



# **FIVB**

# **Disciplinary Panel**

# **Decision**

In the matter of  
**Mr. Alexander Markin**  
(Russia)

**28 April 2016**

## **THE FIVB DISCIPLINARY PANEL**

Constituted in accordance with Article 8.1.2  
of the FIVB Medical and Anti-Doping Regulations 2016  
and composed by

<b>Ms. Margaret Ann Fleming, Chair</b>	(Scotland) Disciplinary Panel Vice-Chair
<b>Mr. Mounir Ben Slimane</b>	(Tunisia) Disciplinary Panel Member
<b>Prof. Dr. Roald Bahr</b>	(Norway) Medical Commission Member

heard the case identified as n. 3798590:

### **FACTUAL BACKGROUND**

1. On 8 February 2016, the FIVB was notified by the WADA-accredited Laboratory in Dresden, Germany regarding an Adverse Analytical Finding for the A-sample 3798590, which contained the prohibited substance S4. Hormone and Metabolic Modulators/meldonium in the amount of 300 ng/mL.
2. The above-mentioned urine sample was taken in-competition on 9 January 2016 in Berlin, Germany during the 2016 European Olympic Qualification competition ("Event") and belongs to the athlete Mr. Alexander Markin (Russia, born 28.07.2016; "Athlete").
3. After having received a copy of the doping control form from the Confédération Européenne de Volleyball ("CEV") on 10 February 2016, the FIVB contacted the Volleyball Federation of Russia ("VFR") to inform the Athlete that he was provisionally suspended with immediate effect and that he had the right to request the analysis of the B sample and to attend the opening thereof.
4. On 11 February 2016, the VFR confirmed that the FIVB's letter had been delivered to the Athlete.
5. On 15 February 2016, the Athlete responded to the letter by submitting in essence the following:

- During his time with the Russian national team, he had taken orthomol multivitamins, stimol, amino vital, magnesium, kogitum, diclofenac50 upon the recommendation of doctors and under the doctors' control;
  - He would not take any medication, especially a prohibited substance, without consulting a doctor;
  - The doctor at his club team, Dinamo Moscow, had recommended that he take one gram of Mildronat, also known as meldonium, daily on 3 December 2015, which he continued using until 13 December 2015;
  - The Athlete knew meldonium was going to be banned on 1 January 2016, and he was made aware of the washout period;
  - He could not explain why there were traces of meldonium in his system but hypothesized that it could be based on the individual characteristics of his body;
  - Testing the B Sample was unnecessary in this case; and
  - He was willing to cooperate with the FIVB; had never committed an anti-doping violation in his life and was committed to Volleyball, Fair Play, and Play Clean.
6. On the same day, the VFR sent a letter to the FIVB supporting the Athlete's position. In particular, the VFR argued:
- The Athlete took meldonium under the control of his doctor at Dinamo Moscow but had stopped taking it on 13 December 2015 because the Athlete was made aware that it was going to become a banned substance as of 1 January 2016;
  - The Athlete is disciplined and had never broken sporting or ethics rules, especially anti-doping rules, before this incident;
  - The only explanation for the existence of meldonium in his system was either due to the individual characteristics of his body or due to the lack of information regarding meldonium;
  - The VFR requested that the FIVB take into account the following circumstances:

- The Athlete took meldonium before 1 January 2016;
  - The Athlete was ready to cooperate with the FIVB and World Anti-Doping Agency (“WADA”) and could not know that his actions would lead to a violation of the World-Anti-Doping Code (“WADA Code”);
  - The Athlete participated in the match on 9 January 2016 as a reserve player and, thus, had limited impact on the result of the game;
  - The VFR requested that the FIVB approve the Athlete’s request for a hearing as soon as possible so that he could demonstrate that the adverse analytical finding was unintentional.
7. By email dated 16 February 2016, the FIVB confirmed receipt of the emails sent by the VFR and the Athlete and stated that it would provide more information regarding the hearing date as soon as possible.
8. By letter dated 23 February 2016, the FIVB:
- acknowledged receipt of the Athlete’s email and his request to waive the opening of his B sample;
  - informed the Athlete that a hearing had been fixed for 3 March 2016 to hear his case requesting that he state by 26 February 2016 whether he wished to be heard in person or via telephone conference;
  - acknowledged receipt of the Athlete’s statement explaining his position; and
  - stated that the Athlete could provide more information in writing.
9. On 26 February 2016, the Athlete responded that he wished to be heard in person with his representative.
10. On 29 February 2016, the FIVB acknowledged receipt of the Athlete’s letter confirming his desire to have a hearing in person and stated that it would get back to the Athlete with a date for the hearing once it had coordinated with the Disciplinary Panel.
11. On 7 March 2016, the FIVB informed the Athlete that an in person hearing date would be set for 19 April 2016 at the FIVB Headquarters.

12. On 31 March 2016, the Athlete submitted his Statement of Defense and informed the FIVB as to who would be attending the hearing on his behalf. In his Statement of Defense, the Athlete argued the following:

- The Athlete was diagnosed with a heart condition, “tachycardia”, in 2007 due to his rigorous training schedule and was prescribed meldonium for his condition;
- From 2007 to 2016, the Athlete had taken meldonium over several different cycles due to extreme stress as well as during the course of two eye surgeries that he had in 2011 and 2013;
- On 29 September 2015, WADA published the new Prohibited List effective 1 January 2016 but did not separately mention that meldonium had been added to the list nor did the websites of the FIVB, VFR and Dinamo Moscow;
- The Club’s schedule at the beginning of December included 6 matches and four long flights in the span of two weeks causing the Athlete to be overstressed. Thus, the team doctor for Dinamo Moscow, who was aware of the Athlete’s heart condition, prescribed meldonium but did not mention that it would become a Prohibited Substance as of 1 January 2016;
- The Athlete took meldonium from 3-13 December 2015 but was informed by the Russian national team doctor that he should stop taking meldonium immediately on 13 December 2015 because it was going to be on the 2016 Prohibited List as of 1 January 2016;
- On 14 December 2015, the Athlete contacted the Russian national team doctor because he was concerned about his use of meldonium. The Russian team doctor told him that he did not need to be concerned because meldonium would be excreted within 24 hours and, thus, would not be in his system as of 1 January 2016. Additionally, the Athlete conducted an internet search in which he found that the medication had a half-life of 6 hours but did not find out any information on the washout period;

- Subsequently, meldonium went onto the Prohibited List on 1 January 2016 and the Athlete tested positively on 9 January 2016 for a “*relatively low*” quantity;
- On 24 March 2016, the Athlete sent a letter to WADA and Grindex, the company that manufactures Mildronat, requesting information regarding the time it takes for meldonium to leave a person’s system based on dosage and period of ingestion but did not receive a response;
- Regarding the Athlete’s anti-doping rule violation, the Athlete recognised his personal duty to ensure that no prohibited substance entered his body and stated that the presence of meldonium in his sample, although in a low quantity, constituted a violation of the WADA Code;
- Regarding the period of his ineligibility, the Athlete asserted that he did not take substance with the intent to enhance his sporting performance. He was prescribed the substance from time to time for his heart condition before the substance was added to the Prohibited List and, once he was made aware that the substance was going to be added in the Prohibited List, he discontinued using the substance. Additionally, the substance does not and, even if it did have a performance-enhancing effect, could not have had an effect on his sporting performance due to the fact that he had discontinued using the substance approximately one month before the Event. Consequently, his violation must be viewed as unintentional and, thus, he could only be sanctioned for a maximum of two years;
- Regarding an additional reduction of his period of ineligibility, the Athlete argued that his period of ineligibility should further be reduced based on the fact that the Athlete bore No Significant Fault or Negligence. In particular, he stated that 1) he immediately informed the FIVB about how meldonium entered his system; 2) meldonium was allowed when the Athlete took the substance and there was not sufficient information about how long it stayed in an Athlete’s body, especially given the fact that the information from the manufacturer was that meldonium had a half-life of 3-6 hours; 3) the Athlete

had a medical condition requiring him to take meldonium; 4) the Athlete was not aware that meldonium was going to be prohibited until 13 December 2015; 5) the Athlete demonstrated the appropriate level of caution; 6) the Athlete did not have the intent to nor could the substance influence the Athlete's sporting performance and 7) the Athlete does not have the capacity to cheat based on his personality. For the above reasons, the Athlete requested that the Panel find that he bore No Significant Fault or Negligence and issue a period of ineligibility of one year;

- Regarding the start date of the period of ineligibility, the Athlete noted that in a case in which an athlete immediately admits an anti-doping rule violation when he has been confronted, the start date may be as early as the sample collection date. In the present case, the Athlete admitted that he had taken meldonium in his submission waiving the analysis of his B Sample. Additionally, the VFR suspended the Athlete from all competitions on 12 February 2016. Therefore, the Athlete requested that the period of ineligibility should start as of the date of the sample collection;
- Additionally, the Athlete included 22 exhibits with his Statement of Defense.

13. On 11 April 2016, the Athlete sent a letter to the FIVB requesting a one month postponement of the hearing date in order to allow the Athlete to collect more evidence for his defence.

14. Later that day, the VFR sent a letter to the FIVB requesting a one month postponement of the hearing date in order to allow the Athlete to collect more evidence for his defence.

15. On 12 April 2016, the FIVB sent a letter to the Athlete, with copy to the VFR, stating that it had decided to postpone the hearing as requested. The FIVB also stated that a new hearing date would be fixed shortly and requested that any information obtained related to the proceedings should not be disclosed to the public because the proceedings were confidential.

16. On 13 April 2016, WADA released a notice regarding meldonium ("WADA Notice"). In that notice, WADA provided WADA stakeholders, including international sports

federations, with guidance as to how to handle the Results Management of meldonium cases in light of the numerous positive tests throughout the sports world.

17. On the same day, the FIVB provided the Athlete with the WADA Notice and requested that the Athlete provide his position as to how the WADA Notice may impact his case by no later than 18 April 2016.

18. On 15 April 2016, the Athlete provided his position regarding the WADA Notice. In his position, the Athlete stated that:

- Limited information existed as to how long meldonium stays in a person's system; however, several studies were being conducted at the moment;
- Based on the preliminary information provided by WADA, meldonium could stay in a person's system at a level below 1 µg/mL down to several hundred ng/mL can persist for a number of weeks and in the low tens ng/mL for a few months;
- The general rule is that the mere presence of meldonium in the Athlete's sample after 1 January 2016 is an anti-doping rule violation; however, in exceptional circumstances, a disciplinary panel can find that the Athlete had No Fault or Negligence, and decided that there should be no Period of Ineligibility;
- Given the dearth of scientific information on excretion times, WADA had determined that in meldonium cases there are such circumstances that could warrant a finding of No Fault or Negligence because the athlete involved could not have known or suspected that meldonium would be present in his body on 1 January 2016;
- In particular, the WADA Notice stated that in cases in which the concentration of meldonium was below 1 µg/mL and the test was taken before 1 March 2016 then the positive test is compatible with an intake of meldonium before January 2016 and, thus, a finding of No Fault or Negligence could be issued;
- In the present case, the Athlete admitted to taking meldonium from 3-13 December 2015. He was tested on 9 January 2016 and the analysis of his substance showed a concentration of 300 ng/mL, i.e. a concentration below 1



µg/mL. Therefore, the Athlete requested that the Disciplinary Panel find that the Athlete had No Fault or Negligence in the present case and issue a decision applying no period of ineligibility.

#### **LEGAL CONSIDERATIONS**

19. According to the WADA 2016 Prohibited List, the substance meldonium is included in the category “S4. Hormone and Metabolic Modulators” and is prohibited in- and out-of-competition. Therefore, the analysis of the sample in this case resulted in an Adverse Analytical Finding.
20. According to Article 2.1 of the FIVB Medical & Anti-Doping Regulations 2016 (“FIVB MADR”), the presence of a prohibited substance in an athlete’s bodily specimen constitutes an anti-doping rule violation, sanctioned as per Article 10 of the FIVB MADR.
21. The above-mentioned sample (Nr. 3798590) belongs to the Athlete.
22. No Therapeutic Use Exemption exists in this case, as per Article 4.4 of the FIVB MADR.
23. The Athlete has admitted that an anti-doping rule violation has occurred. However, he seeks to have the Period of Ineligibility eliminated because he contends that the Panel should find that he has established that he bears No Fault or Negligence in the present case in light of the guidance provided by WADA in the WADA Notice.
24. Based on the Athlete’s admission and the analysis of the Athlete’s A Sample, the FIVB finds that the Athlete committed an anti-doping rule violation under Article 2.1 of the FIVB MADR because the prohibited substance, meldonium, was present in the Athlete’s Sample on 9 January 2016. Given this determination, the Panel must now determine what, if any, the period of ineligibility should be for the Athlete based on his anti-doping rule violation.
25. According to Article 4.2.2 of the FIVB MADR, all prohibited substances are deemed specified substances except substances in the classes of anabolic agents and hormones and those stimulants and hormone antagonists and modulators so identified on the Prohibited List. Category “S4. Hormone and Metabolic Modulators” falls into the categories of the abovementioned exception and, consequently, the

prohibited substance in the case at hand (meldonium) is considered a Non-Specified Substance.

26. The FIVB Disciplinary Panel notes that the period of ineligibility for a violation of Article 2.1 FIVB MADR concerning a Non-Specified Substance shall be as follows:

- four (4) years when the anti-doping rule violation does not involve Specified Substance, unless the Athlete can establish that the anti-doping rule violation was not intentional (Article 10.2.1.1 FIVB MADR);
- two (2) years if the Athlete can establish that the anti-doping violation was not intentional (Article 10.2.2 FIVB MADR).

27. However, the period of ineligibility can be eliminated if the Athlete can establish that he or she bears No Fault or Negligence pursuant to Article 10.4 FIVB MADR.

28. For purposes of the FIVB MADR, “No Fault or Negligence” is defined as follows:

*“The Athlete or other Person’s establishing that he or she did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he or she had Used or been administered the Prohibited Substance or Prohibited Method or otherwise violated an anti-doping rule. Except in the case of a minor, for any violation of Article 2.1, the Athlete must also establish how the Prohibited Substance entered his or her system.”* (Appendix 1 of the FIVB MADR, definition of No Fault or Negligence)

29. As noted in the Athlete’s submission, the Athlete is one of more than a hundred athletes in all sports to test positive for meldonium. This stems from the fact that meldonium became a banned substance on 1 January 2016. The 2016 Prohibited List, which included meldonium, was made public on 29 September 2015. However, recent data regarding long-term excretion of meldonium suggest that the presence of the substance can persist in small amounts of several hundred ng/mL for a number of weeks and in the low tens ng/mL for as long as a few months.

30. In light of the above situation, WADA issued the WADA Notice, which provided guidance to Anti-Doping Organisations like the FIVB as to how to handle the Results Management of meldonium cases. In particular, the WADA Notice stated the following in relevant part regarding the Results Management for meldonium cases:

*“The mere presence of meldonium in an athlete’s sample collected on or after 1 January 2016 constitutes an anti-doping rule violation under article 2.1 of the Code, which triggers the results management process.*

*As meldonium is a non-specified substance, provisional suspensions shall be imposed in accordance with Article 7.9.1 of the Code.*

[...]

*In the case of meldonium, there is currently a lack of clear scientific information on excretion times. For this reason, a hearing panel might justifiably find (unless there is specific evidence to the contrary) that an athlete has established on the balance of probabilities that he or she ingested meldonium before 1 January 2016 could not reasonably have known or suspected that the meldonium would still be present in his or her body on or after 1 January 2016. In these circumstances, WADA considers that there may be grounds for no fault or negligence on the part of the athlete.*

[...]

*Taking into account the above-mentioned situation with regard to excretion studies and the assessment of fault under the Code, WADA recommends the following with respect to results management:*

1) *Results management shall proceed:*

- a. *If the athlete admits having taken meldonium on or after 1 January 2016.*
- b. *If there is other evidence that the substance was taken after 1 January 2016.*
- c. *If the concentration is above 15 µg/mL, representing a recent intake of meldonium.*
- d. *If the concentration is between 1 µg/mL and 15 µg/mL and the doping control was undertaken on or after 1 March 2016.*

[...]

3) Cases where the concentration is below 1 µg/mL and the test was taken before 1 March 2016 are compatible with an intake prior to January 2016. If the anti-doping organization finds that the athlete could not reasonably have known or suspected that the substance would still be present in his/her body on or after 1 January 2016, then a finding of no fault or negligence can be made.” (emphasis added)

31. Thus, WADA has, in essence, provided the Panel with two important criteria, the date of the doping control and the concentration found in the analysis, to examine in these cases in order to determine whether or not meldonium was ingested before 1 January 2016. WADA has determined that if the concentration is below 1 µg/mL and the doping control was conducted before 1 March 2016 then these figures are compatible with an intake before 1 January 2016.

32. In light of the above guidance from WADA, the Panel will now apply that guidance to the facts of the present case. The FIVB notes that the Athlete contends that he stopped taking meldonium on 13 December 2015, i.e. before the substance was on the Prohibited List. However, he argues that the substance was still in his system when he was tested on 9 January 2016 due to the long-term urinary excretion period of the substance.

33. The facts of the present case are compatible with consumption before 1 January 2016 based on the guidance provided by WADA. The test was conducted on 9 January 2016, a mere nine days into the prohibition of meldonium. Additionally, the results of the Athlete’s Test Report reveal that he was substantially below the threshold provided by WADA:

*“The amount of meldonium found in this sample was relatively low (estimated concentration 300 ng/mL).”*

34. For purposes of clarity, 300 ng/mL is equal to 0.3 µg/mL. Therefore, under the criteria provided in the WADA Notice, the evidence supports that the Athlete consumed meldonium before 1 January 2016. Having thoroughly reviewed the file, the Panel also finds that there is no other evidence suggesting that the Athlete had consumed meldonium after 1 January 2016. The Panel finds that the Athlete was very forthright

and specific when describing his intake of meldonium. He stated that he had consumed meldonium, 1 gram per day for 10 days, after consulting with his club doctor due to an extremely demanding playing and travel schedule. Furthermore, he stopped taking meldonium after the Russian national team doctor informed him that it would be added to the Prohibited List on 1 January 2016. The Panel finds on a balance of probabilities that the evidence supports the Athlete's account of the circumstances of this case.

35. Additionally, the Panel must consider whether there is any evidence that would demonstrate that the Athlete could have known or suspected that meldonium would have still been in his system on 1 January 2016. The Athlete stopped consuming meldonium on 13 December 2015, i.e. the day that he found out that meldonium was going to be on the 2016 Prohibited List and nineteen days before meldonium became prohibited. Upon being provided with this information, the Athlete talked to the Russian national team doctor, who informed him that the substance would be out of his system fully within 24 hours. The witness statement of the Russian national team doctor, Mr. Gurgen Arutyunov, confirms this information. The Athlete also talked to his team doctor at Dinamo Moscow, who also confirmed in his witness statement that he told the Athlete that the substance would be out of his system by 1 January 2016. The Athlete also conducted Internet research after he found out that meldonium was going to be added to the Prohibited List. He found the official leaflet for Mildronat, also known as meldonium, which stated that the terminal half-life for the substance was less than six hours. The Panel finds that the Athlete thoroughly researched the substance in an effort to find out how long it stayed in his system by consulting a doctor and conducting an internet search and all of the information that he gathered stated that the substance would not be in his system as of 1 January 2016.

36. Moreover, it is clear from the WADA Notice that the scientific information about the urinary excretion period of meldonium is currently limited. Indeed, several studies are being conducted by WADA-accredited laboratories to determine the exact excretion period. Given that the Panel cannot currently be completely sure about the exact excretion period until these studies are concluded, the Panel finds that it would

have been impossible for the Athlete to obtain that information on 13 December 2015. Thus, the Panel finds there is no way that the Athlete could have known or have reasonably suspected that meldonium would have remained in his system on 1 January 2016.

37. In light of the above, the Panel unanimously agrees that the Athlete has sufficiently demonstrated that he bears No Fault or Negligence in the present case. Therefore, it finds that any period of ineligibility must be eliminated based on this finding and, consequently, the provisional suspension against the Athlete must also be lifted. Additionally, pursuant to Article 10.7.3 FIVB MADR, the Panel also finds that the Athlete's anti-doping rule violation shall not be considered as a prior violation in the event of future violations by the Athlete.

38. The Panel would also like to note that based on the medical expertise and on file and available to the Panel through its member from the Medical Commission, which is unanimously endorsed by the Panel, the concentration of meldonium found in the Athlete's sample would not have any kind of performance-enhancing effect because it was very low. The fact that the substance was still detectable needs to be distinguished from its actual effect on a person's body (and his performance), which is described by a drug's half-life. For meldonium, the half-life does not exceed a few hours or, in the longest period known to date, 1-2 days. Thus, medically-speaking, it appears as the Athlete's sporting performance was not enhanced by the presence of meldonium in his system.

39. The foregoing paragraph is relevant as it relates to the discussion on the disqualification of the Athlete's results as discussed in the WADA Notice. In particular, the WADA Notice states the following about the Athlete's results:

*"However, given that the presence of meldonium in the athlete's sample collected on or after 1 January 2016 constitutes an anti-doping rule violation, the disqualification of the athlete's results shall (even where there is no fault or negligence) be dealt with in accordance with the applicable Code provisions. If the sample was collected in competition, then the results in the competition in question will be automatically disqualified in accordance with Article 9 of the Code."*

40. In the present case, the Event was a qualification tournament and no individual results or prizes were awarded.

41. Regarding the Russian national team, the Panel notes that the relevant provisions governing the consequences of the Athlete's anti-doping rule violation on the Russian national team are found in Articles 11.1 and 11.3 FIVB MADR. Article 11.1 FIVB MADR provides, in relevant part, the following:

*"Where one member of a volleyball team has been notified of an anti-doping rule violation under Article 7 during an Event Period, the ruling body for the Event...b) may decide that the team shall be subject to Disqualification from the Event or other disciplinary action..."*

*Factors to be included in considering whether to impose any sanction on a volleyball team under this Article might include, for example, the seriousness of the Athlete's anti-doping rule violation, whether the Athlete tested negative in other games of the same Event, the extent to which the team's result(s) in the game and/or Event in which the anti-doping rule violation occurred were likely to have been affected by the Athlete's anti-doping rule violation etc."* (emphasis added)

42. The Panel notes that the language provides that the Panel "may" decide to disqualify a team. An anti-doping rule violation from one player does not automatically require the player's team to be disqualified. Rather, Article 11.1 FIVB MADR provides the Panel with the discretion to make said determination based on the circumstances of the case. In this particular case, the Panel notes that only one player from the Russian national team has tested positive for a banned substance but said player was also found to have bore No Fault or Negligence. Thus, an additional provision of the FIVB MADR is relevant in the present case.

43. Article 11.3 of the FIVB MADR provides the following:

*"If the Athlete establishes that he or she bears No Fault or Negligence for the violation, the Athlete's team shall not be Disqualified from the Event, unless the team's results in the Event in which the anti-doping rule violation occurred were likely to have been affected by the Athlete's anti-doping rule violation."* (emphasis added)

44. Based on the language of this provision, the Russian national team can only be disqualified if it is proven that the team's results were affected by the anti-doping rule violation. Read in conjunction with Article 11.1 FIVB MADR, the following two provisions mean that a team can only be disqualified if the anti-doping rule violation affected the team's result, and the Panel would still have the discretion to decide whether or not to disqualify the team.
45. As described above in para. 38, based on the medical evidence before it, the Panel finds that the presence of meldonium could not have affected the team's results in the Event because the concentration found in the Athlete's sample was too low to have a performance effect on the Athlete. Therefore, under Article 11.3 FIVB MADR, the Russian national team cannot be disqualified.
46. Even if the Panel found that the anti-doping rule violation affected the team's results (*quod non*), the Panel would still then have the discretion in determining whether to disqualify the Russian national team based on the factors provided in Article 11.1 FIVB MADR. In looking at those factors, on balance, the Panel finds that the factors would also favour a non-disqualification of the Russian national team. The Panel notes that the anti-doping rule violation stemmed from taking meldonium before it was prohibited. This coupled with the Panel's finding of No Fault or Negligence demonstrates that the seriousness of the offense is relatively low. The Athlete's performance in the semifinals of the Event, i.e. the match after he was tested, was marginal, i.e. he participated in only one set registering 2 receptions, 1 attacking fault and 0 points. The only potential argument that could be made was based on the Athlete's performance in the Final of the Event. However, the Panel finds that there is no evidence that the Athlete's performance in the Final was bolstered by the presence of meldonium in his system. Even if one assumed that the substance were still present in his body during the Final, as the potency of the drug wore off over time, it would have an even smaller probability of affecting his performance. Therefore, when considering the factors in Article 11.1 FIVB MADR, the Panel is convinced that the athlete's (and team's) performance was not enhanced by the presence of such low quantities and, therefore, the Russian team shall not be



disqualified. Thus, the Panel finds that the results obtained by the Russian national team during the Event are upheld.

**Taking all the above into consideration**

**THE FIVB DISCIPLINARY PANEL**

**Concludes and Decides**

1. The athlete Mr. Alexander MARKIN (Russia) has committed an anti-doping rule violation (presence of the prohibited substance “S4. Hormone and Metabolic Modulators (Meldonium))” according to Article 2.1 of the FIVB MADR.
2. No period of ineligibility shall be imposed on the athlete Mr. Alexander MARKIN due to the determination that he had No Fault or Negligence pursuant to Article 10.4 FIVB MADR.
3. The Russian national team’s results from the 2016 European Olympic Qualification competition stand.
4. This decision may be appealed in accordance with the attached Notice of Appeals.

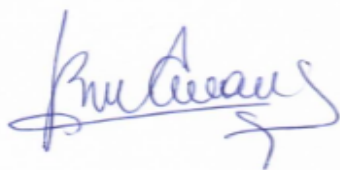
Decided in Lausanne, on 28 April 2016

**For the FIVB DISCIPLINARY PANEL**



Ms. Margaret Ann Fleming

Chair



Mr. Mounir Ben Slimane

FIVB Disciplinary Panel Member



Prof. Dr. Roald Bahr

FIVB Medical Commission Member

## **NOTICE OF APPEALS**

**(doping cases)**

An appeal may be filed against this decision exclusively before the Court of Arbitration for Sport (CAS), in accordance with Article 13 of the FIVB Medical and Anti-Doping Regulations 2015 (FIVB MADR) and with the provisions of the Code of Sports-Related Arbitration (see [www.tas-cas.org](http://www.tas-cas.org)).

The time-limit to file an appeal to CAS shall be twenty-one (21) days from the date of receipt of this decision by the appealing party.

In accordance with Article 14.7 of the FIVB MADR: “Notice to an Athlete or other Person who is a member of a National Federation may be accomplished by delivery of the notice to the National Federation.”

In the event of an appeal, this decision shall remain in effect while under appeal unless the CAS orders otherwise.

The address and contact details of the CAS are the following:

Court of Arbitration for Sport  
Avenue de Beaumont 2  
1012 Lausanne, Switzerland  
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