

PRESS RELEASE

CROSS COUNTRY SKIING – DOPING  
OLYMPIC WINTER GAMES 2002

THE APPEALS FILED BY JOHANN MUEHLEGG DISMISSED  
BY THE COURT OF ARBITRATION FOR SPORT (CAS)

*Lausanne, 24 January 2003* – The Court of Arbitration for Sport (CAS) has dismissed the appeals filed by the Spanish cross-country skier Johann Muehlegg against the decisions of the IOC Executive Board and the FIS Council, which were made as a result of a positive doping test with the prohibited substance darbepoetin (substance also referred to as "Aranesp"). The CAS confirmed the IOC decision to disqualify Muehlegg from the men's 50 km cross-country skiing event of the XIX Olympic Winter Games in Salt Lake City, to withdraw his gold medal and to order his exclusion from the Winter Games 2002. The CAS also confirmed the two-year suspension imposed by FIS on the athlete. In accordance with the decision issued by the FIS Council on 3 June 2002, Johann Muehlegg is suspended from 21 February 2002 until 20 February 2004.

On 21 February 2002, during the Olympic Winter Games, Johann Muehlegg underwent an out-of-competition doping control, the results of which were known in the evening of 23 February 2002, namely after the 50 km skiing race won by Muehlegg. The analyses conducted by the IOC Accredited Laboratory in Salt Lake City revealed the presence of darbepoetin. On the basis of the reports of the IOC Enquiry Commission and of the IOC Disciplinary Commission, the IOC Executive Board came to the conclusion that Muehlegg committed a doping offence and sanctioned him.

On 3 June 2002, the FIS Council decided to suspend Johann Muehlegg for two years from 21 February 2002.

Muehlegg appealed against the decisions made by the IOC and FIS before the Court of Arbitration for Sport. These appeals were submitted to a Panel composed of three CAS arbitrators: Prof. Richard McLaren, Barrister in London/Canada (President), Mr. Jean-Pierre Morand, attorney at law in Geneva/Switzerland and Mr. Dirk-Reiner Martens, attorney at law in Munich/Germany. A hearing was held in Lausanne on 9 and 10 December 2002 in the presence of the athlete's legal advisors and of those of IOC and FIS. CAS announced its final decision to the parties earlier today.

In their decisions, the three arbitrators consider that:

- Darbepoetin (Aranesp) is a substance analogue and mimetic of recombinant EPO (r-EPO) and is therefore a prohibited substance;
- The direct urine test is valid for the detection of darbepoetin (Aranesp) as it is valid for the detection of r-EPO;
- The presence of darbepoetin (Aranesp) in the human body can be established with certainty by the urine test, considering that darbepoetin cannot be produced naturally; accordingly, there is no risk of confusion between darbepoetin (Aranesp) and natural EPO;
- The EPO test method used by the Salt Lake City Laboratory is in accordance with the prevailing standards of the scientific community and the particular urine test performed on Muehlegg's sample was properly conducted by the laboratory.

Regarding the reliability of the test for darbepoetin, the arbitrators reached the same conclusion as in the Lazutina and Danilova decisions issued by CAS a few weeks ago. The reliability of the urine test for the detection of EPO in general has been also confirmed in other previous CAS decisions (cases Meier, Hamburger and Del Olmo).

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