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DECISION
NO. 1 / 27.06.2006

Appeal Commission additional to National Anti-Doping Agency, legally set up, composed of Sandulescu Mihaela – president, Posircaru Madalina, Bogdan Castu – members, assembled on 23.06.2006, reviewing the appeal of minor athlete GRAMA CLAUDIU STEFAN, establishes the followings:

As a result of out-of-competition doping control conducted by National Anti-Doping Agency representatives on 03.04.2006, before an international competition, it has been detected on the biological sample of GRAMA CLAUDIU STEFAN, registered to Astra Arad Sport Club, sport discipline – water polo, **nandrolone metabolite, 19-norandrosteron in a concentration higher than 2ng/ ml**, included on Prohibited List.

Following the hearings, Sanctions Committee additional to National Anti-Doping Agency has decided athlete's ineligibility for a 2 (two) years period as he was found guilty for the anti-doping rule violation set forth in art. 27, paragraph a and b of Law no. 552/2004 regarding the prevention and fight against doping in sport.

Considering himself misjudged by the above mentioned sanction, the athlete submitted an appeal on National Anti-Doping Agency secretariat, having the registration no. 408 / 11.05.2006.

Reviewing the documents and the statements within the file, it has been noted that:

Because of a conjunctivitis epidemic, which affected many athletes within Astra Arad Sport Club, athlete GRAMA CLAUDIU STEFAN submitted to the medical cabinet of ophthalmologist Jinga Feldioara, where he had been diagnosed with viral keratita, after medical examination.

The athlete had mentioned his athlete quality when submitting to medical cabinet, so that he could receive an adequate treatment.

The ophthalmologist prescribed the athlete Keratyl medicine as eye-drops, which should be administered as follows: 4 drops / day in both eyes, with specification not to enter into the pool during treatment.

The ophthalmologist admits, according to her statement, that patient GRAMA CLAUDIU STEFAN had mentioned his athlete quality. Despite this fact, the ophthalmologist had administered a treatment which led to an Adverse Analytical

Finding within doping control. Therefore, the guilt of the ophthalmologist contributed to the anti-doping rule violation.

As ophthalmologist specialist, Mrs. Medical doctor Jinga Feldioara had the responsibility to prescribe an alternative appropriate treatment so that the athlete should not be exposed to the risk of an adverse analytical finding within a doping control.

Although the medical doctor had been invited to the Appeal Commission meeting, she did not respond.

The active substance nandrolone of the Keratyl medicine is an anabolic substance, which has the effect of increasing muscle growth. In its prospect it is mentioned the risk of its administration to athletes regarding a possible positive test within a doping control.

By submitting to an ophthalmologist, the athlete followed exactly her instructions, without further reading of medicine's prospect.

Observing an amelioration of the illness and wishing to heal completely before the future international competition, after finishing the first vial in approximately 15 days, the athlete has repeated the treatment this time without consulting the medical doctor.

According to the provisions of the Law no. 227/ 2006 regarding the prevention and fight against doping in sport, the athlete is strictly liable for the presence in his biological sample of any prohibited substance or its metabolites or markers, without the need of proving his fault or negligence for establishing an anti-doping rule violation.

As exception, in the case of anti-doping rule violations set forth in art. 2, paragraph 2 (a and b), which are also the violations committed by GRAMA CLAUDIU STEFAN, the ineligibility period may be reduced but this should not be less than half of the otherwise applicable ineligibility period when the athlete establishes that he bears no significant fault or negligence.

The lack of significant fault or negligence presupposes that the athlete should demonstrate that his fault of negligence is not significant in relation with anti-doping rule violation.

Minor athlete's good faith has been also demonstrated by the fact that he had mentioned, when his sample had been collected, on doping control form, that he had been under treatment with Keratyl.

Taking into account the above mentioned facts, it has been established that the athlete submitted to an ophthalmologist who was informed about athlete's quality and although he bears negligence for the prescribed treatment, he did not intend to enhance his sport performance, but only to use the medicine in therapeutic purposes.

More than that, Doping Control Laboratory from Switzerland, University of Lausanne, developed a study that had as object the urine concentrations of nandrolon metabolites, after therapeutic administration of eye-drops Keratyl and the conclusion was that within a 56 hours period of time after eye-drops administration, the urine concentrations of nandrolon is 458 ng/ml.

We mention that the athlete has been detected with a lower concentration after 25 days of treatment, continuing to take the treatment after biological sample collection.

The above mentioned facts, as well as athlete's behavior during hearings lead us to the conclusion that his guilt is not intended, the purpose of prohibited substance use being a therapeutic one and not a performance enhancement one.

Taking into account the above mentioned, the Appeal Commission

DECIDES:

Admits the appeal of athlete GRAMA CLAUDIU STEFAN against Sanctions Committee's decision no. 9/ 28.04.2006 and according to the provisions of the art. 39 of Law no. 227/2004 regarding the prevention and fight against doping in sport, disposes the reduction of the ineligibility period of 2 years to an 1 year period.