADA, while the Schmid report was commissioned by the IOC. WADA is the recognised world body responsible for global anti-doping matters and specifically responsible for compliance with the World Anti-Doping Code. The IPC is a Signatory to the World Anti-Doping Code. It is the Taskforce's unanimous view that the McLaren report has the greater relevance to the IPC given the formal regulatory relationship the IPC has with WADA.



13. Secondly and more importantly, the McLaren report concluded (among other things) that within the Russian Federation an *“institutional conspiracy existed across summer and winter sports athletes who participated with Russian officials within the Ministry of Sport and its infrastructure, such as the RUSADA, CSP and the Moscow Laboratory, along with the FSB for the purposes of manipulating doping controls”*. The Schmid report suggests that this matter was coordinated by individuals operating outside of state direction, and there is also no mention of the Federal Security Service of the Russian Federation (FSB). The Taskforce deems these differences to be of significance.
14. The Taskforce does not wish to get drawn into a discussion on perceived semantics between the McLaren and Schmid reports. However, as set out above, the Taskforce considers that the McLaren report goes further than the Schmid report, while noting that WADA’s view is that the Schmid report *“endorsed the core findings of the WADA-commissioned McLaren Investigation reports”*.
15. More precisely, WADA, in addressing its own roadmap criteria, has relied on the following sentence from the letter of the Russian Federation’s Minister for Sport to WADA (dated 13 September 2018):

“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 IOC decision referred to is as follows:

- *To suspend the Russian Olympic Committee (ROC) with immediate effect.*
- *To invite individual Russian athletes under strict conditions (see below) to the Olympic Winter Games PyeongChang 2018. These invited athletes will participate, be it in individual or team competitions, under the name “Olympic Athlete from Russia (OAR)”. They will compete with a uniform bearing this name and under the Olympic Flag. The Olympic Anthem will be played in any ceremony.*
- *Not to accredit any official from the Russian Ministry of Sport for the Olympic Winter Games PyeongChang 2018.*
- *To exclude the then Minister of Sport, Mr Vitaly Mutko, and his then Deputy Minister, Mr. Yuri Nagornykh, from any participation in all future Olympic Games.*
- *To withdraw Mr Dmitry Chernyshenko, the former CEO of the Organising Committee Sochi 2014, from the Coordination Commission Beijing 2022.*



- *To suspend ROC President Alexander Zhukov as an IOC Member, given that his membership is linked to his position as ROC President.*
 - *The IOC reserves the right to take measures against and sanction other individuals implicated in the system.*
 - *The ROC to reimburse the costs incurred by the IOC on the investigations and to contribute to the establishment of the Independent Testing Authority (ITA) for the total sum of USD 15 million, to build the capacity and integrity of the global anti-doping system.*
 - *The IOC may partially or fully lift the suspension of the ROC from the commencement of the Closing Ceremony of the Olympic Winter Games PyeongChang 2018 provided these decisions are fully respected and implemented by the ROC and by the invited athletes and officials.*
 - *The IOC will issue operational guidelines for the implementation of these decisions.*
16. It is the Taskforce's unanimous view that neither the Russian Federation nor, by consequence, the RPC have accepted the McLaren report. Indeed, it is questionable whether the Russian Federation has even accepted the findings of the Schmid report, but rather accepted a decision made by the IOC. As a consequence, the Taskforce therefore considers that the IPC reinstatement criterion relating to the McLaren report is not met.
17. As communicated by the Taskforce on a number of occasions⁴, the Taskforce considers that Professor McLaren's findings must be specifically addressed, whether by acknowledging the findings and tackling the problems, or by properly rebutting the findings. Unless and until the problems that led to the RPC's suspension are fully understood and addressed, the Taskforce is of the view that there can be no meaningful change in culture, and that it would be almost impossible for Russian Para athletes to return to IPC-sanctioned competitions without jeopardising the integrity of those competitions.
18. ***The Taskforce is not satisfied that the McLaren report has been adequately addressed by the RPC.***

RPC reimbursement of costs

⁴ The Taskforce has been unambiguous on this point of principle and has made reference to this matter in its reports in January 2018, December 2017, September 2017, May 2017 and February 2017.



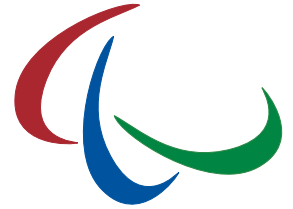
19. With respect to the reimbursement of costs, the Taskforce has spent little time on these criteria and has rather left this matter to the staff of the IPC to resolve. The Taskforce is comfortable with the future determination of the RPC's compliance with this requirement to be the sole responsibility of the Governing Board, and does not consider that this matter requires further input and/or recommendations from the Taskforce.
20. *The Taskforce is advised that the issue of costs has not been resolved by the RPC.*

Additional considerations

21. The Taskforce has been asked to provide a view to the Governing Board on whether the RPC has met the reinstatement criteria. The Taskforce's work has been led by our operational and ethical judgement on all elements of the reinstatement and verification criteria included in the roadmap. In addition, the following were specifically considered when drafting this report:
 - (a) Clean athletes around the world should feel confident that everything has and is being done to establish and maintain a level playing field. Athletes are held to strict standards of behaviour, best illustrated by the sanctions imposed on them should they commit an anti-doping rule violation.
 - (b) The Taskforce has also considered the impact of the RPC's suspension on clean Para athletes in the Russian Federation. It could be argued that these athletes are significant victims of the institutional doping conspiracy in Russia, and the failure of the Russian authorities to meet the IPC reinstatement criteria. Even with the Exceptional Eligibility Measure implemented by the IPC for the PyeongChang 2018 Paralympic Winter Games, international competitive opportunities for many clean Russian Para athletes have been significantly impacted.

Recommendation

22. As detailed above, the Taskforce unanimously recommends that two criteria remain outstanding, notably acceptance of the McLaren report and the reimbursement of costs.



23. It is also strongly recommended that the IPC continue to discuss the acceptance of the McLaren report with WADA, and specifically for both organisations to reach agreement on what alternative options are available to demonstrate that a real and sustainable behaviour change has or can take place within the Russian Federation.

Andy Parkinson
IPC Taskforce Chair

3 December 2018