

## INTERNATIONAL OLYMPIC COMMITTEE

### IOC DISCIPLINARY COMMISSION

#### DECISION

#### REGARDING MR JOHANNES DUERR BORN ON 12 MARCH 1987, ATHLETE, AUSTRIA, CROSS-COUNTRY

1. Johannes Duerr (hereinafter the “**Athlete**”) was accredited as a participant in the XXII Olympic Winter Games in Sochi (hereafter the “**Sochi Olympic Winter Games**”).
2. The Athlete competed at the Men’s 15km + 15km Skiathlon event at the Sochi Olympic Winter Games on 9 February 2014, where he placed 8<sup>th</sup>.
3. The Athlete was requested on 16 February 2014, in Obertiliach, at 07:00 a.m., to provide a urine sample for a pre-competition doping control.
4. Pursuant to Article 6.2.1 of the *IOC Anti-Doping Rules Applicable to the XXII Olympic Winter Games in Sochi in 2014* (the “**Rules**”), Dr. Richard Budgett (the “**IOC Medical Director**”), as representative of the Chairman of the IOC Medical Commission, was informed at around 09.00 p.m. on Saturday, 22 February 2014 by the Head of the WADA Accredited Laboratory in Cologne, of an adverse analytical finding on the A sample of the above-noted urine/blood sample.
5. Pursuant to Article 6.2.2 of the *Rules*, the IOC Medical Director determined that the above-noted A sample belonged to the Athlete, and verified that it did in fact give rise to an adverse analytical finding. He also determined that there was no apparent departure from the International Standards for Testing or the International Standards for Laboratories that undermined the validity of the adverse analytical finding.
6. Pursuant to Article 6.2.3 of the *Rules*, the IOC Medical Director immediately informed the IOC President, Thomas Bach, of the existence of the adverse analytical finding and the essential details available to him concerning the case.
7. Pursuant to Article 6.2.5 of the *Rules*, the IOC President, by letter dated 22 February 2014, promptly set up a Disciplinary Commission, consisting of:
  - Denis Oswald (Chairman)
  - Nawal El Moutawakel
  - Gunilla Lindberg

The IOC President also informed the Disciplinary Commission that, pursuant to Rule 59.2.4 of the Olympic Charter and Article 6.1.6. of the *Rules*, the decision of the Disciplinary Commission in this case would constitute the decision of the IOC.

The IOC President has in this case decided that the procedure may be extended beyond the 24-hour time-limit as per Article 6.2.14 of the *Rules*.

The composition of the Disciplinary Commission had to be changed subsequently. By letter dated 1 April 2014, the President appointed Claudia Bokel as a member of the Disciplinary Commission to replace Nawal El Moutawakel, who was unexpectedly not able to continue to serve as a member on this IOC Disciplinary Commission.

8. The analytical report of the laboratory analysis of the A sample, issued by the WADA Accredited Laboratory in Cologne, dated 22 February 2014, indicated the presence of **recombinant erythropoietin (EPO)**.
9. Pursuant to Article 6.2.6 of the *Rules*, by letter dated 22 February 2014, notified to the Athlete, to the Secretary General of the Austrian Olympic Committee (hereafter "**AUT**"), to the International Ski Federation (hereafter the "**FIS**") and to the Head of the Independent Observers' Programme, the IOC President advised of the above-mentioned adverse analytical finding.
10. The Chairman of the Disciplinary Commission had been informed of the results of the laboratory analysis of the A sample in order to decide upon whether or not to impose a provisional suspension in this particular case (EPO being a non-specified substance).

The Athlete was due to compete in the 50km Mass Start Free event at the Sochi Olympic Winter Games on 23 February 2014. Pursuant to Article 1.2 and 6.2.8 of the *Rules*, and 7.5.1 of the World Anti-Doping Code, the Athlete was notified on 22 February 2014 that the Chairman of the Disciplinary Commission had decided that he was provisionally suspended from further competing in the Sochi Olympic Winter Games.

11. The Athlete did not request the analysis of the B sample.
12. The Athlete was subsequently invited, by letter dated 10 March 2014, to attend a hearing of the IOC Disciplinary Commission, scheduled on 4 April 2014, or to provide a defence in writing.
13. By way of a letter sent on 12 March 2014 by his legal counsel, Dr Felix Michael Klement, the Athlete indicated he did not wish to attend a hearing nor submit a defence in writing, thereby waiving his rights in this respect in relation to the disciplinary procedure in front of the IOC Disciplinary Commission.
14. The Disciplinary Commission held a meeting on this matter on 4 April 2014 to deliberate on the basis of the facts available to it.
15. In addition to the elements in the file, it is to be noted that the Athlete made statements in the press (in particular in the Austrian magazine "Sportwoche") in which he admitted having taken EPO even prior to the Sochi 2014 Olympic Winter Games, thereby confirming that an EPO finding is to be associated with planned, sophisticated, systematic and organised doping practices.
16. Based on the above, the Disciplinary Commission unanimously concluded that the Athlete had committed an anti-doping rule violation pursuant to Article 2.1 of the World Anti-Doping Code, (hereafter the "**Code**") and Articles 2 and 12 of the *Rules*, in that there was the presence of the prohibited substance, EPO, in his body.

As a consequence, the Disciplinary Commission considers that the Athlete should be disqualified from all events at the Sochi 2014 Olympic Winter Games.

CONSIDERING the above, pursuant to the Olympic Charter and, in particular, Rule 59.2.1 thereof, and pursuant to the IOC Anti-Doping Rules applicable to the Games of the XXII Olympic Winter Games in Sochi in 2014 and in particular, Articles 1.2, 2, 7 and 8 thereof and pursuant to the World Anti-Doping Code and, in particular, Articles 2.1 and 10 thereof:

THE DISCIPLINARY COMMISSION OF THE  
INTERNATIONAL OLYMPIC COMMITTEE  
DECIDES

- I. The Athlete, Mr Johannes Duerr, Austria, Cross-Country Skiing:
  - (i) is disqualified from the Men's 15km + 15km Skiathlon event where he placed 8<sup>th</sup>;
  - (ii) shall have his diploma in the above-mentioned event withdrawn;
  - (iii) is excluded from the XXII Olympic Winter Games in Sochi in 2014;
- II. The Austrian Olympic Committee is ordered to return to the IOC, as soon as possible, the diploma awarded to the Athlete;
- III. The International Ski Federation is requested to modify the results of the above-mentioned event accordingly and to consider any further action within its own competence;
- IV. The IOC administration is requested to reallocate the diploma withdrawn from the athlete in accordance with the new ranking provided by the International Ski Federation; and
- V. This decision shall enter into force immediately.

Belek, 9 April 2014

The IOC Disciplinary Commission

Denis Oswald  
Chairman

Gunilla Lindberg

Claudia Bokel