

**JUDICIAL AWARD DELIVERED BY
THE FISA DOPING HEARING PANEL**

in the following composition

**Members:
Anita DeFrantz
Tricia Smith
Michael Williams**

**In the case of
Filippo MANNUCCI (ITA)**

FISA conducted in competition tests at the Rowing World Cup in Lucerne, Switzerland on 12 July 2009 in accordance with the regulations of the World Anti-Doping Code. A urine sample was collected on 12 July 2009 (the "Sample") from the athlete Filippo Mannucci (the "Athlete").

The sample taken from the Athlete was numbered 123083 and recorded on the Doping Control Form. The Athlete signed this form and received a copy. The Athlete declared on the form that the only medication that he had taken in the days before the test was aspirin. He noted "OK" as a comment regarding the doping control procedure. The WADA accredited laboratory in Lausanne received the "A" sample on 13 July 2009.

Doping Controls Report 40254 dated 31 July 2009 indicated that the result of the analysis is consistent with the administration of testosterone or its precursors. The presence of exogenous testosterone is a violation of the World Anti-Doping Agency's 2009 Prohibited Substances/Methods List. Testosterone is an anabolic androgenic steroid in class S1 (Anabolic Agents).

The Athlete was notified by FISA through the Italian Rowing Federation on 4 August 2009 with details of the possible anti-doping violation and of a provisional suspension from national and international competition. All correspondence with the Athlete was conducted and confirmed through the Italian Rowing Federation.

On 6 August 2009 the Italian Rowing Federation confirmed the request of the Athlete to proceed with the analysis of the B sample. The analysis of the B sample 123083 took place at the Lausanne Laboratory beginning on 10 August, ending on 12 August 2009 and it confirmed the result of A analysis of the same sample. Doping Controls Report 40839 showed that the Isotope Ratio Mass Spectrometry (IRMS) analysis indicated that the "results are consistent with the administration of testosterone or its precursors".

The Lausanne Laboratory reported the results to FISA on 12 August 2009. The Athlete was informed of the B counter analysis result on 13 August 2009 and, in accordance with Article 8.1 of the FISA Anti-Doping Rules, was invited to attend and participate in a hearing before a FISA Anti Doping Hearing Panel or provide a statement in written format.

Hearing

A hearing with the Athlete took place in Poznan, Poland on 29 August 2009.

The Athlete was present and assisted by his father. Piero Poli, MD, doctor of the Italian Rowing Federation was also present with the athlete. The three members of the FISA Panel were present as well as Matt Smith, Executive Director of FISA, and Jürgen Steinacker MD, member of FISA's Sports Medical Commission and invited medical advisor.

As a defense, the Athlete presented journal articles and letters from Italian medical and biological professionals which tended to contest the validity of the International Standards for Laboratories (ISL) and their respective documents.

Evidence

The Athlete later submitted updated versions of these documents by email attachments. These were received by FISA in several emails of which the last were received on 14 October 2009.

A paper was prepared for the FISA Hearing Panel as a means to summarise and respond to the arguments extracted from the documents submitted by the Athlete at the first hearing in Poznan and also later received by email. The responses to the arguments raised by the Athlete were prepared in consultation with Martial Saugy, PhD, director of the Lausanne Laboratory and Alain Lacoste, MD, Chair of the FISA Sports Medicine Commission. These responses were forwarded to the Athlete for his review and any final submission. The Athlete's final submission was received 5 April 2010 and reviewed by the Panel.

Decision

Applicable law

The applicable rules

The applicable rules are the FISA Anti-Doping Rules in force at the time of the test (12 July 2009). These rules are consistent with the World Anti-Doping Code.

The relevant rules

The relevant rules in this case are the FISA Anti-Doping Bye Laws including but not limited to:

- Article 2.1.1 which states it is each Rower's personal duty to ensure no Prohibited Substance enters his body;
- Article 10.2 which sets a period of two years' ineligibility for a first violation for the substance here concerned, and which provides that the athlete shall have the opportunity to establish the basis for eliminating or reducing this sanction as provided in Article 10.5;

Article 10.5 which provides for elimination or reduction of the period of ineligibility based on exceptional circumstances: (10.5.1) elimination in the case of "no fault or negligence" and establishing how the prohibited substance entered his or her system; (10.5.2) reduction to no

less than one half of the minimum period of ineligibility in the case of “no significant fault or negligence”;

Merits

According to FISA Rules and the World Anti-Doping Code, the burden of proof is on the athlete to rebut the presumption of guilt established by the presence of a prohibited substance in his body or fluid.

The Panel finds that a positive test was established by the evidence of the laboratory analysis.

The athlete presented various arguments about the general validity of the testing procedures themselves and possible theories of reasons for false positive findings. The Panel does not accept the various theories presented by the athlete and finds they are either irrelevant or do not apply to this case. The athlete also presented no evidence that the testing procedure for sample A or sample B was conducted improperly.

The Panel therefore finds the athlete did not rebut the presumption of guilt established by the presence of a prohibited substance in his body or fluid.

The athlete also presented no evidence of no fault or negligence or no significant fault or negligence as contemplated under Article 10.5.

FOR THESE REASONS

The FISA Doping Hearing Panel finds that Filippo Mannucci:

1. has committed an Anti-Doping Rule Violation under the Anti-Doping By-Laws.
2. is suspended and ineligible for two years from national and international competition.
3. The period of ineligibility commences from the date of the provisional suspension, 4 August 2009.
4. This award is rendered without costs.

For the FISA Doping Hearing Panel:

Anita DeFrantz

Tricia Smith

Michael Williams