

# Independent Commission

## Terms of Reference

*The Independent Commission (IC) is created by decision of the World Anti-Doping Agency (WADA) President following allegations of doping aired between 3<sup>rd</sup> and 8<sup>th</sup> December 2014 by the German television channel ARD.*

### **Purpose**

The IC has been established to conduct an independent investigation into doping practices; corrupt practices around sample collection and results management; and, other ineffective administration of anti-doping processes that implicate Russia, the International Association of Athletics Federations (IAAF), athletes, coaches, trainers, doctors and other members of athletes' entourages; as well as, the accredited laboratory based in Moscow and the Russian Anti-Doping Agency (RUSADA). To achieve this task the IC will review evidence gathered by WADA and will request the collection of further evidence as it deems appropriate. In principle, the IC is also able to obtain information on its own initiative, including interviews with persons of interest. This however will be the exception and will be coordinated with WADA to avoid duplication.

### **Objectives/Key Activities**

To establish whether:

- a. There have been any breaches of processes or rules (Code and International Standards) by any signatory to the Code. This includes RUSADA and IAAF, but not exclusively as there may be other National Anti-Doping Organizations (NADOs) or International Federations (IFs) also requiring such inquiry.
- b. There has been any breach of the International Standard for Laboratories (ISL) by any accredited laboratory, including the laboratory in Moscow.
- c. There have been any breaches of anti-doping rules by athletes, coaches, trainers, doctors and other members of any athlete entourage. This includes officials within and outside any organization who might have been complicit in such breaches.
- d. There is sufficient evidence that might lead to sanction processes pursued under the World Anti-Doping Code against any individual or any organization.

### **Reporting Structure**

The IC will provide to the WADA President a report identifying the elements mentioned herein and recommendations for follow up actions. The report will be published in full by WADA. Should this publication not be done within 30 days of the receipt of the report by WADA, the IC is entitled to publish the report itself.

### **Chairperson and Membership**

The IC is to be composed of three members, Mr. Richard W. Pound, QC (Chair), Professor Richard H. McLaren and Mr. Günter Younger.

The term begins on the date of appointment (i.e. 11<sup>th</sup> December 2014) and will be considered complete when the report is provided to the WADA President, by 31<sup>st</sup> December 2015 at the latest, unless the WADA President deems it appropriate to extend the mandate.

Remuneration of the IC will be dealt with in separate agreements.

### **Organization**

The IC is free to organize itself as it sees fit, keeping in mind the practical realities of the available budget and the time limits applicable to the investigation.

The evidence/information and other data are to be gathered by WADA operating through its Chief Investigative Officer (CIO) and those from whom he may seek assistance (e.g. potential collaboration from NADO investigators and others) or engage for the purpose. The CIO is to report directly to the IC and to the WADA Director General and WADA COO.

Günter Younger, who has an investigation background, will liaise appropriately with WADA's CIO and report directly to the commission.

The IC will initially review all the evidence that is made available to it, including the transcript of interviews. At a subsequent stage, the IC may decide if it needs to be present at certain interviews. The IC shall be able to rely on any type of information it deems appropriate.

WADA undertakes to provide all relevant information in its possession to the IC. WADA will use its best efforts to assist the IC to obtain the cooperation of IFs and NADOs where appropriate.

Security measures to preserve the confidentiality of this inquiry will be put into place by the CIO and implemented by the IC.

The IC will act independently with assistance from WADA.

### **Working Norms**

The IC will normally operate on the basis of consensus and maintain as informal a manner as is possible or appropriate for the conduct of the IC's business. Any minutes of the IC and other correspondence between members are proprietary to the IC and are not to be communicated to WADA in any form.

Decisions from the IC will require unanimity.

All IC members will be bound by the Conflict of Interest policy adopted by the WADA Executive Committee in May 2011, and in this light, are required to complete and sign a Statement of Independence and Interest in accordance with such policy.

### **Confidentiality**

All IC members are required to sign a confidentiality agreement upon appointment.

### **Communications and Media**

All IC members must read and agree to comply with WADA's Media Relations policy. Any statement to the media from the IC will be made by the Chair of the IC.

### **Funding Support**

WADA shall provide the necessary administration and operational resources for the IC and its operations.

### **Meetings**

The IC will meet in person, or via teleconference, as required. Minutes of all meetings will be drafted and circulated to the IC and retained by them.