

DECISION

No. 7/16.06.2014

**Regarding the case of National Anti-Doping Agency (ANAD)
versus the athlete Ursu Sergiu, affiliated with Dinamo Bucharest Sport
Club**

Issued by

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

With the following structure:

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Secretary of the Hearing Commission: Gabriela ANDREIASU

The Hearing Commission for the athletes and their support personnel who violated the anti-doping rules, named herein after “the Hearing Commission”, congregated on 16.06.2014, 10:00 H, at the National Anti-Doping Agency official seat in Bucharest, 37 – 39 Basarabia Bvd., District 2, for the hearing of the athlete URSU SERGIU, residing in Bucharest, 1 Fizicienilor Street, Appt. 71, District 3, holds the followings:

Following the out of competition doping control conducted on 11.03.2014 in Bucharest, the analytical result of the athlete Ursu Sergiu with the code number 6044364A indicated the presence of the metabolite 4 CHLOR -17- HYDROXYMETHYL-18-NOR-5 β ANDROST-13-EN-3 OL . Its presence indicates the use of the prohibited substance DEHYDROCHLORMETHYL -TESTOSTERONE included in class S1.1.a – Exogenous Anabolic Androgenic Steroids. The analytical result of the sample with code number 6044364A was confirmed by the Analytical Report S2014 2052 of Cologne Doping Control Laboratory.

Pursuant to the provisions of article 28, paragraph (5) of Law 227/2006 regarding prevention and fight against doping in sport, republished with subsequent amendments and additions, the Agency investigated if an therapeutic use exemption was granted or if there was an anti-doping rule violation of the provision of the International Standard for Testing of the International Standard for Laboratories to invalidate the founded analytical result. Taking into account the fact that the investigation did not reveal one of the above situations, the Agency informed the Hearing Commission.

On 13.05.2014, the Hearing Commission congregated and took into account the athlete's request sent on 10th of May 2014 and registered with no. 049/12.05.2014, regarding the adjournment of the hearing meeting. On this line, the Hearing Commission decided that the athlete will be summoned on 22.05.2014, thus keeping the provisions of article 30 of Order no. 47/19.02.2014 regarding the approval of the Regulation of organizing and functioning of the Hearing Commission for the athletes and their support personnel who violated the anti-doping rules. By Decision no.6/13.05.2014 the athlete was provisional suspended from sport activity, pursuant to the provisions of article 31, paragraph (2) of Law 227/2006 regarding prevention and fight against doping in sport, republished with subsequent amendments and additions, as the athlete had violated the provisions of article 2, paragraph (2), letter a) of the mentioned law.

On 22.05.2014, the athlete reported to the Hearing Commission meeting, where he admitted that he used the substance, which was found in his sample. Also he stated that on 5th of October 2013 he went to Thessaloniki, Greece, where the athletes Anca Heltne, Bartha Levente and Gag Andrei were training. They all were training by the coach Mr. Runar Heltne. On this occasion, the athlete Ursu Sergiu stated that the

athlete Anca Heltne gave him prohibited substances, but he could not prove and nor the witness statements did not reveal what he stated. During this period, the athlete Ursu Sergiu was official trained by Mr. Musat Constantin.

The coach Mr. Runar Heltne reported to the Hearing Commission meeting, where he stated that he supported financially the athlete Ursu Sergiu because he considered that he was an athlete who could do performance. The coach also stated that he did not gave or recommended him prohibited substances, but he mentioned that in 2013 the athlete Ursu Sergiu collaborated with the doctor Mr. Osean Vasile and the treatment he administrated himself, during the period he was training in Thessaloniki was gave by the doctor. His statement shows that the athlete was using Testolent.

Members of the Hearing Commission requested that the athletes trained by the coach Mr. Runar Heltne, respectively Gag Andrei affiliated with Arad M.S.C, Bartha Levente affiliated with Steaua Bucharest A.S.C and Eliza Toader affiliated with Bucharest M.S.C to provide whereabouts information and also to do doping testing as soon as possible. The Hearing Commission also decided necessary their hearing as witnesses at the next hearing meeting.

Under these circumstances, the Hearing Commission was adjourned until the next term and the Decision no. 6/13.05.2014 of the provisional suspension continued to have effect until the ending of the investigations and the pronouncement of the final decision.

On 16.06.2014, the Hearing Commission congregated to hear the above-mentioned witnesses and to pronounce a decision. The members of the Commission also took note the fact that ANAD tested the above-mentioned athletes and the results were negative. The athlete Gag Andrei was tested on 17.05.2014, the athlete Bartha Levente was tested on 25.05.2014 and the athlete Toader Eliza on 28.05.2014. The Hearing Commission heard the witnesses, by inviting them into the meeting room.

From the statement of athlete Toader Eliza, gave in front of the Commission as a witness, appears the fact that she was training with Runar Heltne in Thessaloniki during 6-25.12.2013, justifying the fact that the weather was much better there and the trainings for her discipline, javelin throw, were more efficient. She also stated that the coach Mr. Heltne did not recommended or suggested him to use prohibited substances and she did not see if the athlete Ursu Sergiu was using or not prohibited substances, because he was staying in the room with athlete Gag Andrei, and because of this reason she was not able to notice something regarding this.

From the statement of athlete Gag Andrei, gave in front of the Hearing Commission as a witness, appears the fact he did not notice something regarding the athlete Ursu Sergiu and that the coach Mr. Runar Heltne did not recommended any

medication or other substance to increase performance. The food supplements bought himself were verified in terms of the labeled content with reference to the Prohibited List.

From the statement of athlete Bartha Levente, given in front of the Hearing Commission as a witness, appears the fact that during the period he spent with athletes Toader Eliza and Gag Andrei in Thessaloniki the coach Runar Heltne did not recommend any medication, but only the training program. Moreover, Heltne Runar provided the full accommodation of the entire period. The athlete Bartha Levente also stated that during the latest stage of the training (approximately three weeks) he stayed in the same room with the athlete Ursu Sergiu and saw him when he injected himself 500 ml glucose, being helped by no other person to use this prohibited method. Moreover, in the same period, Bartha Levente saw when he injected in the morning, hypodermic, insulin with small syringes and on the vials was written ACTRAPID.

The Commission took note the fact that also the athlete Bartha Levente bought the food supplements by himself, he stated that he had knowledge in the field, because he graduated the Physical Education and Sport University. In this regard, the Hearing Commission wanted to know why he did not bring to the athlete Ursu Sergiu the attention on the fact that he was doing something prohibited, the athlete Bartha Levente stated that he did it, but the athlete Ursu Sergiu replied that it was not prohibited.

These statements were also sustained by the coach Mr. Runar Heltne, who mentioned the fact that Bartha Levente noticed him with regards of that the athlete Ursu Sergiu injected himself, hypodermic, insulin. The Hearing Commission also took note the fact that Runar Heltne entered sporadically in their room, but he saw sometimes how Ursu Sergiu injected the perfusions.

Deliberating on the case herein the Commission holds the followings:

Taking into account the provisions of article 48, paragraph (1) of Law 227/2006 regarding prevention and fight against doping in sport, republished, which states the fact that the athlete is strictly responsible for the presence in his / her biological sample of any prohibited substance, results that the athlete did not adequate research to inform on the used product.

Pursuant to the provisions of article 2, paragraph (2), letters a) and b) of Law 227/2006 regarding prevention and fight against doping in sport, republished, the presence of a prohibited substance or its metabolites or markers in the athlete's sample, as well as the use or the attempt to use a prohibited substance or method constitutes anti-doping rules violation. According to the strict liability principle, the athletes are directly responsible for the presence of any prohibited substance or its metabolites or markers, found in the collected biological samples. Each athlete has the responsibility to

ensure that no substance enters his/her body. Consequently, it is not necessary to establish the intention, the fault, the negligence or the conscious use by the athlete in order to establish an anti-doping rules violation pursuant to article 2, paragraph (2), letters a) and b) of the above-mentioned law, as well as articles 2.1.1 and 2.2.1 of the World Anti-Doping Code.

The evidence of an anti-doping rules violation is represented by one of the following situations: the presence of a prohibited substance or its metabolites or markers in the A sample of an athlete, when the athlete waives his/her right of having the B sample analyzed and therefore the B sample is not analyzed; or when the B sample is analyzed and the analysis of the B sample confirms the presence of the prohibited substance or its metabolites or markers detected in the athlete's A sample.

The Commission took into account the fact that the athlete Ursu Sergiu committed another anti-doping rules violation, following the doping testing carried out by IAAF, on 12.12.2003, in his sample was found norandrosterone, the substance included in class S1.1.a – Exogenous Anabolic Androgenic Steroids. Pursuant to this the athlete was sanctioned with a two (2) years ineligibility period. According to the provisions of article 10.7.5 of the World Anti-Doping Code, the anti-doping rules violations must take place within the same eight-year period in order to be considered multiple violations, under this circumstances the first violation of the athlete Ursu Sergiu prescribed.

The Hearing Commission for athletes and their support personnel who violated the anti-doping rules, after reviewing the documents within the file, the analysis bulletin no. 233/22.04.2014 issued by Bucharest Doping Control Laboratory and the analysis bulletin no. S2014 2052 issued by Cologne Doping Control Laboratory, the fact that the metabolite 4 CHLOR -17- HYDROXYMETHYL-18-NOR-5 β ANDROST-13-EN-3 OL was found in his sample, the fact that he did not request B sample analysis, as well as the national and international legal provisions:

DECIDES

The ineligibility of the athlete Ursu Sergiu, affiliated with Dinamo Bucharest Sport Club, for a period of two (2) years from sport activity, pursuant to the provisions of article 38 of Law 227/2006 regarding prevention and fight against doping in sport, republished, as the athlete had violated the provisions of article 2, paragraph (2), letters a) and b) of the mentioned law, namely the presence of the metabolite , which indicates the use of the prohibited substance4 CHLOR -17- HYDROXYMETHYL-18-NOR-5 β ANDROST-13-EN-3 OL, which indicates the use of the prohibited substance

DEHYDROCHLORMETHYL -TESTOSTERONE included in class S1.1.a – Exogenous Anabolic Androgenic Steroids of the 2014 Prohibited List.

The decision shall be communicated to the athlete Ursu Sergiu, Dinamo Bucharest Sport Club where he is affiliated, Romanian Athletics Federation, the Ministry of Youth and Sport, Romanian Olympic and Sport Committee, the International Association of Athletics Federations and the World Anti-Doping Agency, pursuant to the provisions of article 28 of Order no. 47/2014 regarding the approval of the Regulation of organizing and functioning of the Hearing Commission for the athletes and their support personnel who violated the anti-doping rules.

Romanian Athletics 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 articles 37 and 71 of the Law 227/2006.

Pursuant to the provisions of article 36, paragraph (4) of the Law 227/2006 regarding prevention and fight against doping in sport, republished with subsequent amendments, the above-mentioned institutions are required to maintain confidentiality of the information communicated, until the public disclosure of the case.

CHAIRMAN OF HEARING COMMISSION

IOAN DOBRESU