
Decision of the National Anti-Doping Disciplinary Panel.

Case Ref: 2/2019

Anti-Doping Commission (Malta)

-vs-

**Vitaly Molotkoff - member of the
Malta Weightlifting Association
Ref: 1TSTVITMOL-18**

The National Anti-Doping Disciplinary Panel (hereinafter referred to as the 'Panel') consisting of Dr. Maria Azzopardi LL.D. as Chairperson,, Prof Janet Mifsud (Clinical Pharmacology and Therapeutics) and Mr. Mark L. Zammit (Clinical Pharmacology and Therapeutics)) as members.

Before the commencement of this proceeding, the Chairperson and members of the Panel declared that they are not subject to any circumstance or conflict that could negatively affect their impartiality in the case under review.

The athlete was present at the hearing and admitted the alleged anti-doping rule violation.

1. Preliminaries:

Considered the Request by the National Anti-Doping Commission dated the 9th of October 2018 to the Chairperson of the Panel to schedule a sitting for the hearing of a case concerning the alleged breach by Vitaly Molotkoff of the Anti-doping Regulations (Legal Notice 17 of of 2015, Sports Act, Chapter 455, Laws of Malta).

Took note and reviewed the following documents that were forwarded to the Panel at the initial stage by the Coordinator of the Anti-Doping Programme, namely:

- (i) The request by NADO to the Panel to schedule a hearing dated the 9th of October 2018;
- (ii) Letter of Notification by NADO to the athlete, Malta Weightlifting Association and WADA of the alleged violation of the Anti-Doping Rules dated the 3rd of October 2018;
- (iii) The Doping Control Form dated 16th September 2018;
- (iv) The Test Report dated the 2nd October 2018 reporting an Adverse Analytical Finding of Meldonium, a prohibited substance classified a non-specified substance under S4.5 as Hormone and Metabolic Modulator in the 2018 WADA Prohibited List;
- (iv) An email from the President of the Malta Weightlifting Association dated the 5th of October 2018;
- (v) The Notification from the NADDP to the athlete dated 26th February 2019 whereby the athlete has been given the possibility to send written submissions;
- (vi) Email from the athlete dated 3rd May 2019.

Took note of the Notice sent to the athlete and copied to NADO, Malta Weightlifting Association, SportMalta to appear before the Panel on the 3rd of May 2019 @ 1730 and answer to the accusation that a prohibited substance or its metabolites or markers (the Meldonium classified as a non-specified substance under S4.5 as Hormone and Metabolic Modulator in the 2018 WADA Prohibited List) was detected in the athlete's urine sample collected on the 16th of September 2018 during the 3rd Ranking and Qualifiers Competition.

2. Merits:

2.1 Took note of the evidence showing that the athlete produced a urine sample on the on the 16th September 2018 during the the 3rd Ranking and Qualifiers Competition and the Test Report dated the 2nd of October 2018 confirming an Adverse Analytical Finding. Moreover. Moreover, the athlete did not request a B Sample.

2.2 Took note of the fact that the athlete did not attend for the sitting. Took note that the athlete did not submit any written submissions but informed by email dated 13th March 2019, his current postal address, email address and that he was not going to be legally represented.

2.3 Took note that the athlete was notified with the Notice of Hearing by email and a copy was sent to his postal address but on the date of hearing the 3rd of May till 1830 he did not show up but sent an email to the secretary of the Panel.

2.4 Took note of NADO's submissions whereby it has submitted that the case was proven and thus a four year ban should apply.

3. Considerations:

3.1 The Panel considers the evidence produced confirm an analytical adverse finding in the urine sample submitted by the athlete.

3.2 The Panel takes note that the athlete neither requested a B sample nor did he accept the provisional suspension.

3.3 The Panel considers that Meldonium (trimethylhydrazinium propionate/Mildronate) is an anti-ischaemic medication, widely available in Russia and various eastern European countries, where it is registered for human use mainly as a cardioprotective agent in coronary artery and cerebrovascular disease. This substance is not approved as a pharmaceutical either in the USA as well as in most European countries.

Moreover, it is thought that meldonium helps adjust the body's use of energy, boosting stamina and endurance by regulation of energy metabolism through reduction of levocarnitine and was added to the WADA 'prohibited list' in January 2016 following a year on its monitoring programme. WADA has classed it as a 'metabolic modulator used by athletes to enhance performance'.¹

3.5 The Panel took note of articles 3(2)(a) and 11(2)(a) of LN 17 of 2015.

3.6 The Panel observes that the athlete did not provide any contestation to the accusations and that in his email dated the 3rd of May 2019 he states that *"As I said earlier, I was aware that meldonium is prohibited in sports. I took it for a month, for prophylaxis for the hear, on the initiative of my mother (doctor), meldonium is quite popular in my country and you can but it in pharmacy, i took it because i do intensive sport not weightlifting and therefore I canceled my presence at competitions because I was not sure that his tracks were still in the body, after that, I no longer take or took it again. I hope for understanding because I never wanted to achieve anything in sports with the reconciliation of other matters."*

¹ Cordimer R (2016). *Practical Diabetes* 33 (9): 330-332

3.7 The Panel considers that there is no proof on part of the athlete that there was no intention on his part to violate the anti-doping regulations and there is an admission that he knew that the substance was prohibited in sports but still made use of it. There is no evidence of any medical treatment and does not possess a therapeutic use exemption (TUE). Hence, as stipulated under the L.N. 17 of 2015, the sanction applicable in these cases is that envisaged for Non-Specified Substance under Article 11(2)(a) and therefore a 4 year ban.

3.8 On a final note, the Panel, after taking into consideration that due to circumstances independent from the athlete whereby the case was heard 7 months from the date of the violation and 6 months from the Notice from NADO to appoint the hearing, the Panel is of the opinion that this delay should be reflected in the applicable date of commencement of the sanction.

4. Decision:-

Therefore on the basis of the above considerations, the National Anti-Doping Disciplinary Panel rules that:

4.1 Vitaly Molotkoff has breached the Anti-Doping Regulations, 2015 [Art. 3(2)(a)] and (Art. 2.1) as the presence of a prohibited substance or its metabolites or markers has been found in the athlete's urine sample A that had been collected from him on the 16th September 2018.

4.2 And therefore the National Anti-Doping Disciplinary Panel as provided under Art 11(2) (a) of the Anti Doping Regulations, 2015 and Art. 10.2.1 of the WADA Code is imposing on the athlete a suspension of ineligibility from any sports activities for a period of four (4) years commencing from the 9th of February 2019.

4.3 A copy of this decision is to be forwarded to the Malta Weightlifting Association.

This decision is subject to an Appeal under L.N.17 of 2015, Anti Doping Regulations 2015.

Dr. Maria Azzopardi LL.D
Chairperson

Prof. Janet Mifsud
Member

Mr Mark L. Zammit
Member

This 22nd day of May 2019.