



GUVERNUL ROMÂNIEI

AGENȚIA NAȚIONALĂ ANTI-DOPING

DECISION

No. 6/02.12.2015

Issued by the National Anti-Doping Agency, regarding the athlete MINCIU Gabriel Iulian, affiliated with Sport High School Nicolae Rotaru in Constanta, weightlifting discipline

The National Anti-Doping Agency, referred to below as “The Agency”, located in Bucharest, Basarabia Bvd. Nr. 37-39, District 2, pursuant to art. 32 of Law 227/2006 regarding the prevention and fight against doping in sport, republished with subsequent amendments, regarding the case of athlete Iulian Gabriel MINCIU, recorded at Sport Program High School Nicolae Rotaru in Constanta, living in Constanta, Constanta County, Nr.6 Alba Iulia Street, we draw the following :

After the anti-doping test sustained in competition, authorized by the Romanian Weightlifting Federation, competition that took place in Onești, on October 22nd 2015, the analytical result of athlete Iulian Gabriel MINCIU, coded 6184122A, indicated the presence of the following prohibited substances : 3`-hidroxystanozolol, 16 β -hidroxystanozolol. The presence of metabolites 3`-hidroxystanozolol, 16 β -hidroxystanozolol indicates the administration of the prohibited substance STANOZOLOL (S.1.1 exogenous anabolic androgenic steroids) of the Prohibited List on 2015.

Through notification no. 757/18.11.2015, athlete Iulian Gabriel MINCIU, and through notification 758/18.11.2015, the Romanian Weightlifting Federation,

Romanian Olympic Sports Committee, Sport High School Nicolae Rotaru in Constanta, Ministry of Youth and Sport, International Weightlifting Federation, World Anti-Doping Agency, were all notified by the Agency of the following :

- Provisional suspension from sport activities pursuant to art. 35¹ paragraph (1) modified by Law 243/2015 to modify and complete Law 227/2006 regarding the prevention and fight against doping in sport, republished with subsequent amendments, the presence of the prohibited substance mentioned above and of unspecified nature, in his urine sample.
- The athlete's right to solicit, in writing, the counter expertise through analysis of sample B, within 48 hours of receiving the notification, pursuant to art.28 paragraph (5) letter (c) Law 227/2006 regarding the prevention and fight against doping in sport, republished with subsequent amendments.
- Acceptance of having broken the anti-doping regulations, after the Agency has sent the notification regarding the possible violation of the anti-doping regulations, and the athlete would not contest the accusations, he has to send a written statement to the Agency within 10 days of receiving the notification.
- The athlete's right to give up the hearing, through a written statement, sent to the Agency, within maximum 10 days from receiving the notification, in which he has to state his point of view about the violation of the regulations, provided in art. 2, paragraph 2, of Law 227/2006 regarding the prevention and fight against doping in sport, republished with subsequent amendments, committed by another person, a part of the suspension can be frozen, but no more than $\frac{3}{4}$ of the otherwise applicable period, with the approval of WADA and the international federation.

The athlete has not answered the notification sent by NADA, although having received it through fast courier on November 20th 2015. The term for sending the answer was December 1st 2015.

Deliberating on the case, the Agency retains the following:

- Pursuant to the provisions of art. 2 paragraph (2) letter (a) of Law 227/2006 regarding the prevention and fight against doping in sport, republished with subsequent amendments, the presence of the prohibited substance, or its metabolites, or its markers in the athlete's sample, constitutes a violation of the anti-doping regulations.

Pursuant to the principle of strict responsibility, the athlete or other people are responsible to know what constitutes a violation of the anti-doping regulations, as well as the substances and the methods that have been included in the Prohibited List.

It is every athlete's duty to make sure that no substance on that list is in his body. Athletes are responsible for any prohibited substance, or metabolites, or markers, found in biological samples. As such, it is not necessary to demonstrate the intention, mistake, neglect, or willing usage by the athlete to determine a violation of the anti-doping regulations pursuant to art. 2 paragraph (2) letter (a) from the law mentioned above, as well as art. 2.1 of the World Anti-Doping Code.

The proof of violating any anti-doping regulations is represented by one of the following situations: the presence of a prohibited substance, or its metabolites, or its markers in test sample A of an athlete, in which case the athlete gives up analysis of sample B, and sample B is not analyzed; or if sample B is analyzed and sample B confirms the presence of prohibited substances or metabolites, or markers, detected in sample A of the athlete.

The Agency, analyses the documents in the file, analysis bulletin no. 1041/09.11.2015, issued by the Doping Control Laboratory in Bucharest, the

nature of the prohibited substances detected in the athlete's sample are not specified, the lack of an answer from athlete Iulian Gabriel MINCIU, through which he gives up his option to be heard, or gives up the hearing, following the use of androgenic anabolic steroids, as well as legal provisions at a national and international level.

DECIDES

Suspension from any athletic activity for a period of 4 years for athlete Iulian Gabriel MINCIU, affiliated with LPS NICOLAE ROTARU in Constanta, pursuant to the provisions of art.38 letter (a) of Law 128/2014, to modify and complete Law 227/2006 regarding the prevention and fight against doping in sport, republished with subsequent amendments, being guilty of violating the provisions of art.2 paragraph 2 letter (a) of the above mentioned law, which is the presence of metabolites 3`-hydroxistanozolol , 16β-hydroxistanozolol, which indicated the use of Stanozolol.

Pursuant to the provisions of art. 41 paragraph (1) modified by Law 128/2014 for modifying and supplementing Law 227/2006 regarding the prevention and fight against doping in sport, republished with subsequent amendments, the suspension period starts on December 1st 2015, which represents the first day after the period he had to send his reply, being suspended until November 30th 2019.

Pursuant to the provisions of art. 42 paragraph (4) of the above mentioned law, during the suspension period, the athlete has the obligation to be available for testing and to provide the agency localization information.

Pursuant to the provisions of art. 42 of Law 227/2006 regarding the prevention and fight against doping in sport, republished and supplemented:

- (1) During the suspension period, the athlete is not allowed to attend any competition or activity authorized or organized by a signatory member of the World Anti-Doping Code.
- (2) The athlete, during the suspension period, cannot have any official part within an athlete structure signatory of the World Anti-Doping Code, cannot be part of any contract, and cannot be a volunteer for any of the above mentioned.
- (3) As an exception of paragraphs (1) and (2), the athlete can return only to train or to use the facilities in the last two months left of the suspension.
- (4) During the suspension, the athlete has to be available for testing and has the obligation to provide location information.
- (5) If an athlete or someone else breaks the conditions on paragraph (1) and (2), the results will be disqualified, and the suspension will start all over, since the date the interdiction was broken.
- (6) The suspension period given in paragraph (5) can be reduced, depending on how guilty the athlete is.
- (7) During the suspension period, financial support offered by the signatories and the member organizations of the signatories is withdrawn, partially or totally.

Pursuant to the provisions of art. 50 paragraph (1) of Law 227/2006 regarding the prevention and fight against doping in sport, republished with subsequent amendments, the decision can be appealed, at the Appeal Commission besides NADA, within 21 days of the communication date.

The decision is communicated to athlete Iulian Gabriel MINCIU, LCP Nicolae Rotaru in Constanta, to which he is affiliated, the Romanian

Weightlifting Federation, the Ministry of Youth and Sport, the Romanian Olympic Sport Committee, the International Weightlifting Federation, as well as WADA, pursuant to the provisions of art. 28 of the NADA President Disposition no. 47/2014, regarding the approval of the Regulation for Organization and Functioning of the Athletes Hearing Commission and athlete's staff, that have broken the anti-doping regulations.

The Romanian Weightlifting Federation has the obligation to carry on the stipulations of this decision. So, pursuant to the provisions of art. 37 paragraph (1) of Law 227/2006 regarding the prevention and fight against doping in sport, republished with subsequent amendments, *Any violation provided in art. 2 paragraph (2) committed by the athlete during or in relation with a sportive manifestation or a sporting event, proven according to the procedure provided by the law, is grounds for disqualification, canceling and individual results, including withdrawal of medals, points or prizes.*

Pursuant to the provisions of art. 52 of Law 227/2006 regarding the prevention and fight against doping in sport, republished and supplemented:

- (1) Applying sanctions to athletes or their staff is up to the federations, clubs or leagues, pursuant to the stipulations of the law, as well as international regulations.
- (2) Unfulfilling their obligations (Federations, leagues, clubs, or the Sport Federation for schools and universities) provided in paragraph (1), except the ones provided in art. 52, paragraph (1), is considered a violation and can be fined with 5.000 to 30.000 RON, withdrawal of any financial support, temporary suspension of the sport identity certificate, or deleting the athlete from the registry.

Pursuant to the provisions of art. 39, paragraph (2) modified through Law 128/2014 to modify and supplement Law 227/2006 regarding the prevention and fight against doping in sport, republished with subsequent amendments, within 20 days of pronouncing the decision issued pursuant to the provisions of art. 36 paragraph (2), modified through law 128/2014 to modify and supplement Law 227/2006 regarding the prevention and fight against doping in sport, republished with subsequent amendments, *“The Agency must make the decision public”*.

PRESIDENT

GRAZIELA ELENA VAJIALA