

INTERNATIONAL OLYMPIC COMMITTEE

IOC DISCIPLINARY COMMISSION DECISION

REGARDING MRS EVI SACHENBACHER-STEHLÉ BORN ON 27 NOVEMBER 1980, ATHLETE, GERMANY, BIATHLON

1. Mrs Sachenbacher-Stehle (hereinafter the “**Athlete**”) competed in the following events on the occasion of the XXII Olympic Winter Games in Sochi, in 2014 (hereafter the “**Sochi Olympic Winter Games**”):
 - On 9 February 2014, in the Women’s 7.5km Sprint Biathlon event, where she placed 11th;
 - on 11 February 2014, in the Women’s 10km Pursuit Biathlon event, where she placed 27th;
 - on 14 February 2014, in the Women’s 15km Individual Biathlon event, where she placed 20th
 - on 17 February 2014, in the Women’s 12.5km Mass Start Biathlon event, where she placed 4th;
 - on 19 February 2014, in the 2x6km Women + 2x7.5km Men Mixed Relay Biathlon event, where she placed 4th.
2. The Athlete was requested on 17 February 2014, at around 8:45 p.m., immediately following the completion of her participation in the Women’s 12.5km Mass Start Biathlon event, 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**”), Dr. Richard Budgett (the “**IOC Medical Director**”), as representative of the Chairman of the IOC Medical Commission, was informed in the morning of Thursday, 20 February 2014, by the Head of the WADA Accredited Laboratory in Sochi, 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 20 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*.

7. The analytical report of the laboratory analysis of the A sample, issued by the WADA Accredited Laboratory in Sochi, dated 20 February 2014, indicated the presence of **methylhexaneamine (dimethylpentylamine)**.

8. Pursuant to Article 6.2.6 of the *Rules*, by letter dated 20 February 2014, notified to the Athlete, to the Chef de Mission of the Deutscher Olympischer Sportbund (hereafter the “DOSB”), Bernard Schwank; to the International Biathlon Union (hereafter the “IBU”), to the International Ski Federation (hereafter “FIS”, since the Athlete is also recorded as scheduled to compete in Cross-Country); and to the Head of the Independent Observers’ Programme, the IOC President advised of the above-mentioned adverse analytical finding and of the time, date and place of the hearing of the Disciplinary Commission regarding this case.
9. It should be noted that the Athlete also provided a urine sample on 11 February 2014, which did not return an Adverse Analytical Finding.
10. The Athlete requested the analysis of the B sample, which occurred on Friday 21 February 2014 at 10:00 a.m., at the WADA Accredited Laboratory in Sochi, in the presence of the Athlete’s representative, Mr Olav Spahl.
11. The Disciplinary Commission held a hearing on 21 February 2014, at approximately 2:00 p.m., at the Olympic Family Hotel (OFH), Radisson Blu Hotel and Congress Center, IOC Executive Board Meeting Room, in the presence of a delegation from the DOSB (hereinafter the “**Delegation**”) comprising:

Evi Sachenbacher-Stehle, Athlete
Dr Michael Vesper, Secretary General of the DOSB and Chef de Mission
Dr Olav Spahl, Deputy Chef de Mission
Dr Franz Steinle, President of the German Ski Federation
Dr Bernd Wolfarth, Doctor
12. The International Biathlon Union (hereafter the “IBU”) was represented at the hearing by:

Nicole Resch, Secretary General
13. As the Athlete was also initially recorded to compete in Cross Country, the International Ski Federation was invited to the hearing. The International Ski Federation however informed the IOC in advance of the hearing that it would not attend the hearing.
14. The Independent Observers’ Programme was represented at the hearing by Huw Roberts.
15. 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
André Sabbah, IOC Legal Counsel
Tamara Soupiron, Cherine Fahmy, Assistants
Kate O’Neil, Minute-taker
16. At the beginning of the hearing, the Delegation was informed that the meeting was being recorded and that minutes were being taken. The Delegation was also 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 **methylhexaneamine (dimethylpentylamine)**.
17. At the hearing, the Chef de Mission stated in summary that:
 - (i) the DOSB pursues a very clear “zero tolerance” policy against doping;
 - (ii) all athletes of the DOSB participating in the Sochi Olympic Winter Games had signed an agreement by which they declared to adhere to the anti-doping rules;

- (iii) the Athlete was introduced in the Registered Testing Pool on 1 July 2013 and was in the national testing pool before;
- (iv) the Athlete had undergone several tests in the past, in particular prior to the Sochi Olympic Winter Games (on 4, 7 and 8 January 2014) without any Adverse Analytical Finding being reported;
- (v) the Athlete had been tested in Sochi on 11 February 2014 and such test did not give rise to an Adverse Analytical Finding.
- (vi) there were no other events at the Sochi Olympic Winter Games in which the Athlete was planned to participate.

18. At the hearing, the Athlete stated in summary that:

- (i) she did not understand how this substance got into her body and declared that she did not take it intentionally;
- (ii) she has been taking food supplements, all of which had been mentioned on the Doping Control Form, for at least one year, on the recommendation of her nutritional adviser;
- (iii) she had had several of the recommended supplements tested at the Cologne Laboratory, and the results indicated that the products tested were “clean”;
- (iv) on the further recommendation of her nutritional adviser, she has taken additional supplements, which she had not tested, relying on the advice and assurance from her nutritional adviser that they were “clean” as well;
- (v) upon question from the Chairman, she confirmed that she had heard about the risk of contamination involved with the use of food supplements, in particular that, even if some supplements tested did not reveal any prohibited substance, there is no guarantee that another batch of that same supplement may not be contaminated;
- (vi) she indicated that she trusted the tests made and her nutritional adviser, and admitted that this may have been a mistake;
- (vii) upon question from the Chairman, she indicated that the nutritional adviser was her personal adviser, who has no connection with the DOSB, is not a doctor, but a former athlete who also advises other athletes and business men, although she does not know who;
- (viii) upon question from the Chairman, she confirmed that she had not increased the dosage of the supplements she had been taking;
- (ix) she had no intention to enhance her performance by using Prohibited Substances.

19. At the hearing, the President of the German Ski Federation stated in summary that:

- (i) all athletes of the German Ski Federation are informed that food supplements should be supplied through supplements providers under contract with the federation, which certify that such supplements are safe.
- (ii) all the supplements that have been found in the Athlete’s possession will be tested to understand what happened.

20. Upon questioning from the Chairman, Nicole Resch, Secretary General of the IBU, confirmed that, under IBU rules, if a member of a relay team was found to have committed an anti-doping rule violation, the whole relay team would also be disqualified.

21. Upon questioning from the Chairman, the Athlete and the Delegation confirmed 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.
22. After hearing the Delegation and the arguments it put forward, the Disciplinary Commission retired in order to deliberate.
23. On 21 February 2014, shortly after the end of the hearing, the analytical report of the laboratory analysis of the B sample, prepared by the Head of the WADA Accredited Laboratory in Sochi, was communicated to the IOC. Such report indicated the presence of the prohibited substance **methylhexaneamine (dimethylpentylamine)** in the B sample, thus confirming the adverse analytical finding of the A sample.
24. By taking food supplements, which, as she had heard, could be contaminated, the Athlete accepted the risk that such supplements be contaminated with Prohibited Substances.
25. 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, **methylhexaneamine (dimethylpentylamine)**, in her body.

As a consequence, the Athlete shall be disqualified from the Women's 12.5km Mass Start Biathlon event.

26. The Athlete also participated consequently in the 2x6km Women + 2x7.5km Men Mixed Relay. The relay team was composed of Evi Sachenbachre-Stehle, Laura Dahlmeier, Daniel Boehm and Simon Schempp.

Pursuant to Article 9.1 of the *Rules*, if one or more team members have committed an anti-doping rule violation, the team may be subject to disqualification, and/or other disciplinary action as provided in the applicable rules of the relevant International Federation (in this case the IBU and in particular its Anti-Doping Rules in their version adopted by the 2012 10th Regular IBU Congress, hereinafter the "*IBU Rules*").

As a direct consequence of the disqualification of the Athlete in the 2x6km Women + 2x7.5km Men Mixed Relay Biathlon event, and despite the fact that Laura Dahlmeier, Daniel Boehm and Simon Schempp themselves have not been found to have committed an anti-doping rule violation, the 2x6km Women + 2x7.5km Men Mixed Relay relay team, consisting of Evi Sachenbachre-Stehle, Laura Dahlmeier, Daniel Boehm and Simon Schempp, shall also be disqualified pursuant to Article 9.1 of the *Rules* and Article 11.1 of the *IBU Rules*.

27. The Disciplinary Commission recognizes the efforts of the DOSB in the fight against doping. However, it is also important for a National Olympic Committee to be careful about the entourage of athletes. In this respect, the Disciplinary Commission would advise that the DOSB investigates further on the circumstances surrounding this specific athlete.

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, Sochi 2014* and in particular, Articles 1.2, 2, 7, 8 and 9 thereof and pursuant to the World Anti-Doping Code and, in particular, Articles 2.1 and 10 thereof, as well as pursuant to the *IBU Rules*, in particular Article 11.1 thereof:

THE DISCIPLINARY COMMISSION OF THE
INTERNATIONAL OLYMPIC COMMITTEE
DECIDES

- I. The Athlete, Ms Evi Sachenbacher-Stehle, Germany, Biathlon:
 - (i) is disqualified from the following events :
 - Women's 12.5km Mass Start Biathlon event, where she placed 4th;
 - 2x6km Women + 2x7.5km Men Mixed Relay Biathlon event, where she placed 4th.
 - (ii) shall have her diploma in the above-mentioned events withdrawn;
 - (iii) is excluded from the XXII Olympic Winter Games in Sochi in 2014; and
 - (iv) shall have her Olympic identity and accreditation card cancelled immediately.
- II. The 2x6km Women + 2x7.5km Men Mixed Relay relay team, composed of Evi Sachenbacher-Stehle, Laura Dahlmeier, Daniel Boehm and Simon Schempp:
 - (i) is disqualified from the 2x6km Women + 2x7.5km Men Mixed Relay Biathlon event, where it placed 4th; and
 - (ii) the diplomas awarded to the members of the team in the above-noted event shall be withdrawn.
- III. The International Biathlon Union is requested to modify the results of the above-mentioned events accordingly and to consider any further action within its own competence.
- IV. The DOSB is ordered to return to the IOC, as soon as possible, the diplomas awarded to the Athlete, as well as the members of the 2x6km Women + 2x7.5km Men Mixed Relay team, in relation to the events mentioned above.
- V. The International Ski Federation is requested to consider any further action within its own competence.
- VI. The IOC administration is requested to reallocate the diplomas withdrawn from the athletes in accordance with the new ranking provided by the International Biathlon Union.
- VII. This decision shall enter into force immediately.

Sochi, 21 February 2014

The IOC Disciplinary Commission

Denis Oswald
Chairman

Nawal El Moutawakel

Gunilla Lindberg