Bonn, 22 July 2013

CAS arbitration award in the "Causa Erfurt"

The proceedings between the National Anti Doping Agency (NADA) and a cyclist in connection with the so called "Causa Erfurt" before the International Court of Arbitration for Sport (CAS) ended with the athlete’s acquittal. The CAS stated that in this case, the UV treatment of blood with subsequent re-injection was not a prohibited method according to WADA’s Prohibited List applicable at the time.

NADA appealed the case of the cyclist, who had been acquitted by the German Court of Arbitration for Sport (Deutsches Sportschiedsgericht; DIS), to CAS in November 2012 to generally clarify the factual and legal situation of this treatment for the period before 2011.

The CAS decided that all forms of blood doping named in section M 1.1 of the WADA prohibited list were only prohibited if suitable for increasing oxygen transfer. This was not proven in this case. Therefore, the definitional elements of the rule of a prohibited method were not present. Consequently, WADA’s rules at the time did not prohibit the withdrawing of blood, UV-treatment and subsequent re-injection. The CAS-arbitrators also stated that the athlete had not acted with any fault or negligence.

Separately, NADA had also asked to establish a general clarification by declaratory judgement whether the UV treatment of autologous blood with subsequent re-injection was a prohibited method or not. The CAS then expressly found that the case of a prohibited method was not met according to the Prohibited List at the time. As a reason, the arbitrators stated that for lack of an "increase of oxygen transfer" neither the elements of section M 1.1 nor the elements of section M 2.2 of the prohibited list were met. In addition the administration had not been a prohibited infusion, but an injection.

NADA will now thoroughly review whether it will initiate any further proceedings in the "Causa Erfurt" after the CAS decision.
For the period since 1 January 2011, the legal situation had already been clarified in 2012. It is undisputed that the treatment is covered by rule M 2.3 of the Prohibited List from 2011 onwards. NADA had brought two cases to the DIS in this respect. In both cases, the UV treatment was classified as a prohibited method but the athletes' fault dismissed. The current Prohibited List 2013 covers the method in M 1 now.

The CAS will publish the decision soon.

**Contact:**
Eva Bunthoff
National Anti Doping Agency Germany
Phone: + 49 (0) 228 / 812 92 - 151
Email: eva.bunthoff@nada-bonn.de