



OFFICE OF THE PRESIDENT
SIR CRAIG REEDIE

July 5, 2016

Senator John Thune

Chairman
Committee on Commerce, Science, and Transportation
United States Senate
Washington, DC 20510-6125

By email: c/o Peter.Feldman@commerce.senate.gov

Dear Senator Thune,

I am responding to your letter of 20 June 2016 as you requested.

Your letter asks me, as President of the World Anti-Doping Agency (WADA), to respond to five questions that you ask of me as the Chairman of the Committee on Commerce, Science, and Transportation in the United States Senate.

WADA was established in 1999 to promote, coordinate, and monitor at the international level the fight against doping in sport. WADA is an international, independent agency that is responsible for the development and implementation of the World Anti-Doping Code (Code), the document that harmonizes anti-doping policies in all sports in all countries. WADA oversees and works in cooperation with a network of shareholders in government and in the sports movement, each of which has its own specific set of roles and responsibilities. Our key activities include scientific research, education, development of anti-doping capacities, and monitoring of the Code.

WADA is composed and funded equally by the sports movement and the governments of the world. The United States government has been a member of the WADA Executive Committee and Foundation Board since our inception. The first meetings attended by the United States were those held in Lausanne, Switzerland in March 2000. In addition, the United States government has been represented on our Finance Committee for many years.

The Agency has been very grateful for the support given to us by the United States, including its payment of annual dues. The amount of money paid by each country is determined by the continent to which the country belongs. The Americas have had a system of allocation of dues given to the continental sum which was approved by all governments in 2001 at an intergovernmental meeting held in Cape Town, South Africa. The percentage paid by the Americas is 29%. My understanding, because WADA does not play any part in the way in which this is divided, is that the United States of America and Canada took the lead in the

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Americas by proposing a proportion be met by each. At present the United States pays 50% and Canada pays 25%.

Turning then to the questions you pose:

- 1. What accounts for the delay, from 2010-2014, before WADA began to investigate the allegations of state-sponsored doping among Russian athletes, especially in light of the fact that WADA had clear authority to do so under WADA Code Rule 7.4 and WADA Code Rule 20.7.8?**

ANSWER:

The initial World Anti-Doping Code was approved in Copenhagen in March 2003. Governments agreed to accept it through the writing and ratification of an international treaty under the auspices of UNESCO, which came into effect following thirty ratifications in early 2007. The United States has ratified this Convention.

The Code was fully reviewed in 2006 and 2007 and the second edition came into effect on the 1st of January 2009.

Article 7.4 of that document provided that "the Anti-Doping Organization or other reviewing body established by such organization shall conduct any follow-up investigation into a possible anti-doping rule violation as may be required under the applicable anti-doping policies" This is not an article which relates to WADA, but rather the anti-doping organization which was responsible for reviewing findings as a result of testing. Depending upon the circumstance, this could be a national anti-doping organization, a regional anti-doping organization, a national sports federation, or another similar reviewing body.

Article 20.7.8 of the 2009 Code provides as a role and responsibility of WADA "to conduct doping controls as authorized by other anti-doping organizations and to cooperate with relevant national and international organizations and agencies, including, but not limited to, facilitating inquiries and investigations." There is no clear authority contained in that article for WADA to conduct its own inquiries and investigations. During this period, WADA focused on cooperation with law enforcement by developing protocols to ensure evidence gathering and information sharing between its two stakeholder groups (governments and sport).

It has been WADA's practice to facilitate governments and local anti-doping authorities with investigations. WADA has a cooperation agreement with Interpol and has worked closely with many different national and regional anti-doping authorities and governments in their fight against doping in sport. WADA has, for example, collaborated directly with the United States Anti-Doping Agency and the U.S. government in the past. The position that WADA had, as a matter of law, was that in the period you identify, 2010 to 2014, there was no clear authority vested in us to undertake investigations. We had the power to facilitate investigations, and that facilitation was with the relevant anti-doping organizations, in this particular case, the national anti-doping organization of Russia and the International Athletics Federation.

The power to investigate in WADA was not introduced until the third version of the World Anti-Doping Code, which was introduced unanimously at our Conference in Johannesburg in November 2013 and came into effect on the 1st of January 2015. In anticipation of this authority coming into force, we announced an Independent Commission to investigate the

allegations of alleged doping practices in Russia in December 2014. Once the change in the Code that gave us authority to undertake investigations ourselves came into effect, the Commission began its work on the 1st of January 2015 as legally mandated.

There was no delay on our part in furthering the information that was received over a period of time in regard to these allegations. The initial data, which can be revealed by the exchange of emails, was from one individual. That individual was a citizen and resident in Moscow, Russia. To forward any information that had been provided by him to the Russian authorities, as WADA would have done in other circumstances, would have been a grave lack of judgment on our behalf. In February 2013 this individual was still writing to WADA indicating more evidence was needed. This file was managed by our in-house investigator, a former DEA agent. In the circumstances we proceeded to accumulate information in order to be able to take the steps that might have been warranted when it was corroborated. Once we had sufficient information, some of this information was passed to the International Athletics Federation for their appropriate consideration in relation to matters in that sport. We did not refer it at any stage to the Russian authorities.

2. Describe WADA's procedures and policies to accept information from whistleblowers, including details on resources available to the agency to protect whistleblowers from retaliation. If WADA does not have such procedures and policies in place, please explain why current authority does not provide these protections for whistleblowers.

ANSWER:

WADA is an independent international body responsible for establishing rules that are accepted by every country and in every sport. The harmonization of this is an achievement which I am sure you will agree is unique. The annual WADA budget is approximately USD 30 million. At present we have a staff of 70.

To operate effectively as custodian of the Code, WADA relies on a framework of stakeholders with different responsibilities. In the fight against doping in sport, governments have many responsibilities as well as many powers that anti-doping or sports organizations do not have. There are many law enforcement techniques, for example, that anti-doping organizations cannot use themselves. Anti-doping organizations, including WADA, have to rely on the cooperation and support of public authorities involved in the fight against doping in society generally in order to benefit from these techniques. WADA was not established to be an enforcement agency like the police or other agencies, nor should we be. We rely very heavily on our partnerships with Interpol, the World Customs Organization and others to ensure that information can be passed to those who are able to work with it. We have done that on many occasions.

Since 1 January 2015, when our power of investigation came into being, we were in a position to work more and more with "whistleblowers". We do not have national nor international power to start guaranteeing safety, nor do we have the financial resources to provide amounts of money to whistleblowers. Those sorts of guarantees are vested in governments and we look to our government partners to provide them. If WADA were to be developed in the sense that you allude to, then it would need to be a body which is akin to an enforcement agency with powers and authorities accordingly.

WADA is in the process of developing a whistleblower policy to clarify what it can and cannot do. We are aiming to have such policy approved by our Board at its November meeting.

3. Describe WADA's current authority and intentions to investigate allegations:

- a. Of state-sponsored doping programs beyond Russian sponsored doping;**
- b. In other sports beyond Track and Field; and**
- c. In the time period prior to the Sochi Olympics.**

ANSWER:

- a. Under the current Code, WADA is empowered to, and will, investigate reliable information related to doping allegations. The statement from the Independent Commission report cited in your letter is a good-sense deduction that doping in sport is not a problem limited to one country or one sport. At present we do not have any concrete information of any state-sponsored doping program beyond Russia. If that information is forthcoming, then we would not hesitate to institute an investigation.
- b. The Terms of Reference for the investigation headed by Richard McLaren, which you discuss in your letter, expressly authorize the Mr. McLaren to investigate claims of doping in sports beyond Track and Field and in a time period outside the period of the Sochi Games. Mr. McLaren was appointed to conduct an independent investigation of any evidence of the allegations made by Grigory Rodchenkov to the New York Times on 12 May 2016. The Terms of Reference expressly state that Mr. McLaren's objectives include establishing whether "any athlete" might have benefited from the scheme alleged by Mr. Rodchenkov, whether the alleged scheme was occurring "outside the period of the Sochi Games," and whether there is "any other evidence or information held by Grigory Rodchenkov." See Attachment A, Independent Investigation Into the Sochi Allegations Made by Grigory Rodchenkov, Terms of Reference. Mr. McLaren is due to report later in July 2016.
- c. See above.

4. Explain whether your board seat on IOC creates a conflict of interest with your duties as WADA President:

- a. What steps have you taken to avoid any actual or apparent conflict of interest during your time as both WADA president and as an IOC vice president?**
- b. Have you signed an ethics agreement with WADA that describes the steps you will take to avoid any actual or apparent conflict of interest? If so, please provide a copy of that ethics agreement.**
- c. Have you participated personally and substantially as WADA president in any particular matter in which you know that IOC has a financial interest directly and predictably affected by the matter? If so, describe your role in such matters and whether you received a written waiver from WADA to participate in such matters.**

- d. **What have you done to ensure WADA members' ties to NOCs do not create a real or apparent conflict of interest?**
- e. **Provide a copy of WADA's conflict of interest policy.**

ANSWER:

WADA has always been an institution that values integrity and impartiality. Since its foundation WADA has observed the highest ethical standards and has sought to avoid improper influences or conflicts of interest that would undermine our independent and unbiased judgment. Accordingly, our policies, procedures and practices seek to reflect justice, equity and integrity.

- a. The first President of WADA was Richard Pound Q.C. At the time he was President of WADA he was a Vice-President of the IOC. At no time during his presidency was there any suggestion that he had a conflict of interest, perceived or real. I have operated in the same fashion as Richard Pound. I do not partake in decisions of the IOC which might conflict with my job as WADA President. I preside over WADA Executive Committee and Foundation Board meetings. There is an equal number of members from the Sports Movement and from governments at those meetings. The meetings of the WADA Foundation Board are public meetings and the minutes of those meetings are public documents.
- b. Every member of the WADA Foundation Board and Executive Committee signs a conflict of interest statement. A copy is attached as Attachment B.
- c. No.
- d. Every member signs a conflict of interest document and before every meeting, every member is asked whether there is further information they wish to declare.
- e. A copy of the conflict of interest policy is attached as Attachment C.

5. What is the state of implementation of the 18 recommendations with respect to WADA and that were issued in the IC's November 2015, report?

ANSWER:

I provide to you, as was provided to all Board members in May, a response to the 18 recommendations in relation to WADA issued in the November 2015 report. A copy is attached as Attachment D.

Yours sincerely,



Sir Craig Reedie
President