



GUVERNUL ROMÂNIEI

AGENȚIA NAȚIONALĂ ANTI-DOPING

DECISION

No. 5/20.07.2015

Issued by

National Anti-Doping Agency, in the case of the athlete **GHERGHEL Cristinel**

Radu,

Affiliated with Champions Gym Sport Club, sport discipline - bodybuilding

The National Anti-Doping Agency, named hereinafter the “Agency”, with the official seat in Bucharest, 37-39 Basarabia Boulevard, District 2, in compliance with the provisions of article 32 of Law no. 227/2006 regarding prevention and fight against doping in sport, republished with subsequent amendments and additions, while reviewing the athlete GHERGHEL Cristinel Radu’s case, affiliated with Champions Gym Sport Club, having the domicile in Vaslui, 375 Decebal Street, Bl. 375, sc. F, apt. 5, Vaslui County, holds the following:

Following the out of competition doping control, authorized by the Romanian Bodybuilding and Fitness Federation, conducted in Bucharest, on 08.04.2015, the analytical result of the athlete GHERGHEL Cristinel Radu’s sample, with the code number 3858432A indicated the presence of the following prohibited substance: **4-chloro-17-hydroxymethyl-17-methyl-18-nor-5 β -androst-13-en-3-ol**. The presence of the metabolite **4-chloro-17-hydroxymethylmetil-17-methyl-18-nor-5 β -androst-13-en-3-ol** indicates the use of the prohibited substance **Dehydrochlormethyltestosterone**, included in Section S1.1a - Endogenous anabolic androgenic steroids of the 2015 Prohibited List.

Through notification no.1570/29.04.2015, the athlete GHERGHEL Cristinel Radu, the Romanian Bodybuilding and Fitness Federation, the Romanian Olympic and Sport Committee, Champions Gym Sport Club, the Ministry of Youth and Sport, the International Bodybuilding and Fitness Federation were notified by the Agency on the followings:

- The provisional suspension of the athlete from sport activity pursuant to **the provisions of article 35¹, paragraph (1)** of Law no. 227/2006 regarding prevention and fight against doping in sport, republished with subsequent amendments and additions.
- **The athlete's right to request in writing, within 48 hours from being notified, the B sample analysis** pursuant to article 28 of Law no. 227/2006 regarding prevention and fight against doping in sport, republished with subsequent amendments and additions.
- **The prompt admission of the anti-doping rules violation, after the Agency communicated the notification** regarding the alleged anti-doping rules violation and the athlete did not deny the assertion, being bound to send the Agency a written statement within ten (10) days from receiving the notification.
- **The athlete's right to wave the hearing, expressly, by a written statement sent to the Agency, within ten (10) days from receiving the notification, through which he should present his point of view regarding the alleged anti-doping rules violation.**
- **Where the athlete provides substantial assistance in the discovery and/or bringing forward of an anti-doping rules violation** set forth in article 2, paragraph (2) of Law no. 227/2006 regarding prevention and fight against doping in sport, republished with subsequent amendments and additions, committed by another person, the ineligibility period can be suspended up to $\frac{3}{4}$ of the otherwise applicable, with the approval of WADA and the relevant international sport federation may be suspended.

The athlete did not answer to the notification sent by ANAD, although he received it on 30.04.2015. The deadline of his answer was 11.05.2015.

While deliberating over the case, the Agency holds the following:

Pursuant to the provisions of article 2, paragraph 2, letter a) of Law no. 227/2006 regarding the prevention and fight against doping in sport, republished with subsequent amendments and additions, the presence of a prohibited substance or its metabolites or markers in an athlete's biological sample, as well as the use or attempted use by an athlete of a prohibited substance or a prohibited method represents anti-doping rules violation.

According to the strict liability principle, the athlete or any other person are bound to be knowledgeable of what represents an anti-doping rules violation, as well as the substances and methods included in the Prohibited List.

It is each athlete's personal duty to ensure that no prohibited substance enters his or her body. Athletes are responsible for any prohibited substance or its metabolites or markers found to be present in their samples. Accordingly, 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 pursuant to article 2, paragraph (2), letter a) of the above-mentioned law, as well as to the article 2.1 of the World Anti-Doping Code.

The proof of an anti-doping rule violation is represented by one of the following situations: the presence of a prohibited substance or its metabolites or markers in an athlete's A sample, when the athlete does not request the B sample analysis, or when the B sample analysis confirms the presence of a prohibited substance or its metabolites or markers found in the athlete's A sample.

The Agency, by reviewing the documents within the file, the bulletin of analysis no. 235/28.04.2015, issued by the Doping Control Laboratory in Bucharest, taking into account the nature of prohibited substance detected in athlete's sample, namely non-specified substance, the absence of the athlete GHERGHEL Cristinel Radu's answer, as well as the relevant national and international legal provisions:

DECIDES

The ineligibility of the athlete GHERGHEL Cristinel Radu, affiliated with Champions Gym S.C., for a period of four (4) years from the sport activity, pursuant to the provisions of article 38, letter a) of Law no. 227/2006 regarding the 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 above mentioned law, namely the use of the prohibited substance: **4-chloro-17-hydroxymethyl-17-methyl-18-nor-5 β -androst-13-en-3-ol** , which indicated the use of **Dehydrochlormethyltestosterone**.

The ineligibility period shall begin to run on 12.05.2015, which is the first day after the expiration of the deadline, being suspended up to 11.05.2019, pursuant to the article 41, paragraph (1) of Law no. 227/2006 regarding the prevention and fight against doping in sport, republished with subsequent amendments and additions.

Pursuant to the provisions of article 42, paragraph (4) of the above-mentioned law, during the ineligibility period, the athlete has the obligation to remain available for testing and to submit his whereabouts information to the Agency.

Pursuant to the provisions of article 28 of Order no. 47/2014 of the President of National Anti-Doping Agency for the approval of the Regulation for organization and operation of the Hearing Commission for the athletes and their support personnel who violated the anti-doping rules, the decision shall be communicated to the athlete GHERGHEL Cristinel Radu, Champions Gym Sport Club, where he is affiliated, the Romanian Bodybuilding and Fitness Federation, the Ministry of Youth and Sport, the Romanian Olympic and Sport Committee, the International Bodybuilding and Fitness Federation and the World Anti-Doping Agency.

The Romanian Bodybuilding and Fitness Federation has the obligation to enforce the provisions of this Decision and to comply with the legal provisions in force, pursuant to the provisions of articles 37 and 52³ of Law no. 227/2006

regarding the prevention and fight against doping in sport, republished with subsequent amendments and additions.

Pursuant to the provisions of article 36, paragraph (2) of Law no. 227/2006 regarding the prevention and fight against doping in sport, republished, the Agency shall disclose the decision within 20 days following the date of the decision issued in compliance with the provisions of article 33, paragraph (2), letter i).

PRESIDENT
GRAZIELA ELENA VAJIALA