

**IOC DISCIPLINARY COMMISSION
RECOMMENDATIONS
REGARDING THE NATIONAL OLYMPIC COMMITTEE OF AUSTRIA
(ÖSTERREICHISCHES OLYMPISCHES COMITÉ – ÖOC)**

I. PROCEDURE

1. On the night of 18 February 2006, the Italian police discovered numerous materials in the accommodation of several Austrian athletes and support staff which evidenced the possession of prohibited methods and substances. The IOC President subsequently established a Disciplinary Commission (the **IOC DC**), comprising Dr Thomas BACH (Chairman), Mr Denis OSWALD (member) and Mr Sergey BUBKA (member), to investigate whether any violations of the IOC Anti-Doping Rules applicable to the Torino Olympic Games (the **IOC Anti-Doping Rules**) had been committed.
2. The Austrian Olympic Committee (Österreichisches Olympisches Comité, hereinafter referred to as **ÖOC**) was informed by letter dated 10 April 2007 that the IOC DC would conduct a hearing on 1 May 2007 at the IOC headquarters in Lausanne, Switzerland. The ÖOC was also informed that it was suspected of having committed the following anti-doping rule violation:

Administration or attempted administration of a Prohibited Substance or Prohibited Method to any athlete, or assisting, encouraging, aiding, abetting, covering up or any other type of complicity involving an anti-doping rule violation or any attempted violation, pursuant to Article 2.8 of the IOC Anti-Doping Rules.
3. The Secretary General of the ÖOC, Dr JUNGWIRTH, appeared before the IOC DC on 1 May 2007. In addition to the members of the IOC DC, the following were also present at the hearing:
 - Mark MANGAN, Legal Advisor;
 - Howard STUPP, IOC Legal Director;
 - Christian THILL, IOC Legal Department; and
 - Professor Arne LJUNGQVIST, IOC Medical Commission Chairman.

II. OBLIGATIONS IMPOSED UPON NATIONAL OLYMPIC COMMITTEES IN THE FIGHT AGAINST DOPING

4. The relevant obligations imposed upon National Olympic Committees (**NOCs**) in the fight against doping can be found in the Olympic Charter in force as from 1 September 2004 (the **Olympic Charter**), the IOC Code of Ethics, the WADA World Anti-Doping Code and the IOC Anti-Doping Rules.

5. By-law 2.2 to Rules 28 and 29 of the Olympic Charter expressly states that NOCs “are responsible for the behaviour of the members of their delegations”. The actions of an NOC’s officials, including doctors, coaches and team directors, are thus attributable to the NOC itself.
6. An NOC is also responsible for its national federations. As a result, an NOC cannot be excused of its obligations merely because it has been the subject of pressure from a national federation, regardless of the political strength that the national federation is perceived to have.
7. On the contrary, it is for each NOC to ensure that its national federations conduct themselves in a manner consistent with the Olympic Charter, the IOC Code of Ethics and the IOC Anti-Doping Rules. If they do not, the NOC will be answerable to the IOC. In this case, the ÖOC is ultimately responsible for the acts and omissions of the Austrian Ski Federation (*ASF*).
8. Article 2.8 of the IOC Anti-Doping Rules expressly provides that “assisting, encouraging, aiding, abetting, covering up or any other type of complicity involving an anti-doping rule violation or any attempted violation” is itself a violation of the anti-doping rules.
9. Article 2.8 of the IOC Anti-Doping Rules applies to both acts and omissions. It would be triggered by an NOC that actively participated in anti-doping rule violations, as well as an NOC that failed to exercise proper control over its athletes and support staff, who failed to act on suspicions that anti-doping rule violations were taking place, or whose acts or omissions encouraged its athletes or officials to commit anti-doping rule violations.
10. The need for NOCs to conduct themselves in a proactive manner in the fight against doping is also reflected in the Olympic Charter and the IOC Code of Ethics.
11. Rule 28(2.2) of the Olympic Charter confirms that the role of an NOC is, among other things, “to ensure the observance of the Olympic Charter in their countries.” One of the fundamental principles of the Olympic Charter is the need for the entire Olympic Movement to fight against the scourge of doping in elite sport. Rule 44 of the Olympic Charter provides:

The World Anti-Doping Code is mandatory for the whole Olympic Movement.
12. Rule 28(2.6) of the Olympic Charter provides that an NOC’s role is, among other things, “to adopt and implement the World Anti-Doping Code”. Thus, NOCs must take the necessary steps in order to ensure that the World Anti-Doping Code is respected by athletes and officials representing the NOC.
13. The preamble to the IOC Code of Ethics states:

(...) within the framework of the Olympic Games, the Olympic parties [which is defined to include NOCs] and the

participants undertake to respect and *ensure respect* of the following rules: (...) (Emphasis added.)

14. One of those rules is the prohibition against doping. Article A(3) of the IOC Code of Ethics relevantly provides:

All doping practices at all levels are strictly prohibited. The provisions against doping in the Olympic Movement Anti-Doping Code (or the World Anti-Doping Code, as soon as it is enforced) shall be scrupulously observed.

15. The obligation imposed upon NOCs to act in the fight against doping in a proactive manner is further reflected in Article B(6) of the Code of Ethics, which states:

The Olympic parties must not be involved with firms or persons whose activity is inconsistent with the principles set out in the Olympic Charter and the present Code.

16. Furthermore, NOCs have an obligation to ensure that anti-doping decisions are complied with. While that has always been the case, the principle is stated expressly in Article 14.1 of the IOC Anti-Doping Rules as follows:

Any decision of the IOC regarding a violation of these *Rules* shall be recognised by all *International Federations* and NOCs, as well as by other *Signatories* and other bodies who wish to act in accordance with the *Code*, who shall take all necessary follow up action to render shall results effective.

17. Thus, the failure to recognise or implement a doping decision would itself constitute a breach of the IOC Anti-Doping Rules.

18. Equally, to knowingly assist or encourage someone to violate an IOC doping decision would trigger Article 2.8 of the IOC Anti-Doping Rules. Similarly, in relation to the Salt Lake City Olympic Winter Games, Chapter II, Article I of the Olympic Movement Anti-Doping code prohibited conduct that condones or facilitates an anti-doping rule violation.

19. Finally, aggravating circumstances warrant significant sanctions. Aggravating circumstances include repeat offenders and complicity in the perpetration of anti-doping rule violations. Thus, the World Anti-Doping Code distinguishes between first, second and third violations. Moreover, it expressly provides for life time ineligibility for complicity in anti-doping rule violations.

III. THE STRONG WARNING RECEIVED BY THE NATIONAL OLYMPIC COMMITTEE OF AUSTRIA AFTER THE SALT LAKE CITY OLYMPIC WINTER GAMES

20. While the provisions of the Olympic Charter, the IOC Code of Ethics and the various anti-doping codes impose certain obligations upon NOCs, the IOC's position that doping in whatever form would not be tolerated was reaffirmed,

and expressly communicated to the ÖOC, in the aftermath of the so-called Salt Lake City “Blood Bag Affair”.

21. On 26 February 2002, shortly after the XIX Olympic Winter Games, various items were found by a cleaner in a chalet in Midway, Utah, which was occupied by the Austrian cross-country and biathlon coach, Walter MAYER, along with his wife. It was subsequently determined that the chalet had been frequently visited by members of the Austrian cross-country and biathlon teams. The material discovered by the cleaner included vials and ampoules, various phosphate and sodium salts, vitamins and amino acids and transfusion equipment, including 3 blood bags (with blood residue), a blood transfusion device, multiple infusion sets (with blood in the IV lines), butterfly needles, syringes and used needles.
22. After an investigation, the IOC found that Mr MAYER had committed an anti-doping rule violation, and declared him “ineligible to participate in all Olympic Games up to and including the Olympic Games held in 2010”. A similar decision was reached in relation to Volker MÜLLER, who was accredited as a chiropractor with the Austrian Olympic team, but who Mr MAYER had identified as the person who had taught him to perform so-called UV blood transfusions.
23. The IOC also sanctioned the Austrian athletes, Marc MAYER and Achim WALCHER, who were the recipients of the prohibited methods used by Mr MAYER.
24. In addition, the team doctor, Dr Peter BAUMGARTL, was issued with a strong warning due to his lack of supervision and control, which was found to have facilitated the anti-doping rule violations.
25. The IOC also issued a strong warning to the ÖOC for its lack of vigilance and supervision which was also found to have facilitated the anti-doping rule violations committed by the athletes and support staff.
26. The ÖOC did not appeal the IOC’s decision.
27. The above-mentioned individuals, however, all appealed to the Court of Arbitration for Sport (CAS). The appeals were all dismissed by CAS with the exception of Mr MÜLLER’s, whose appeal was partially upheld.
28. During the CAS hearing, Mr MAYER acknowledged that he had performed UV blood transfusions on two Austrian cross-country skiers during the Olympic Games. While that in itself was found to be an anti-doping rule violation, the CAS Panel noted that the materials seized “were everything necessary to accomplish classic blood doping”.
29. In relation to Dr BAUMGARTL, the CAS Panel noted with clear alarm that the team doctor had failed to even attempt to supervise the paramedical personnel:

Dr Baumgartl was in charge of supervising the team of doctors present at the Games but the athletes preferred treatment from chiropractors like Mr Müller, other paramedical personnel and coaches like Mr Mayer who had no formal medical training whatsoever. This anomalous situation was compounded by the apparent fact that according to both Dr. Baumgartl and Mr Müller “no one” supervised the chiropractors and other paramedical personnel!

and

It is ironic that Dr Baumgartl went to Midway chalet on two or three occasions for dinner, apparently unaware of all the non-medically-supervised injections and infusions that were taking place in the house.

30. The CAS Panel concluded that passivity in the face of suspicious activity was intolerable:

The Panel does not find it acceptable that Dr Baumgartl as the chief medical official of the Austrian Team would be content to remain blissfully ignorant or turn a blind eye toward the paramedical or non-medical treatment of Austrian cross-country skiers.

31. The CAS Panel also noted that Mr MÜLLER appeared to be reluctant to accept any kind of supervision by medical staff.

32. Finally, while the ÖOC did not appeal the strong warning issued to it by the IOC, the CAS Panel concluded:

... the Austrian Olympic Committee is partly to blame for the dysfunctional organization of the Austrian medical program at the Games.

33. Notwithstanding the disturbing events of 2002 that so alarmed a CAS Panel and led to the ÖOC and its officers being admonished in unambiguous terms, the same practices have been found to have taken place at the Torino Olympic Games in 2006, but with an even greater volume of prohibited material being discovered and even more people being directly implicated.

IV. THE MATERIALS DISCOVERED BY THE ITALIAN POLICE IN THE ACCOMMODATION OF THE AUSTRIAN ATHLETES AND SUPPORT STAFF AT THE TORINO OLYMPIC GAMES

34. According to the reports by the Italian authorities, the relevant material discovered in the accommodation of Austrian athletes and support staff is summarised in the tables below:

| LOCATION: PRAGELATO VIA DEL PLAN 5 | |
|---|---|
| No. FOUND | DESCRIPTION OF RELEVANT SUBSTANCES/METHODS |
| 1 | Saline |
| 79 | Devices for haemoglobin testing |
| 1 | Haemoglobinometer |
| 5 | Used single-use syringes with traces of blood |
| 18 | Unopened packs of syringes |
| 6 | Unopened infusion device packs |
| 1 | Pack of epicranial needles |
| 1 | Sterile packed microperfuser |
| 11 | Unopened single-use needle packs |
| 1 | Intravenous drip containing transparent liquid |
| 1 | Box labelled Anabol Loges containing black pills |

| LOCATION: SAN SICARIO VIA BORGO VECCHIO 1 | |
|--|--|
| No. FOUND | DESCRIPTION OF RELEVANT SUBSTANCES/METHODS |
| 5 | Bottles containing high concentrations of albumin to which hCG had been added |
| 1 | Haemoglobinometer |
| | Boxes of butterfly valves for intravenous infusion |
| | Several unused needles for intravenous infusion |
| 2 | 500 ML sealed bottles labelled in German |
| 6 | Empty phials of Matricell |
| 2 | Blood bags, equipped with two infusion sets, needle covers and vials, carefully hidden in opaque plastic bottles |
| 5 | Application sets (used and unused) |
| 7 | Injection needles |
| 3 | Used and unused syringes |
| 1 | Piece of toilet paper containing several used syringe needles |
| 1 | Apple juice carton containing used syringes and phial |
| 3 | 500 ML bottles of saline |
| 1 | Bottle labelled "Neoton Agflebo", containing small amount of liquid (probably creatine) |
| 1 | Box of Neoton containing an empty bottle of Neoton Creatine |

| LOCATION: PRAGELATO VIA BANCHETTA | |
|--|--|
| No. FOUND | DESCRIPTION OF RELEVANT SUBSTANCES/METHODS |
| ITEMS FOUND IN A PLASTIC BAG LOCATED IN A BEDROOM ON THE GROUND FLOOR | |
| 1 | Bag for collecting, storing and transfusing blood containing traces of blood |
| 1 | Small bottle containing human albumin added with hCG |
| 3 | Containers for renal infusion equipment |
| 4 | Phial for infusions – brand name Kochsoltz Braun 0.9% (3 empty and 1 containing liquid) |
| 1 | Needle with tubes and 1 intravenous drip testing device |
| 2 | Glass phials containing liquid – brand name “Hatriumchlorod” 0.9% with cannulas and needles with blood |
| 2 | Corks for needles with case and 4 empty cased and 4 needles with case |
| 1 | Butterfly needle with probable traces of blood |
| 5 | Handkerchiefs with probable traces of blood |
| 1 | Glass container |
| 1 | Glass container with plastic top and metal bands |
| 1 | Plastic packet with a white substance |
| 12 | Pieces of plastic with a red substance and plastic top |
| 1 | Plastic container with red top labelled “Hemocure” |
| ITEMS FOUND IN THE RUBBISH BIN AT THE ENTRANCE OF THE APARTMENT | |
| 3 | Bags for collecting, storing and transfusing blood, containing liquid |
| 7 | A complete kit for testing the ABO blood group |
| 5 | Sterile needles |
| 10 | Sterile intravenous drip cannulas |
| 3 | Small corks with needle |
| 5 | 10 ml syringes with no needles |
| 1 | Plastic syringe |
| 1 | Yellow plastic bag containing two pieces of paper handkerchiefs probably stained with blood |
| 1 | Needle cork |
| 2 | Plastic containers for syringes needles |
| ITEM FOUND IN THE TROUSERS WORN BY THE TRAINER MARKUS KURSCHNER | |
| 1 | Syringe needle |

35. In addition to the reports from the Italian authorities, the athletes ROTTMANN and EDER have acknowledged that the police seized various medical equipment and substances from their accommodation, and Messrs PINTER, ROTTMANN, DIETHART and TAUBER have confirmed that many of the items reported by the police as having been seized were in fact in their possession, including a haemoglobinometer, syringes, butterfly valves, needles and saline.

36. Furthermore, the following conduct during and after the searches suggests that those involved were aware that they were committing anti-doping rule violations:
- Mr ROTTMANN threw items out of his window during the police search;
 - Mr PERNER attempted to retrieve items taken during the police search;
 - Messrs ROTTMANN and PERNER hurried back to Austria after the police search and announced their respective retirements 3 days later;
 - Mr MAYER fled back to Austria and crashed his vehicle into a police road block established near the Austrian border;
 - the trainer Emil HOCH departed for Austria the morning after the police search; and
 - Dr BAUMGARTL prematurely departed Torino after the police discovered the prohibited methods and substances.
37. Pursuant to the recommendations made by the IOC DC, the IOC Executive Board has disqualified and declared ineligible for all future Olympic Games the following athletes:
- Roland DIETHART (cross-country);
 - Johannes EDER (cross-country);
 - Jurgen PINTER (cross-country);
 - Martin TAUBER (cross-country);
 - Wolfgang PERNER (biathlon); and
 - Wolfgang ROTTMANN (biathlon).
38. Each of these individuals were found by the IOC to have possessed materials for the carrying out of blood transfusions and the artificial manipulation of blood haemoglobin levels in violation of Article 2.6.1 of the IOC Anti-Doping Rules (categories M1(a) and M2(b) of Article 2.6.3 of the IOC Anti-Doping Rules). In addition, Messrs PERNER and ROTTMANN were found to have possessed the prohibited substances hCG and albumin in violation of Article 2.6.1 of the IOC Anti-Doping Rules (categories S2(3) and S5 of Article 2.6.3). Mr EDER was also found to have given himself an infusion of saline in violation of Article 2.2 of the IOC Anti-Doping Rules.
39. The above-named athletes were all found to have collaborated with fellow athletes and support staff in violation of Article 2.8 of the IOC Anti-Doping Rules. The volume and nature of the material discovered, as well as the openness of the accommodation, was, among other things, found by the IOC

DC to evidence significant collusion within the Austrian team, involving not only athletes, but also coaches, trainers, management and medical personnel.

40. The IOC DC will continue its inquiries, in conjunction with the Italian authorities, in order to determine the full parameters of this collusion, including, but not limited to, determining the level of involvement of the team director, Markus GANDLER, the team doctor, Dr BAUMGARTL and Mr MAYER. In addition, the IOC DC will continue its deliberations in relation to the case of the Liechtenstein cross-country skier, Markus HASLER, who was affiliated with the Austrian cross-country team.

41. While inquiries will continue in relation to the above named individuals, as well as others that are suspected of involvement, the evidence that is currently before the IOC DC is sufficient to allow it to determine the responsibility of the ÖOC.

V. THE RESPONSIBILITY OF THE NATIONAL OLYMPIC COMMITTEE OF AUSTRIA

42. Pursuant to the Olympic Charter, the ÖOC is ultimately responsible for the conduct of the ASF, as well as the conduct of the athletes and support staff put forward by the ASF for accreditation at the Torino Olympic Games.

43. Despite the strong warning received by the ÖOC for its failure to supervise its athletes and support staff at the Salt Lake City Olympic Winter Games, athletes and support staff from the ASF were once again allowed to be accommodated in outposts outside the Olympic Village that were not closely supervised.

44. The results of this lack of supervision and control can be seen in the virtual laboratory of medical materials found in the possession of the athletes and support staff.

45. Six athletes have already been sanctioned by the IOC. In relation to the team's support staff, the team director, Mr GANDLER, appeared before the IOC DC on 2 May 2007. At the time of the Torino Olympic Winter Games in 2006, Mr GANDLER shared a room with the trainer Emil HOCH within which numerous materials were found that evidence the use of blood transfusions and the manipulation of haemoglobin levels. In addition, a garbage bin full of medical materials was also found at the entrance to their accommodation. The entrance was immediately adjacent to their room. A third resident of the house, the trainer Markus KURSCHNER, was found with a syringe in his pocket.

46. Notwithstanding the strong warning issued to Dr BAUMGARTL for his failure to properly supervise athletes under his care at Salt Lake City, the ÖOC allowed Dr BAUMGARTL, who was appointed as head medical doctor for the cross-country skiers, biathletes and ski jumpers, to be accommodated at Lago Laux (with the ski jumpers) despite the biathletes being accommodated a significant distance away at San Sicario and the cross-country team at Pragalato. Dr BAUMGARTL also failed to supervise Mr MÜLLER. Dr BAUMGARTL stated

before the ÖOC Investigation Commission that he was not responsible for the conduct of Mr MÜLLER:

I say the same as last time – I do not consider this to be a doctor’s activity, to my mind it is different occupation with which I have not the least in common and I was very happy that this time I did not have to be responsible for other doctors except for Dr. Hainzl and definitively not for physiotherapists, homeopaths and masseurs. But the athletes want to have them. This is simply the case.

It was precisely that kind of lack of care and supervision that was criticised by CAS following the events of 2002.

47. After identifying a lack of supervision and control as one of the fundamental problems at the Torino Olympic Games, the ÖOC Investigation Commission recommended “for future Games that independent accommodation arrangements be subject to critical checks.” In truth, the ÖOC should ensure that any athletes allowed to be accommodated outside the Olympic Village are subject to the same level of control and supervision that would be expected in the Olympic Village.
48. Further, Dr JUNGWIRTH has confirmed to the IOC DC that the President of the ASF, Mr SCHRÖCKSNADEL, did not mention the unsuccessful Doping Control conducted on Austrian cross-country skiers on the eve of the Torino Olympic Games on 29 January 2006 to the ÖOC board in his capacity as Vice-President of the ÖOC. Dr JUNGWIRTH contended that if the board had been informed about the incident it would have taken immediate action against those involved.
49. In addition to being responsible for the acts and omissions of the ASF and its athletes and support staff, the ÖOC is also ultimately responsible for Mr MAYER’s breach of the terms of the IOC decision handed down after the Salt Lake City “Blood Bag Affair”.
50. In the aftermath of the discovery by the Italian police of the materials identified above, the ÖOC established an independent Investigation Commission. The ÖOC Investigation Commission determined that Mr MAYER did not travel to the Winter Olympic Games as a tourist, but knowingly and willingly performed coaching duties there for the Austrian biathlon and cross-country team. Indeed, Mr MAYER himself has admitted that he assisted Austrian athletes at Torino. He stated the following to the ÖOC Investigation Commission:

Although I was not there in an official capacity, I have doubtlessly given the one or other piece of advice when asked. All who know me also know that I love to combine business with pleasure in such cases.

51. There are numerous other indicators of Mr MAYER'S participation in the Torino Olympic Games despite being declared ineligible by the IOC. First, Mr MAYER was allowed to visit the accommodation of the athletes, and even slept at least once at the biathletes accommodation at San Sicario.
52. Second, Mr MAYER chose the team accommodation with the sports director, Markus GANDLER, two years in advance and was allocated a room with team support staff at via Banchetta No. 34, Pragelato.
53. Third, at the beginning of the Torino Olympic Games, Mr GANDLER informed the Austrian press on 2 February 2006 that Mr MAYER would assist the biathletes at Torino.
54. Fourth, Mr MAYER was interviewed by the media at Torino as "Head Trainer for cross-country skiing/biathlon" along with the cross-country skier Martin TAUBER after the latter had completed the 15 km (classical) event. The interview was conducted at "Austria House", the official meeting point for the Austrian Olympic team. During the interview, Mr MAYER wore a pullover with the logos of ASF sponsors, thereby suggesting to the world at large that he was officially associated with the team.
55. Fifth, the Austrian biathlon team circulated a team postcard in the period before and during the Torino Olympic Games which displayed the athletes with support staff, including Mr MAYER, along with the Olympic rings.
56. Sixth, during an interview with the ÖOC Investigation Commission, Mr ROTTMANN said that the athletes were happy to see Mr MAYER in Torino because he motivated them and relaxed them.
57. Finally, the team director, Mr GANDLER, has admitted discussing selection issues with Mr MAYER during the Torino Olympic Games.
58. This conduct was in clear violation of the terms of the IOC decision rendered against Mr MAYER after Salt Lake City.
59. Ultimately, the ÖOC is to be held responsible by the IOC for this breach even if within the ÖOC, the ASF was primarily responsible.
60. Indeed, the ÖOC itself, through its Investigation Commission, has determined that the presence of Walter MAYER "was planned by the ASF or at least sanctioned by it and known to the ÖOC". This finding was evidenced by the fact that the ASF sent an accommodation list to the ÖOC on 31 January 2006 which listed Mr MAYER as being accommodated with support staff at Pragelato. Another list issued in relation to the Torino Olympic Games stated that Mr MAYER was the "coach" of the cross-country skiing and biathlon teams.

61. The ÖOC Investigation Commission noted that “the ASF as employer and/or client of Walter MAYER” could have ordered him to stay away from the Torino Olympic Games. The fact that the ASF did not even attempt to do so allowed Mr MAYER to breach the IOC’s decision.
62. Finally, it is clear that ÖOC failed to implement appropriate organisational changes in the aftermath of the Salt Lake City “Blood Bag Affair” in an effort to avoid similar violations being committed in Torino.
63. In its investigation report, the ÖOC Investigation Commission noted that the lessons to be learned after the Salt Lake City “Blood Bag Affair” were not heeded by the ÖOC:

The clear criticism from the CAS of the medical care arrangements for the 2002 Olympic team, in the area of the Nordic skiing discipline at least, appears only to have been heeded to the extent that in Turin, unlike in Salt Lake 2002, a senior doctor for the entire Olympic team was dispensed with. Medical care was instead entrusted to the individual associations.

64. In a similar vein, the ÖOC Investigation Commission concluded:

... the ÖOC had not made any improvements to its internal procedures, although the ÖOC was itself directly involved in IOC investigations into the ‘blood bag affair’ at Salt Lake 2002, the ÖOC Secretary General took part in the hearings at the IOC and the CAS and the corresponding arbitration award by the CAS expressly concerned itself with organisational shortcomings in the Austrian Olympic team.

VI. THE IOC DISCIPLINARY COMMISSION’S CONCLUSIONS IN RELATION TO THE CONDUCT OF THE ÖOC

65. Having considered the evidence before it, the IOC DC concludes that the ÖOC has breached its obligations under the Olympic Charter, the IOC Code of Ethics and applicable anti-doping regulations:
 1. through its responsibility for the conduct of the ASF, as well as for the anti-doping rule violations committed by its athletes and support staff at the Torino Olympic Games, in breach of Rules 28(2.2), 28(2.6) and 44 of the Olympic Charter, By-Law 2.2 to Rules 28 and 29 of the Olympic Charter, the IOC Code of Ethics and Article 2.8 of the IOC Anti-Doping rules;

2. by failing to prevent Mr MAYER from participating in the Torino Olympic Games in breach of the IOC's decision against Mr MAYER in violation of Rules 28(2.2), 28(2.6) and 44 of the Olympic Charter, By-Law 2.2 to Rules 28 and 29 of the Olympic Charter, the IOC Code of Ethics, Chapter II, Article 1 of the Olympic Movement Anti-Doping Code and Articles 2.8 and 14.1 of the IOC Anti-Doping Rules; and
3. by failing to implement appropriate organisational changes in an attempt to prevent a repeat of the problems experienced in 2002 in breach of Rules 28(2.2), 28(2.6) and 44 of the Olympic Charter and the IOC Code of Ethics.

VII. PERMISSIBLE SANCTIONS AGAINST AN NOC

66. The IOC Executive Board has the discretion to impose a wide range of sanctions against an NOC found to be in breach of the Olympic Charter, the IOC Code of Ethics and/or the IOC Anti-Doping Rules.
67. Pursuant to Rule 23(1.4) of the Olympic Charter the IOC Executive Board may suspend an NOC found to have acted in violation of the Olympic Charter or anti-doping regulations. The consequences of the suspension for the NOC concerned and its athletes can be determined by the IOC Executive Board.
68. Furthermore, Article 11 of the IOC Anti-Doping Rules provides that the IOC may suspend the funding provided to an NOC in the event of an anti-doping rule violation:

The IOC Executive Board has the authority to withhold some or all funding or other non financial support to NOCs and International Federations that are not in compliance with these Rules.

69. In addition, Article 11 of the IOC Anti-Doping Rules provides that :

The IOC may elect to take additional disciplinary action against NOCs or International Federations with respect to recognition and the eligibility of its officials and Athletes to participate in Olympic Games.

The Olympic Movement has suffered considerable prejudice as a result of the events that have been described above. Notwithstanding the disturbing events at the Salt Lake City Olympic Games, and the subsequent decisions handed down by the IOC against the ÖOC and members of its delegation, wide-scale anti-doping rule violations have once again been found to have been committed by members of the ÖOC at the Torino Olympic Games. While taking into account the damage done to the Olympic Movement as a result of these events on the one hand, and the fact that the ÖOC has made a contribution towards identifying those responsible for the anti-doping rule violations committed at Torino through the establishment of an independent Investigation Commission on the other, pursuant to Rules 23(1.4), 28(2.2), 28(2.6) and 44 of the Olympic Charter, By-Law 2.2 to Rules 28 and 29 of the Olympic Charter, Chapter II Article 1 of the Olympic Movement Anti-Doping Code applicable to the XIX Olympic Winter Games at Salt Lake City in 2002, Articles 2.8, 11 and 14.1 of the IOC Anti-Doping Rules applicable to the XX Olympic Winter Games in Torino in 2006, and the IOC Code of Ethics:

THE DISCIPLINARY COMMISSION OF THE
INTERNATIONAL OLYMPIC COMMITTEE
RECOMMENDS TO THE EXECUTIVE BOARD

- I. To suspend the National Olympic Committee of Austria from receiving or applying for any grants or subsidies, whether direct or indirect, from the IOC in the amount of one million United States Dollars (US\$ 1,000,000.-).
- II. The National Olympic Committee of Austria be ordered to finalise its investigations into this matter and its internal organisation and to demonstrate to the IOC Executive Board no later than 30 June 2008 the results of its investigation and the organisational changes that have been implemented.
- III. The National Olympic Committee of Austria be ordered to ensure that the terms of all related decisions are fully implemented, particularly in relation to the non-eligibility of certain persons for future Olympic Games.
- IV. The file be referred to the Fédération Internationale de Ski and the International Biathlon Union so that they may consider whether any action ought to be taken within their competence against the Austrian Ski Federation.

Lausanne, 21 May 2007.

The IOC Disciplinary Commission

Thomas BACH
Chairman

Denis OSWALD

Sergey BUBKA

**INTERNATIONAL OLYMPIC COMMITTEE
EXECUTIVE BOARD
DECISION
REGARDING THE NATIONAL OLYMPIC COMMITTEE OF AUSTRIA
ÖSTERREICHISCHES OLYMPISCHES COMITÉ-ÖOC)**

UPON CONSIDERING the attached recommendations of the IOC Disciplinary Commission dated 21 May 2007, pursuant to Rules 23(1.4), 28(2.2), 28(2.6) and 44 of the Olympic Charter, By-Law 2.2 to Rules 28 and 29 of the Olympic Charter, Chapter II Article 1 of the Olympic Movement Anti-Doping Code applicable to the XIX Olympic Winter Games at Salt Lake City in 2002, Articles 2.8, 11 and 14.1 of the IOC Anti-Doping Rules applicable to the XX Olympic Winter Games in Torino in 2006, and the IOC Code of Ethics:

**THE EXECUTIVE BOARD OF THE
INTERNATIONAL OLYMPIC COMMITTEE
DECIDES**

- I. The National Olympic Committee of Austria is suspended from receiving or applying for any grants or subsidies, whether direct or indirect, from the IOC in the amount of one million United States Dollars (US\$ 1,000,000.-).
- II. The National Olympic Committee of Austria is ordered to finalise its investigations into this matter and its internal organisation and to demonstrate to the IOC Executive Board no later than 30 June 2008 the results of its investigation and the organisational changes that have been implemented.
- III. The National Olympic Committee of Austria is ordered to ensure that the terms of all related decisions are fully implemented, particularly in relation to the non-eligibility of certain persons for future Olympic Games.
- IV. The file is referred to the Fédération Internationale de Ski and the International Biathlon Union so that they may consider whether any action ought to be taken within their competence against the Austrian Ski Federation.

Lausanne, 23 May 2007.

On behalf of the IOC Executive Board

Dr Jacques ROGGE
President

Urs LACOTTE
Director General