

World Rowing – Detailed explanations to answer Kjetil Borch’s comments

Updated 5 November 2021

World Rowing has read the posts of Monday, 1 November 2021 by Norwegian rower Kjetil Borch on his personal Instagram account in which various issues are addressed. Due to the nature of the posts and allegations which affected World Rowing, the World Rowing Executive Committee believes it is important to publish certain facts. While every athlete has the right to express their opinions, the Executive Committee believe it is its duty to communicate factually about the information relating to the situations described.

Anti-Doping programme of the Tokyo 2020 Olympic Games

The first issue relates to the anti-doping programme of the Tokyo 2020 Olympic Games and the testing during the COVID-19 pandemic situation. The International Olympic Committee (IOC) has delegated its Olympic anti-doping programme to an independent organisation, the International Testing Agency (ITA), who was also managing the anti-doping programme for Tokyo 2020.

Mr. Borch states he was surprised that his anti-doping test following his final in Tokyo was only urine. The test distribution plan of the ITA for the Olympic Games in Tokyo relied on an extensive risk assessment and other factors, such as anti-doping intelligence, performance or Athlete Biological Passport (ABP) data – the vast majority of the tests performed in Tokyo were targeted. These factors also determined the type of sample(s) that needed to be collected during each individual doping control. In fact, the ITA also collected in-competition blood samples from rowing athletes during the Games when strategically appropriate. For the record, the Olympic Champion in the M1x Stefanos Ntouskos was tested for blood and urine following his Olympic final and was negative.

Mr. Borch also comments about testing during the early part of the COVID-19 pandemic period. World Rowing recognises that during this period, and as reported by WADA and the ITA, testing was a challenge across all sports. All anti-doping testing operations were affected when travel was not possible across borders. In May 2020, WADA published initial guidance for Anti-Doping organisations relating to testing during the pandemic. This was subsequently updated in November 2020 and titled “[Guidance for Testing During COVID-19 Pandemic](#)”.

The situation was not the same during the six -month lead-up phase to the Games. The out-of-competition testing numbers returned to pre-pandemic levels which enabled the worldwide implementation of the pre-Games testing recommendations that the ITA Tokyo 2020 Pre-Games Expert Group had issued to over 80%. This constitutes the most extensive pre-Games anti-doping programme ever implemented for an edition of the Olympic Games.

Russian Rowing Federation Men’s Quadruple Sculls

In relation to the Russian Rowing Federation Men’s Quadruple Sculls (M4x), Mr. Borch makes a number of comments about the Russian Anti-Doping Agency (RUSADA) / WADA sanction situation from the McLaren Report of 2016 which required the Russian team and its athletes to have met a number of criteria as established by the Court of Arbitration for Sport in December 2020, and which impacted the participation requirements of the Russian Olympic team and the Russian Olympic Rowing Team.

He also comments on the Russian Quadruple Sculls that had qualified at the Final Olympic Qualification Regatta and then was tested out-of-competition by RUSADA in June and, later, on 8 July, after which the Russian Olympic Committee announced that two of the rowers had tested positive for the prohibited substance Meldonium. According to the entry deadline of the International Olympic Committee, the Russian Olympic Committee had the right to enter different rowers for the Games as long as any rower that qualified the boat, competed in, at least, the quadruple at the Games.

<https://worldrowing.com/2021/07/08/two-anti-doping-positives-from-russian-mens-quadruple-sculls/>

Later, the Russian Olympic Committee withdrew the Russian quadruple sculls from the Tokyo Games and, at that point, the Olympic Qualification System called for the next placing quadruple sculls from the Final Qualification Regatta to have the right to enter which was Lithuania. As soon as the Russian Olympic Committee withdrew the quadruple sculls, the IOC and World Rowing contacted the Lithuanian Olympic Committee immediately to offer them the slot. This was all carried out according to the process and timing of the published and IOC approved qualification process.

<https://worldrowing.com/2021/07/18/withdrawal-of-russian-mens-quadruple-sculls-from-tokyo-olympic-games/>

Mr. Borch refers to the fact that the positive results of the RUSADA out-of-competition testing had been reported in media before there had been a hearing of the RUSADA doping hearing panel and a sanction applied. World Rowing had no first-hand information about the validity of these claims in the media and, in any case, World Rowing would not comment about a possible anti-doping case until the decision of a hearing panel is final and the rights of all parties are fully respected. WR is committed to the fight against doping and accordingly to following all aspects of the World Anti-Doping Code. Remaining compliant with the Code is also critical for the sport to remain an Olympic sport.

Violation of the Commercial Publicity, Sponsorship, Advertising and Identifications Rules

The next subject raised by Mr. Borch is the violation of the Commercial Publicity, Sponsorship, Advertising and Identifications Rules, specifically with regard to a sanction he received after the World Cup race in Sabaudia. Within the World Rowing Rules of Racing, Rule 38 and the Bye-Laws to Rule 38 detail the advertising opportunities for a rower and a member federation. World Rowing specifically offers visible sponsorship identification opportunities in the advertising rules for rowers with the permission of their member federation. The advertising rules are established by proper governance protocols, are clearly defined, and are applied to:

Rowers and rowers' clothing and accessories with rowers when they are on the water during the hours of racing of the regatta (being all times that the traffic rules for racing are in effect), and on or near the victory pontoon or stage while victory ceremonies are in progress.

The general principles of this Bye-Law also state that: *If any member of a crew participating in a victory ceremony does not comply with Rule 50 (new Rule 38) or its Bye-Laws the crew may be relegated to last place in that particular race, excluded from the event concerned or otherwise penalised. Medals already awarded to a crew which has been relegated or excluded may be withdrawn and awarded to the next placed crew in that event.*

Prior to being sanctioned after the event in Sabaudia, Mr. Borch had violated these rules on three previous occasions at World Rowing events from 2018 to Zagreb (2018 European Championships, 2018 World Championships and 2021 World Rowing Cup 1 in Zagreb). Mr. Borch was informed and notified twice in writing and once verbally on a Zoom meeting with the World Rowing Athletes Commission Chair and the Executive Director. The Executive Committee twice gave him the chance to explain his actions and, based on his explanations, decided that a warning was the appropriate sanction in those cases but with a warning that further violations would result in penalties, no longer warnings. Following the violation in Sabaudia at the World Rowing Cup, the Executive Committee believed it was its duty to apply the rules equally and, as multiple previous incidents and warnings had been given, applied the relegation sanction to Mr. Borch.

As a further consideration to Mr. Borch, the Executive Committee expressly did not apply this penalty to Mr. Borch's seeding position for Tokyo and considered his sport result to seed him in first position. In addition, although the sanction was enforced prior to the Tokyo Olympic Games, upon request and to avoid possible distractions before Tokyo, the Executive Committee exceptionally agreed to hold off publishing notice of the sanction until after the Games. Executive Committee recognises that, in future, notices of a sanction decision must be published immediately to avoid any misunderstandings or misinformation.

The World Rowing Member Federations decide on the Rules of Racing and assign and expect World Rowing to carry out the application of the rules at world-level events. The World Rowing Executive Committee believes that it is its duty to apply the Rules of Racing, agreed by the member federations, equally to all participants of World Rowing events. This responsibility is taken seriously by all officials at World Rowing events.

Anti-Doping experience at 2021 World Rowing Cup I, Zagreb, Croatia

Mr. Borch also details his anti-doping experience at 2021 World Rowing Cup 1 in Zagreb. As announced at the end of 2020 and in order to create full independence in the operation of its anti-doping programme and testing, like many other international sport federations, all World Rowing anti-doping activities have been assigned to the International Testing Agency (ITA). As well, all anti-doping hearings and decisions are now assigned to the Court of Arbitration for Sport, Anti-Doping Division. As a result of these changes, World Rowing has no operational role in anti-doping testing at events and did not have in Zagreb.

In the case of World Rowing Cup I in Zagreb, the Croatian Anti-Doping Agency was given the responsibility to carry out in competition testing and their local staff and volunteers performed the testing operations. The Croatian Anti-Doping Agency has the following comments:

"We have received yesterday information from Mr. Oliver Opheim (TV2 Sporten Norway) on the accusation given by Kjetil Borch related to the World Rowing Cup organised in Zagreb from April 30th until May 1st 2021. In the 'Doping Control Officer Report Form' we have notification signed by our DCO stating that Mr. Kjetil Borch was uncooperative, refusing to report to the doping station upon notification, but after the intervention of the DCOs he eventually appeared there before 60 minutes after the notification (notified at 16:10, reported to the doping control station at 17:07). After our internal check-up we did not identify any misconduct of either chaperons or DCOs who have acted professionally and upon supervision by the organiser. I would

like to add that Mr. Kjetil Borch did not leave any comments that would describe improper conduct of doping control staff or the organiser. Roman Latinovic, M.D., Head of Anti-Doping Division Croatian Institute of Public Health“

Updated (5Nov21)¹ Mr. Borch states that he was threatened with being a no show (i.e., the same as a positive test) if he did not report to the Anti-Doping control station for in-competition testing within 60 minutes after notification. In fact, he should have reported immediately to the Anti-Doping station, according to the standards, “report immediately for Sample collection, unless there are valid reasons for a delay, as determined in accordance with Article 5.4.4. As he wanted more time for his post-race routine, he needed to ask and receive specific permission from the doping control officer (DCO). It seems he only communicated with the volunteer chaperone, not the DCO, which could be the cause of this conflict in understanding. This is a matter between the athlete and the NADO.

Athletes are indeed required to report to the doping control station within 60 minutes after their notification in out-of-competition testing, not in-competition. For in-competition testing, an athlete must “report immediately” to the doping control station. If an athlete needs additional time, they need the DCO’s permission to delay their arrival at the doping control station. The DCO/Chaperone may grant such permission if the athlete can be continuously chaperoned and kept under continuous observation during the delay (point 5.4.4.)

Article 5.4.1 e) iv) of the ISTI, the athlete is required to “*report immediately for Sample collection, unless there are valid reasons for a delay, as determined in accordance with Article 5.4.4.*”

Art. 5.4.4. reads as follows:

“The DCO/Chaperone may at their discretion consider any reasonable third party request or any request by the Athlete for permission to delay reporting to the Doping Control Station following acknowledgment and acceptance of notification, and/or to leave the Doping Control Station temporarily after arrival. The DCO/Chaperone may grant such permission if the Athlete can be continuously chaperoned and kept under continuous observation during the delay. Delayed reporting to or temporary departure from the Doping Control Station may be permitted for the following activities:

- a) *For In-Competition Testing:*
 - i. *Participation in a presentation ceremony;*
 - ii. *Fulfilment of media commitments;*
 - iii. *Competing in further Competitions;*
 - iv. *Performing a warm down;*
 - v. *Obtaining necessary medical treatment;*
 - vi. *Locating a representative and/or interpreter;*
 - vii. *Obtaining photo identification; or*
 - viii. *Any other reasonable circumstances, as determined by the DCO, taking into account any instructions of the Testing Authority.*

¹ Updated 5 November 2021: Upon receipt of an email response from Mr. Borch on 4 November 2021, World Rowing acknowledges that the initial statement released which stated that “*Mr. Borch also claims that there is a 60-minute deadline for reporting to the Anti-Doping control station for in-competition testing after notification*” was not correct, and has subsequently updated this paragraph.

WADA International Standard for Testing and Investigations (https://www.wada-ama.org/sites/default/files/resources/files/international_standard_isti_-_2021.pdf)

World Rowing did request an apology from Mr. Borch related to this testing for the following reason. He published a photo on social media of an OC member Dr. Marko Kusurin MD, a cardiac surgeon and former rower, carrying out his role as required by testing protocol. The post seemed to suggest Dr. Kusurin was not allowing Kjetil to “catch up with rowers at the boat-park after the final” as mentioned in Mr. Borch’s post. In addition to his suggestion regarding the actions of Dr. Kusurin, Mr. Borch did not ask permission to take his photo and to use it for this social media post. To protect the personal rights of Dr. Kusurin, World Rowing asked Mr Borch to remove the photo and to apologise. It should also be mentioned that the sport and its events are 99 percent operated by volunteers, mainly former rowers, who give of their private time to the sport and hope to have good contact with today’s rowers and a pleasant volunteer experience.

World Rowing, including the Athletes Commission, always attempt to first discuss and address any issues directly and collaboratively with athletes and World Rowing membership, as was done in this case with Mr. Borch and the Norwegian Rowing Federation. It is regrettable that Mr. Borch decided to elevate these issues using social media to present his side of the story but without revealing the full situation. It is for this reason World Rowing has found it necessary to publish the above.

World Rowing Council, Commission and Staff members are always available for questions, feedback and engagement from rowers and member federations directly.

In response to the initial statement published on 4 November 2021, World Rowing received the following response from Mr. Borch, and in the interest of transparency, has asked and received his permission to publish it:

1. I have never said there's an 60min deadline, quite the opposite actually. As you also can see on your email to me below in this email. The test personnel claimed there was an 60min deadline, and they said, and I quote "If you do not come to the office withing 60 min, it will be the same as a positive doping test". I asked to see what paragraph they refered to, but refused and repeated themselves.

2. Croatian anti-doping claim that they have never recieved any proof or report of the conflict between the personnel and me. Again, please see the email you sent me, which is below, and I stated the following in Norwegian in the comment-field, also signed by their anti doping personnel

"The test-personnel threathened me that I would get a doping sentence if I didnt show up at the test location 60 minutes after being called in. Antidoping Norway is informed"

3. I did not mention anything about the McLaren report, I just explained that I was also frustrated about the situation, and explained that this was something FISA was outside of, "hand tied behind their backs". There's not critique towards FISA, and that we have to respect the process.

4. I asked both Damir and Stefanos if they also was only testing urine while we were waiting behind the press scene at the OG Venue, and they confirmed they

were called in to only do urine samples. Based on that, in general, and of course not pointing at the end result and lack of blood samples, I was surprised that we all were to test only urine as OG athletes in general have had a severe lack of tests the previous 1.5 year. It is NOT my intention to hint to use of doping among us rowers. This has to be crystal clear.

Med vennlig hilsen

Kjetil Borch