

**Decision**  
**No. 1 /19.01.2009**

The Appeal Commission gathered on 19.01.2009, 11h00 a.m., at National Anti-Doping Agency's official seat in Bucharest, 37-39 Basarabia Blvd, District 2, in order to solve the appeal formulated by the athlete Cristina ANDREI, with the domicile address in Sibiu, 10A Barsei Street, sc. C, et. 2, appt. 41, against the Sanction Committee's Decision no. 28/17.11.2008, which establishes a two (2) years ineligibility for the athlete Cristina ANDREI according to Article 31 of the Law no. 227/2006 regarding the prevention and fight against doping in sport, as she was found guilty of violating the provisions of Article 2 paragraph 2 (a) of the above mentioned Law.

**The Appeal Commission meeting was attended by:**

- The athlete, Cristina ANDREI, identified with the Identity Card no. SB/405441, personal identification code 2730729323948
- Mr. Bogdan CASTU, representative of the Sanctions Committee

**The Appeal Commission was composed of:**

- Mrs. COSTACHE Elena Magdalena – Chair person
- Mrs. CHIRIPUS Dana – member
- Mrs. TEIANU Daniela – member
- Mrs. TROCAN Carmen – member, being absent from this meeting.

The appeal shall be reviewed by the Appeal Commission besides NADA in accordance with the provisions of the Law no. 227/2006 regarding the prevention and fight against doping in sport, with subsequent amendments and completions, until the Urgency Governmental Ordinance (UGO) no. 150/2008 shall entry into force.

Analyzing the appeal statement with the registration number 1293/15.12.2008, formulated against the Sanction Committee's Decision no. 28/17.11.2008, the Appeal Commission, in compliance with the requirement provided in Article 12 paragraph 1 of the Disposition no. 60/2007, establishes the followings:

**De facto**, through the Decision no. 28/17.11.2008, the Sanction Committee besides NADA has established a two (2) years ineligibility sanction for the athlete Cristina ANDREI, according to Article 31 of Law no. 227/2006 regarding the prevention and fight against doping in sport with subsequent amendments and completions, being found guilty of violating the provisions of Article 2 paragraph 2 (a) of the above mentioned Law.

On 12.11.2008, the Hearing Commission was gathered for reviewing the case of the athlete Cristina ANDREI, having the domicile address in Sibiu, 10A Barsei Street, sc. C, et. 2, appt. 41, Sibiu County, registered at Sport Club "Societatea de Patinaj" Sibiu, following the doping control conducted on 30.08.2008, during the Speed Roller Skating National Championships for juniors I, II, III and seniors, in Targu Mures and the detection in the athlete's biological sample of the prohibited substance **19 norandrosteron – metabolite of nandrolon, over the 2ng/ml threshold.**

The Sanctions Committee, after reviewing the case documents – i.e. the bulletin of analysis no. 513/09.09.2008 issued by the Doping Control Laboratory from Bucharest and confirmed by the bulletin of analysis no. AAF/R/890/299/2009 issued by the Doping Control Laboratory from Seibersdorf, Austria, as well as the athlete's statements given on 22.09.2008 and 03.11.2008 and taking into account the provisions of the Hearing Commission's Decision no. 28/12.11.2008 has established a two (2) years ineligibility sanction for the athlete Cristina ANDREI, in accordance with Article 31 of the Law no. 227/2006 regarding the prevention and fight against doping in sport, with subsequent amendments and completions, as she was found guilty of violating the provisions of Article 2 paragraph 2 (a) of the above mentioned Law.

After reviewing the appeal formulated by the athlete Cristina ANDREI against the above mentioned Decision, the Appeal Commission establishes that the appeal is ungrounded.

Therefore, the Appeal Commission considers that the sanction imposed through the Decision no. 28/17.11.2008 of the Sanctions Committee besides NADA is legal and grounded, based on the fact that, at the moment of the sample collection, the athlete didn't declare neither that she had used / was using a medical treatment with Deca-Durabolin nor that she was using contraceptive pills (depo-provera injections, marvelon), as it results from the statement submitted to the Hearing Commission and the one given in front of the Appeal Commission.

Furthermore, after reviewing the medical certificates issued on 13 and 14 January 2009 and submitted on 19.01.2009, it results that the athlete didn't prove the fact that in 2008, prior to sample collection, she had suffered from a series of ligaments disorders (capsule-ligamentitis).

As it results from the administered evidence, the athlete didn't demonstrate how the prohibited substance entered her body and, according to Article 39 paragraph 1 of the Law no. 227/2006 "the athlete is fully responsible for the presence of any prohibited substance or its metabolites or markers in his/her bodily specimen, therefore the proof of any intention or guilt in violating the anti-doping rules becoming unnecessary."

Taking into account all these, on the basis of Article 30 (a) of the Disposition no. 60/2007 for approving the Regulation for the organization and functioning of the Appeal Commission, the Appeal Commission

**DECIDES:**

Denies the appeal submitted by the athlete Cristina ANDREI against the Decision no. 28/17.11.2008 issued by the Sanctions Committee besides NADA, as it is ungrounded.

Maintains the Sanctions Committee's Decision no. 28/17.11.2008 as it is grounded and legal.

The Appeal Commission's decision may be appealed before the Court of Arbitration in Sport in Lausanne, in maximum 21 days from its communication.

This Decision is compulsory.

**THE APPEAL COMMISSION,**

**COSTACHE Elena Magdalena – Chair Person**  
**TEIANU Daniela – member**  
**CHIRIPUS Daniela – member**