

INTERNATIONAL OLYMPIC COMMITTEE

IOC DISCIPLINARY COMMISSION  
DECISION

REGARDING MR NICKLAS BACKSTROM  
BORN ON 23 NOVEMBER 1987, ATHLETE, SWEDEN, ICE HOCKEY

A. Facts and Procedure

1. Mr Nicklas Backstrom (hereinafter the "**Athlete**") competed in the following matches in the men's ice hockey event upon the occasion of the XXII Olympic Winter Games in Sochi, in 2014 (hereafter the "**Sochi Olympic Winter Games**"):
  - On 12 February 2014, in the Men's Preliminary Round – Group C - Czech Republic vs Sweden match;
  - On 14 February 2014, in the Men's Preliminary Round – Group C - Sweden vs Switzerland match;
  - On 15 February 2014, in the Men's Preliminary Round – Group C - Sweden vs Latvia match;
  - On 19 February 2014, in the Men's Play-offs Quarter-finals – Sweden vs Slovenia match;
  - On 21 February 2014, in the Men's Play-offs Semi-finals – Sweden vs Finland match;

The Athlete was expected to compete in the Men's Ice Hockey Final on 23 February 2014 at 16:00 hours – Sweden vs. Canada.

2. The Athlete was requested on 19 February 2014, at 15:16 hours, following the completion of his participation in the Men's Play-offs Quarterfinals – Sweden vs Slovenia match, to provide a urine sample for a doping control.
3. 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**"), on Sunday 23 February 2014 shortly before noon, the Head of the WADA-Accredited Laboratory in Sochi informed the IOC, through Dr. Richard Budgett, its medical director and representative of the Chairman of the IOC Medical Commission (the "**IOC Medical Director**"), of an adverse analytical finding on the A sample of the above-noted urine.
4. 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.
5. 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.
6. Pursuant to Article 6.2.5 of the *Rules*, the IOC President, by letter dated 23 February 2014, promptly set up a Disciplinary Commission, consisting of:
  - Anita L. De Frantz (Chairperson)
  - Nawal El Moutawakel
  - Claudia Bokel

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*.

7. The analytical report of the laboratory analysis of the A sample, issued by the WADA Accredited Laboratory in Sochi and dated 23 February 2014, indicated the presence of pseudoephedrine ("**PSE**") in excess of the applicable decision limit of 170 µg/mL set out in WADA Technical Document TD2013DL, version 2.0.
8. Pursuant to Article 6.2.6 of the *Rules*, by letter dated 23 February 2014, notified to the Athlete, to the Secretary General of the Swedish Olympic Committee (hereafter the "**SOC**"), to the International Ice Hockey Federation (hereafter the "**IIHF**") and to the Head of the Independent Observers' Programme, the IOC President advised of the above-mentioned adverse analytical finding.
9. The Athlete requested the analysis of the B sample, which occurred on Sunday 23 February 2014 at around 17.00 hours, at the WADA-Accredited Laboratory in Sochi.
10. The Disciplinary Commission held a hearing on 23 February 2014, at around 14:15 hours, at the Ayvazovsky Hotel, Sochi, in the presence of a delegation from the SOC (hereinafter the "**Delegation**") comprising:  
  
Nicklas Backstrom, Athlete  
Stefan Lindeberg, President of the SOC  
Peter Reinebo, Chef de Mission of the SOC  
Bjorn Waldeback, Chief Medical Officer of the SOC and Doctor of the Swedish Ice Hockey Team
11. The IIHF was represented at the hearing by Horst Lichtner, Secretary General, and Ashley Ehlert, Legal Manager.
12. The Independent Observers' Programme was represented at the hearing by Andy Parkinson.
13. Also attending the hearing were:  
  
Dr Richard Budgett, IOC Medical & Scientific Director  
Howard Stupp, IOC Director of Legal Affairs  
Christian Thill, IOC Doping Control Administrative Coordinator  
Kate O'Neil, Minute-taker
14. At the beginning of the hearing, the Delegation was informed of the results of the laboratory analysis of the A sample, which, according to the analysis report prepared by the Head of the WADA Accredited Laboratory in Sochi, indicated the presence of PSE in excess of the relevant decision limit of 170 µg/mL.
15. At the hearing, the Athlete stated in summary that:
  - (i) he had nothing to hide and that he had been taking a medication against allergies, named Zyrtec-D since 6 or 7 February 2014, as he had allergy problems, with itchy eyes;
  - (ii) he had been taking one pill per day, usually when he arrived at the rink, either before training or before a match;
  - (iii) on 19 February 2014, the date of the test, he had taken a pill around two and a half hours before the match;
  - (iv) on Sunday 23 February 2014, on the date of the hearing, he had taken a pill in the morning;
  - (v) he had not been taking any nutritional supplements;

- (vi) he had been taking this medication regularly for the past seven years, on the recommendation of a doctor, without this having given rise to an adverse analytical finding in the past;
  - (vii) he had already been tested three times recently;
  - (viii) he knew that the medication contained PSE, although he did not know the dosage. He had shown this medication to Dr Waldeback here in Sochi and had relied on the Doctor's advice that the dosage would not trigger an Adverse Analytical Finding;
  - (ix) he had declared the medication on the Doping Control Form; and
  - (x) he was not aware of the recommendation of WADA regarding medication containing PSE, i.e. to stop taking such medication at least 24 hours before competition.
16. At the hearing, Dr Bjorn Waldeback stated in summary that:
- (i) he was aware of the WADA recommendation regarding medication containing PSE; and
  - (ii) the Athlete had indeed consulted him about using the medication and that the Doctor had given his consent. The Doctor stated that he was at fault for advising the athlete that the medication would not result in a positive test result and acknowledged that this may have been a mistake.
17. Upon questioning from the Chairperson, the Delegation confirmed that they did not have any objection as to the conduct of this disciplinary procedure and confirmed that their right to be heard had been fully respected.
18. Immediately after hearing the Delegation and the arguments it put forward, the Disciplinary Commission retired in order to deliberate.
19. At around 15:15 hours, on Sunday 23 February 2014, the IOC Disciplinary Commission Chairperson informed by phone the Chef de Mission of the SOC and the Athlete of the decision to provisionally suspend the Athlete from competing in the upcoming Sweden-Canada final match. A written decision of the Chairperson of the IOC Disciplinary Commission regarding the provisional suspension was delivered to the Athlete, the SOC and the IIHF later on the afternoon of 23 February 2014.
20. After the hearing, in the evening of Sunday 23 February 2014, the analysis report prepared by the Head of the WADA Accredited Laboratory in Sochi on the B sample was provided to the IOC. The analysis report confirmed the presence of PSE in the Athlete's sample.
21. The IOC Disciplinary Commission considers that it has enough elements from the hearing on 23 February 2014 so that it is not necessary to call another hearing or request more information from the Athlete.
- (B) Discussion
22. After reviewing the facts, the Disciplinary Commission unanimously concluded that the Athlete had committed an anti-doping rule violation pursuant to Article 2.1 the World Anti-Doping Code and Articles 2 and 12 of the *Rules*, in that there was the presence in his body of the prohibited substance, pseudoephedrine, in excess of the applicable decision limit of 170 µg/mL.
23. The IOC Disciplinary Commission also finds that:

- (i) the Athlete has been open and cooperative and, in particular, disclosed the medication Zyrtec-D on the doping control form;
  - (ii) there was no indication of any intent of the Athlete to improve his performance by taking a prohibited substance; and
  - (iii) the Athlete relied on the specific advice of Dr Waldeback that the intake of Zyrtec-D would not give rise to an adverse analytical finding.
24. The IOC Disciplinary Commission notes that the Athlete's provisional suspension from the final match was fully justified, not only due to the presence (in excess of the applicable decision limit) of PSE in his urine sample but also due to the fact that the Athlete conceded at the hearing that he had also taken the medication, Zyrtec-D, on the day of the final match.
25. After careful examination, the IOC Disciplinary Commission finds that the Athlete should not be disqualified from, or rendered ineligible in respect of, the Sochi Olympic Winter Games. As a consequence, the Athlete is entitled to receive the silver medal and diploma awarded in respect of the men's ice hockey event.
26. The IOC Disciplinary Commission wishes to stress that the above outcome is based on the very specific facts of this case and should in no way be considered as either detracting from the personal duty of athletes to ensure that no prohibited substance enters their system or minimizing the consequences of any failure to meet that duty. Athletes and their entourage should at all times be particularly vigilant.
27. The IOC Disciplinary Commission finds that Dr. Bjorn Waldeback made a serious error by advising the Athlete that his use of Zyrtec-D would not give rise to an adverse analytical finding. In the event that Dr. Bjorn Waldeback applies for an accreditation to a future edition of the Olympic Games, the IOC Disciplinary Commission strongly recommends that the IOC should seriously consider Dr. Waldeback's role in the Athlete's anti-doping rule violation when assessing whether to grant such an accreditation.

(C) Decision

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 XXII Olympic Winter Games, Sochi 2014* and in particular, Articles 1.2, 2, 7 and 8 thereof and pursuant to the World Anti-Doping Code and, in particular, Article 2.1 thereof:

THE DISCIPLINARY COMMISSION OF THE  
INTERNATIONAL OLYMPIC COMMITTEE  
DECIDES

- I. The Athlete, Mr Nicklas (Lars) Backstrom, Sweden, has committed an anti-doping rule violation during the Sochi Olympic Winter Games.
- II. The International Olympic Committee shall not impose any further sanction or measure on the Athlete in respect of such anti-doping rule violation in connection with the Sochi Olympic Winter Games
- III. The International Ice Hockey Federation is requested to consider any further action within its own competence.
- IV. This decision shall enter into force immediately.

13 March 2014

The IOC Disciplinary Commission

Anita L. De Frantz  
Chairperson

Nawal El Moutawakel

Claudia Bokel