



GUVERNUL ROMÂNIEI

AGENȚIA NAȚIONALĂ ANTI-DOPING

DECISION

No. 14/20.05.2010

The *Hearing Commission for athletes and their support personnel who violated the anti-doping rules*, summoned on 20.05.2010, 10:00 H, at the National Anti-Doping Agency official seat in Bucharest, 37 – 39 Basarabia Bvd., sector 2, to review the file no. 4/2010 of the athlete **Cătălin BURLACU**, registered to **Asesoft Ploiesti University Sport Club (C.S.U. Asesoft Ploiesti)**, residing in Iași, 1C Tabacului Street, bl. 255, et. 1, apt. 5, county of Iași establishes:

Following the doping control on 20.04.2010 conducted on sport discipline basketball on the occasion of the National Basketball Championship, on the match between C.S.M. Pitesti – C.S.U. Asesoft Ploiești, **which took place in Pitesti**, the sample's analytical result of the athlete **Cătălin BURLACU** with the code number **2497463A**, indicated the presence of **heptaminol**.

The substance detected in athlete's sample is included in the class S6.b of the Prohibited List, as specified substance.

The athlete was notified with regard to the meeting of the *Hearing Commission for athletes and their support personnel who violated the anti-doping rules* of 13.05.2010. The athlete did not submit to the meeting, although he had been notified legally, but Mr. Alexandru Iacobescu – president of C.S.U. Asesoft Ploiești attended the meeting and asked for a term in order to have the athlete present to the hearing. The *Hearing Commission for athletes and their support personnel who violated the anti-doping rules* granted a new term, 20.05.2010 for the athlete to show to the hearing.

On 20.05.2010 the hearing of the athlete took place where the athlete stated that as he suffered from a hemorrhoid episode, the physiokinetotherapist of the team,

Mr. Virgil Nicolae Iordache administered him the product Ginko Fort, which contained heptaminol, together with anti-inflammatories. The athlete stated he took only one pill of the product prescribed. The athlete also stated he suffered from hemorrhoids chronically.

During the session of the *Commission*, Mr. Virgil Nicolae Iordache admitted the aspects stated by the athlete, taking the responsibility of administering the product. In the same time, the representative of C.S.U. Asesoft Ploiești, Mr. Iacobescu Alexandru, as well as the president of Romanian Basketball Federation, Mrs. Carmen Tocală asserted during the hearing session that heptaminol does not enhance in any way the performance of the athlete as it may alter the precision, which is very important on the sport discipline basketball.

Following the debates, based on the reviewed proofs, it comes up that the athlete did not use the substance aiming to enhance his performance on the sport discipline he practices. In the same time, the *Hearing Commission for athletes and their support personnel who violated the anti-doping rules* takes into account that the athlete faces now his first anti-doping rules violation, while he has been doping tested many times during his career.

Pursuant to art. 46 paragraph (1) of the Law 227/2006 regarding prevention and fight against doping in sport, republished, the athlete is strictly responsible for the presence in his / her biological sample of any prohibited substance or its metabolites or markers and there's no need to establish the intention or fault to determine an anti-doping rules violation.

The *Hearing Commission for athletes and their support personnel who violated the anti-doping rules* by reviewing the documents within the file, namely the analysis bulletin no. 147/28.04.2010 of Bucharest Doping Control Laboratory and athlete's statements as of 20.05.2010 stating that the product Ginko Fort was prescribed to the athlete by the physiokineto therapist and its use did not aim to enhance the athlete's performance or to mask the use of another prohibited substance, but to treat the hemorrhoids episode, as well as the statement of Mr. Virgil Nicolae Iordache, physiokineto therapist who takes the responsibility of administering the

product, taking into consideration that the athlete did not asked for B sample analysis, pursuant to the legal provisions on national and international level:

DECIDES

The ineligibility of the athlete **Cătălin BURLACU**, registered to **Asesoft Ploiești University Sport Club** for a period of three (3) months, pursuant to the provisions of the art. 37, thesis II of the Law 227/2006 regarding the prevention and fight against doping in sport republished, taking into account the physiokineto therapist, Mr. Virgil Nicolae Iordache guilt of prescribing the product containing the prohibited substance and under any circumstances the athlete's guilt, as he proved the lack of guilt.

The ineligibility period starts on 19.05.2010.

Pursuant to the provisions of art. 43 of the mentioned law, during the ineligibility period, the athlete has the obligation to submit his whereabouts information to the Agency. Aiming to reintegrate in sport activity, during the ineligibility period, the athlete has to undergo to four no advance notice doping testing, one of them at the moment when the sport activity is started again. When the athlete firstly retires from sport activity during the ineligibility period and then he requests to be reintegrated in sport activity, he won't be reintegrated until he informs the Agency and no advance notice doping testing is performed during a period of time equal to the ineligibility period remained when he retired.

The decision of the *Hearing Commission* may be appealed in 21 days since the notification to the Appeal Commission besides National Anti-Doping Agency.

The decision shall be communicated to the athlete, **Ploiești University Sport Club**, Romanian Basketball Federation, the National Authority for Youth and Sport, Romanian Olympic and Sport Committee, International Basketball Federation and the World Anti-Doping Agency.

Romanian Basketball Federation has the obligation to apply the provisions of the current decision and to comply with the legal provisions in force pursuant to the provisions of the article 65, paragraph (1) of the Law 227/2006 republished.

**CHAIRPERSON OF THE HEARING COMMISSION FOR ATHLETES AND
THEIR SUPPORT PERSONNEL, WHO VIOLATED THE ANTI-DOPING
RULES,**

GRAZIELA ELENA VÂJIALĂ