

INTERNATIONAL OLYMPIC COMMITTEE
IOC DISCIPLINARY COMMISSION
RECOMMENDATIONS
REGARDING MR WOLFGANG ROTTMANN
BORN ON 15 MAY 1973, ATHLETE, AUSTRIA, BIATHLON

1. Pursuant to the terms of the “Entry Form – Eligibility Conditions” pertaining to the XX Olympic Winter Games in Torino in 2006 (the “Torino Olympic Games”), Mr Wolfgang ROTTMANN agreed to abide by the Olympic Charter and the IOC Anti-Doping Rules applicable to the Torino Olympic Games (the “IOC Anti-Doping Rules”).
2. In February 2006, Mr ROTTMANN competed in the Men’s 10 km Sprint in which he placed 27th and the Men’s 12.5 km Pursuit in which he placed 21st.
3. The Italian police searched the premises in which Mr ROTTMANN resided, namely San Sicario, on the night of 18 February 2006 pursuant to a search and confiscation warrant.
4. The Italian police found a number of items within the accommodation of the Austrian cross-country and biathlon teams, including numerous syringes (some used), blood bags (some used), butterfly valves for intravenous fusion, injection needles, bottles of saline and devices for measuring a person’s haemoglobin levels as well as a device for determining the blood group of a blood sample.
5. Subsequently, the Torino Prosecutor’s Office analysed the materials seized by the police. The resulting report noted that many of the materials indicated the use of blood transfusions by members of the Austrian cross-country and biathlon teams, which is a prohibited method in accordance with the IOC Anti-Doping Rules, and the use of prohibited substances such as hCG and albumin.
6. Specifically, in relation to Mr ROTTMANN, the Italian police found the following materials in his room as well as in a plastic bag that the Italian police saw him throw out of his window:
 - 1 small case containing “Biotest” equipment;
 - Various boxes of butterfly valves for intravenous infusion;
 - Several unused needles for intravenous infusion;
 - 1 Medical specialty “Nasivin”;
 - 2 plastic bottles probably containing saline solution;
 - 1 x 100g partially full bottle labelled in German, called “Spirozink”;
 - 1x100g bottle called “Spirogram”;

- 2 x 500ml sealed bottles labelled in German;
 - Plastic bottle containing unidentified plastic material;
 - 1 x 100g used bottle, labelled “Isozid H”;
 - 1 cardboard box labelled “Matricell” containing 8 used and one full phials;
 - 1 article containing 5 empty phials of Matricell found in the rubbish bin; and
 - 3 used paper tissues found in the rubbish bin and stained with traces of red.
7. Furthermore, the Torino Prosecutor’s Office noted that the “Biotest” equipment seized from Mr ROTTMANN was in fact a haemoglobinmeter for measuring an athlete’s haemoglobin. The Torino Prosecutor’s Office also determined that some of the bottles seized from Mr ROTTMANN contained hCG and albumin.
 8. The Austrian Olympic Committee (“AOC”) subsequently established an Inquiry Commission to investigate the conduct of the Austrian cross-country and biathlon teams at the Torino Olympic Games. Among other things, the AOC Inquiry Commission found that “medicines and medical equipment were lying around in the accommodation and obviously being used by the athletes without supervision . . .”.
 9. In relation to Mr ROTTMANN, the AOC Inquiry Commission noted the materials referred to above were reported as having been found by the police, that he was reported to have thrown a plastic bag containing various items out of his window during the search, his “hurried” departure back to Austria immediately after the search and his announced retirement three days later.
 10. Furthermore, during the course of the investigation conducted by the AOC, Mr ROTTMANN acknowledged that a haemoglobinmeter was in the house he occupied (and which the police reported as having been found in his room). He further acknowledged that Walter MAYER, who had been excluded from the Torino Olympic Games as a result of the “blood bag” affair at the Salt Lake City Games in 2002, slept within the San Sicario residence at least once. Mr ROTTMANN also acknowledged his close relationship with Mr MAYER.
 11. The Austrian Ski Federation (“ASF”) Disciplinary Board also conducted an investigation into the conduct of the Austrian cross-country and biathlon teams at the Torino Olympic Games.
 12. In these circumstances, the IOC informed Mr ROTTMANN by letter dated 1 March 2007 that the IOC was establishing a Disciplinary Commission, comprising Dr Thomas BACH (Chairman), Mr Denis OSWALD (member) and Mr Sergey BUBKA (member), to investigate the appropriateness of sanctions in connection with the seizure of evidence from his accommodation which appeared to demonstrate the possession, administration and use of prohibited

substances and prohibited methods, or complicity in violations of the IOC Anti-Doping Rules.

13. Mr ROTTMANN was informed that the Disciplinary Commission would conduct a hearing on 4-5 April 2007 at the IOC headquarters in Lausanne, Switzerland.
14. Mr ROTTMANN was also informed that he was suspected of having committed the following violations:
 - a. possession of Prohibited Methods pursuant to Articles 2.6.3-M1 and 2.6.3-M2 of the IOC Anti-Doping Rules;
 - b. possession of Prohibited Substances pursuant to Article 2.6.3-S2 of the IOC Anti-Doping Rules; and
 - c. 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.
15. Mr ROTTMANN was given a choice as to whether to attend the Disciplinary Commission hearing in person or to submit a defence in writing.
16. Ultimately, Mr ROTTMANN chose the latter. He submitted a response dated 19 March 2007 in which he maintained his innocence and noted that during his career he has never tested positive in an anti-doping test. He also stated that he would not attend the hearing due to work and education commitments.
17. By letter dated 28 March 2007, the IOC reminded Mr ROTTMANN that his attendance at the hearing would give him an opportunity to provide any explanations he might have in relation to the seized materials.
18. The Disciplinary Commission convened on 4-5 April 2007. In addition to the members of the Commission, the following were also present:
 - Francois CARRARD, Senior Legal Advisor (in part)
 - Mark MANGAN, Legal Advisor
 - Howard STUPP, IOC Legal Director
 - Christian THILL, IOC Legal Department
 - Patrick SCHAMASCH, IOC Medical Director
19. While Mr ROTTMANN declined the opportunity to attend the hearing, the cross-country athlete Markus HASLER of Liechtenstein appeared before the Disciplinary Commission on 5 April 2007 and gave evidence on the events surrounding the seizure of materials by the Italian police, particularly in relation to the Austrian cross country ski team.

20. Having considered the evidence before it, the Disciplinary Commission concludes that Mr ROTTMAN has violated the IOC Anti-Doping Rules by possessing prohibited methods and substances. In particular, it is apparent that he 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). Furthermore, Mr ROTTMANN possessed hCG and albumin in violation of the IOC Anti-Doping Rules (categories S2(3) and S5 of Article 2.6.3 of the IOC Anti-Doping Rules). In reaching this conclusion, the Disciplinary Commission notes the following evidence against Mr ROTTMANN:
- the Italian police's seizure of a multitude of prohibited substances and methods, as listed above, from his room and from the bag he threw out of his window;
 - the determination that some of the bottles seized from Mr ROTTMANN contained hCG and albumin;
 - Mr ROTTMANN's "hurried" departure to Austria by car following the search conducted by the Italian police and his announced retirement three days later, both of which suggest his acceptance of him having been caught committing anti-doping rule violations; and
 - Mr ROTTMANN's own admission to the AOC that Walter MAYER slept in the athlete's accommodation during the Torino Olympic Games at least once and visited several times.
21. In addition to the charge of possession, which has been addressed above, it is also necessary to consider the charge of complicity in the violations of others. The Disciplinary Commission notes that the Italian police found a large amount of prohibited substances and methods throughout the Austrian cross-country and biathlon team accommodation, including that of the athletes and their coaches and trainers. There is no reason to doubt the findings of the Italian police and the existence of this material has been acknowledged by the AOC Inquiry Commission. Indeed, several of the athletes, including Mr ROTTMAN and Mr EDER, have acknowledged in interviews before the ASF or the AOC Inquiry Commission that the police seized various medical equipment and substances from their accommodation. Moreover, many of the athletes, namely Mr PINTER, Mr DIETHART and Mr TAUBER, have, through their counsel, confirmed in writing in these proceedings that many of the items reported by the police as having been seized were in fact in their clients' possession, including a haemoglobinmeter, syringes, butterfly valves, needles and saline. The team doctor, for his part, asserted that he was not aware that the athletes possessed such a vast array of medical equipment. Moreover, despite this equipment normally being administrable by a doctor for medical reasons, neither the team doctor nor any other doctor was accommodated with the athletes.
22. Furthermore, the seized material was found in shared houses that were contiguous so that the occupants are extremely likely to have been aware of the existence of the practices of their fellow athletes in their respective houses. Indeed, video footage of the houses has confirmed that the housing plans were

relatively open with shared dining and kitchen facilities, as well as small bedrooms that were sparsely furnished.

23. The Torino Prosecutor's report noted that a number of the materials that were seized were prepared in a professional manner. They also noted that the seized materials evidenced collaborative know-how capable not only of collecting blood but also of freezing it in accordance with the most modern techniques available. Further, the fact that a device was found that allowed one's blood group to be determined suggests that multiple athletes were infusing blood that had originated from multiple sources. In addition, a number of the athletes have admitted to using a haemoglobinmeter for regular checking of their haemoglobin levels. Furthermore, much of the same medical equipment was found in the possession of multiple athletes competing in two different sports and residing in various locations.
24. The Disciplinary Commission notes that Mr ROTTMAN could not have been unaware of the very serious and highly publicized incident following which certain members of the Austrian cross-country ski team, and in particular Walter MAYER, all having organized their sojourn in a very similar manner, were found to have been engaged in the use of prohibited methods at the Salt Lake City Olympic Games in 2002. The Disciplinary Commission further recalls that this incident resulted in sanctions against members of the Austrian Cross Country ski team.
25. In these circumstances, the Disciplinary Commission concludes that Mr ROTTMANN's violations of the IOC Anti-Doping Rules were facilitated and supported by significant collusive collaboration, the full parameters of which will be explored by the Disciplinary Commission in due course. At this juncture, it is sufficient to note that Mr ROTTMANN's involvement in this collaboration was itself a violation of the IOC Anti-Doping Rules in that he necessarily assisted, encouraged, aided and abetted, and covered up IOC Anti-Doping Rule violations committed by his fellow athletes in the Austrian biathlon ski team.
26. While Mr ROTTMANN's possession of prohibited substances and methods warrants being sanctioned in its own right, it is Mr ROTTMANN's collaboration with his fellow athletes and support staff that is particularly disturbing. Moreover, the Disciplinary Commission finds Mr ROTTMANN's conduct to constitute aggravating circumstances and therefore worthy of significant sanctions given that the doping violations committed by members of the Austrian cross-country ski team during the Salt Lake City Olympic Games in 2002 should have been taken as a clear warning that the IOC would not tolerate such behaviour.
27. The Disciplinary Commission unanimously concludes that Mr ROTTMANN has violated Articles 2.6.1 and 2.8 of the IOC Anti-Doping Rules in that he possessed, used and aided/abetted other athletes to use or possess, prohibited substances/methods.

CONSIDERING the above, pursuant to the Olympic Charter and, in particular, Rule 23.2.1 thereof, and pursuant to the IOC Anti-Doping Rules applicable to the XX

Olympic Winter Games in Torino in 2006 and, in particular, Articles 2.6.1, 2.6.3 and 2.8 thereof:

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

- I. The athlete Mr Wolfgang ROTTMANN, Austrian, Biathlon, Men's 10 km Sprint and Men's 12.5 km Pursuit:
 - i. be disqualified from the Men's 10 km Sprint, in which he placed 27th;
 - ii. be disqualified from the Men's 12.5 km Pursuit, in which he placed 21st; and
 - iii. be permanently ineligible for all future Olympic Games in any capacity.
- II. The International Biathlon Union be requested to modify the results of the above-mentioned events accordingly.
- III. The file be referred to the International Biathlon Union to consider any further action within its own competence.

Beijing, 24 April 2007.

The IOC Disciplinary Commission

Thomas BACH
Chairman

Denis OSWALD

Sergey BUBKA