

INTERNATIONAL SKATING UNION

HEADQUARTERS ADDRESS: CHEMIN DE PRIMEROSE 2 - CH 1007 LAUSANNE - SWITZERLAND
TELEPHONE (+41) 21 612 66 66 TELEFAX (+41) 21 612 66 77 E-MAIL: info@isu.ch

Case No. 2014-04

May 15, 2014

DECISION

of the

ISU Disciplinary Commission

Panel: Volker Waldeck, Chair
Dr. Egbert Schmid
Dr. Allan Böhm

In the matter of

International Skating Union, Chemin de Primrose 2, 1007 Lausanne, Switzerland,
represented by its Legal Advisor, Dr. Béatrice Pfister,

- Complainant -

against

Mr. Chang LIU,
China,

- Alleged Offender -

and

Chinese Skating Association,

- Interested Member -

Concerning the alleged violation of the ISU Anti-Doping Rules

I. History of the procedure

On April 16, 2014, the ISU filed a complaint against the Alleged Offender, together with 9 exhibits. On April 17, 2014 the Alleged Offender and the Interested Member were invited by the ISU Disciplinary Commission to file a statement of reply within 21 days upon receipt of the complaint. The Alleged Offender filed a statement of reply on April 30, 2014.

II. Procedural Matters

According to Article 24, Paragraph 10 of the ISU Constitution 2012 and Article 8.1.1 of the ISU Anti-Doping Rules 2012 the Disciplinary Commission has jurisdiction in anti-doping cases arising out of ISU Testing or Testing at International Events or Competitions. The present case arises out of testing at the ISU Four Continents Figure Skating Championships, i.e. of testing at an International Event. Therefore the ISU Disciplinary Commission has jurisdiction to hear and decide this case.

III. Facts

The Alleged Offender is a 20 years old ice dancer and member of the Chinese Skating Association who participated at the 2014 ISU Four Continents Championships in Taipei City, Chinese Taipei.

Following an in-competition Anti-Doping test carried out on January 22, 2014, the ISU received an adverse analytical finding for sample 6068218 from the Alleged Offender. Said sample was found to contain "Prednisolone", and its metabolites which is a specified substance and belongs to class S9 (Glucocorticosteroids) of the 2014 WADA List of Prohibited Substances and Methods.

By letter of March 18, 2014, the Interested ISU Member and the Alleged Offender were informed of the positive finding and requested to submit their written explanations within 15 days of notification. Further they were reminded that the Alleged Offender has the right to request that the B sample be analyzed.

In his personal statement dated March 21, 2014, the Alleged Offender explained that he had an accident during a training session on January 7, 2014, which caused a traumatic acute synovitis. Because the injury did not seem to release and in view of the forthcoming ISU Four Continents Championships he received a local injection of 1,5 ml prednisolone acetate and 1.5 ml lidocaine from Dr. Changyou Gao of the Yianmin Clinic on January 17, 2014. The Alleged Offender admitted that when filling out the doping control form he only reported the intake of the oral medication Fenbid, but not the before mentioned injection, because he had miscalculated the date thereof and thought to have had it more than seven days ago. Further, the Alleged Offender waved his right to have the B-sample analyzed.

In its letter of March 24, 2014, the Figure Skating Director of the Interested ISU Member, Mr. Dong Yang confirmed the Alleged Offender's personal statement and in addition submitted a confirmation of the Alleged Offender's injury issued by his coach and the confirmation of Dr. Changyou Gao about the injection applied to the Alleged Offender and the Alleged Offender's Diagnosis and Treatment Handbook.

After having received the Statement of Complaint of the ISU and the order No. 1 of the ISU Disciplinary Commission the Alleged Offender filed a reply on April 30, 2014. He regretted to have failed to accurately report the local injection of prednisolone and lidocaine for his ankle injury on January 17, 2014. He accepted the motion of the ISU Legal Advisor to impose a one year's ineligibility period on him.

IV. Law

1. Prednisolone, as uncontestedly found present in the Alleged Offender's bodily specimen, is contained in the 2014 Prohibited List of the World Anti-Doping Agency (WADA) under class "S9. (Glucocorticosteroids)".

2. According to Article 2.1 of the ISU Anti-Doping Rules, the presence of a prohibited substance in a Skater's bodily specimen constitutes an Anti-Doping Rule violation, unless a Therapeutic Use Exemption (TUE) for the otherwise prohibited substance has been granted in accordance with Article D of the ISU Anti-Doping procedures. The Alleged Offender had neither requested a Therapeutic Use Exemption for Prednisolone nor had he declared having taken this medication on his doping control form.

3. According to Article 2 of the ISU Anti-Doping Rules, Skaters are responsible for knowing what constitutes an Anti-Doping Rule violation and the substances and methods which have been included in the Prohibited List. Article 2 Para 2.1.1 says that it is each Skater's personal duty to ensure that no prohibited substance enters his or her body and that Skaters are responsible for any prohibited substance or its metabolites or markers found to be present in their samples. The Alleged Offender has confirmed a local injection of Prednisolone and Lidocaine for his ankle injury on January 17, 2014. He is responsible for the prohibited substance found to be present in his sample.

4. It is undisputed that the Alleged Offender committed an anti-doping rule violation within the meaning of Article 2 of the ISU Rules. According to Article 10.2 of the ISU Rules, such a violation is sanctioned with a two-year period of ineligibility, unless the conditions for eliminating or reducing this period, as provided in Articles 10.4 and 10.5, are met.

5. As stated above, "Prednisolone" is a specified substance and belongs to class S9 (Glucocorticosteroids) of the 2014 WADA List of Prohibited Substances and Methods. According to Article 10.4 of the ISU Anti-Doping Rules 2012 an elimination or reduction of the period of ineligibility in cases of specified substances under specific circumstances may be conceded. Article 10.4 has two requirements:

1. The skater must establish how the Specified Substance entered his body.
2. Such Specified Substance was not intended to enhance the skater's sport performance or mask the use of a performance-enhancing substance.

Regarding the first condition, the commentary to Article 10.4 of the ISU Rules provides that "*the skater may establish how the Specified Substance entered the body by a balance of probability*". In other words, a panel should simply find the explanation of a skater concerning the presence of a Specified Substance more probable than not.

The skater has admitted that he had got an injection of Prednisolone and Lidocaine for his ankle injury on January 17, 2014 from Dr. Changyou Gao of the Yianmin Clinic. Thus he has established how the specified substance entered his body. The first requirement of Article 10.4. is met.

The second requirement, that Prednisolone was not intended to enhance the skater's sport performance or mask the use of a performance-enhancing substance is also met. The panel believes that the purpose of the medication of Prednisolone was to cure the injury of his ankle.

6. The general period of ineligibility of two years can be reduced according to Article 10.4 of the ISU Anti-Doping Rules down to a reprimand or no sanction in case that the skater bears no fault or negligence. The skater is 20 years old. He belongs to the Chinese team of international skaters competing at an ISU Championship. Skaters at that level use to be familiar with the anti-doping rules.

If he had declared the injection of Prednisolone on the Therapeutic Use Exemption form he would not have infringed the Anti doping Rules. It was the negligence of the skater not to disclose the medication of Prednisolone. Therefore the panel can reduce the period of ineligibility to one year only.

7. The ineligibility starts according to Article 10.9 of the ISU Anti-Doping Rules 2012. In his letter of March 21, 2014, the skater explained how the prohibited substance entered his body after he has been confronted with the alleged Anti-Doping Rule violation. According to Article 10.9.2 ISU Anti Doping Rules the period of ineligibility may start as early as the date of sample collection, i.e. in this case January 22, 2014. The period of ineligibility will end on January 21, 2015.

8. According to Article 9 the violation of the ISU Anti-Doping Rules in connection with an In-Competition test automatically leads to Disqualification of the result obtained in that competition with all resulting consequences, including forfeiture of any medals, points and prizes.

Article 11.1 states, that a team shall be disqualified from that competition, if a competing member of the team is found to have committed a violation of the ISU Anti-Doping Rules. The Alleged Offender competed at the ice dance event in Taipei City. An ice dance couple is considered to be a team as stated in Article 11.1.

Therefore the competitive results of the ice dance couple Yue ZHAO / Chang LIU obtained from January 22, 2013 (Short Dance) to January 23, 2014 (Free Dance), at the 2014 ISU Four Continents Championships in Taipei City, are disqualified with all the resulting consequences including forfeiture of any medals, points and prizes.

V. Costs

According to Article 12.2 of the ISU Anti-Doping Rules 2012 the ISU Member shall be obligated to reimburse the ISU for all costs (including but not limited to laboratory fees, hearing and travel expenses) related to a violation of these Anti-Doping Rules committed by a skater affiliated with that member. Therefore the costs of these proceedings, including the laboratory fees of the Anti-Doping testing, have to be borne by the Chinese Skating Association.

The skater has to bear his own costs.

Based on the above considerations the ISU Disciplinary Commission rules as follows:

Decision

1. Chang LIU is declared responsible for an Anti-Doping violation, committed on January 22, 2014, at the 2014 ISU Four Continents Championships in Taipei City.
2. A period of ineligibility of one year, beginning on January 22, 2014 and ending on January 21, 2015, is imposed on Chang LIU.
3. The competitive results of the ice dance couple Yue ZHAO / Chang LIU obtained from January 22, 2013 (Short Dance) to January 23, 2014 (Free Dance), at the 2014 ISU Four Continents Championships in Taipei City, are disqualified with all the resulting consequences including forfeiture of any medals, points and prizes..
4. The Chinese Skating Association has to reimburse the ISU for the costs of these proceedings and the laboratory fees of the Anti-Doping testing.
5. The skater bears his own costs.

May 15, 2014



Volker Waldeck



Dr. Egbert Schmid



Dr. Allan Böhm