

DECISION NO. 8/16.06.2014

In

ANAD v ANCA MARGARETA HELTNE affiliated with S.C. Farul Constanta

ISSUED BY

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

PANEL:

Chairperson:

Ioan DOBRESU

Members:

Iulia-Monica ACATRINEI

Valentina ALEXANDRESCU

Gabriela ANDREIASU

Eugen COIFAN

Doina MELINTE

Cristian SMARANDA

Vlad STOENESCU

Eusebiu SZILAGYI

Irina TURCU

Graziela Elena VAJIALA

Secretary of the Hearing Commission: Gabriela ANDREIASU

The Hearing Commission for athletes and their support personnel who violated anti-doping rules (named hereinafter “the Hearing Commission”) - convened on 16.06.2014 at 11:00 at the headquarters of the National Anti-Doping Agency in Bucharest (named hereinafter “ANAD”) at 37-39, Basarabia Blvd., sector 2, for the hearing of the athlete Anca Margareta HELTNE affiliated with “Farul Constanta” Sport Club, sport: athletics,

with domicile at 2C,. Aleea Postavarul, Bl. C4A, entrance A, 2nd floor, apt. 7, sector 3, Bucharest – takes note of the following:

As a result of the doping control conducted on 07.02.2014 in Limassol, Cyprus by the Anti-Doping authority of Cyprus pursuant to an authorization issued by ANAD via the ADAMS-issued mission order with ref. no. M 204291700, as well as on the occasion of the doping control conducted on 15.02.2014 at the Senior and Youth National Athletics Championships and the “Crystal Cup”, the analytical results of the samples with code ref. 2775981A, respectively with code ref. 6069604A, belonging to the athlete Anca Margareta HELTNE, indicated the presence of the metabolites: 17 β -HYDROXYMETHYL-17 α -METHYL-18-NORANDROSTE-1,4,13-TRIEN-3-ONE; 4-CHLOR-17-HYDROXYMETHYL-17-METHYL-18-NOR-5 β -ANDROST-13-EN-3-OL; 4-CHLOR-17-HYDROXYMETHYL-17-METHYL-18-NOR-5 β -ANDROSTA-1,13-DIEN-3-OL.

The presence of the metabolite 17 β -HYDROXYMETHYL-17 α -METHYL-18-NORANDROSTE-1,4,13-TRIEN-3-ONE indicates the use of the Prohibited Substance METANDIENONE (S1.1.a Exogenous anabolic androgenic steroids). The presence of this metabolite was also confirmed by the Doping Control Laboratory in Cologne, via the Analytical Report S2014 1193 and the Analytical Report S2014 1194.

Pursuant to article 28 para 5 of Law 227/2006 regarding the prevention and fight against doping in sport, republished, ANAD verified whether a Therapeutic Use Exemption had been granted or whether there had been a departure from the International Standard for Testing or the International Standard for Laboratories that would invalidate the analytical result. Given that this verification did not confirm either of these situations, ANAD notified the Hearing Commission.

On 11.03.2014, the Hearing Commission convened with an aim to (a) review the analysis bulletins, (b) consider the nature of the Prohibited Substance traced in the sample of the athlete, (c) take note that the athlete is included in the Registered Testing Pool of ANAD, (d) take note that, prior to these two tests, the athlete had failed to attend two doping tests on 21.01.2014 and respectively 28.01.2014, and (e) take note that the athlete was included in the pool destined to compete in the Europe Cup on 13-16 March 2014 in Leiria, Portugal.

Pursuant to article 31 para 3 of Law 227/2006 regarding the prevention and fight against doping in sport, republished, the Hearing Commission decided to impose the provisional suspension of the athlete, availing to the athlete the right to an expedited hearing immediately after the application of the suspension in accordance with article 33 para 4.

The athlete was notified to attend the meeting of the Hearing Commission scheduled on 14.03.2014. On that occasion the athlete acknowledged the analytical result and she provided substantial assistance by disclosing the way in which the Prohibited Substance entered her body.

Thus, the athlete stated that she accessed the website www.steroizi-shop.com and she ordered the DIANABOL from “GENESIS” and TURINABOL from “BALKAN PHARM”. To acquire possession of the products she set up a meeting in Bucharest with an unknown person whom the athlete paid in exchange for the products – without receiving a receipt or a similar proof of payment. The athlete admitted that she ordered products from the said website several times, and that for each delivery she would meet with a different person.

The Hearing Commission deemed necessary to ask the athlete for additional information and via the Hearing Commission Secretariat the athlete was convened for the meeting scheduled on 11.04.2014. On that occasion the athlete stated that she wished to provide confidential information that would lead to the identification of other occurrences of anti-doping rule violations involving other athletes as well as members of their support personnel. Furthermore, the athlete asked the Hearing Commission that the investigation seeking concurrence on her statements be conducted by ANAD.

In the statements given on 11.04.2014 to the personnel of ANAD that was assigned to investigate and establish concurrence on her statements, the athlete Anca Margareta HELTNE made reference to a peer athlete from the sport of athletics (throwing), and she stated that the said peer athlete had used the product TURINABOL from “BALKAN”, and the most recent product use had taken place in December. The information was verified and confirmed, and the Hearing Commission managed the case of the respective athlete and imposed a sanction.

Further, the athlete provided substantial assistance in the form of information on a member of the athletes’ support personnel who administered prohibited substances to several athletes. With an aim to verify the statements of the athlete, ANAD informed the judicial authorities.

The athlete also submitted on file two receipts from S.C. Fan Courier Express SRL, the company which had delivered her the products, respectively the steroids ordered from the websites www.steroizi-shop.ro and www.anabolizante2008.ro. Based on these statements and on the receipts attached on file, ANAD referred the case to the judicial authorities for investigation and tracking of networks of illicit traffic of prohibited substances.

On 16.06.2014, on the occasion of the meeting of the Hearing Commission which convened to determine on the sanction, the members of the Commission noted the fact that the afore-mentioned peer athlete had been tested out of competition in Bucharest on 11.03.2014, and the analytical result of the sample with code no. 6044364A indicated the presence of the metabolite 4-CHLORO-17-HYDROMETHYL-17-METHYL-18-NOR-5 β ANDROSTA-13-EN-3-OL. The presence of this metabolite indicates the use of the Prohibited Substance DEHYDROCHLORMETHYLTESTOSTERONE from Class S.1.1.a (Exogenous anabolic androgenic steroids). The analytical result of the sample with code no. 6044364A was confirmed by the Doping Control Laboratory in Cologne, via the Analytical Report S2014 2052.

Pursuant to the provisions of article 2 para 2 letters a) and b) of Law 227/2006 regarding the prevention and fight against doping in sport, republished, the presence of a prohibited substance or its metabolites or markers in the sample of an athlete constitutes an anti-doping rule violation.

In accordance with the strict liability principle, the athletes are personally liable for the presence of any prohibited substance, or its metabolites or markers detected in the biological samples collected from them. It is each athlete's duty to ensure that no substance enters his or her body. As such, pursuant to article 2 para 2 letters a) and b) of the above-mentioned law and to articles 2.1.1. and 2.2.1 of the World Anti-Doping Code, it is not necessary that intent, fault, negligence or knowing use on the athlete's part be demonstrated in order to establish an anti-doping rule violation.

Sufficient proof of an anti-doping rule violation is established by any of the following: the presence of a prohibited substance or its metabolites or markers in the athlete's A Sample where the athlete waives analysis of the B Sample and the B Sample is not analyzed; or, where the athlete's B Sample is analyzed and the analysis of the B Sample confirms the presence of the prohibited substance or its metabolites or markers found in the athlete's A sample.

The Commission also noted that by Decision no. 13/20.05.2010 issued by the *Hearing Commission for athletes and their support personnel who violated anti-doping rules* the athlete received a period of 1 year and ½ of ineligibility from sports, in accordance with article 46 para 7 of Law 227/2006 on the prevention and fight against doping in sport, republished, and that in view of that decision consideration had been given to the following: the athlete acknowledged the result of the A Sample analysis, cooperated with the Hearing Commission by offering substantial assistance as she admitted that her spouse had administered her nutritional supplements – which could contain the Prohibited Substance which was found in her sample – and that she did not knowledgeably use that Prohibited Substance. Furthermore, the athlete waived counter-expertise via the B Sample analysis.

In 2010 Anca Margareta HELTNE was an international-level athlete and as such she was listed with the Registered Testing Pool of the International Athletics Federation (hereinafter called IAAF).

In consideration of this aspect, IAAF initiated an appeal procedure before the Court of Arbitration for Sport based in Lausanne, yet, as part of an agreement drawn with the athlete Anca Margareta HELTNE, she accepted a 2-year period of ineligibility from sport effective 01 April 2010 when she discontinued participation in any sport event thus tacitly accepting a provisional suspension pending the final determination on the case – and IAAF withdrew the appeal.

In determining the sanction the Hearing Commission will first consider the maximum applicable sanction – namely lifetime ineligibility – given that this is the athlete's second violation rule-violation and consideration is given to the aggravating circumstances

applicable to the second such act. However, the Commission deems applicable the provisions of article 48 para 7 and para 8 of Law 227/2006 on the prevention and fight against doping in sport, republished, given that the athlete provided substantial assistance in identifying another athlete who violated the anti-doping rules and a member of the athlete's support personnel – thus helping in the commencement of an investigation and uncovering of networks of illicit traffic of prohibited substances.

The Hearing Commission for athletes and their support personnel who violated anti-doping rules, upon reviewing the documents on file, the Analysis Bulletin no. 140/10.03.2014 issued by the Doping Control Laboratory in Bucharest, the Analysis Bulletins. no. S2014 1193 and respectively S2014 1194 issued by the Doping Control Laboratory in Cologne, upon considering that in the athlete's sample the following prohibited substances were identified: 17 β -HYDROXYMETHYL-17 α -METHYL-18-NORANDROSTE-1,4,13-TRIEN-3-ONE; 4-CHLOR-17-HYDROXYMETHYL-17-METHYL-18-NOR-5 β -ANDROST-13-EN-3-OL; 4-CHLOR-17-HYDROXYMETHYL-17-METHYL-18-NOR-5 β -ANDROSTA-1,13-DIEN-3-OL, considering that the athlete provided substantial assistance to the Hearings Commission by indicating how these substances entered her body and by offering information on tracking other doping cases which ANAD is investigating, considering that the athlete waived B Sample analysis, and considering the domestic and international legal provisions:

DECIDES

On a sanction of an 8-year period of ineligibility from sport of the athlete Anca Margareta HELTNE, affiliated with C.S. Farul Constanta Club, in accordance with the provisions of article 41 corroborated with article 48 para 8 of Law 227/2006 on the prevention and fight against doping in sport, republished.

In determining on this sanction, the Commission deems that for the athlete's second violation the provisions of article 49 para b) of the above-mentioned law are applicable – as several prohibited substances were found in her sample and she had also failed twice to be present for testing – namely on 21.01.2014 and respectively 28.01.2014.

However, the Commission deems that the athlete can be subject to the provisions of article 48 para 7 and 8 of Law 227/2006 on prevention and fight against doping in sport, republished, giving consideration to the substantial assistance provided by the athlete in identifying and confirming violations of anti-doping rules committed by other athletes or by members of the athlete's support personnel, as well as in uncovering networks of illicit trafficking of prohibited substances.

The Decision is notified to the athlete Anca Margareta HELTNE, to her club of affiliation C.S. Farul Constanta, to the Romanian Athletics Federation, the Ministry of Youth and Sport, the International Athletics Federation and the World Anti-Doping Agency, pursuant to article 28 of Order 47/2014 on the approval of the Regulations for the organization and operation of the *Hearing Commission for athletes and their support personnel who violated anti-doping rules*.

Pursuant to article 60 para 1 of the Law 227/2006 on the prevention and fight against doping in sport, republished, with subsequent modifications and amendments, the Decision herein can be appealed within 21 days from notification to the Appeal Commission beside the National Anti-Doping Agency.

Pursuant to the provisions of article 45 of the afore-mentioned law, during the period of ineligibility the athlete is under the obligation to relay her whereabouts information to the Agency. Should the athlete seek to return to competition, during the period of ineligibility, the athlete shall submit to 4 (four) doping tests without notice, of which 1 (one) testing must be conducted upon the athlete's return to competition.

Where during the period of ineligibility the athlete retires from sport and subsequently wishes to return to active participation in sport, she may do so only on condition that she notifies the Agency and submits to doping testing without notice, for a duration of time equal to the ineligibility period left outstanding at the moment of retirement from sport.

Pursuant to articles 37 and 71 of Law 227/2006, the Romanian Athletics Federation is bound to implement the provisions of the Decision herein and to observe the legal provisions in force.

Pursuant to article 36 para 4 of Law 227/2006 on the prevention and fight against doping in sport, republished, with subsequent modifications, prior to the public disclosure of the case, the afore-listed institutions are bound by confidentiality of the information relayed to them.

**CHAIRPERSON
OF THE HEARING COMMISSION**

IOAN DOBRESCU