

INTERNATIONAL OLYMPIC COMMITTEE

**IOC DISCIPLINARY COMMISSION
DECISION**

**REGARDING ADAM SEROCZYNSKI
BORN ON 13 MARCH 1974, ATHLETE, POLAND, CANOE**

(Rule 23.2.1 of the Olympic Charter)

1. On 22 August 2008, Adam Seroczynski (hereinafter the "Athlete") competed in the Kayak double (K2) 1000m Men team event in Beijing at the occasion of the Games of the XXIX Olympiad, in which he placed 4th.
2. The Athlete was requested, in the evening of 22 August 2008 in Beijing, immediately following the completion of his participation in the Kayak double (K2) 1000m Men event, to provide a urine sample for a doping control.
3. Pursuant to Article 7.2.1 of the *IOC Anti-Doping Rules applicable to the Games of the XXIX Olympiad in Beijing in 2008* (the "*Rules*"), the representative of the Chairman of the IOC Medical Commission (Dr Patrick Schamasch), was informed on 25 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. Patrick 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*, the IOC President, Dr Jacques Rogge, was immediately informed 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 1 September 2008, set up a Disciplinary Commission, consisting of:
 - Thomas Bach (Chairman)
 - Denis Oswald
 - Gerhard Heiberg

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.

The IOC President has in this case decided that the procedure may be extended beyond the 24 hour time limit as per Article 7.2.13 of the *Rules*.

7. Pursuant to Article 7.2.5 of the *Rules*, by letter dated 2 September 2008 notified to the Athlete, to the Secretary General of the NOC of Poland, to the International Canoe Federation and to the Head of the Independent Observers' Programme, the IOC President advised of, among other things, the above-mentioned adverse analytical finding and that the Athlete had the option to attend the hearing of the Disciplinary Commission and/or to submit a defence in writing. The Athlete and the Chef de Mission were notified of the deadline to submit a defence in writing and of the date and place of the hearing.

The analytical report of the laboratory analysis of the A sample, prepared by the Head of the WADA Accredited Laboratory in Beijing and attached to the above-mentioned letter dated 24 August 2008, indicated the presence of the prohibited substance Clenbuterol.

8. The Athlete requested the analysis of the B sample, which occurred on 4 September 2008, in Beijing.

The B sample analysis result confirmed the finding of the A sample analysis, indicating the presence of Clenbuterol in the B sample.

9. The Athlete made a written submission dated 8 September 2008, within the deadline set by the IOC President.

10. In his written submission, the Athlete stated, through his lawyer, in summary, that:

- he was innocent and denied any attempt of intentional use of the prohibited substance Clenbuterol
- he suspected food tampering by "the organizers"
- he would provide arguments and evidence at the time of the hearing
- a clerical error on the analytical report of his A sample referred to a B sample, concluding that there were either two B samples or "there was a mistake in the file".
- he would attend the hearing of the Disciplinary Commission to "prove his innocence".

11. The IOC provided to the Athlete on 10 September 2008 copies of the full scientific documentation ("Doc Packs") regarding the analysis of the A and of the B samples. The Doc Packs evidenced that a clerical error was made on the A sample report, by mistakenly referring to a "B sample" on such sample report relating to the A sample. This clerical error has been acknowledged and corrected accordingly by the Head of the WADA Accredited Laboratory in Beijing.

12. The Disciplinary Commission held a hearing on 21 September 2008 at around 13:30 hours, at the IOC Headquarters in Vidy, Lausanne, in the Coubertin Room, in the presence of a delegation of the NOC of Poland (hereinafter the "Delegation") comprised of:

- Adam Seroczynski, Athlete
- Ludwik Zukowski, Legal Counsel to the Athlete
- Dorota Idzi, Vice-President of the NOC of Poland

13. The International Canoe Federation was represented at the hearing by Erika Riedl, Legal Counsel.

14. Also attending the hearing were:

Dr Patrick Schamasch, IOC Medical Director
Howard Stupp, IOC Director of Legal Affairs
Christian Thill, IOC Doping Control Administrative Coordinator

François Carrard, IOC Counsel

Sarah Lewis, Head of the Independent Observers' Programme.

15. The Delegation had been informed of the results of the laboratory analysis of the A and B samples, which, according to the analysis report prepared by the Head of the WADA Accredited Laboratory, indicated the presence of Clenbuterol.

16. The Delegation declared that it did not have any objection as to the conduct of the disciplinary procedure with respect to the alleged anti-doping rule violation, in accordance with Article 7 of the *Rules*.
17. As a preliminary request to the Disciplinary Commission, the Athlete asked that an extension be granted to him to provide further evidence in writing, as to the scientific aspects of the adverse analytical finding, in particular to have the Doc Packs reviewed and analysed by an expert.
18. The Chairman confirmed that, given the circumstances, in particular that there was not a sense of urgency in this case, the request for an extension to submit a further defence in writing would be considered, although the hearing would continue to take place as scheduled, allowing the Athlete to make his oral arguments in front of the Disciplinary Commission.
19. The Athlete declared that he had no clear explanation as to how Clenbuterol ended up in his body. He explained that he did take some supplements before competition, prior to the Olympic Games, in the context of a standard preparation program, but that the only took those supplements that were allowed and prescribed by the national team doctor. Such supplements were the same for all members of the national team.

Upon questioning from the Disciplinary Commission, the Athlete declared that such supplements were not noted by him on the doping control form because they were consumed prior to the time when notification is required. The athlete confirmed he had not taken any supplements during the Olympic Games and would have not done so without seeking prior advice from his doctor.

The Athlete also raised the possibility that Clenbuterol might have been present in the food he had consumed in China, as such substance, according to the Athlete, was known to be used in the chain of production of meat in China. Hence, contamination through the food must be considered.

The Athlete indicated he had stayed at the Olympic Village and had eaten both in the Olympic Village as well as at the Canoe competition site.

20. Upon questioning from the Disciplinary Commission, Dr Patrick Schamasch indicated that scientific research showed that, while adverse analytical findings caused by contaminated food may not be totally excluded, such a situation was very rare and unlikely to occur and, even then, solely under very specific and extreme circumstances (such as quantity of substance in the contaminated food, important volume of food consumed).

The Disciplinary Commission also noted that the Athlete was the only Clenbuterol case during the Beijing 2008 Olympic Games.

The Disciplinary Commission was informed that the Beijing Organizing Committee for the Olympic Games had taken a series of measures prior to and during the Olympic Games in relation to food safety, in particular to prevent contamination of food served in the Olympic venues.

21. Prior to closing the hearing after having heard the Athlete, his lawyer and the representative of the NOC of Poland, the Disciplinary Commission communicated to the Athlete that it agreed to grant him the requested extension to submit a further defence in writing to the Disciplinary Commission not later than 1st October 2008. The Delegation

agreed that the decision would be taken by the Disciplinary Commission without any further oral hearing.

22. The Athlete made a second written submission on 1st October 2008, reassessing the arguments made orally and providing further details regarding the arguments of a scientific nature, challenging in particular the validity of the testing process by the WADA Accredited Laboratory in Beijing. The submission of the Athlete was incomplete in that it did not contain the expert report (referred to in the Athlete's submission as "exhibit 3") that allegedly supported the claim of the Athlete that the testing of his A and B samples departed from the international standards. This exhibit has not been submitted to the Disciplinary Commission as of the date of this Decision of the Disciplinary Commission.
23. The review of the scientific arguments raised by the Athlete and the relevant material available to the Disciplinary Commission did not establish a departure from the WADA International Standards
24. After hearing the Delegation and the arguments it put forward and reviewing the written submissions made, the Disciplinary Commission 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 Clenbuterol in his body.

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 Games of the XXIX Olympiad in Beijing in 2008* and, in particular, Articles 2.1, 8 and 10 thereof

THE DISCIPLINARY COMMISSION OF THE
INTERNATIONAL OLYMPIC COMMITTEE
DECIDES

- I. The athlete Adam Seroczynski, Poland, Kayak
 - (i) is disqualified from the Kayak double (K2) 1000m Men event, where he had placed 4th;
 - (ii) shall have his diploma in the above-noted event withdrawn;
- II. The International Canoe Federation is requested to modify the results of the above-mentioned event 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 diplomas awarded to the above-mentioned athletes in relation to the above-noted event.
- IV. This decision shall enter into force immediately.

Lausanne, 11 December 2008

The IOC Disciplinary Commission

Thomas BACH
Chairman

Denis OSWALD

Gerhard HEIBERG

INTERNATIONAL OLYMPIC COMMITTEE

**IOC DISCIPLINARY COMMISSION
DECISION**

**REGARDING KAYAK DOUBLE (K2) TEAM
POLAND, CANOE**

(Rule 23.2.1 of the Olympic Charter)

1. By its decision dated 11 December 2008, the IOC Disciplinary Commission concluded that Adam Seroczynski had committed an anti-doping rule violation upon the occasion of his competing in the Kayak double (K2) 1000m Men team event in Beijing at the occasion of the Games of the XXIX Olympiad.
2. The Kayak Double (K2) team was composed of Adam Seroczynski and Mariusz Kujawski.
3. Pursuant to Article 10.1 of the *IOC Anti-Doping Rules applicable to the Games of the XXIX Olympiad in Beijing in 2008* (hereinafter the "*Rules*"), if one or more team members have committed an anti-doping rule violation, the team may be subject to disqualification, and/or other disciplinary action as provided in the applicable rules of the International Canoe Federation, in particular its Anti-Doping Rules (in their revised version dated February 2008, hereinafter the "*ICF Rules*").
4. As a direct consequence of the violation of the *Rules* by Adam Seroczynski, and despite the fact that Mariusz Kujawski himself has not been found to have committed any anti-doping rule violation, the team, consisting of Adam Seroczynski and Mariusz Kujawski, shall also be disqualified in compliance with Article 10.1 of the *Rules* and Article 11.2 of the *ICF Rules*.

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 Games of the XXIX Olympiad in Beijing in 2008* and, in particular, Article 10 thereof, as well as pursuant to the *ICF Rules*, in particular Article 11.2 thereof:

**THE DISCIPLINARY COMMISSION OF THE
INTERNATIONAL OLYMPIC COMMITTEE
DECIDES**

- I. The team, composed of Adam Seroczynski and Mariusz Kujawski;
 - (i) is disqualified from the Kayak double (K2) 1000m Men event, where it had placed 4th;
 - (ii) the diplomas awarded to the members of the team in the above-noted event shall be withdrawn;
- II. The NOC of Poland is ordered to inform the members of the team and to return to the IOC, as soon as possible, the diplomas awarded to the above-mentioned athletes in relation to the above-noted event.
- III. This decision shall enter into force immediately.

Lausanne, 11 December 2008

The IOC Disciplinary Commission

Thomas BACH
Chairman

Denis OSWALD

Gerhard HEIBERG