

**JUDICIAL AWARD
BY THE EXECUTIVE COMMITTEE OF FISA**

sitting in the following composition

President	Denis Oswald
Members	Michael Williams Denis Masegla Mike Sweeney Tricia Smith Anita DeFrantz

**in the case regarding Ms Janina Seppar, member of the Ukrainian
Rowing Federation**

I The Facts

1. Ms Janina Seppar is a member of the Ukrainian National Rowing Team.
2. She participated in the Junior Women's Single Sculls at the 2000 FISA World Junior Rowing Championships in Zagreb, Croatia from 1-6 August.
3. On 5th August 2000, Ms Janina Seppar was selected for a doping test following her race, the final A. The test was conducted by Vesna Smajma of Zagreb under supervision from FISA.
4. Ms Janina Seppar completed the test, including providing all information on the doping control form, which she signed confirming with her signature that the information she provided was complete and truthful. She listed various medications on the form which have been considered by FISA experts as not normally containing any banned substances.
5. The A sample was analysed by the IOC accredited laboratory in Paris, and on 7th September Dr. Ceaurriz of the Paris Lab reported that the sample contained metabolites of the banned substance nandrolone above the acceptable level.
6. On 8th September 2000, Mr Matt Smith, Executive Director of FISA, informed the Ukrainian Rowing Federation about the result of the analysis of the A sample and offered them the possibility to have a control analysis of the B sample.

7. On 19th October 2000, the Ukrainian Rowing Federation asked for the B sample to be analysed. Mr Smith wrote back on 27th October 2000, proposing dates and emphasising that the control analysis of the B sample would have to be paid by the Ukrainian Rowing Federation.
8. On 9th November 2000, the Ukrainian Rowing Federation requested that the B sample not be analysed due to a lack of funds.
9. In accordance with Bye-Law, 8.1, 8.2 and 8.3 to Rules 80 to 83, Ms Janina Seppar and the Ukrainian Rowing Federation were invited to attend a hearing of the Commission of Enquiry of FISA which was to take place in Paris on 24th November 2000 or to present her views in writing. They were unable to attend the meeting but sent various written comments.
10. The Commission of Enquiry of FISA was composed of Mr Matt Smith, Executive Director, Dr Alain Lacoste, a medical doctor and member of the FISA Sports Medicine commission, and Dr Gilbert Peres, also a medical doctor who works with the International Canoe Federation.
11. The hearing of the Commission of Enquiry took place on 24th November 2000 as planned. Ms Janina Seppar or her representatives were not present, however Ms Seppar, her father, her doctor and her coaches submitted written explanations to the Commission.
12. The positions expressed by the athlete and her representatives in the written explanations stated:
 - a. The Athlete, Ms Janina Seppar, denies taking any substance which might have provided this result.
 - b. The Father, Mr Valeri Seppar, writes that his daughter never took any banned substances.
 - c. The Doctor, Dr Gennadi Vasilyevich Grischenko, denies prescribing any medicine, which might have contained a banned substance.
 - d. The coaches, Mr A. I. Lukin, Mr N. I. Chechuy and G.I. Chetwertak, wrote that they know of no reason for this positive result.

Conclusions of the Commission of Enquiry

1. **Analyses** – Two metabolites of the banned substance Nandrolone (Norandrosterone and Noretiocholanolone) were found to be present in the urine of Ms Janina Seppar by the IOC accredited laboratory in Paris.
 - a. The level of Norandrosterone was 18 ng/ml.
 - b. The density of urine was low (1.013) so no corrections in the concentration of 19 norandrosterone were necessary.
 - c. The amount of beta HCG eliminated any possibility of pregnancy.
 - d. The absence of Noretitestosterone eliminated the taking of the oral contraceptive pill of which the metabolism could interfere with the metabolism of the nandrolone.
 - e. The urinary steroid profile showed no anomaly; the T/E ratio was normal.
 - f. The therapeutic notifications do not show that medication was taken that could explain these results.
 - g. The taking of complex multivitamins (Vit B6, Vit B12, ascorbic acid) and amino acids should not produce a positive result for banned substances and she has not demonstrated that the taking of food supplements, some of which were produced in Canada, might have produced this positive result.
 - h. No one contested the validity of this analysis.

2. Procedure

The Commission concluded that the procedure was correctly followed for the testing and the subsequent transporting and analysis as well as the communications about the case. No one contested the validity of the procedure.

3. **Other Details** – There was no evidence presented which could possibly exonerate the athlete. The analysis of the A sample confirmed that the athlete was not pregnant and this is not an explanation for the positive result.

Therefore, the Commission of Enquiry, according to Bye-Law 8.4 to Rules 80-83, concluded that there was no information which would contradict the prescribed procedure and application of the penalty prescribed for such an offence in the rules.

II. Competence of the Executive Committee of FISA and Proceedings

1. According to Bye-Law 9.1 to rules 80 to 83, the Commission of Enquiry has forwarded a detailed and objective report to the Chairman of the Anti-Doping Committee, who has informed the Executive Committee of FISA. This report was sent at the same time to the Ukrainian Federation.
2. The Executive Committee of FISA is competent to decide any penalty to impose in such a case according to Bye-Law 9.2 to Rules 80 to 83 and Art. 45g of the FISA Statutes.
3. The Executive Committee of FISA organised a hearing on 16th March 2001 at the Continental Hotel in Lausanne and invited the rower and the Ukrainian Rowing Federation to attend or submit comments in writing especially on the report of the Commission of Enquiry.
4. FISA's Executive Director, Matt Smith, having been part of the Commission of Enquiry did not participate in the hearing. With this exception, the Executive Committee was complete.
5. No one attended the hearing on the Ukrainian side.

III. The Executive Committee's Assessments

1. Nandrolone and its metabolites are anabolic agents listed as prohibited substances by the IOC list of prohibited classes of substances valid from 1st January 2000. According to Rule 80 of the FISA Rules of Racing in rowing, "doping consists of the presence, above the permitted concentration, in an athlete's body, whether intentional or negligent or even innocently or inadvertently, of one or more prohibited therapeutic substances appearing on the International Olympic Committee's list of prohibited substances valid at the time at which the sample was taken.
2. The level of nandrolone found in the athlete's urine is above 5ng/ml, which has been confirmed by the IOC, at the beginning of 2000, as being the limit above which, for females, the case has to be considered positive.
3. The procedure, which led to the positive result, was correct in every respect, which is also recognised by the athlete concerned and her Federation.

4. According to Rule 80 of the FISA Rules of Racing, “the presence of such a substance in the urine or in the blood of a rower or of a coxswain shall constitute a rebuttable presumption of voluntary use”. The athlete has not given any explanation about how the substance may have come into her body’s fluid and, therefore, has not even tried to rebut the presumption of guilt. The Executive Committee has, therefore, no basis upon which to exonerate the athlete.
5. According to Bye-Law 9.3.1 to Rules 80 to 83, the use of an anabolic agent or its metabolites such as nandrolone shall be punished by a life ban for the first offence. The FISA Congress has, on several occasions, confirmed that doping is such a serious offence to sport ethic and fair play (which are fundamental elements to the sport of rowing) that only a life ban could be proportionate to such an offence.

This clause does not give the Executive Committee any flexibility or discretion, and therefore, it has to impose this penalty on the rower Janina Seppar from Ukraine.

6. FISA is aware of the current controversy regarding nandrolone, however at the time of this hearing, there is no scientific evidence indicating that such a positive result could come from another source than the intake of exogenous nandrolone or of one of its precursors. However, if serious new scientific evidence would come to light, FISA would be prepared to re-open the case.
7. The decision shall take effect immediately.

IV. Decision

On these grounds, the Executive Committee of FISA hereby rules:

1. The rower Janina Seppar, member of the Ukrainian Rowing Federation, is banned for life effective immediately from any competition organised under FISA's or any FISA affiliated Federation authority.
2. This Award is rendered without cost.

Lausanne, 14th May 2001

For FISA Executive Committee:

Denis Oswald
President

Michael Williams
Treasurer

The only appeal from this decision may be made by written notice to the President of FISA within 10 days from the written notification of the penalty by fax to the Federation concerned for consideration by the court of Arbitration for Sport in Lausanne.