

INTERIM REPORT NO.10 OF THE EXTERNAL REVIEW COMMISSION

Operational matters

1. Given the IBU's adoption of new rules at the IBU Extraordinary Congress on 19 October 2019, and (in particular) the establishment of the Biathlon Integrity Unit (BIU) tasked with handling all integrity-related matters on the IBU's behalf, it has been necessary to amend the Commission's terms of reference. The amendments were proposed by the Chair of the Commission and agreed by the IBU President and Chair of the BIU Board in January 2020, subject to ratification by the IBU Executive Board. A redline showing the amendments accompanies this report, but the main changes are as follows:
 - a. Paragraph 1.1 regarding the composition of the Commission has been updated to reflect that, as of 20 January 2020, Dr Tanja Haug replaced her law partner, Dr Anja Martin, as a member of the Commission due to personal commitments. However, Dr Martin will continue to assist the Commission.
 - b. Paragraph 1.1.4 regarding the mandate of the Commission has been updated to reflect that the Commission will advise the BIU Board regarding cases to answer, as the BIU is now the body responsible for all integrity matters, and for bringing integrity-related cases on behalf of the IBU.
 - c. Minor updates have been made to reflect the adoption of new IBU rules (including updating rule reference numbers, and adding to paragraph 2.2.3 a statement that '[r]eferences to particular provisions encompass any successor provisions subsequently adopted, in the same or amended form, by the IBU').
 - d. Paragraph 3.2 has been amended to reflect that the Commission may give support and advice to the BIU.
 - e. Paragraphs 3.4, 4.2 and 4.3 have been updated to reflect the Commission's new reporting lines, given the establishment of the BIU. In particular, the Chair of the BIU Board will be the Commission's first point of contact with the BIU; the Commission will provide periodic progress reports to both the Chair of the BIU Board and the IBU President; the Commission will provide progress reports to the BIU Board, IBU Executive Board, and IBU Congress; and the Commission will provide a copy of its final report to the BIU Board (with a copy to the IBU Executive Board).
 - f. Further to previous agreement with the IBU Executive Board, the following was added to paragraph 4.1: 'If the Chair is asked to make a public statement that will attract severe negative comment to the IBU, he will provide as much advance notice as possible to the IBU Communications Director'.
2. Since the establishment of the BIU, the Commission has briefed the BIU Board on the Commission's investigation to date, and on potential anti-doping cases that the Commission has identified.

Substantive update

3. Since I last reported to the IBU Executive Board on 24 November 2019:

Cooperation with criminal authorities

- a. The Commission continues to liaise and cooperate with the Austrian criminal authorities in relation to their investigation into the former IBU President and Secretary General.
- b. It is our understanding that the Austrian criminal authorities are still discussing with the Norwegian criminal authorities the transfer of the case relating to Mr Besseberg to Norway, including the possible setting up of a joint investigation team to facilitate the sharing of information between them.
- c. The Commission also continues to closely monitor 'Operation Aderlass' (the investigation by the German and Austrian criminal authorities into allegations of blood doping involving athletes from five sports, including cross country skiing and biathlon), and to engage in dialogue with the criminal authorities and national anti-doping agencies involved in that operation.

Investigation of allegations of past wrongdoing

- d. The Commission continues to work through the significant information and data gathered to date, including emails and other documents from the IBU's server, materials available from the criminal investigation file, materials provided by WADA, and evidence from witness interviews.
- e. The Commission has liaised closely with WADA in relation to the consideration of particular potential anti-doping cases.
- f. The Commission has conducted a number of further important witness interviews, including with a number of former RBU officials, and is in the process of arranging further witness interviews.

Liaising with IBU athletes

4. With the assistance of Clare Egan, the Commission (represented by Vincent Defrasne and Lauren Pagé) hosted an Athlete Q&A session in Ostersund on 2 December 2019. The purpose of the session was to provide a broad overview of some of the major integrity-related governance reforms adopted by the IBU at the Extraordinary Congress on 19 October 2019, to provide an update on the Commission's investigation, and to allow athletes an opportunity to ask questions. Dr Franz Steinle (IBU Executive Board member and BIU Board member) attended the first part of the session to introduce the new BIU and explain his role. The Commission hopes that it can continue to have an open dialogue with athletes, and encourages any athletes who have questions or information to share to speak with the Commission.

If the IBU Executive Board has any questions, I would be happy to join the meeting by phone to answer them.

Jonathan Taylor QC
Chair, IBU External Review Commission
11 February 2020