

# 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](mailto:info@isu.ch)

**Case No. 2014-02**

March 17, 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, Prof. Dr. Michael Geistlinger,

**- Complainant -**

**against**

**Mr. Haralds Silovs**,  
Latvia,

**- Alleged Offender -**

and

**Latvian Skating Association**,  
Latvia,

**-Interested ISU Member-**

**Concerning alleged violation of the ISU Anti-Doping Rules**

## **I. History of the procedure**

On February 7, 2014, the ISU filed a complaint against the Alleged Offender, together with three exhibits. On February 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 March 4, 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 Essent ISU European Speed Skating Championships 2014 in Hamar, i.e. of testing at an ISU Championship. Therefore the ISU Disciplinary Commission has jurisdiction to hear and decide this case.

## **III. Facts**

The Alleged Offender is a 27 years old Speed Skater, Member of the Latvian Skating Association, who competed in the Essent ISU European Speed Skating Championships 2014, which took place in Hamar from January 11 to 12, 2014. On January 12, 2014, he completed the 1500 m race as 13<sup>th</sup>.

On January 12, 2014, the Alleged Offender was selected by random for Anti-Doping testing. Given that his competition performance did not qualify him to skate in the fourth (final) distance, the 10000 m race, the ISU Anti-Doping team attempted to notify him after his completion of his third distance (1500 m), per ISU Anti-Doping Procedure, Communication 1800, par. B.5.4.1. The Alleged Offender was unable to be found in the arena. The chaperone went to the Hotel Scandic to locate him. No phone contact was made with the athlete, but after 75 minutes he was seen in the hotel by the chaperone and notified. He promptly accompanied the chaperone, reported to Anti-Doping testing room, and completed his testing without further incident. Since by the time he was located and notified, the 10000 m race was still underway. Complainant holds that the Alleged Offender was present back at the venue at the completion of all of the 10000 m races to check on his selection for testing. However the fact remains that the Alleged Offender did leave the venue prior to checking to ensure he was not selected for testing.

On January 21, 2014, the ISU received an explanatory letter of the Alleged Offender, where he admitted having failed to attend the testing room on time on January 12, 2014. However, the Alleged Offender explained that after the last race of 1500 m Men, when packing his personal belongings in the change room, he noticed that his mobile phone together with his personal ID and a credit card, all attached to the mobile phone case, were missing. He, thus, left the rink in a hurry and immediately, looking for his belongings. When he arrived at the Hotel Scandic, he still could not find the phone and nobody could reach him. However, luckily, he was notified by a Russian skater, that the Anti-Doping chaperone was looking for him. He met the chaperone in the lobby. Later, the phone was found in the shuttle bus where it had fallen out of his pocket. The Alleged Offender declared to understand that he should have checked with the Anti-Doping official first, if his name had been selected for random testing, but given the situation he made the wrong choice and left the ice rink early. The Alleged Offender maintained that he had absolutely no intentions to disobey the rules and that he was glad that he still managed having been tested. The Alleged Offender assured to respect the Anti-Doping rules, he admitted having "clearly made a mistake", and asked for the ISU's understanding.

In his statement of reply of March 4, 2014, the Alleged Offender remarks that the ISU European Speed Skating Championships is the only competition for European skaters, which gives the

athlete a right to qualify for the ISU World Speed Skating Championships, which is the most important ISU Championship in a season. A disqualification from 2014 Essent ISU European Speed Skating Championships, January 12, 2014, 1500 m race, would not only cancel the result of his performance over 3 distances, but also suspend his rights to participate at the 2014 ISU World Speed Skating Championships.

If the ISU Disciplinary Commission would imply a disqualification from the 1500 m race of the 2014 ISU European Championships, which will have an effect on the result of the whole tournament as well as participation in the ISU World Speed Skating Championships 2014, he finds the decision to be far too harsh.

Therefore the Alleged Offender moves to impose a sanction of a reprimand only.

#### **IV. Motions**

The Complainant filed a motion as follows:

1. To find the Alleged Offender guilty of violation of the ISU Anti-Doping Rules.
2. To impose upon the Alleged Offender a reprimand.
3. To declare disqualification of the result (13<sup>th</sup> rank) obtained by the Alleged Offender in the 1,500 m race at the Essent ISU European Speed Skating Championships 2014 in Hamar.

The Alleged Offender

1. agrees to the reprimand,
2. moves not to declare the disqualification of the result obtained at the Essent ISU European Speed Skating Championships 2014 in Hamar.

#### **V. Law**

1. According to Article 2.3.1 of the ISU Anti-Doping Rules 2012 leaving the ice rink after the event in which a skater has participated without first ensuring that he or she has not been selected for Anti-Doping testing constitutes an Anti-Doping Rule violation. According to Article 10.3.1 para 2 the sanctions set forth in Article 10.4 shall apply if testing on recall was complied with.

For a first violation Article 10.4 of the ISU Anti-Doping Rules establishes a sanction of at a minimum a reprimand and a maximum of two years' ineligibility.

Generally Article 10.4 of the ISU Anti-Doping Rules deals with cases of adverse analytical findings with respect to specified substances. In the present case no prohibited substance was found in the Alleged Offender's bodily specimen. His only mistake was to leave the ice rink before checking whether he had been selected for Anti-Doping testing. The Alleged Offender was in a situation of fear, having found out that his mobile phone, ID card, and credit cards were lost. When he was informed by a Russian skater that he was searched for Anti-Doping testing he immediately contacted the chaperone in the lobby of the hotel and accompanied him to testing prior to the end of the 10000m race. His carelessness is regrettable but cannot be considered as a gross offence against the ISU Anti-Doping Rules. Given that this is the Alleged Offender's first violation a reprimand is the adequate sanction.

According to Article 9 of the ISU Anti-Doping Rules “*a violation of these ISU Anti-Doping Rules in Individual Sports 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.*”

The Alleged Offender pleads that a disqualification from the 2014 European Speed Skating Championships would not only cancel the result of his performance over 3 distances, but also suspend his rights to participate at the 2014 ISU World Speed Skating Championships. This objection is correct. Rule 208 of the Special Regulations & Technical Rules Speed Skating 2012 states:

***Rule 208 Entries for ISU Championships and ISU Events***

***4. World Allround Championships:***

*...4b) The entry quotas for the ISU Members in the World Allround Championships are determined by the results in regional qualifying events (see paragraph 5 a) below) in the same season.*

***5. European Championships, Qualifying events for World Allround Championships***

*...5. a) The regional qualifying events for the World Allround Championships (see paragraph 4 b) above) shall take place at least two weeks before the World Allround Championships, and shall be organized under the supervision of the ISU. For European Members the qualifying event is the European Speed Skating Championships....*

This means that a disqualification of the result obtained at the European Championships 2014 would indeed disentitle the Alleged Offender to participate at the 2014 ISU World Speed Skating Championships.

The comment to Article 9 ISU Anti Doping Rules says:

*“[Comment to Article 9: When a Skater wins a gold medal with a Prohibited Substance in his or her system that is unfair to the other Skaters in that Competition regardless of whether the gold medalist was at fault in any way. Only a "clean" Skater should be allowed to benefit from his or her competitive results.”*

The reason behind is that only a clean skater should keep his medal, prizes and points. In the present case the skater’s test was negative that means his only fault was to leave the ice rink before checking whether he had been selected for the Anti-Doping testing. The comment to Article 9 indicates that this article does not cover the case of a clean skater, who left the ice rink before checking whether he has been selected for Anti-doping testing.

As aforementioned the appropriate sanction in the present case is a reprimand. The disqualification of the result obtained at the European Championships 2014 would deprive the Alleged Offender of the participation at the 2014 ISU World Speed Skating Championships. The World Speed Skating Championships are the most important competitions for a skater in the season. Losing the right to participate in this event would be a sanction much more severe than a reprimand. The panel therefore only reprimands the skater but does not disqualify the skater’s competitive results obtained at the 2014 European Speed Skating Championships.

**V. Decision**

1. Haralds Silovs is declared responsible for an Anti-Doping violation, committed on January 12, 2014 at the Essent ISU European Speed Skating Championships 2014 in Hamar.
2. Haralds Silovs is reprimanded and warned to not engage in similar conduct in the future, which conduct will cause a more severe action.
3. The motion of the Complainant to declare disqualification of the result (13<sup>th</sup> rank) obtained by Haralds Silovs in the 1,500 m race at the Essent ISU European Speed Skating Championships 2014 is rejected.
4. Latvian Skating Association has to reimburse the ISU for the costs of these proceedings.
5. The skater bears his own costs.

March 17, 2014



Volker Waldeck



Dr. Egbert Schmid



Dr. Allan Böhm