

INTERNATIONAL OLYMPIC COMMITTEE

IOC DISCIPLINARY COMMISSION DECISION

REGARDING KORNELIA MAREK BORN ON 3 AUGUST 1985, ATHLETE, POLAND, SKIING, CROSS COUNTRY WOMEN

(Rule 23.2.1 of the Olympic Charter)

1. On 25 February 2010, Mrs Marek (hereinafter the **"Athlete"**) competed in the Final of the Women 4x5km relay in Whistler, at the occasion of the Vancouver 2010 Olympic Winter Games, where she ranked 6th with her teammates.
2. The Athlete was requested on 25 February 2010, in Whistler, at approximately 13:30, immediately following the completion of her participation in the Women 4x5km relay, to provide a urine sample for a doping control.
3. Pursuant to Article 6.2.1 of the *IOC Anti-Doping Rules Applicable to the XXI Olympic Winter Games in Vancouver in 2010* (the **"Rules"**), Dr Patrick Schamasch (the **"IOC Medical Director"**), as representative of the Chairman of the IOC Medical Commission, was informed on 4 March 2010, by the Head of the WADA Accredited Laboratory in Vancouver, of an adverse analytical finding on the A sample of the above-noted urine.
4. Pursuant to Article 6.2.2 of the *Rules*, the IOC Medical Director determined that the above-noted A sample belonged to the Athlete, and verified that it did in fact give rise to an adverse analytical finding. He also determined that there was no apparent departure from the International Standards for Testing or the International Standards for Laboratories that undermined the validity of the adverse analytical finding.
5. Pursuant to Article 6.2.3 of the *Rules*, the IOC Medical Director immediately informed the IOC President, Dr Jacques Rogge, of the existence of the adverse analytical finding and the essential details available to him concerning the case.
6. Pursuant to Article 6.2.5 of the *Rules*, the IOC President, by letter dated 5 March 2010, immediately set up a Disciplinary Commission, consisting of:
 - Thomas Bach (Chairman)
 - Denis Oswald
 - Frank Fredericks

The IOC President also informed the Disciplinary Commission that, pursuant to Rule 23.2.4 of the Olympic Charter and Article 6.1.6. of the *Rules*, the decision of the Disciplinary Commission in this case would constitute the decision of the IOC.

The IOC President has in this case decided that the procedure may be extended beyond the 24 hour time limit as per Article 6.2.14 of the *Rules*.

7. Pursuant to Article 6.2.6 of the *Rules*, by letter dated 8 March 2010 notified to the Athlete, to the Secretary General of the NOC of Poland, Adam Krzesinski, to the Fédération Internationale de Ski (FIS) and to the Head of the Independent Observers' Programme, the IOC President advised of the above-mentioned adverse analytical finding.

The analytical report of the laboratory analysis of the A sample, issued by the WADA Accredited Laboratory in Vancouver and attached to the above-mentioned letter dated 8 March 2010, indicated the presence of the prohibited substance **recombinant erythropoietin (rEPO)**.

8. The Athlete requested the analysis of the B sample, which occurred on Friday 12 March 2010, at 8:00 a.m. (Vancouver time), at the WADA Accredited Laboratory in Vancouver, in the presence of an independent witness, in accordance with the International Standards.
9. On 16 March 2010, the WADA Accredited Laboratory in Vancouver reported that the B sample analysis confirmed the adverse analytical finding of the A sample, indicating the presence of recombinant erythropoietin (rEPO).
10. On the same day, such finding, along with a copy of the analytical report of the laboratory analysis of the B sample, was reported to the Athlete, through her National Olympic Committee, to the National Olympic Committee of Poland, FIS and to the Head of the Independent Observers' Programme.
11. On 18 March 2010, the athlete made a written submission, stating in particular that:
 - During her preparation for the Vancouver 2010 Olympic Winter Games, she took several "medicines", by intravenous and intramuscular injections;
 - Such injections were made by Witalij Trypolski, the physiotherapist of the Polish National Women Cross Country Ski Team;
 - She believed the substances injected were not prohibited substances in sport;
 - She was not informed what kind of medicines were given to her, as she trusted Mr Trypolski, who had treated her for the last three seasons;
 - She thinks that such prohibited substance may have been given to her by Mr Trypolski;
 - She acknowledged the fact that the presence of rEPO in her organism was prohibited and stated that she understood the consequences of such finding;
 - She accepted any decision imposed on her by "National and International Sport Authorities";
 - She expressed her regrets for the situation and asserted that she will be more cautious in the future on the use of medicines, in order to avoid that the same happens again in the future.
12. On the same day, by separate written submission, the Athlete confirmed that she did not request to be heard in person by the Disciplinary Commission and waived her right to attend a hearing of the Disciplinary Commission. She also confirmed that by her written submission, she had fully exercised her right to be heard.
13. After reviewing the file and the written submission made by the Athlete, the Disciplinary Commission unanimously concluded that the Athlete had committed an anti-doping rules violation pursuant to Article 2.1 of the World Anti-Doping Code (the "*Code*") and Articles 2 and 12 of the *Rules* in that there was the presence of the prohibited substance **recombinant erythropoietin (rEPO)** in her body.

14. The Disciplinary Commission notes that the *Athlete* competed in four other competitions during the Vancouver 2010 Olympic Winter Games, as follows:

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| 15 February 2010 | Women 10 km free (Ranked 39) |
| 19 February 2010 | Women 15 km pursuit (7.5 km classical, 7.5 km free)
(Ranked 35) |
| 22 February 2010 | Womensprint relay free (Ranked 9) |
| 27 February 2010 | Women 30 km, mass start classical (Ranked 11) |

The Athlete was not tested at such other competitions.

15. The Disciplinary Commission notes in this context that:

- The Athlete did not enquire what type of substance was injected by her physiotherapist, Mr Trypolski, which constitutes a gross negligence on her part;
- EPO is not a light stimulant, but is a prohibited substance that reflects sophisticated, systematic and organised long term doping practices;
- The *Athlete* acknowledges and admits having received injections before her participation in the 2010 Olympic Winter Games;

16. By her conduct and severe violation of the Olympic Charter, the *Rules* and the *Code*, the *Athlete* has brought the Olympic Games, her fellow teammates and her National Olympic Committee in disrepute.

17. The Disciplinary Commission considers that such conduct warrants the disqualification of all results obtained by the Athlete at the 2010 Olympic Winter Games, which results in the disqualification of the teams in which she participated, which is pronounced in a separate document.

CONSIDERING the above, pursuant to the Olympic Charter and, in particular, Rule 23.2.1 thereof, and pursuant to the *IOC Anti-Doping Rules applicable to the XXI Olympic Winter Games in Vancouver, 2010* and in particular, Articles 1.2,2 and 8.1 thereof and pursuant to the World Anti-Doping Code and, in particular, Articles 2.1 and 10.1 thereof:

THE DISCIPLINARY COMMISSION OF THE
INTERNATIONAL OLYMPIC COMMITTEE
DECIDES

- I. The Athlete, Kornelia Marek, Poland, Cross-Country Skiing
- (i) is disqualified from all the competitions she participated at the 2010 Olympic Winter Games, namely:
- Women 10 km free, where she had placed 39th;
 - Women 15 km pursuit (7.5 km classical, 7.5 km free), where she had placed 35th;
 - Women sprint relay free, where she had placed 9th;
 - Women 4x5km relay , where she had placed 6th;
 - Women 30 km mass start classical, where she had placed 11th.
- (ii) shall have her diploma in the Women' 4x5 km relay withdrawn.
- II. The International Ski Federation (FIS) is requested to modify the results of the above-mentioned events accordingly and to consider any further action within its own competence.
- III. The NOC of Poland is ordered to return to the IOC, as soon as possible, the diploma awarded to the Athlete in relation to the Women' 4x5 km relay;
- IV. This decision shall enter into force immediately.

Dubai, 29 April 2010

The IOC Disciplinary Commission

Thomas BACH
Chairman

Denis OSWALD

Frank FREDERICKS