

Decision of the National Anti-Doping Disciplinary Panel.

Case Ref: NADDP 04/2016

Anti-Doping Commission (Malta)

-vs-

**MARIO AZZOPARDI (Athlete member of the
Ghaqda Regatta Nazzjoni u Qdif lehor with
Maltese Identity Card No 480149M)**

The National Anti-Doping Disciplinary Panel (hereinafter referred to as the 'Panel') consisting of Dr. Maria Azzopardi as Chairperson, and Dr. Aaron Formosa and Dr. Abigail Sciberras as members.

Before the commencement of this proceeding, Dr. Aaron Formosa M.D. and Dr. Abigail Sciberras declared to the Chairperson that they are not subject to any circumstance or conflict that could negatively affect their impartiality in the case under review. The same declaration was made by the Chairperson to the 'Panel'.

1. Preliminaries

Considered the Request by the National Anti-Doping Commission (Ref. No. ITSTMARAZZ-15) of the 9th October, 2015 to the Chairperson of the Panel to schedule a sitting for the hearing of a case concerning the alleged breach by Mario Azzopardi of the Anti-doping Regulations (Legal Notice 17 of 2015, Sports Act, Chapter 455, Laws of Malta).

Took note and reviewed the following documents that were forwarded to the Panel at the initial stage by the Coordinator of the Anti-Doping Programme, namely:

- (i) The request to the Panel to schedule a hearing dated 9th October, 2015 (16c);
- (ii) The letter by NADO to the National Association/Federation of the alleged breach by Mario Azzopardi dated 5th October, 2015 (Doc 13b);
- (iii) Letter of Notification by NADO to Mario Azzopardi of a possible violation of the Anti-Doping Rules dated 5th October, 2015 (Doc 11a);
- (iv) A copy of the Doping Control Officer Report Form and documents relating to the participation of Mario Azzopardi in the Regatta filed by NADO following the doping test on the 8th of September, 2015 (Doc 1 to Doc 6);
- (v) A copy of the Analysis Report dated 5th October, 2015 (Doc 8);
- (vi) A copy of the Report of Adverse Analytical Finding (Doc 9);

Took note of the Notice issued by the Panel to Mario Azzopardi to appear before the Panel on the 11th February, 2016 at 11am and answer to the accusation based on Article 3(2)(a) and (b) of L.N 17 of 2015 of the Laws of Malta:

- " (2) *The following constitute anti-doping rule violations:*
- (a) *the presence of a prohibited substance or its metabolites or markers in an athlete's sample:*
 - (b) *the use or attempted use by an athlete of a prohibited substance or a prohibited method:"*

Copy of the Notice of hearing was also forwarded to the Anti-Doping Commission, the 'Ghaqda Regatta Nazzjonali u Qdif lehor' and Malta Sports Council.

Took note of Medical Certificate which was submitted at a later date after the sitting held on the 11th of February, 2016 and which was then made available to the members of the Panel and the NADC during a sitting dated on the 4th of March, 2016. (Doc CMB1).

2. Merits:

2.1 When the case was called on the 11th of February, 2016, Mario Azzopardi appeared before the Panel assisted by Dr. Carmelo Mifsud Bonnici. During the hearing Mario Azzopardi declared that he was under medication. When the Dr. Aaron Formosa, member of the panel, examined the medication produced by the athlete it was concluded that the medication is in no way compatible with the results of the doping test. Furthermore, upon being asked by the Panel and the NADC, Mr Azzopardi confirmed that he did not inform the Commission about his condition or any medication being taken and the only declaration resulting from the Doping Control Form whereby he had declared that he has taking 'Multivitamin'. Moreover, the athlete confirmed that he did not apply for the Therapeutic Use Exemption (TUE). Dr. Mifsud Bonnici requested the Panel to produce further documentary evidence in relation to the athlete's condition. The Panel consented the athlete to provide such evidence which would then be presented to the NADC and the Panel.

2.2 During a sitting of the 4th of March, 2016 the Chairperson presented a medical certificate for the attention of the Panel members and NADC which was submitted by Dr. Carmelo Mifsud Bonnici to the Chairperson (Dok CMB1) and the case was put off for decision.

2.3 The substance recorded in the Analysis Report of the urine 'A' sample of Mario Azzopardi In-Competition, is 'Nandrolone', considered as a prohibited substance classed as Anabolic Agent under S1 according to the 2015 Prohibited List.

3. Considerations:

3.1 The Panel is convinced that the case was proved in accordance of Article 3 (2) (a) (ii) (aa) and hence there was presence of 'Nandrolone' classified as Anabolic Steroids (Class S1.1.a) under the Prohibited List 2015, in the urine sample (A Sample) of Mario Azzopardi.

3.2 The Panel took notice of the documents presented, including the medical certificate and the oral submissions of Dr. Carmelo Mifsud Bonnici claiming that the athlete was under medication due to health reasons. Dr. Christina Borg DeBono rebutted that the athlete did not declare any such medication in the Doping Control Form and more important he had no T.U.E.

3.3 After examining the medical certificate presented by the athlete, the Panel has come to the conclusion that the certificate presented by the athlete shows that the he was on testosterone but this component is not related to the substance found in the athlete's urine sample namely, Nandrolone and moreover, the athlete does not have an approved T.U.E. and hence he was not exempt.


4. Decision:

Therefore on the basis of the above considerations, the National Anti-Doping Disciplinary Panel rules that:

4.1 Mario Azzopardi has breached the Anti-Doping Regulations, 2015 [Art. 3(2)(a)] and WADA Code Art. 2.1, whereby the presence of a prohibited substance or its metabolites or markers has been found in Mario Azzopardi's urine sample A that had been collected from him on the 8th of September, 2015.

4.2 And therefore the National Anti-Doping Disciplinary Panel as provided under Art 11 (2) (a) of the Anti Doping Regulations, 2015 and Art. 10.2.1 of the WADA Code is imposing on the athlete Mario Azzopardi a suspension of ineligibility from any sports activities for a period of four (4) years commencing from the date of his provisional suspension if there was one. Otherwise the period of ineligibility is to start running from the date of this decision.


4.3 A copy of this decision is to be forwarded to the Malta Rowing Association (Ghaqda Regatta Nazzjonali u Qdif lehor).



Dr. Maria Azzopardi B.A. LL.D. LL.M (Sports Law)
Chairperson



Dr. Aaron Formosa M.D.
Member



Dr. Abigail Sciberras B.A. LL.D. LL.M (Int. Sports Law)
Member

This 24th day of March 2016

At Cospicua, Malta