

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

sitting in the following composition

Members

**Michael Williams
Mike Sweeney
Tricia Smith
Denis Masegla**

**in the case regarding Mr Andris Reinholds, member of the Latvian
Rowing Federation**

I The Facts

1. Mr Andris Reinholds is a member of the Latvian National Rowing Team.
2. He participated in the Olympic Games regatta at the Sydney International Regatta Centre in Penrith, Australia from September 17 to 24, 2000.
3. On 19th September 2000, Mr Andris Reinholds was selected for a doping test following his race. The test was conducted by the Australian Sports Drug Agency.
4. Mr Andris Reinholds completed the test, including the doping control form, which he signed confirming with his signature that the information he provided was complete and truthful. He listed 11 substances on the form which have been considered by FISA experts as normally not containing any banned substances.
5. The A sample was analysed by the Australian Sports Drug Testing Laboratory immediately which found metabolites of the banned substance nandrolone above the acceptable level.
6. On 22nd September 2000, Dr Razlauskas, Director of the Australian Sports Drug Testing Laboratory, informed the IOC about the result of the analysis of the A sample.
7. On 23rd September 2000, Prince Alexandre de Merode, Chairman of the IOC Medical Commission, informed the Chef de Mission of the Latvian Olympic team of the result and asked the athlete and representatives of the Lithuanian team to attend an inquiry hearing with the IOC Medical Commission. He also offered them the possibility to have a control analysis of the B sample.

8. On the same day, 23rd September 2000, Mr Andris Reinholds, four representatives from the Latvian Olympic team attended this hearing of the IOC Medical Commission. Anita DeFrantz represented FISA on that occasion.
9. On 25th September 2000, the Latvian Olympic Committee asked for the B sample to be analysed. The B sample was tested and confirmed the A sample presence of norandrosterone at a level greater than allowed.
10. The IOC Medical Commission made a report to the IOC Executive Board which decided to exclude Mr. Reinholds from the Games. And according to common practice in the case of multi-sport games, the case is then referred to the relevant International Federation to possibly take sanctions beyond the games.
11. The IOC Medical Commission asked the Latvian doctor to provide additional information and FISA waited until the file from the IOC was complete. In accordance with Bye-Laws 8.1, 8.2 and 8.3 to Rules 80 to 83, Mr Andris Reinholds and the Latvian Rowing Federation were invited to attend a hearing of the Commission of Enquiry of FISA, which was to take place in Lausanne on 18th January 2001.
12. The Commission of Enquiry of FISA was composed of Mr Matt Smith, Executive Director, Dr Alain Lacoste, Chairman of the FISA Sports Medicine Commission and a medical doctor and Dr. Peter Thomas, also a medical doctor and member of the FISA Sports Medicine Commission.
13. The hearing of the Commission of Enquiry took place on 18th January 2001 as planned. Mr Andris Reinholds and Dr Liene Kozlovskā attended the hearing.
14. Latvian Rowing Federation provided a file presenting a series of follow-up tests done on Mr Andris Reinholds.
15. The Latvian delegation had no question regarding the procedure followed. They recognised that the analysis of the samples A and B made by the IOC accredited laboratory had reached the same conclusions.
16. The positions expressed by the athlete and his representatives:
 1. The Athlete, Mr Andris Reinholds, denies taking any substance which might have provided this result (“I never used any illegal substances”). He does not claim that nutritional substances he takes could have resulted in this positive finding. His claim is that this banned substance could have appeared endogenously.

2. His Doctor, Dr Maruta Noveicuka, as reported by Mr Andris Reinholds, denies prescribing any substance, which might have contained a banned substance.

Conclusions of the Commission of Enquiry

Analyses – The two metabolites of the banned substance Nandrolone (Norandrosterone and Noretiocholanolone) were found to be present in the urine of Mr Andris Reinholds by the IOC accredited laboratory in Australia. The concentration of 19 Norandrosterone was more than four times greater than the IOC reporting threshold established of 2.0 ng/ml level for males. No correction for specific gravity was applied. The B Sample confirmed that the concentration was greater than the reporting threshold established. The specific gravity was 1.017. The substances listed as therapeutic notifications on the Doping Control form could not produce a positive sample. 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 analyses 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 Mr. Reinholds. He reported on his doping control form dated on 19th September of taking 11 “nutritional supplements” or medication within that past three days, four of which were injected by his coach who is his wife and also a doctor of internal medicine. He reported that he was in good health the entire time that he was taking these supplements.

He was tested during his stay on the Sunshine Coast on 24th August by WADA and the test was negative. He arrived on 12th September at the Olympic Village and took nearly all meals at the Olympic Village from that time. He did not change his regime of nutritional substances and meals during the period between 24th August and 19th September 2000. He was found positive on 19th September.

On his return to Latvia, he had further tests performed on 29th September 2000 (ten days later) which were analysed by two laboratories (Moscow and Huddinge, Sweden) and both showed no traces of nandrolone or other doping substances or their metabolites.

All possible medications and nutritional supplements used by Mr Andris Reinholds during the season (a list of 25 were presented, nine

of which were intravenously injected substances) were analysed by the Moscow laboratory. This laboratory concluded that all samples sent had no presence of nandrolone or its metabolites.

His only explanation during the Enquiry was that his endogenous nandrolone level could have been elevated at the time of the competition due to stress. They simulated a competition situation on 18th and 20th October using a rowing ergometer. Three urine samples were taken and analysed by the Moscow laboratory. The sample taken on 20th October 2000 reported a level of 1 ng/ml of norandrosterone, which is below the threshold established by the IOC of 2 ng/ml. The two other samples were negative. He reported that the university in Riga performed an MRI scan on his suprarenal glands (the small glands on top of the kidney) and they appeared normal.

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.
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 Latvian Rowing Federation to attend.
4. FISA's President, Denis Oswald who is a member of the IOC medical commission and was present at the hearing of 23rd September, and Vice President Anita DeFrantz who represented FISA on that occasion did not participate in the hearing. FISA's Executive Director, Matt Smith, having been part of the Commission of Enquiry did not participate in the hearing. With these three exceptions, the Executive Committee was complete.
5. No one attended the hearing on the Latvian side but a letter was sent with additional information which offered no new findings which would change the situation.

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 2ng/ml, which has been confirmed by the IOC, at the beginning of 2000, as being the limit above which, for males, 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 his 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's explanation about how the substance may have come into his body's fluid has not been validated. 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 Andris Reinholds from Latvia.

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 Andris Reinholds, member of the Latvian 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, 11 April 2000

For the FISA Executive Committee:

Michael Williams
Treasurer

Michael Sweeney
Member

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.