



## MEDIA RELEASE

### CYCLING

#### THE COURT OF ARBITRATION FOR SPORT (CAS) DOES NOT IMPOSE ANY SUSPENSION ON ALEXANDER KOLOBNEV

*Lausanne, 29 February 2012* – The Court of Arbitration for Sport (CAS) has rendered its decision in the arbitration between the Union Cycliste Internationale (UCI) and the Russian cyclist Alexander Kolobnev & the Russian Cycling Federation (RCF): the CAS has confirmed the decision of the RCF to impose a reprimand on Kolobnev and has upheld the appeal filed by the UCI only in relation to the costs of the anti-doping procedure, which will have to be borne by the athlete.

On 6 July 2011, Kolobnev underwent an anti-doping control in Vannes (France), in the morning of stage 5 of the *Tour de France* 2011, in which he was participating as a member of the UCI Pro Team cycling team “Katusha”. On 11 July 2011, the Laboratory of Châtenay-Malabry reported the presence of hydrochlorothiazide (“HCT”). HCT is a prohibited substance in class S.5 (diuretics and other masking agents) of the 2011 WADA list of prohibited substances. More specifically, in accordance with the opening provision of the Prohibited List and with Article 32 of the UCI Anti-Doping Rules (ADR), in force since 1 July 2011, HCT is a prohibited *specified* substance. On the same 11 July 2011, Kolobnev accepted a provisional suspension and requested the B sample analysis. On 19 July 2011, the B sample analysis was performed at the Laboratory and confirmed the Adverse Analytical Finding.

By decision of 31 October 2011, the RCF ruled that Alexander Kolobnev committed an anti-doping violation, considering the presence of the specified substance HCT, that he should be sanctioned with a reprimand, that he should be disqualified from the 5<sup>th</sup> stage of the *Tour de France* 2011 and that he was ordered to pay a fine of CHF 1500.

On 30 November 2011, the UCI filed an appeal with the CAS to request that a 2-year ban be imposed on the athlete. The UCI also requested that a fine of EUR 350'000 be imposed on him. A CAS Panel composed of Mr Luigi Fumagalli, Italy (President), Mr Martin Schimke, Germany, and Mr Jeffrey Benz, USA, was appointed to hear this matter. The CAS Panel heard the parties, their witnesses and experts on 7 February 2012 at the CAS Headquarters in Lausanne.

The CAS Panel noted that it was not disputed by the parties that Alexander Kolobnev tested positive with the specified substance HCT. The dispute concerned the existence of the conditions



for the application of Article 295 of the UCI ADR (similar to art. 10.4 of the World Anti-doping Code), the degree of fault of the athlete and the sanction to be imposed.

On the basis of the evidence produced by the parties, the CAS Panel found that Kolobnev has been suffering from varix dilatation, a chronic vascular disease, for 15 years, that he has regularly consulted a doctor for it, and that he has undergone medical treatment that included surgery and that, in order to treat such disease and enhance his venous system, Kolobnev was recommended by his personal doctor to use products called “Kapilar” or “Natural Kapillaryaroprotector”. “Natural Kapillaryaroprotector” is sold in Russia without prescription. Kolobnev purchased the product in Ufa, Russian Federation, on 24 June 2011 and had the product with him at the *Tour de France* 2011; furthermore, the analysis performed on the product by the HFL Sport Science Laboratory in London upon Kolobnev’s request reported the presence of HCT, in the estimated amount of 6.3 micrograms per tablet.

The CAS Panel was satisfied that the use of the product “Natural Kapillaryaroprotector” was justified by medical reasons totally unrelated to sport performance: the product, recommended by Kolobnev’s doctor in 2009, had been actually indicated to supplement the treatment of the vascular disease affecting the athlete, and not (as food supplement normally are) to help an athlete recover from physical effort or better prepare for a sporting performance.

As a consequence, the CAS Panel confirmed the decision of the RCF imposing a reprimand on Kolobnev and no period of ineligibility. The disqualification of the 5<sup>th</sup> stage of the *Tour de France* 2011 and the fine of EUR 1500 were confirmed as well. The UCI appeal was upheld only to a very limited extent, i.e. only with respect to the costs of the anti-doping procedure (CHF 2500 and EUR 690) which will have to be borne by Kolobnev.

The full award with the grounds is published on the CAS website (<http://www.tas-cas.org/recent-decision>).