



PRESS RELEASE

SPEED SKATING

CASE PECHSTEIN : THE 2-YEAR BAN CONFIRMED BY THE COURT OF ARBITRATION FOR SPORT

Lausanne, 25 November 2009 - The Court of Arbitration for Sport (CAS) has rendered its final decision in the arbitration concerning the German speed skater Claudia Pechstein. The CAS has dismissed the appeals filed by the athlete and the German Speedskating Association and has confirmed the decision of the Disciplinary Commission of the International Skating Union which imposed a two-year ban on Claudia Pechstein.

On the occasion of the ISU World Speedskating Championships in Hamar, Norway, in February 2009, blood samples were taken from all athletes for screening purposes. The percentage of reticulocytes value was measured at 3.49 for Claudia Pechstein. During the same event, two more blood samples were collected and showed values of 3.54 and 3.38. Ten days after the Hamar event, an out-of-competition blood sample was collected from the athlete, showing a percentage of reticulocytes value of 1.37. On 1 July 2009, the ISU Disciplinary Commission declared Claudia Pechstein responsible for an anti-doping violation under art. 2.2 of the ISU Anti-Doping Regulations by using the prohibited method of blood doping.

Claudia Pechstein and the German Speedskating Association (DESG) both filed appeals with the Court of Arbitration for Sport requesting the annulment of the ISU decision. Ms Pechstein put forward that she had not violated any anti-doping rule and contested that the percentage of reticulocytes values measured in Hamar were the result of the application of a prohibited substance or method. The athlete asserted that the upper limit of 2.4 in percentage of reticulocytes referred to by the ISU is not a generally accepted limit in medical practice. She stated that her high values were due to a blood disease. She also considered that the data collected by the ISU on the basis of blood screening were unreliable and unlikely to be of statistical or medical value for a number of reasons, such as cold temperature, altitude, physical stress due to intense exercise, foot pressure due to ice skates and blades, bleeding and an infection incurred in January 2009. Finally, the athlete expressed the view that the machine used for the blood analysis was subject to substantial fluctuations if it was not properly calibrated.

The case was referred to a Panel of CAS arbitrators composed of Prof. Massimo Coccia, Italy (President), Dr Stephan Netzle, Switzerland, and Mr Michele Bernasconi, Switzerland. A hearing was held at the CAS headquarters in Lausanne on 22 and 23 October 2009 during which the parties, their legal representatives and twelve witnesses and experts were heard.

The CAS Panel has decided to dismiss the appeals and to confirm the sanction imposed by the ISU Disciplinary Commission. The commencement date of the suspension has been fixed on 8 February 2009.

In summary, the CAS Panel has rejected the Appellants' arguments related to the sample collection and the analysis procedure and found that the calibration procedure established by the manufacturer of the automatic blood analyser used by the ISU was reliable. Furthermore, the CAS Panel found that the percentage of reticulocytes values shown by the athlete in Hamar on 6 and 7 February 2009 constituted abnormal values in comparison with both the general population in Europe and other elite speed skaters, as well as in comparison with her own usual values. The Panel also found that the variations in the athlete's percentage of reticulocytes from 1.74 on 8 January 2009 to 3.49 on 6 February 2009 and then down again to 1.37 on 18 February 2009 was abnormal.

The Panel found that the above abnormality could not be reasonably explained by the various justifications submitted by the athlete nor by a congenital medical condition, as the expert hematologist chosen by athlete examined her in depth and concluded that there were no signs of any detectable blood disease or anomaly.

The CAS Panel concluded as follows:

As a result, in exercising its discretion to consider the evidence submitted by the parties, the Panel, bearing in mind the seriousness of the allegation, and based on all the considerations made above, finds that the ISU has discharged its burden of proving to the comfortable satisfaction of the Panel that the abnormal values of percentage of reticulocytes recorded by Ms Pechstein in Hamar on 6 and 7 February 2009, and the subsequent sharp drop recorded on 18 February 2009, cannot be reasonably explained by any congenital or subsequently developed abnormality. The Panel finds that they must, therefore, derive from the Athlete's illicit manipulation of her own blood, which remains the only reasonable alternative source of such abnormal values.

The full award with the grounds is published on the CAS website www.tas-cas.org/recent-decision.