

INTERNATIONAL OLYMPIC COMMITTEE

IOC DISCIPLINARY COMMISSION

DECISION

REGARDING Ms MARIA ISABEL MORENO BORN ON 2 JANUARY 1981, ATHLETE, SPAIN, CYCLING (Road)

(Rule 23.2.1 of the Olympic Charter)

1. Ms Maria Isabel Moreno (hereinafter the "Athlete") was accredited as a participant in the Games of the XXIX Olympiad in Beijing in 2008 (hereafter the "Games"). She received accreditation number 0213679-01, which was validated on 31 July 2008.
2. Ms Maria Isabel Moreno was requested, in the early afternoon of 31 July 2008, at the Olympic Village in Beijing, to provide a urine and a blood sample for a pre-competition doping control.
3. Pursuant to Article 7.2.1 of the *IOC Anti-Doping Rules applicable to the Games of the XXIX Olympiad, Beijing 2008* (the "*Rules*"), Dr Patrick Schamasch, IOC Medical and Scientific Director, was informed in his capacity as representative of the Chairman of the IOC Medical Commission, at about 15:20 hours on Saturday 9 August 2008, by the Head of the WADA-Accredited Laboratory in Beijing, of an adverse analytical finding on the A sample of the above-noted urine.
4. Pursuant to Article 7.2.2 of the *Rules*, Dr Schamasch 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 7.2.3 of the *Rules*, Dr Schamasch 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 7.2.4 of the *Rules*, the IOC President, by letter dated 9 August 2008, immediately set up a Disciplinary Commission, consisting of:
 - **Dr Thomas Bach (Chairman)**
 - **Ms Gunilla Lindberg**
 - **Mr Denis Oswald**

The IOC President also informed the Disciplinary Commission that, pursuant to Rule 23.2.4 of the Olympic Charter and Article 7.1.4 of the *Rules*, the decision of the Disciplinary Commission in this case would constitute the decision of the IOC.

7. Pursuant to Article 7.2.5 of the *Rules*, the IOC President, by letter dated 10 August 2008, notified to the Athlete, to the Chef de Mission of the NOC of Spain (Mr Cayetano Cornet), to the Union Cycliste Internationale (UCI) and to the Head of the Independent Observers Programme, informed of the above-mentioned adverse analytical finding and of the time, date and place of the hearing of the Disciplinary Commission regarding this case.

The Analytical report of the laboratory analysis of the A sample, prepared by the Head of the WADA-Accredited Laboratory and attached to the above-noted letter dated 10 August 2008, indicated the presence of the prohibited substance EPO.

8. By letter dated 10 August 2008, the Chef de Mission of the NOC of Spain informed the IOC Director of Legal Affairs, Mr Howard Stupp, that after being tested in the afternoon the Athlete had left the Olympic Village on 31 July 2008 and had flown back to Spain.
9. The Disciplinary Commission held a hearing on 11 August 2008 at 9:15 hours, at the Beijing Hotel, IOC Executive Board Meeting Room, 18th Floor, 33 East Chang An Avenue in Beijing. Attending the hearing were:

All members of the Disciplinary Commission

- Dr Patrick Schamasch, IOC Medical Director
- Mr Howard Stupp, IOC Director of Legal Affairs
- Mr Christian Thill, IOC Doping Control Administrative Coordinator
- Mr François Carrard, IOC Counsel

Representatives of the UCI

- Mr Philippe Verbiest
- Mr Mario Zorzoli

A representative of the Independent Observers Programme

- Mr Travis Tygart

By letter dated 11 August 2008, the Athlete informed the Commission that it was physically and materially impossible for her to appear.

By e-mail dated 11 August 2008, the Chef de Mission of the NOC of Spain informed Mr Stupp that, since the Athlete would not attend the hearing, the NOC of Spain had decided not to attend the hearing and that the NOC's position had been stated in the letter of 10 August 2008 from the Chef de Mission of the NOC of Spain.

10. After thoroughly going through the file and discussing the case, the Disciplinary Commission retired for deliberation.
11. In her letter of 11 August 2008, the Athlete challenged the entire process as being null for various reasons, in particular by alleging irregularities at the occasion of the doping control in relation to her identification as well as during the sample collection process, and by claiming that the language of the letter dated 10 August 2008 informing her of the adverse analytical finding and the invitation to be heard was incomprehensible.:
The Disciplinary Commission noted that the Athlete had duly countersigned the doping control official record form, in English, without any objection other than in relation to her accreditation card not being on her bedside table when she came back from training. The doping control official form did not refer to any other issues in relation to the doping control process. The Athlete also complained about the fact that the notification took place on a Sunday, which is a holiday. She further requested an analysis of the B sample or, as the case may be, the C sample.
12. The Disciplinary Commission rejected the Athlete's arguments and unanimously concluded that the Athlete had committed an anti-doping rule violation pursuant to Article 2.1 of the *Rules* in that there was the presence of the prohibited substance EPO in her body.

13. The Disciplinary Commission also noted that the Athlete withdrew from the Games without the consent of the IOC Executive Board (Bye-law 9 to Rule 45 of the Olympic Charter).

CONSIDERING the above, pursuant to the Olympic Charter and, in particular, Rule 23.2.1 and Bye-law 9 to Rule 45 thereof, and pursuant to the *IOC Anti-Doping Rules applicable to the Games of the XXIX Olympiad in Beijing in 2008* and, in particular, Articles 2.1 and 8 thereof

THE DISCIPLINARY COMMISSION OF THE
INTERNATIONAL OLYMPIC COMMITTEE
DECIDES

- I. The athlete Ms Maria Isabel Moreno, Spain, Cycling (Road):
- (i) is excluded from the Games of the XXIX Olympiad in Beijing in 2008;
 - (ii) shall have her Olympic identity and accreditation card immediately cancelled and withdrawn.
- II The Athlete's file shall be transmitted to the UCI, which is requested to consider any further action within its own competence.
- III The NOC of Spain and BOCOG shall ensure full implementation of this decision.
- IV. This decision shall enter into force immediately.

Beijing, 11 August 2008

The IOC Disciplinary Commission

Dr Thomas BACH
Chairman

Mr Denis OSWALD

Mrs Gunilla LINDBERG