

**National Anti-Doping Agency vs. *Balan Andreea Teodora*, affiliated with Olimpia
Bucharest S.C. - triathlon**

DECISION

No. 6/08.12.2015

Issued by

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

PANEL:

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Ioan DOBRESU

Members:

Valentina ALEXANDRESCU

Gabriela ANDREIASU

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Cristian SMARANDA

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Mihai Gheorghe CAPAȚANA

Secretary of the Hearing Commission: Gabriela ANDREIASU

The Hearing Commission for athletes and their support personnel who violated the anti-doping rules, named hereinafter the "Hearing Commission", gathered on 08.12.2015, at 10h00, at the official seat of National Anti-Doping Agency in Bucharest, 37-39 Basarabia Boulevard, District 2, in compliance with the provisions of article 33 of the Law no. 227/2006 regarding prevention and fight against doping in sport, republished, with subsequent amendments and completions, in view of managing the case of the athlete Balan Andreea Teodora, with the domicile in Bucharest, 292 Mihai Bravu Street, Bl. 5, Sc. C, Appt. 110, District 3, affiliated with Olimpia Bucharest S.C. – triathlon.

As result of the doping control conducted on 28.10.2015, in Bucharest, out-of-competition, the athlete Balan Andreea Teodora's urine sample with the code number 6184277A revealed the presence of the substances FUROSEMIDE and spironolactone due to the identification of CANRENON – its metabolite, included in Section S5 - DIURETICS AND MASKING AGENTS.

Following the reviews conducted as provided in Article 28 paragraph (3) of the Law no. 227/2006 regarding prevention and fight against doping in sport, republished with subsequent amendments and completions, the Agency established that no therapeutic use exemption (TUE) has been granted for the substances detected in the athlete's sample and there is no apparent departure from the International Standard for Testing and Investigations or the International Standard for Laboratories to invalidate the adverse analytical finding.

As provided in Article 2 paragraph (2) letter a) of the Law no. 227/2006 regarding prevention and fight against doping in sport, republished, the presence of a prohibited substance or its metabolites or markers in a biological sample of an athlete, as well as the use or attempted use of a prohibited substances or method represent anti-doping rules violations.

Through the notification no. 753/18.11.2015, the Agency notified the athlete Balan Andreea Teodora of the following information:

- The athlete's right to request, in written, for B sample analysis, within 48 hours from the notification receipt, as provided in Article 28 of the Law no. 227/2006 regarding prevention and fight against doping in sport, amended and completed through the Law no. 243/2015;
- When the athlete promptly admits the anti-doping rule violation after receiving the notification from the Agency regarding the alleged anti-doping

rule violation and she doesn't challenge the accusation, the athlete is bound to remit to the Agency a written statement, within 10 days from the notification receipt;

- The athlete's right to waive the hearing, expressly, through a written notification remitted to the Agency, within maximum 10 days from the notification receipt, stating her point of view regarding the alleged anti-doping rule violation;
- In case the athlete intends to provide substantial assistance in discovering and/or establishing an anti-doping rule violation set forth in Article 2 paragraph 2 of the Law no. 227/2006 regarding prevention and fight against doping in sport, republished with subsequent amendments and completions, committed by other person, a part of the ineligibility period may be suspended up to three quarters of the otherwise applicable period of ineligibility, with the approval of WADA and the relevant international federation.

Following the reviews conducted, the athlete received the above mentioned notification from the Agency through UPS courier on 20.11.2015 and she remitted an answer to the Agency stating the following:

- She admitted the anti-doping rule violation notified by the Agency and she completely assumed the mistake due to a medical treatment with Furosemide and Carneron. This treatment had already been declared by the athlete during doping control, in the section *Statement on medication and blood transfusions*. Therefore, she didn't ask for the analysis of B sample.
- She was not aware that the medicine she was taking contained prohibited substances.
- She didn't intend to improve her sport performance or to mask other eventual prohibited substances.
- She didn't know that she should have asked for a therapeutic use exemption.
- She didn't know and she doesn't know now either of any physicians at Olimpia Bucharest S.C. or the Romanian Triathlon Federation, as she was never instructed on this matter.

- In April 2015 her menstruation ceased due to a loss of 9 kilos in a very short period of time (approximately 3 months), and this is the reason for which she went to a gynecologist. Following this consultation, the doctor prescribed her a three months treatment with **UTROGESTAN** (a hormonal treatment with cu progestative), one tablet per day for 10 days with 10 days interruption. After this treatment, her menstruation still didn't appear. She went to another medical control and the doctor prescribed her a treatment with contraception pills. The athlete decided to delay this contraception treatment until the end of the competition season.
- After the end of the competition, the athlete went on October 21, 2015 to the gynecologist who prescribed her contraception treatment with **Yasmin**, for three months or until the appearance of the menstruation. She started the treatment the same day and, after 7 days she had the following symptoms: dizziness, headaches, weight gain (3 kilos in that period), and for these reasons she returned to the doctor. He established that the symptoms were due to the liquid retention and he prescribed her **Diurex 50**, one tablet per day, when needed, which she took the next day, when she was submitted to the doping control – on 28.10.2015.
- The supporting medical documents shall be submitted during the hearing meeting requested by the athlete to prove the lack of guilt.
- In 2014 she was submitted to another doping control and the result was negative.

As result, RNADA submitted a notification to the Hearing Commission in view of managing the case.

According to the provisions of article 33 of the Law no. 243/2015 for the amendment and completion of the Law no. 227/2006 regarding prevention and fight against doping in sport and to the RNADA's President Disposition no.. 47/2014 for the approval of the Regulation for the organization and conduct of doping control, the Hearing Commission gathered on 26.11.2015, for managing the case of the athlete Balan Andreea Teodora.

The Commission checked whether the secretariat complied with the procedure for convening the athlete and the bodies involved, in compliance with the Law no. 243/2015

for the amendment and completion of the Law no. 227/2006 regarding prevention and fight against doping in sport and has established that the convening procedure was respected.

On this occasion, the athlete endorsed the statements she previously submitted; she also mentioned that she informed her coach Grigore Marius of the treatment she was following for treating the medical condition. In support of these statements, the athlete submitted the medical file, which encloses the analyses certificates from National Institute of Endocrinology “C.I. Parhon” – Hypophysis and Neuroendocrine Section (certificate from February 25, 2015, request code 582609; certificate from February 25, 2015, request code 582029; certificate from February 27, 2015; request code 583563), indicating modified values of AST, cholesterol, glycaemia, IGF 1 (serum), ATPO, triglyceride (serum) and Urea (serum). The athlete was hospitalized from 25.02.2015 to 02.03.2015 in the Hypophysis and Neuroendocrine Section (FO 3381). The main diagnostic was light protein-energetic malnutrition, the secondary diagnostic was tetany, and the free diagnostic was hypo-anabolic syndrome, latent tetany; the state of the patient was stationary at the moment of discharge.

As mentioned in the discharge note, the epicrisis describes a hypo-anabolic syndrome without revealing a thyroid hypophysis adrenal endocrine anomaly. It requires nutritional and psychological counseling suitable for effort; actual thyroid micro-nodule and slightly increased ATPO with no clinical relevance.

She received the following recommendations: diverse diet under nutritional supervision, controlled physical effort, visit to family doctor, sport medicine, nutritional counseling, psychological counseling, medical control after 3 months (to repeat the thyroid evaluation + eventual ITT depending on the clinical state / weight curve), and rest (with sport medicine approval in relation with the competitions). She was also prescribed treatment with Magne B6, CalciviD, and Antioxidants.

On 12.03.2015, the Expertise Commission of the National Institute of Sport Medicine submitted the medical sheet no. 2147 to the athlete, stating the following: *Following the anamnesis and the clinical and paraclinical examinations, as well as the medical documentation provided, we have established: diagnostic - light protein-energetic malnutrition. Tetany. Overexertion syndrome.*

Recommendations:

- 1. To cease the training and the competitions – she can perform sustenance PFG.*

2. *Controlled diet, according to the menu prepared by the National Institute for Sport Medicine (INMS)*
3. *Psychological counseling (within INMS or another place – and she will provide specific documentation)*
4. *To submit to another control at INMS in 4 weeks (internals, laboratory, physical development, psychology) for stage indications*
5. *To comply with the recommendations received at discharge – endocrinology evaluation in 3 months – submits/brings the results at INMS.*

The athlete's file also included a medical letter signed and initialed by Col. Dr. Gheorghe Berbecar who diagnosed her with hypothalamic syndrome and secondary amenorrhea and declared that the athlete is under treatment with progestatives (Utrogestan) and diuretics (Diurex) from 8 months ago. Nowadays she underwent a treatment with Yasmine.

The Romanian Triathlon Federation was represented by its General Secretary – Mr. Klosz Peter, as observer, who took note of the Hearing Commission Chairperson's comments and the athlete's statements. The Commission also established the necessity to convene the athlete's coach – Mr. Marius Grigore for a future term.

On 02.12.2015, the coach – Mr. Grigore Marius submitted a statement revealing that, on 18.11.2015, the athlete's father informed him regarding the result of the doping control conducted on 28.10.2015. After finding out the result, the athlete also informed him that she was undergoing a treatment with contraception pills and diuretics when needed. He also declared that the athlete didn't inform him previously regarding the treatment, most probably due to the fact that she was out of the competition season and also to her age. Moreover, the coach sustains the athlete's guiltlessness and asks for another doping control, on the club's expense, to prove the lack of athlete's intention.

Therefore, the Hearing Commission gathered on 08.12.2015 to decide on the case. The meeting was also attended by the President of Romanian Triathlon Federation – Mr. Adrian Nanulescu, as observer, who sustained the athlete's guiltlessness and declared that she was a role model for the other athletes due to her seriousness and scrupulosity, as well as the fact that she never caused any problems. The image of triathlon also improved due to Andreea Balan. He also informed the Commission members that this sport discipline was established in Romania in 2012. He stated that he deeply regrets all these facts that occurred mostly due to the lack of information.

In deliberating on the case in question, the Commission holds the following:

Pursuant to the provisions of Article 2 paragraph (2) letter a) of the Law no. 227/2006 regarding prevention and fight against doping in sport, republished with subsequent amendments and completions, 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 of a prohibited substances or method represent anti-doping rules violations.

According to the principle of strict liability, the athletes or other persons are responsible for knowing what an anti-doping rule violation is, as well as the prohibited substances and methods included in the Prohibited List.

It is each athlete's duty to make sure that no prohibited substance enters his/her body. The athletes are directly responsible for the presence of any prohibited substance or its metabolites or markers detected in their biological samples. Therefore, there is no need to prove the intention, fault, negligence or conscious use by the athlete to establish an anti-doping rule violation, in compliance with Article 2 paragraph (2) letter a) of the above mentioned Law and Article 2.1 of the World Anti-Doping Code.

An anti-doping rule violation shall be proven when one of the following situation is established: the presence of a prohibited substance or its metabolites or markers in the A sample of an athlete, when the athlete doesn't ask for B sample analysis and the B sample is not analyzed, or, when B sample is analyzed and the result confirms the presence of the prohibited substance or its metabolites or markers detected in the A sample of the athlete.

Pursuant to the provisions of article 47 of the Law no. 243/2015 regarding the amendment and completion of the Law no. 227/2006 regarding prevention and fight against doping in sport, the athlete cannot be held guilty taking into account that she has proven with medical documents the fact that she had health issues and she followed a medical treatment prescribed by the doctor, without the intent to enhance her performance but to improve her health.

She also proved the lack of guilt by declaring the treatment on the doping control form and by promptly admitting the alleged anti-doping rules violations. The athlete didn't know that Diurex contains substances included on the Prohibited List.

The Hearing Commission, by reviewing the documents in the file, the analytical certificate no. 1053/10.11.2015 issued by the Doping Control Laboratory in Bucharest and taking into account the nature of the specified substances detected in the athlete's samples, the fact that she declared the treatment on the doping control form, the fact that she promptly admitted the accusations and she requested a hearing for proving her

guiltlessness and submitting the medical file, as well as the relevant national and international legal provisions:

DECIDES

To sanction the athlete Balan Andreea Teodora, affiliated with Olimpia Bucharest S.C. with a reprimand, in compliance with the provisions of article 47¹ of the Law no. 243/2015 for the amendment and completion of the Law no. 227/2006 regarding prevention and fight against doping in sport, as the athlete proved her guiltlessness in using the specified substances Furosemide and Carneron – metabolite of spironolactone, found in the composition of the medicament used by the athlete and declared on the doping control form during the doping control, which are included in Section S5 – DIURETICS AND MASKING AGENTS.

As provided in Article 50 paragraph (1), the Decision may be appealed to the Appeal Commission beside National Anti-Doping Agency within 21 days from its notification.

Pursuant to Article 28 of the Disposition no. 47/2014 issued by 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 Balan Andreea Teodora, Olimpia Bucharest Sport Club where she is affiliated, Romanian Triathlon Federation, the Ministry of Youth and Sport, the Romanian Olympic and Sport Committee, International Triathlon Federation and the World Anti-Doping Agency.

As provided in Article 36 paragraph (2) of the Law no. 227/2006 regarding prevention and fight against doping in sport, republished, the Agency shall disclose the Decision within 20 days following the date of the Decision ruled in compliance with Article 33 paragraph (2) letter i).

CHAIRPERSON OF THE HEARING COMMISSION

IOAN DOBRESCU