

REPORT ON DOPING IN DANISH CYCLING 1998-2015

EXECUTIVE ENGLISH SUMMARY

1.1 THE INVESTIGATION GROUP

The investigation group responsible for this report was administratively appointed by Anti Doping Denmark (ADD) and the NOC and Sports Confederation of Denmark (DIF) and has consisted of the following persons:

- Christina Friis Johansen, Senior Consultant, Anti Doping Denmark
- Morten Mølholm Hansen, CEO, NOC and Sports Confederation of Denmark
- Lone Hansen, CEO, Team Danmark (Until 15th February 2015, Anti Doping Denmark)
- Jesper Frigast Larsen, Legal Manager, Anti Doping Denmark (Until 1st April 2015, NOC and Sports Confederation of Denmark)

1.2 PURPOSE OF THE INVESTIGATION

In its October 2012 report, USADA published the results of the most comprehensive investigation to date about doping in cycling, the US Postal case. In this report, it is described how USADA's report led to the case against the Danish rider Michael Rasmussen who was equal to "rider 14" in the Reasoned Decision published by USADA. ADD and DIF in cooperation with USADA and the Dopingautoriteit in the Netherlands entered into a cooperation-agreement with Michael Rasmussen, according to which Rasmussen accepted to provide substantial assistance to the anti-doping authorities. Rasmussen obliged himself to provide his truthful admission of own anti-doping rule violations as well as information of other anti-doping rule violations committed by other persons.

Following interviews with Michael Rasmussen in January 2013, ADD (as investigating authority according to the Danish Anti-doping Regulations) and DIF (as prosecuting authority) administratively formed an investigation group with the aim of corroborating Rasmussen's by collecting additional information from a number of other persons. Subsequent to this investigation, DIF's Doping Commission formally prosecuted Rasmussen on 25 July 2013 with acknowledgements of his substantial assistance. On 25 September 2013, DIF's Doping Tribunal sentenced Rasmussen to a period of ineligibility for 8 years which were reduced to 2 years as the Doping Tribunal confirmed the substantial assistance provided by Rasmussen.

The Rasmussen investigation had disclosed specific information about alleged anti-doping rule violations committed by other Danish riders and leading support personnel requiring further investigation. The administrations of ADD and DIF mandated the investigation group to proceed its investigation with the aim of possibly collecting the necessary proof for the alleged violations in order to facilitate subsequent prosecution of anti-doping rule violations.

This follow-up investigation was conducted by means of additional interviews with 50 persons including former and present riders, leaders, sports directors and other persons with connection to Danish cycling.

The purpose of the investigative activities and this report may be summarized as follows:

1. To investigate cases against specific persons in Danish cycling for alleged anti-doping rule violations in order to determine whether there would be grounds to bring forward doping cases against these persons,
2. To examine and possibly disclose the use of doping in Danish professional cycling since 1998 including general cultural patterns which were typical of the sport,
3. To examine and evaluate the previous fight against doping in cycling in light of points 1 and 2, and
4. To present recommendations for the future in light of points 1 and 2.

From the mid 1990's and onwards, Danish riders have achieved remarkable results in international cycling. Bjarne Riis won the Tour de France in 1996 and other riders have won stage victories and yellow and mountain jerseys in Tour de France, medals at Olympic Games and World Championships and many other top results. Danish riders have been public heroes. Even though media and books over the years have brought many indications about alleged doping in relation to these results, the investigation group found it essential to examine further the extent to which doping has been a part of these remarkable results.

The Danish team, which has been known as Team CSC, has received particular attention of the investigation group. Since its start in 1998 as Team Home Jack & Jones and until Bjarne Riis sold the team to Oleg Tinkov in December 2013, the team has been the flagship of Danish professional cycling.

1.3 GENERAL SUMMARY AND CONCLUSIONS

The conclusion of this investigation is that Bjarne Riis, Johnny Weltz, and Alex Pedersen and a number of Danish former riders have violated applicable anti-doping rules. ADD (who has had the prosecuting competence since 1 January 2015) would have been able to bring doping cases forward against these persons before DIF's Doping Tribunal on the basis of the findings of the investigation. However, since all of the alleged anti-doping rule violations have been committed outside the statute of limitations it is not possible for ADD to bring any of these cases forward.

It should be emphasized that it is not within the mandate of the investigation to determine how the Doping Tribunal would have assessed the proof that would have been brought forward in each case and hence whether sanctions would have been imposed.

Notwithstanding the fact that no doping cases can be brought forward, the investigation group have received significant information through the interviews about patterns of a systematic doping culture in cycling. Consequently, it was decided administratively that the investigation group should continue its work with the purpose to produce and publish a report about doping in Danish cycling from the beginning of professional cycling in Denmark in 1998 until the present in 2015.

As for the team generally known as Team CSC (Currently Team Saxo Tinkoff), it is the opinion of the investigation group that the information received during this investigation about the team's former owner and leading sports director Bjarne Riis would have constituted grounds to bring forward a doping case before the Danish Doping Tribunal against Bjarne Riis for violation of anti-doping regulations in force at the time of each of the alleged violations - in particular the applicable rule about assisting anti-doping rule violations. (The current rule is the 2015 WADA Code's article 2.9 about Complicity). However, due to the statute of limitations no case will be brought forward against Bjarne Riis.

This assessment is, among other things, based on the fact that Bjarne Riis has admitted that he, as team owner and leading sports director during the period when Tyler Hamilton was employed by Team CSC, had knowledge about the fact that Tyler Hamilton was using doctor Eufemiano Fuentes for blood doping and did not take action to stop it. Additionally, Riis has admitted that in his own career as a rider, he has used blood doping and hereby has personal knowledge about blood doping practices.

Furthermore, the assessment is based on the following matters which the investigation group finds established by the information received through the interviews:

- Bjarne Riis has requested Bo Hamburger to provide EPO to Jörg Jaksche.
- A comprehensive use of cortisone without medical justification took place on Team CSC.
- In his capacity as team owner and leading sports director, Bjarne Riis had knowledge that other riders on the team besides Tyler Hamilton were using doping.

The investigation group finds that a leader is obliged to act on knowledge about anti-doping rule violations committed by employees on the team. Bjarne Riis has not fulfilled this obligation. On the contrary, he has silently accepted the use of doping and such silent acceptance from a team leader constitutes in the opinion of the investigation group a case of complicity, re. art. 2.9 in the current World Anti-Doping Code, which includes the covering up of doping offences, encouraging, aiding etc. of any type of intentional complicity involving an anti-doping rule violation.

In the opinion of the investigation group Johnny Weltz and Alex Pedersen who also silently accepted the use of doping among riders have also violated applicable anti-doping rules about complicity.

However, as team owner and leading sport director Riis had a greater responsibility than the others as he had authority to make take decisions about suspending riders who doped and report the violations to the responsible anti-doping authorities.

In the absence of statute of limitations, the investigation group also finds that there would be grounds to bring doping cases forward against a number of Danish riders who have admitted either their own doping violations or where the interviews have given the investigation group knowledge about their alleged offences.

The interviews have also given the investigation group insight into patterns and cultures which is described in this report in more general terms. This involves a culture of use of substances and methods, particularly EPO, cortisone and blood doping, as well as cultural patterns characteristic to international cycling such as the omertà.

The investigation group has also examined how the doping control system failed in the past and how it has continuously improved, particularly with rules for whereabouts, out-of-competition testing and the introduction of the biological passport most recently.

1.4 RECOMMENDATIONS

Finally, the investigation group has summarized its work in a number of recommendations for the future of cycling.

As for the **doping control system**, the investigation group recommends that:

- WADA, UCI and others continuously work to improve and develop new tools to monitor the whereabouts and the biological profiles of the riders.
- UCI and other ADOs make use of the possibility to conduct doping controls during night hours in situations when there is a justified suspicion of doping, particularly in order to combat doping with micro doses of EPO or blood.
- ADOs make use of long-term storage of selected samples for reanalysis at a point in time when the analyses have improved or new analysis are developed.
- WADA and ADOs should introduce rules and procedures to delay or even withhold athlete access to information about blood values in ADAMS as the access to such information can be misused by those riders who intend to cheat with their biological passport, for instance by using micro doses of doping. ADD is committed to work towards this goal.
- WADA etc. should strengthen the development of analyses and other methods to detect doping, in particular by strengthening investigation and intelligence. In this context attention should be focused on national and international laws of data protection, and how relevant data can be exchanged between relevant partners without being in conflict with such laws.
- UCI should align its rules on use of glucocorticoids to the rules of MPCC to harmonize conditions for all riders.

As for the specific **structural characteristics of cycling**, which in the opinion of the investigation group make the sport of cycling especially vulnerable to doping, the group recommends that:

- The sport of cycling work to reduce the dependency for cycling teams on short term sponsorship contracts, possibly by sharing the income from TV-rights with the teams.
- the UCI introduces principles for good governance for the professional teams in order to give team managements responsibility for managing the employees, including work structures in the periods out-of-competition.

At the same time, the investigation group recommends that the UCI and the national Danish cycling federation in various ways introduce control mechanisms and sanctions towards the teams in order to **improve the level of responsibility of the teams**. The group's recommendations in this respect are:

- The UCI internationally and the Danish Cycling Union (DCU) nationally should make the implementation of rules of good governance mandatory for the teams in order to get a UCI (or DCU) license.
- The UCI should introduce a ‘witness obligation’ as disciplinary rules that would oblige every person under the jurisdiction of the UCI to cooperation in any investigation conducted by the UCI or the Cycling Anti-Doping Foundation (CADF). This would oblige persons to participate in interviews, answer questions truthfully when summoned by the UCI, like the similar rules introduced in Denmark in 2014 by the NOC and Sport Confederation of Denmark.
- The UCI should amend its licensing system by introducing a “fit-for-purpose” criteria for sports directors and team doctors which would make it possible for the UCI to withdraw or withhold a license to such person if he or she has violated the above mentioned disciplinary rules of witness obligation. The DCU should do the same at the national level with the assistance of DIF’s rules on witness obligations.
- UCI should introduce rules governing the attribution of prize money to secure that these are included in the accounts of the teams and redistributed via the teams to the riders to hereby reduce the risk of tax manipulation and prevent “free resources” to be used for doping.
- UCI should introduce a rule to oblige the teams to pay a fine to the UCI in case where an employee is found to have committed an ADRV (except for whereabouts violations). This would require a stronger commitment from the teams to promote a clean culture.

Finally, the investigation group ends its report by **encouraging riders** who have admitted their use of doping to the investigation group to step forward and tell their full and true story and to act as ambassadors in the service of the anti-doping movement. In particular, riders who win clean are encouraged to publicly announce that their win was clean. This applies not only to athletes in the sport of cycling but to all athletes in all sports.

1.5 METHODOLOGY

This investigation has been conducted on the basis of interviews and conversations with selected key persons who have been or are related to Danish cycling, with a focus on men's road racing. The investigation is not a research study about the use of doping in cycling but merely an investigation based on interviews with selected persons with a connection to Danish cycling.

The interviewed persons have been informed about the premises for taking part in the investigation and all have participated voluntarily. Information given during an interview has been subject to confidentiality. Furthermore, it was agreed with all interviewees that their names or information given during an interview would only be published in this report upon prior acceptance by the interviewee. Consequently, the investigation group has only been able to include quotes and information from persons who have agreed to this. Accordingly, all direct or indirect quotes in this report are included according to prior agreement. A few interviewees have not given the investigation group permission to include their statements in the report. Some interviewees have given their permission for partial information to be included in the report.

In contrast to this, USADA had in their negotiations with their interviewees the advantage of being in a position to plea bargain with them about a reduced period of suspension down to one fourth of the otherwise applicable period according to the rule of substantial assistance in the WADA Code. This Danish investigation does not result in any doping cases to be brought forward and

accordingly the investigation group has not been able to use the rule of substantial assistance as the basis of making the interviewees accept the publishing of their information. This creates a very different foundation for this report compared to USADA's "Reasoned Decision".

It has been important for the investigation group to be able to work with confidentiality and anonymity in order to achieve more openness from the participating interviewees. In addition, all interviewees have been informed that any information given during their interview about an anti-doping violation would not be published in this report, but would be used as part of the results management process in a doping case which would eventually be heard before the Danish Doping Tribunal.

These circumstances mean that during the interviews, the investigation group has become aware of several facts that it has not been possible to publish in the report, although some of the answers which have not been mentioned as direct quotes have contributed to the general patterns which are described in the report.

Consequently, to a certain degree this report only reflects a partial picture of reality. However, the use of confidentiality has been a necessity due to the fact that many interviewees have been under no obligation to speak to the investigation group. In this respect, the working conditions of the investigation group are similar to those of CIRC.

At its General Assembly in 2014, the NOC and Sports Confederation of Denmark introduced new regulations which obliges all members of Danish National Sports Federations, including the Danish Cycling Union, to witness and to speak the truth when interviewed in doping cases. However, this rule has not had any effect on this report, partly because the rule was introduced quite late in the investigation process, partly because a number of interviewees were not within the jurisdiction of the NOC's statutes - and mostly, because the investigation, as previously mentioned, does not have the primary purpose of instigating doping cases. For the future, the investigation group expects that the mentioned rule on 'witness obligation' can have a positive effect on the investigation of future doping cases in Denmark. The investigation group recommends the UCI to introduce a similar rule on a world-wide scale.

At certain points in the report, anonymous witnesses are quoted. These are cases where the interviewee has been promised confidentiality but where the quote is important in the particular context, or where it has been considered unimportant to mention the source. However, in cases where a person has been accused of doping offences it has been important for the investigation group to use direct quotes.

The interviewees either received a phone call or an e-mail with an invitation for an interview with the investigation group. Certain persons have approached the investigation group on their own initiative to offer their contribution. The general premises for the interviews have been presented when first contact was made. Most interviews were conducted as personal meetings, mostly in Denmark but a few in other countries where necessary. Some interviews have been conducted over Skype. The interviews have been conducted by either all or some members of the investigation group, in some instances supported by colleagues from USADA and WADA who have also been part of the US Postal investigation. In most cases, a declaration of confidentiality has been signed. Most interviews have been tape-recorded upon prior approval by the interviewee.

The interviews have been conducted after the same general scheme where the interviewee first got the opportunity to tell about his own activities in cycling and thereby also about his own

experience of doping if any or general knowledge about doping in cycling. Conclusively, the interviews have ended with an opportunity to discuss general patterns connected to doping in cycling and possible suggestions for future improvements. The questions to each interviewee have varied according to the person's position and relation to the sport of cycling. The interviews have had a duration of between 30 minutes and 2-3 days, typically about 2 hours.

Most persons who were asked to participate confirmed positively and accepted to participate in an interview. The investigation group has generally experienced a lot of support from the participants. This might be due to the fact that there has been a great public awareness of the investigation. As more information has become available for the investigation group, a few interviewees have been invited for an additional interview.

The interviews have dealt with a period of many years, and the investigation group acknowledges that it can be difficult to remember details of the past. However, some interviewees seem to have a "selective memory" based on an established culture of omerta where you did not speak about others and kept your knowledge to yourself. It is the impression of the group that some interviewees have been reluctant to speak about other person's doping violations.

1.6 SCOPE OF THE INVESTIGATION

In total, 50 persons with a relation to Danish cycling from 1998 and onwards have been interviewed. Among these are previous and current riders, sports directors, team directors, team owners and others. The persons have been selected bases on an assessment of their relevance for the investigation and a reasonable balance between persons with former and current functions has been sought. In total, 100 hours of interviews have been conducted.

Only 5 persons, all former riders, have declined to participate in interviews. Their answers have been based on lack of time, lack of knowledge of doping and lack of possibility of giving relevant contributions to the investigation, while others have not responded to the investigation group's requests despite several reminders.

The following chart shows the distribution of interviewees on different functions in cycling. The category "Leaders and support personnel" consists of persons who have been interviewed at a time when they had a function as sports director or other support function in relation to cycling, including team directors, sports directors, doctors, media relation persons and administrative personnel. Of the 24 interviewees in this category, 9 have a past as elite riders.

Category	Number of interviewees
Current riders	11
Former riders	15
Leaders and support personnel	24
Total	50

1.7 ASSESSMENT AND CONCLUSIONS

It is the assessment of the investigation group that without the statute of limitations, ADD would have been able to bring a case forward against Bjarne Riis forward for violation of the Danish Anti-

doping Regulations § 6.8 about complicity in force at the time (re. the current art. 2.9 of the 2015 WADA Code). According to the current art. 2.9, assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of intentional complicity involving an anti-doping rule violation is prohibited.

This assessment is, among other things, based on the following:

- Bjarne Riis has admitted that he as team owner and leading sports director, while Tyler Hamilton was riding on Team CSC, had knowledge about the fact that Tyler Hamilton was working with Fuentes about blood doping, and in addition, Riis has admitted that in his career as an active rider, he has tried blood doping and thus he has personal knowledge of the mechanics of blood doping

These matters are admitted by Bjarne Riis.

- Bjarne Riis has requested Bo Hamburger to provide EPO to Jörg Jaksche

This assessment is built on the fact that Bo Hamburger's statement about this is confirmed by Jörg Jaksche who has first-hand knowledge about the request.

- A comprehensive misuse of cortisone without medical justification took place on Team CSC

A number of named and unnamed riders and sports directors have informed the investigation group about a widespread misuse of cortisone against the rules in cycling generally and concretely on Team CSC. Michael Rasmussen, Tyler Hamilton, Jörg Jaksche, and Alex Pedersen have all informed the investigation group that riders were provided with cortisone by the team without medical justification.

- In his capacity as team owner and leading sports director, Bjarne Riis had knowledge that other riders on the team in addition to Tyler Hamilton used doping.

This assessment is based on the fact that three other riders in addition to Hamilton - Bo Hamburger, Michael Rasmussen and Jörg Jaksche - have stated that Riis knew about their use of doping.

In addition, the statements of the three riders to the investigation group is supported by the statements of other interviewees:

Hamburger's statement is the strongest as he is backed by Alex Pedersen who has first-hand knowledge about a conversation between himself, Hamburger, and Riis which demonstrates Riis's knowledge of Hamburger's use of EPO before the result of Hamburger's doping test was available.

Johnny Wertz, who was involved in Michael Rasmussen's case about a high hematocrit level due to use of EPO and who had actual conversations about Riis about the high level, supports Michael Rasmussen's statement about Riis's knowledge of Rasmussen's use of EPO. Wertz have stated to the investigation group that he is convinced that Riis knew that Rasmussen took EPO, although this is a general observation and not a reflection of an actual conversation or episode.

Finally, Tyler Hamilton confirms having talks with Jörg Jaksche in 2007 where Jaksche and Hamilton exchanged experiences from their time with Riis and agreed that Riis behaved hypocritically by publicly denouncing them after their doping sentences. Nevertheless, Hamilton's knowledge of

Riis's knowledge of Jaksche's use of doping is second hand knowledge as it comes from Jaksche himself.

The investigation group finds that actual knowledge about rules being broken gives a leader a duty to take action which Bjarne Riis has not lived up to. On the contrary, as a minimum he has silently accepted the use of doping and such silent acceptance from a team leader is in the opinion of the investigation group a case of prohibited complicity which is in breach of the Danish Anti-doping Regulations § 6.8 about complicity in force at the time (re. art. 2.9 in the current WADA Code). The same goes in the opinion of the investigation group for Johnny Weltz and Alex Pedersen, but as team owner and leading sports director Riis had a greater responsibility than the others as he as the top manager had authority to make the decisive decisions about suspending doping users and reporting them to the anti-doping authorities.

Accordingly, the investigation group finds that there is a great need for strengthening the leadership of the cycling teams and the group has proposed a number of recommendations in this respect.

In conclusion, the investigation group finds that the statute of limitation in the World Anti Doping Code - and in the Danish Antidoping Regulations - which was 8 years until 31st January 2014 and 10 years from 1st January 2015 prevent ADD from bringing forward a doping case against Bjarne Riis for an anti-doping rule violation. The same apply to Johnny Weltz and Alex Pedersen.