

# INTERNATIONAL SKATING UNION

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Case no. 02/09

## DECISION

of

### The ISU Disciplinary Commission

**Panel:** - Dr. Béatrice Pfister (Chair)  
- Mr. Fred Benjamin  
- Dr. Egbert Schmid

**In the matter of**

**Mr. Yuri Larionov,**

**- Petitioner -**

**against**

**International Skating Union, Chemin de Primerose 2, 1007 Lausanne**

**- Original Complainant -**

**Regarding Petition of March 16, 2009**

- **WHEREAS** by decision of the ISU Disciplinary Commission of April 6, 2008, a two years ineligibility, beginning on January 18, 2008, was imposed on Petitioner, based on the finding of Furosemide, a Prohibited Substance, in Petitioner's bodily specimen at the occasion of an out of competition Anti-Doping Test of November 26, 2007;
- **WHEREAS** the ISU Disciplinary Commission in its afore mentioned decision held Petitioner's explanations as to how the Prohibited Substance entered his body to be plausible and credible and considered his Anti-Doping Violation to be not to have been committed intentionally but by negligence;
- **WHEREAS** the ISU Disciplinary Commission in its deliberations of the afore mentioned decision agreed the imposed sanction to be overly severe in light of the circumstances of the case, but had to admit that the ISU Anti-Doping Rules, as they were valid at the time of the decision, did not allow to reduce the period of ineligibility of two years for a first violation of Article 2.1 as established by Article 10.2 of the then applicable ISU Anti-Doping Rules;
- **WHEREAS** on January 1, 2009, the revised ISU Anti-Doping Rules became effective;
- **WHEREAS** according to Article 10.4 of the current ISU Anti-Doping Rules the sanction for a first violation of Article 10.2 is at the minimum a reprimand and a two years ineligibility at the maximum in cases where a skater can establish that a specified substance was not intended to enhance the skater's sport performance or mask the use of a performance-enhancing substance;
- **WHEREAS** as a general rule of law final decisions are not affected by later changes of the substantive rules on which they were based;
- **WHEREAS** as an exception from this general rule, Article 18.7.3 of the currently effective ISU Anti-Doping Rules explicitly provides for the possibility to apply for a reduction in the period of ineligibility imposed by the ISU under rules in force prior to the effective date of the currently valid ISU Anti-Doping Rules in light of the amendments made to the World Anti-Doping Code, providing such application is made before the period of ineligibility has expired;
- **WHEREAS** the Figure Skating Federation of Russia on behalf of Petitioner by application of March 16, 2009, asked for a reduction of the imposed ineligibility period based on Article 18.7.3 of the current ISU Anti-Doping Rules;
- **WHEREAS** the condition of Article 18.7.3 of the current ISU Anti-Doping Rules has been met in that the application on behalf of Petitioner was made before the period of ineligibility has expired;
- **WHEREAS** the ISU by letter of April 4, 2009, leaves the decision on Petitioner's application at the discretion of the ISU Disciplinary Commission;

- **WHEREAS** Furosemide according to the 2009 WADA-list of Prohibited Substances falls under the category of "Specified Substances" and therefore an elimination or reduction of the period of ineligibility according to Article 10.4 of the current ISU Anti-Doping rules is possible;
- **WHEREAS** Petitioner in the proceedings leading to the decision of April 6, 2008, established how Furosemide had entered his body and satisfied the Panel that it was by negligence and not by intent to enhance his sport performance or mask the use of a performance enhancing substance;
- **WHEREAS** Petitioner's negligence while not being insignificant was not of such importance as to request for the maximum sanction under Article 10.4 of the current ISU Anti-Doping Rules;
- **WHEREAS** all conditions for a reduction in the period of ineligibility according to Article 18.7.3 in conjunction with Article 10.4 of the current ISU Anti-Doping Rules are met;
- **WHEREAS** under the totality of the circumstances to be taken into account the requested six months reduction of the originally imposed ineligibility seems adequate;
- **WHEREAS** according to Article 15 Para 1 of the ISU Disciplinary Commission Rules of Procedure each party involved in the proceedings shall bear their costs unless otherwise decided by the ISU Disciplinary Commission;
- **WHEREAS** in the present case there is no reason for departing from the general rule of Article 15 Para 1 of the ISU Disciplinary Commission Rules of Procedure.

Based on the above considerations the ISU Disciplinary Commission issues the following

## **DECISION**

1. The letter of the ISU dated April 14, 2009, is sent to Petitioner through the Skating Federation of Russia by e-mail.
2. The ineligibility period imposed upon Yuri Larionov by decision of April 6, 2008, is reduced to 18 months;
3. Therefore the ineligibility period imposed upon Yuri Larionov will end on July 17, 2009;
4. Each party bears its own costs.
5. This decision is sent to Petitioner through the Skating Federation of Russia and the ISU by e-mail.

Muri b. Bern, April 21, 2009



Dr. Béatrice Pfister (Chair)



Fred Benjamin



Dr. Egbert Schmid

The present decision is subject to appeal to the Court of Arbitration for Sport, Château de Béthusy, Av. de Beaumont 2, CH-1012 Lau sanne, Switzerland, within 21 days upon receipt of the decision, in accordance with Article 23.12 and Article 24 of the ISU Constitution.