

LATEST ARTICLES**Lawyer: IOC-FIS clash over Russian skiers 'a plate of scrambled egg'**

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By Callum Murray

An embarrassing and potentially damaging rift has opened between the International Olympic Committee and the FIS over their treatment of six Russian skiers that were recently banned for life for doping by the IOC, after the international skiing federation declined to follow its lead.

Yesterday, the FIS gave the six skiers provisional leave to compete in its World Cup series, saying that it did not yet have legally-binding proof of their alleged doping.

It said in a statement: "Consequently, the FIS Doping Panel is obliged to wait until the IOC Disciplinary Commission reasoned decisions are submitted with details of the evidence relied on, before it can take further actions with the cases."

The skiers were banned by the IOC as a result of decisions based on hearings by a commission led by Denis Oswald, the veteran Swiss International Olympic Committee member, who is probing allegations of institutional manipulation of doping samples at the Sochi 2014 winter Olympics contained in the McLaren report.

However, the FIS said in its statement: "The additional investigations that have been carried out by FIS since December 2016, including examinations of previous testing and interviews with support personnel, have not produced sufficient evidence to open anti-doping rule violation cases.

"The procedures of the FIS Doping Panel take into consideration to the greatest extent possible the fact that the FIS Cross-Country World Cup season begins on 24th November 2017, but it is not possible for the FIS Doping Panel to undertake actions, which do not respect the FIS AntiDoping Rules that are compiled in accordance with the World Anti-Doping Code.

"As a consequence the active athletes are eligible to compete in FIS including World Cup competitions for the time being."

The six athletes - Alexander Legkov, Evgeniy Belov, Julia Ivanova, Evgenia Shapovalova, Alexey Petukhov and Maxim Vylegzhanin - had been provisionally suspended by the FIS until 31 October, based on a ruling by the Court of Arbitration for Sport. However, FIS said that "the continuation or a new suspension is subject to a specific allegation of an antidoping rule violation with corresponding evidence," adding that "according to legal procedures it is not possible and would be a contradiction of the CAS Award for the FIS Doping Panel to re-issue provisional suspensions on the basis of these operative decisions of the IOC Disciplinary Commission only, which are not recognised as evidence in themselves."

The clash provoked a horrified reaction from one senior UK-based sports lawyer, Stephen Hornsby of Goodman Derrick, who told Sportcal: "This is a mess worse than I thought. It is not simply a question of process being slow [the IOC had come in for criticism for an apparent delay in acting on the McLaren report].

"There does not seem to be any way that the IOC collective guilt finding can be reflected in actual suspensions imposed by a federation that is under the IOC's jurisdiction. It follows in my view that the FIS rules will have to be changed. This cannot be done retrospectively without breaching all sorts of legal principles.

"The Russian skiers are therefore likely to avoid any penalty at all. The delay in the process reflects very probably a state of total internal panic, as a plate of scrambled egg is on its way."

The decision also looks likely to provoke strong reactions from rival skiers, which the FIS attempted to anticipate by saying: "In response to other athletes' obvious concerns about competing against potentially doped athletes, FIS can hereby confirm that the Russian Cross-Country Ski Association has implemented an independent anti-doping testing programme covering all Russian international level athletes, which since June 2017 additionally includes those who are outside the FIS Registered Testing Pool."

The FIS claimed: "The anti-doping testing is outwith the hands of the Russian authorities for all international level athletes. Testing is carried out by a European independent specialist sample collection agency with the analysis of the samples carried out at the WADA accredited laboratories in Barcelona (ESP), Cologne (GER), Kreischa (GER), Stockholm (SWE) and Lausanne (SUI).

"Test distribution planning has been undertaken by the FIS Anti-Doping Expert in consultation with other independent specialists and the results management is handled directly by the FIS Anti-Doping department, with all results shared simultaneously with WADA. The Russian Ski Association has appointed a contact person in each discipline sub-association for anti-doping issues who has been trained by the FIS appointed anti-doping service agency to provide daily anti-doping support to their athletes."

However, ahead of the decision, Devon Kershaw, Canada's 2011 world relay champion, had already said: "The fact that... those suspended for life by the IOC can still win races shows that our sport has become a Mickey Mouse club."

Andreas Katz, the German skier argued: "It's not possible cross-country skiers banned from the Olympic Games can take part in the World Cup."

The decision seems certain to fuel a campaign by Russian authorities to claim that the bans have been politically motivated and are without a proper basis of scientific evidence.

They are likely to derive further comfort from an interview given by Rasmus Damsgaard, the FIS' Danish anti-doping specialist, to Finland's Hufvudstadsbladet newspaper. Damsgaard said: "It was a sad day for anti-doping efforts when the McLaren report came out. Not because of its content, but because of the lack of evidence. If I, as a scientist, had signed the McLaren report, I would have my degree taken away.

"Legkov, Vylegzhanin and the other suspended skiers have been tested hundreds of times in recent years. We have followed their blood profiles and steroid profiles. None of them has been flagged. Our system is completely transparent.

"The whole world is against Russia. Anti-doping is in the wrong direction. While Russia is in focus, all other worries get sidelined."

The FIS World Cup season was due to begin today in Ruka, Finland, with sprint and long-distance events.

A decision on whether to allow the Russian team to participate in next February's winter Olympic games in PyeongChang is to be taken by the IOC executive board next month, based on the findings of a separate inquiry commission chaired by Samuel Schmid, the former president of Switzerland.

Earlier this month, Vladimir Putin, Russia's president, waded into the debate, claiming that an announcement by the IOC that four of the six Russian cross-country skiers had been banned from the Olympics for life was part of a US attempt to undermine his country and affect a presidential election in March.

He said: "The controlling stake is located in the United States, because the main companies that order and pay for television rights, the main sponsors, the main advertisement buyers and so forth are located there.

"I have very serious suspicions that this is done to create the necessary environment, to incite discontent among sports fans, athletes, that the state was allegedly involved in these violations and is responsible for them. In response to our alleged interference in their elections, they want to create problems during the election of the president of Russia."

Putin has repeatedly denied claims in the independent McLaren report commissioned by the World Anti-Doping Agency of institutional manipulation of doping samples at the Sochi games. He said: "Never has there been, nor is there now and I hope there never will be a state system of doping support [in sports], which is an allegation that we are accused of."

However, Putin did acknowledge that "certain instances [of doping abuse] are taking place just like in other countries."

The winter Olympics held in Sochi in Russia in 2014 have been the subject of a major investigation into an alleged doping programme in the country involving over 1,000 athletes competing in summer, winter and Paralympic sports (including non-Olympic sports).

The athletes were involved in, or benefited from, manipulations to conceal positive tests between 2011 and 2015, according to the McLaren report.

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