2024/ADD/102 World Aquatics v. Uros Nikolic

DECISION

delivered by the

ANTI-DOPING DIVISION
OF THE COURT OF ARBITRATION FOR SPORT

sitting in the following composition:

Single Judge: Prof. Jens Evald, Professor, Aarhus, Denmark

in the arbitration between

World Aquatics, Switzerland

Represented by Justin Lessard, Senior Manager of the Aquatics Integrity Unit, and Mr Nicolò Juglair, Coordinator of the Aquatics Integrity Unit, Lausanne, Switzerland

Claimant

and

Uros Nikolic, Serbia

Represented by Mr Paul Greene and Mr Matthew Kaiser, Global Sports Advocates, Portland (ME), USA

Respondent

I. PARTIES

1. World Aquatics ("WA" or the "Claimant") is the International Federation responsible for administering international competitions in aquatic sports. It has its registered seat in Lausanne, Switzerland. The WA has delegated the implementation of areas of the WA anti-doping programme to the International Testing Agency (the "ITA"). Such delegation includes the Result Management of Anti-Doping Rule Violations ("ADRVs") under the jurisdiction of WA.

2. Uros Nikolic (the "Athlete" or the "Respondent") is a 27-year-old swimmer from Serbia. Based on the information in WA's possession, there is no prior ADRV recorded against the Athlete. The Athlete is considered as an International-Level Athlete within the meaning of the WA Doping Control Rules ("WA ADR".). The Athlete is a member of the Serbian Swimming Federation.

II. FACTUAL BACKGROUND

3. Below is a summary of the relevant facts and allegations based on the Parties' written submissions, pleadings and evidence adduced in this procedure. Additional facts and allegations found in the Parties' written submissions, pleadings and evidence may be set out where relevant, in connection with the legal discussion that follows. While the Single Judge has considered all the facts, allegations, legal arguments and evidence submitted by the Parties in the present proceedings, he only refers to submissions and evidence he considers necessary to explain his reasoning.

4. On 11 February 2024, the Athlete participated in the WA World Championships – Doha 2024 (the "Event") in qualifying and final races for the 4x100m relay. The Athlete was subject to an unannounced In-Competition ("INC") doping control test under the Testing Authority ("TA")/Results Management Authority ("RMA") of WA and provided sample no. A and B-7222869.

5. The Athlete declared on his Doping Control Form ("DCF") associated with sample no. 7205833 that he had taken *"Caffeine, beta alanine, vitamins, xzyzal, orthomol"* in the seven days preceding the doping control. He also confirmed that the sample collection was undertaken in accordance with the relevant World Anti-Doping Agency ("WADA") International Standards.

6. On 17 February 2024, the WADA-accredited Laboratory in Doha, reported an Adverse Analytical Finding ("AAF") for *Ephedrine* of 52.5µg/mL. *Ephedrine* is classified as a Specified Substance under "S.6 – Stimulant" of the 2024 WADA Prohibited List as is prohibited In-Competition.

7. Upon receipt of the AAF, the ITA conducted the initial review of the AAF under Article 7 of the WA ADR and Article 5.11 of the International Standards for Results Management ("ISRM") and found that, according to the ITA and the WA records no applicable Therapeutic Use Exemption ("TUE") had been or was in the process of being granted to the Athlete.

8. On 22 February 2024, the ITA notified the Athlete of the AAF ("AAF Notification"). Through the AAF Notification, the Athlete was informed of (i) the potential Consequences of the AAF, (ii) his procedural rights, including the right to request the B-sample counter-analysis, a provisional hearing or an expedited final hearing and (iii) the right voluntarily accept provisional suspension and/or provide substantial assistance. Lastly, the Athlete was invited to provide his explanations as to the circumstances that led to the Presence of the Prohibited Substance in his Sample.

9. On 25 February 2024, the Athlete informed the ITA that he expressly waived his right to the opening and analysis of his B-sample. The Athlete also requested for an extension of deadline of fourteen days for him to provide his explanations. The ITA granted the extension.

10. On 14 March 2024, the Athlete responded to the AAF Notification indicating that he wished to apply for a retroactive TUE ("R-TUE") and on 19 March 2024 the ITA provided him with information as to the R-TUE procedure. Briefly put, the Athlete explained plainly that he was unaware that a nasal spray prescribed to him contained *Ephedrine* and that he only became aware of this once he was informed of the AAF.

11. On 13 April 2024, the Athlete applied for a R-TUE on the grounds of Article 4.1(b) ISTUE ("insufficient time") and provided his preliminary explanations as to the circumstances of the AAF. More specifically he stated as follows:

    i. He has a history of allergic reactions and on 20 September 2021 and 28 February 2022 he was diagnosed with *"allergic urticaria"* and *"angioneuotic edema"*.

    ii. On 7 February 2024, he woke up with a swollen face, rash on the skin and a clogged and running nose which made it hard to breathe. On the same day at around 8:20 am, he went to a private clinic in Serbia. As per the notes of the doctor, he appeared to have *"generalized edema and hives with fluent edematous lesions"* and complained of difficulties breathing and nasal secretions. The doctor diagnosed him with *"acute urticaria and angioedema"*.

    iii. As he was scheduled to leave the Event the next day, the doctor prescribed three medication – Prednisone (to treat the allergic reaction occurring in the respiratory system and skin), Cetirizine (to relieve the symptoms of urticaria and allergic rhinitis of the nose and eyes), and Rudic drops (a nasal spray which had the dual purpose of a vasoconstrictor and antibiotic, to improve breathing difficulties and to suppress edema).

    iv. The Athlete took the prescription to a pharmacy and the pharmacist prepared a made-to-order nasal spray of Rudic drops. This was given to him in an opaque with no label. He had no idea that Rudic drops contains *Ephedrine*. After he was notified of the AAF, the pharmacist informed him that *"Rudic drops are a magistral medicine, made exclusively in a galenic laboratory and contain Ephedrin 1% (2 ml), Dexamethasone 4 mg (2 ml), Gentamicin 80 mg (2 ml) and Sodium Chloride (2 ml)"*.

    v. The Athlete used Rudic 3-4 sprays in each nostril several times a day from 7 to 11 February 2024.

12. On 23 May 2024, after review of the Athlete's application, the ITA issued a decision to reject the R-TUE ("Decision"). The Decision concluded as follows:

> *"Between the morning of 7 February and evening of 11 February 2024, you did not take any steps to attempt to file or even enquire about the TUE process. Especially considering that your health condition did not prevent you from participating in the Event, the ITA finds that you were not prevented from a medical perspective, from asking for a TUE or taking any positive steps, such as informing Athlete Support Personal of your medical treatment with a view of delegating this task to them.*
>
> *(…)*
>
> *In light of the above, the ITA finds that the circumstances did not prevent you from, at least requesting for a TUE prior to11 February 2024"*.

13. On 5 June 2024, WADA informed the Athlete that despite the Athlete's request, WADA would not review the Decision.

14. On 13 June 2024, the Athlete filed an appeal against the Decision to the Court of Arbitration for Sport ("CAS").

15. On 21 June 2024, via an operative Award, the CAS dismissed the appeal and confirmed the Decision.

16. On 25 June 2024, the ITA charged the Athlete with a violation of Article 2.1 and/or Article 2.2 WA ADR for Presence and/or use of a Prohibited Substance and informed him that it considered that the applicable sanction for his ADRV is a period of Ineligibility of two years. The same say, the Athlete denied the charges and asked for the case to be referred to the Anti-Doping Division of the Court of Arbitration for Sport ("CAS ADD").

III. PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT

17. On 28 June 2024, the Claimant filed a Request for Arbitration with the CAS ADD in accordance with Article A13 of the Procedural Rules of the ADD (the "ADD Rules"). The Claimant requested that this matter be expedited in accordance with Article A19.5 of the ADD Rules and a decision be rendered no later than 4 July 2024 because the Athlete has informed the WA that he intends to participate in the Paris 2024 Olympic Games.

18. Pursuant to A14 of the ADD Rules the Parties agreed to the appointment of Judge Mark Williams SC as Single Judge. If he was not available, the Parties left it to the discretion to appoint the Single Judge to the President of the CAS ADD.

19. As agreed by the Parties no hearing should be held unless the Single Judge deemed it necessary.

20. On 28 June 2024, the Managing Counsel of the ADD initiated the present procedure and invited the Athlete to inform the CAS ADD Office by 28 June 2024 at 17:00 CET whether he agreed with the Claimant's request. In case of objection or in absence of an answer from the Athlete within the prescribed deadline, no expedited procedure should be implemented.

21. On the same date, the Athlete via his legal counsel, agreed with the Claimant's request for an expedited procedure and a decision to be rendered no later than 4 July 2024.

22. On the same date, and in response to the letter from the Managing Counsel of the ADD, WADA informed that it did not wish to participate in these procedures.

23. On the same date, the Parties were informed that CAS ADD Judge, Judge Mark Williams SC was not available to act as Single Judge in this matter and, accordingly another CAS ADD Judge would be appointed by the Division President, pursuant to Article A16 of the CAS ADD Rules.

24. On 1 July 2024, the CAS ADD Office, on behalf of the President of the ADD, informed the Parties, that Mr. Jens Evald, Professor of Law in Aarhus, Denmark, had been appointed as the Single Judge. The Parties did not raise any objection to the constitution of the Single Judge.

25. On 1 July 2024, the Athlete filed his Answer including Exhibits and a list of participants and witnesses for a potential hearing.

26. On 2 July 2024, the Managing Counsel of the ADD acknowledged the receipt of the Answer, and on the same date, and in a separate email, he informed the Parties that the Single Judge deemed himself sufficiently informed to render a decision based on the written submissions without holding a hearing.

27. On the same date, the Parties sent the signed Order of Procedure to the CAS ADD Office.

IV. SUBMISSIONS OF THE PARTIES

A. The Claimant

28. The Claimant's submissions on the merits may be summarized as follows:

1. Presence Violation

29. First, pursuant to Article 2.11 of the WA ADR, it is "*each Athlete's personal duty to ensure that no Prohibited Substance enters his or her body. Athletes are responsible for any Prohibited Substance or its Metabolites or Markers found to be present in their Samples. Accordingly, it is not necessary that Intent, Fault, negligence or knowing Use on the Athlete's part be demonstrated in order to establish an antidoping rule violation under Article 2.11".*

30. Second, in accordance with Article 2.12 of the WA ADR, sufficient proof of an ADRV under Article 2.1 is established by: *"Presence of a prohibited Substance or its Metabolites or Markers in the Athlete's A Sample where the Athlete waives analysis of the B Sample and the B Sample is not analyzed".* In the present case, the Athlete expressly waived the right for the B-sample analysis and therefore it is undisputed that the Athlete has committed an ADRV under Article 2.1 of the WA ADR.

2. Period of Ineligibility

31. According to Article 10.2.2 of the WA ADR, the period of Ineligibility imposed for the violation of Article 2.1 for a Specified Substance (like *Ephedrine*) shall be two years unless WA established that the ADRV was intentional, then the period of Ineligibility shall be four years.

32. Based on the facts and circumstances of this case, there is no substantive element on record which establishes that the ADRV was intentional. Therefore, the applicable period of Ineligibility is two years.

33. Once an ADRV has been established, before any sort of elimination or reduction of the applicable period of Ineligibility can be decided, it is a condition precedent for an athlete to first show how the Prohibited Substance came to be present in his/her body. If successful, the athlete must then demonstrate that he bears *"No Fault or Negligence"* or *"No Significant Fault or Negligence"* within the meaning of Article 10.5 or Article 10.6 of the WA ADR.

34. Based on the Athlete's explanations, WA is willing to accept that the Athlete has discharged his burden of proof as to the source of *Ephedrine* in his sample.

35. However, the Athlete is not entitled to a fault-based reduction under Article 10.5 and/or Article 10.6 of the WA ADR because his level of fault was at the very least significant. The basic steps that an athlete must undertake to satisfy their standard of care is set out in CAS 2013/A/3335, at para. 74: i) read the label of the product used (or otherwise ascertain the ingredients); ii) cross-check all ingredients on the label with the list of Prohibited Substances; iii) make an internet search of the product; iv) ensure the product is reliable sourced; and v) consult appropriate experts in these matters and instruct them diligently before consuming the product.

36. While WA can accept that the Athlete reliably sourced the medication which contained the Prohibited Substance, he failed to do other basic steps before using the medication, which contained the Prohibited Substance, in particular: i) He did not ascertain its ingredients; ii) He did not cross-check all the ingredients with the Prohibited List; iii) He did not make an internet search of the products; and iv) He did not inform the doctor and the pharmacist that he is an athlete bound by anti-doping rules.

37. The Athlete also failed to disclose the medication which contained the Prohibited Substance on the DCF as he was required to do. The Athlete's suggestion that he failed to do so because he was tired and unfocused at the time of the test is unconvincing, especially when considering that he had enough energy and focus to disclose many other medications that he was taking on the DCF.

38. The Athlete alleges that his ADRV was in part because the handwritten prescription was unclear, and the bottle of the nasal spray was blanked. This cannot be accepted. If anything, the fact that the bottle of the nasal spray was blanked was a red flag that should have raised even more caution on the part of the Athlete. He had plenty of opportunity to discharge his duty of care, but he simply did not. He failed to ask the doctor whether the contemplated medication contained prohibited drugs. Likewise, he could simply have asked the pharmacist about the content of the Nasal Spray, as he did ex post facto once informed of the AAF, he would easily have been aware that it contained a Prohibited Substance.

39. Long-standing CAS case law makes it clear that athletes cannot avoid a finding of significant fault, nor responsibility for ingesting a Prohibited Substance by simply relying on others around them, including medical professionals, cf. CAS 2014/A/3798.

40. As for the subjective elements of the Athlete's level of fault, set out in CAS 2013/A/3335 includes: i) the extent of anti-doping education received or which was reasonable available to the athlete; ii) the age of the athlete; iii) the level of experience; iv) language or environmental problems encountered by the athlete; v) if the athlete had been taking this product over a long period of time without incidents; vi) if the athlete had previously checked the ingredients of the product; vii) if the athlete was suffering a high degree of stress; and viii) if the athlete's level of awareness has been reduced by careless but understandable mistake.

41. When applying these matters to the case, it is clear that these elements exacerbate his level of fault:

    i) He had received very comprehensive anti-doping education prior to his ADRV;

    ii) This is not a case in which an athlete had been taking the medication over a long period of time without incidents before the AAF, like in CAS 2016/A/4643 for example.

    iii) There was no significant language or environmental problems which could have had an impact on the ADRV given that the doctor and pharmacy he consulted were in his home country in Serbia. There is also nothing on the file suggesting that he was suffering a high degree of stress at the time of the ADRV.

    iv) This was not a careless but understandable mistake. The Athlete displayed a high degree of fault, when deciding to take a medication containing a Prohibited Substance without conducting any reasonable checks the simplest of which would have immediately alerted him as to the fact that he was consuming a Prohibited Substance. Worse, this happened at a time when he to be even more conscious about his anti-doping obligations. He was not off-season or on holidays. He started using the Prohibited Substance one day before leaving for the WA Championships and continued to use the medication while at the Event. It had been very easy for the Athlete to consult a medical professional to ascertain whether the medication contained any Prohibited Substance.

42. The WA expects the Athlete to rely on the fact that he met all requirements to be granted a prospective TUE for the use of *Ephedrine* to establish that he bore *No Significant Fault or Negligence*. In other words, if the Athlete had applied for a TUE before he started using the medication containing the Prohibited Substance, the TUE would have been granted and he would not have committed any ADRV. While this was confirmed by the ITA in their decision to reject the R-TUE, the Claimant considers that it is not relevant in the assessment of the level of fault of the Athlete.

43. The criteria an athlete must establish to be granted a prospective TUE are: i) the Prohibited Substance or Prohibited Method in question is needed to treat a diagnosed medical condition supported by relevant clinical evidence; ii) the Therapeutic Use of the Prohibited Substance or Prohibited Method will not, on the balance of probabilities produce any additional enhancement of performance beyond what might be anticipated by a return to the Athlete's normal state of health following the treatment of the medical condition; iii) the Prohibited Substance or Prohibited Method is an indicated treatment for det medical condition and there is no reasonable permitted Therapeutic alternative; and iv) the necessity for the Use of the Prohibited Substance or Prohibited Method is not a consequence, wholly or part, of the prior Use (without a TUE) of a substance or method which was prohibited at the time of such use.

44. None of these criteria relate to the level of fault of the Athlete in this case. What matters are the concrete steps he took to prevent the violation, and, as shown, he failed to take the most of those steps.

45. Considering the above, and in accordance with Article 10.3.2 of the WA ADR, the period of Ineligibility shall therefore be two years.

3. Start Date of the Period of Ineligibility

46. Pursuant to Article 10.13 of the WA ADR, the period of Ineligibility shall start on the date of the decision in this matter. The Claimant expect that the Athlete will try to argue that the start of his period of Ineligibility should be backdated based on delays not attributable to him pursuant to Article 10.13.1 of the WA ADR.

47. The Claimant strongly disagrees with any suggestion that there were substantial delays not attributable to the Athlete in this matter, and the burden is on the Athlete to prove there were substantial delays not attributable to him in this case.

48. The results management of this case, from collection of the sample, until the request for arbitration took only four months and a half, even though three extensions of deadline (totalling 19 days) were granted to the Athlete during the process.

49. As for the forty days it took for the ITA to render its decision on the Athlete's application to be granted a R-TUE, the Claimant considers that this is within the bounds of normality, cf. CAS 2021/A/7840.

50. Moreover, the Claimant strongly disagrees with any suggestion that delays caused by the doctor of the Athlete should justify an earlier start date.

51. Importantly, even if there had been substantial delays, backdating of the period of Ineligibility is an available but not mandatory consequence: this follows not only from the use of the permissive word "may" to govern "be deemed" but from the contrast with language of mandatory provisions such as: "any period of Provisional Suspension…shall be credited". The Claimant considers that there are no particular circumstances in this case which would justify a backdate the start of the period of Ineligibility.

4. Disqualification of Results and Other Consequences

52. As per Article 9 of the WA ADR, the competitive results of the Athlete at the Event are to be automatically disqualified, including forfeiture of medals, points and prizes.

53. Additionally, pursuant to Article 10.10 of the WA ADR: *"All other competitive results of the Athlete obtained from the date a positive Sample was collected (whether In-Competition or Out-of-Competition), or other anti-doping*

rule violation occurred, through the commencement of any Provisional Suspension or Ineligibility period, shall, unless fairness requires otherwise be Disqualified with all of the resulting Consequences including forfeiture of any medals, points and prizes".

54. Disqualification is the principle; maintaining the results is the exception. The burden is therefore on the Athlete to demonstrate that fairness requires that results be maintained. In this case, the Claimant considers that the Athlete failed to establish this.

55. Therefore, as the Athlete's ADRV occurred on 11 February 2024, all competitive results from that date until the date on which the CAS ADD decision enters into force shall be disqualified (with all associated consequences).

5. Requests for Relief

56. The Claimant makes the following requests for relief:

I. *The Anti-Doping Division of the Court of Arbitration for Sport has jurisdiction to decide on the subject matter of this dispute.*

II. *Uros Nikolic is found to have committed an anti-doping rule violation pursuant to Article 2.1 and/or 2.2 of the World Aquatics ADR.*

III. *Uros Nikolic is sanctioned with a period of ineligibility of two-years starting on the date on which the CAS ADD decision enters into force.*

IV. *All competitive results obtained by Uros Nikolic at the 2024 World Aquatics Championships and from 11 February 2024 until the date on which the CAS ADD decision enters into force are disqualified with all resulting consequences (including forfeiture of medals, points and prizes).*

V. *Uros Nikolic shall bear any costs, including special costs, of the proceedings.*

B. The Athlete

57. The Respondent's submissions on the merits may be summarized as follows:

1. The Athlete bears no Significant Fault or Negligence and should receive a warning given his light degree of Fault

58. The Athlete concedes that the source of his positive test for *Ephedrine* is his use of the Rudic drops.

59. No Significant Fault or Negligence cases under Article 10.6.1.1 are not limited to situations involving "exceptional circumstances". As CAS panels have explained, even if an athlete leaves some "stones unturned" regarding his duty of care to not commit an ADRV, this does not automatically make the athlete's fault significant, nor does it prevent him from finding recourse under Article 10.6.1.1.

60. Panels must examine the athlete's fault in the totality of the circumstances with the understanding that *"an athlete cannot reasonably be expected to follow all* [precautionary] *steps in each and every circumstance"*, cf. CAS 2016/A/4643.

61. In assessing the totality of circumstances affecting the athlete, panels look at a variety of factors that are relevant and specific to the case at hand. For example, panels have considered the degree of risk that should have been perceived by the athlete and whether the ADRV was inadvertent, cf. CAS 2016/A/4643, paras. 207-07.

62. The Athlete's fault was not significant in relation to his ADRV for three reasons. First, the Athlete committed the ADRV inadvertently: he had no idea that the Rudic drops contained *Ephedrine*. Second, as WA acknowledges in its 23 May 2024 decision, the Athlete was taking the Rudic drops for therapeutic reasons rather than to enhance his performance. Third, the degree of risk that should have been perceived when using the Rudic drops was low given,

    (i) it was an innocuous nasal spray (as opposed to an injection or even capsule);

    (ii) he used other nasal sprays previously without incident;

    (iii) the Rudic drops only provided temporary relief to the Athlete's nasal congestion (as opposed to a long-lasting benefit;

    (iv) the Athlete never got a performance-enhancing benefit from using the Rudic drops (it simply allowed him to breathe normally); and

    (v) nothing he had found online suggested there was a banned substance in the Rudic drops.

63. Based on the totality of the circumstances, the Athlete has proven on the balance of probability that his fault was not significant in relations to his ADRV.

64. The Athlete's degree of fault for using the Rudic drops is light and warrants a very low sanction. Because the Athlete can establish by a balance of probability that (1) the source of his positive test was his medication and (2) he bears No Significant Fault or Negligence, under Article 10.6.1.1, he is entitled to a reduced period of Ineligibility between a reprimand and two years based on his degree of fault.

65. As explained in the guidelines in CAS 2013/A/3327, both objective and subjective factors must be considered to properly evaluate an athlete's degree of fault and to determine the appropriate period of Ineligibility to impose. In 2013/A/3327 the Panel noted that if the subjective elements are significant enough, they can even move an athlete's sanction to an entirely different range.

66. Here, the Athlete's objective degree of fault is light because:

- he acquired the Rudic drops from a reliable source (Dr. Doric), who knew he was an elite athlete;

- he made an internet search of the Rudic drops, which did not indicate they were dangerous or contained any banned substances; and

- he was allowed to take Rudic drops, but for the fact he did not have a TUE, which WA concedes they would have granted him since the medication was reasonable and necessary to treat the Athlete's severe allergic reaction and corresponding nasal congestion.

67. The Athlete's subjective degree of fault is very light, and the relevant circumstances that further mitigate the Athlete's degree of fault and reasonably explain his departure from the expected standard behaviour are,

- The Athlete was unable to ascertain *Ephedrine* was an ingredient in the Rudic drops because (1) no label or information pamphlet was provided with the bottle, (2) Dr. Doric's handwritten prescription was illegible, and (3) no internet search would have shown *Ephedrine* was an ingredient of the Rudic drops;

- The Athlete reasonably thought the Rudic drops were safe considering (1) he had previously used other nasal sprays to treat various illnesses and never had any incident (he always test negative), (2) the medication came in an nasal spray, which is a much more innocuous way to consume a medication than an injection or even pill, and (3) the medicine only provided a temporary relief to his nasal congestion and did not give him any performance-enhancing benefit (it just allowed him to breathe normally).

- The Athlete was understandably suffering from a high degree of stress at the time: he never had an allergic reaction where his nose had become congested and he did not know if he would be healthy enough to race at the World Championships a few days later, so his focus was primarily on just getting healthy enough to swim;

- The stress of the situation and the embarrassment he felt being out in public understandably reduced the caution he typically would have exhibited related to checking the Rudic drops (again, on the day his allergic reaction, his focus was on getting home and taking the medication to get better as quickly as possible); and

- He does not have entourage or other experienced support personnel around him to monitor everything he puts in his body or provide him with specialized anti-doping advice and direction; in fact, the Serbian Swimming Federation does not have a team doctor with whom their athletes can consult about their medications.

68. Other mitigating factors that further lessen the Athlete's degree of fault include,

- *Ephedrine* is permitted out-of-competition, so the Athlete was not committing an ADRV while using the Rudic drops without a TUE between 7-10 February 2024;

- Because *Ephedrine* is only banned in-competition, the Athlete did not need a TUE until he knew he was going to use the Rudic drops on the day of his competition, which only transpired in this case on the morning of 11 February 2024 since he was treating his symptoms on a day-by-day basis;

- Because WADA has imposed a decision limit of 10 μ/mL for *Ephedrine,* the Athlete's only other fault (besides not asking for a TUE) was using too much ephedrine on the day of his competition without a TUE, which is more of an administrative oversight than an actual ADRV, given WA has conceded that he would have gotten both a prospective and retroactive TUE for his Rudic drops had he applied; and

- He has always been transparent about the circumstances leading to his positive pest (he waived his B Sample analysis and provided a detailed statement with his initial retroactive TUE submission).

69. Collectively, these factors demonstrate that the Athlete's degree of fault is light and a low sanction is warranted.

70. When compared to other athletes' circumstances and the sanctions they have received, the Athlete's degree of fault is certainly light, and a warning is completely appropriate for his ADRV. Sports tribunals have consistently imposed low sanctions for positive tests involving *Ephedrine*, cf. CAS 2000/A/281 (3-week period of Ineligibility on an athlete who tested positive for ephedrine from a homeopathic herbal product that was given to him by his fitness trainer), and the rugby case IRB v. SEBASTÍAN BERTI (the athlete was given a 6-week suspension after carelessly taking a supplement containing *Ephedrine*).

2. If any period of Ineligibility is imposed, the start date must be backdated sufficiently to allow the Athlete to compete in the Olympics

71. Even though the Athlete has not competed in a relay event since 11 February 2024, he was not in a position to voluntarily accept a provisional suspension over these last few months because (1) he could not afford to miss any trainings given the proximity of his case to the Olympics (he is currently set to compete in the 4x100 relay) and (2) he does not have the finances to pay for his own private lessons or time at the pool if he was suspended (as proven by the fact that he successfully obtained Legal Aid from the CAS in his appeal of his retroactive TUE). Therefore, if any Ineligibility is imposed, the start date should be backdated to allow him to compete at the Olympics

72. Under Article 10.12.1 of the WA ADR, a panel is permitted to backdate the start of any sanction up to the date of sample collection where there have been substantial delays in the hearing process or other aspects of the doping control process that are not attributable to the athlete. Here, substantial delays unattributable to the Athlete have occurred:

- Dr. Doric – the Athlete's doctor – did not provide the first draft of her letter until 9 April 2024, which then had to be certified translated;
- It took extra time to get certified translations of all documents being submitted as part of the Athlete's retroactive TUE application, which was required by the ITA;
- World Aquatics' TUE Committee took 40 days to evaluate and decide on the Athlete's retroactive TUE application (the ISTUE recommends a 21-day deadline);
- WADA took another week to evaluate the Athlete's request for re-evaluation of his retroactive TUE, which is ultimately decided not to even review.

73. Substantial delays in a case are relative to the facts and circumstances. Here, with the Olympics on the horizon, every additional day it took to file and process the TUE was significant, which is why the delays should be considered substantial and forced the Athlete to be on the current expedited timeline.

74. As a result, the Sole Arbitrator should backdate the Athlete's sanction to allow him to compete in the Olympics.

3. Response to World Aquatics arguments

75. WA's attempt to suggest that somehow the Athlete's failure to declare the Rudic drops on his DCF has anything to do with his degree of fault is baseless. First, he did not declare the Rudic drops only bolsters his credibility that he did not know they contained *Ephedrine*. Second, his failure to declare his medication does not have any bearing on his fault, at best, it would be used by an anti-doping organization to establish the ADRV was intentional, but WA has already conceded it has no such proof. Thus, this point raised by WA is irrelevant.

76. WA claims that the Athlete somehow had access to the Serbian Water Polo Federation doctor (who WA does not even name) is belied by the evidence provided by the Athlete and his relay teammate, Mr. Acin. Both explain that they were unaware the Water Polo doctor was even available for consultations with Serbian swimmers or even that the doctor was in Doha. The Serbian Water Polo Federation and Serbian Swimming Federation are completely distinct entities and do not work together.

77. Additionally, the evidence provided by WA on this issue (an unverified WhatsApp conversation) must be disregarded and given no weight because (1) no statement accompanied the WhatsApp

conversation to explain whose phone this is from, who was speaking in the conversation, or even what the conversation was about, and (2) regardless, the date at the top of the messages is 13 February 2024, which is after the Athlete had already left Doha to go back home, so there is no evidence even proving the doctor was at the World Championships while the Athlete was there.

78. WA's citation to the Athlete's completion of its required on-line anti-doping course of proof that he was well educate and should have known of the risks of taking medications is unconvincing, particularly because he completed the course more than two years before he had his sudden allergic reaction. Th use of an innocuous nasal spray has little or no impact on the case other than to prove that the Athlete was not frequently educated about anti-doping rules, which further reduces his degree of fault.

4. Disqualifications of results

79. The Athlete agrees that under Article 9 of the WA ADR, the results achieved at the World Championships on 11 February 2024 must be disqualified. However, under Article 10.10 any results between the date of sample collection and the date of any decision can be preserved if fairness requires. In CAS 2013/A/3274, the CAS Panel preserved the results and prizes the athlete earned just two days after his positive test primarily since his ADRV was unintentional, and his degree of fault was light. Because the Athlete has proven that his positive test was not intentional, his degree of fault was extremely light, and his competitions in late May were not affected by his use of the Rudic drops in February, fairness requires the preservation of the Athlete's results between the date of sample collection and the date of the decision.

80. The Athlete asks that a just and proportionate sanction be imposed so that he can attend his last Olympic Games.

5. Requests for Relief

81. The Respondent's makes the following requests for relief:

"WHEREFORE, Mr. Nikolic respectfully requests that this Panel;

(1) Find Mr. Nikolic has established he bears No Significant Fault or Negligence;

(2) Find his degree of fault is light and impose a warning;

(3) In the alternative, if any period of ineligibility is imposed, find that there were substantial delays in the hearing and results management process that are unattributable to Mr. Nikolic and backdate his sanction to make him eligible for the Olympics;

(4) Preserve Mr. Nikolic's results on 25-26 May 2024 under Article 10.10 of the ADR;

(5) Order any other relief for Mr. Nikolic that this Panel deems to be just and equitable."

V. JURISDICTION

82. According to Article 8.1 of the WA ADR, WA has delegated its responsibility to act as first instance to the CAS ADD and the procedure shall be governed by the rules of CAS ADD.

83. Article A2 of the CAS ADD Rules provides that the CAS ADD has jurisdiction to rule as a first-instance authority on behalf of any sports entity which has formally delegated its powers to the ADD to conduct anti-doping proceedings and impose applicable sanctions.

84. Furthermore, the Single Judge notes that both Parties signed and returned the Order of Procedure, without any reservation regarding the jurisdiction of the CAS ADD.

85. In consideration of the foregoing, the Sole Arbitrator confirms the jurisdiction of the ADD to decide in this matter.

VI. APPLICABLE LAW

86. Article A20 of the CAS ADD Rules provides as follows:

The Panel shall decide the dispute in accordance with the WADC and with the applicable ADR or with the laws of particular jurisdiction chosen by agreement of the parties or, in absence of such choice, according to Swiss law.

87. The asserted ADRV occurred on 11 February 2024 and shall therefore be governed by the WA ADR in force at the time, i.e., the 2023 WA ADR.

88. No Party objected to the application of the 2023 WA ADR.

89. Based on the above, the Sole Arbitrator finds that the 2023 WA ADR are applicable in the present case.

VII. MERITS

90. The Single Judge notes that while he has carefully considered the entirety of the Parties' written submission and annexes, he only relies below on that evidence he deems necessary to decide the dispute.

91. The main issues to be resolved by the Sole Arbitrator are:

(A) The existence of an ADRV and the standard sanction

(B) What consequences shall be drawn from the ADRV?

(C) Sanctions

92. These issues will be addressed in turn below by the Sole Arbitrator

A. The existence of an ADRV and the standard sanction

93. Regarding the Athlete's ADRV, the Single Judge notes that it is undisputed that the Athlete's A Sample revealed the presence of *Ephedrine,* a specified substance prohibited in-competition under class S6 (Stimulant) of the 2024 Prohibited List.

94. Article 2.1.2 of the WA ADR, *inter alia*, provides that sufficient proof of an ADRV under Article 2.1 is established by the presence of a Prohibited Substance in the Athlete's A Sample where the athlete waives analysis of the B Sample.

95. In the present case, the Athlete expressly waived the right for the B-sample analysis.

96. Furthermore, the Single Judge observes that the Athlete did not dispute that an ADRV was established pursuant to Article 2.1 of the WA ADR and is confirmed by the Athlete's Answer.

97. With respect to the appropriate period of Ineligibility, Article 10.2.2 of the WA ADR provides.

"10.2.1: The period of Ineligibility shall be four years where:

[…]

10.2.2.2: The anti-doping rule violation involves a Specified Substance and the World Aquatics can establish that the anti-doping rule violation was intentional.

10.2.2: If Article 10.2.1 does not apply, the period of Ineligibility shall be two years".

98. The Single Juge notes that the standard sanction for an ADRV involving a Specified Substance is four (4) years, unless the Claimant can establish that the ADRV was intentional.

99. The Single Judge observes the Claimant's contention that there is no substantive element on record which establishes that the ADRV was intentional. Therefore, the applicable period of Ineligibility is two years.

B. What consequences shall be drawn from the ADRV?

100. The issues to be determined by the Single Judge are: (1) the Athlete's level of fault within the meaning of Article 10.6 of the WA ADR and in addition to this the relevance in the assessment of the Athlete's level of fault that he met all the requirements to be granted a prospective TUE; and (2) the appropriate sanction.

101. Article 10.6.1 and Article 10.6.1.1 of the WA ADR reads as follows:

"Art. 10.6.1 Reduction of Sanctions in Particular Circumstances for Violations of Art. 2.1, 2.2 or 2.6.

All reductions under Art. 10.6.1 are mutually exclusive and not cumulative.

Art. 10.6.1.1 Specified Substances or Specified Methods

Where the anti-doping rule violation involves a Specified Substance (other than a Substance of Abuse) or Specified Method, and the Athlete or other Person can establish No Significant Fault or Negligence, then the period of Ineligibility shall be, at a minimum, a reprimand and no period of Ineligibility, and a maximum, two (2) years of Ineligibility, depending on the Athlete's or other Person's degree of Fault.

102. The Single Judge observes that "No Fault or Negligence" is defined in Appendix 1 of the WADA Code as follows:

"The Athlete or other Person's establishing that he or she did not know or suspect and could not reasonably have known or suspected even with the exercise of utmost caution, that he or she had Used or been administered the Prohibited Substance or Prohibited Method or otherwise violated an anti-doping rule. Except in the case of a Minor, for any violation of Article 2.1 the Athlete must also establish how the Prohibited Substance enters his or her system."

103. The Single Judge observes the Claimant's assertion that the Athlete is not entitled to a fault-based reduction under Article 10.6 of the WA ADR because his fault was at the very least significant. The Claimant relies on CAS 2013/A/3335 (the "*Cilic-case*") that sets out the basic steps (the *"Cilic-guidelines"*) that an athlete must undertake to satisfy their standard of care. The Athlete failed to take most of those steps.

104. The Athlete contends that he bears no Significant Fault or Negligence and should receive a warning given his light degree of Fault. Based on the totality of circumstances, the Athlete has proven on the balance of probability, that his fault was not significant in relations to his ADRV. As explained in the *Cilic-guidelines* both objective and subjective factors must be considered to properly evaluate the Athlete's degree of fault and to determine the appropriate period of Ineligibility to impose; and here both the Athlete's objective and subjective fault is light.

105. The Single Judge observes that in assessing an athlete's degree of fault, *"the circumstances considered must be specific and relevant to explain the Athlete's or other Person's departure from the expected standard behavior"* (Definition of Fault set out in Appendix 1 of the WADA Code). This principle was also emphasized in CAS 2010/A/229 and CAS 2017/A/5015.

106. As for the objective factors, the Single Judge holds as follows:

107. First, and while the Single Judge concedes that an athlete may not always be expected to follow all the steps set out in the *Cilic-guidelines*, he finds it striking that the Athlete did not perform one of the most important of them. He failed to ask the doctor whether the prescribed medication contained prohibited drugs. The handwritten prescription read *"Ephedrine solution 2 ml"* and even though the prescription was difficult to read it would have been easy for him to have the doctor explain to him what it said. The Athlete asserts that the doctor knew he was an elite athlete, however, the Single Judge holds that this is of no relevance to this case. In line with consistent CAS case law, an athlete cannot abdicate his or her personal duty to avoid consumption of a prohibited substance by simply relying on a doctor (see CAS 2023/A/9525, §§ 86-88).

108. Second, at the pharmacy the Athlete was given a nasal spray with no label or information pamphlet. He did not ask the pharmacist whether the medication contained any prohibited drugs. The Single Judge agrees with the Claimant that the fact the bottle of the nasal spray was blanked was a "red flag" that should have raised even more caution on the part of the Athlete.

109. Third, the Athlete contends that before he left for the World Championships *"he quickly looked online, including on the Serbian Anti-Doping Agency's website, to see if Rudic drops were prohibited"*, however, nothing indicated that *Ephedrine*, or any other prohibited drug were in Rudic drops. The Single Judge holds that the fact the Athlete "quickly looked online" does not meet the criteria of an athlete's obligation when it comes to the ingestion of medication to investigate to his or her "fullest extent" that the medication does not contain prohibited substance, cf. CAS 2016/A/4609.

110. Fourth, the Single Judge accepts the Athlete's explanation that he had no access to the Serbian Water Polo Federation doctor and that he was unaware the doctor was even available for consultations with Serbian swimmers. However, this is of little relevance in assessing the Athlete's degree of fault because the Athlete failed to do the one of the most important investigations, namely, to ask the doctor and the pharmacist whether the medication contained any prohibited drugs.

111. Fifth, the Single Judge finds that the Athlete's assertion that he failed to disclose the medication which contained the prohibited substance on his DCF because he was tired and exhausted not to be reliable. However, this is of little relevance in assessing the Athlete's degree of fault because the Athlete failed to do one of the most important investigations, namely, to ask the doctor and the pharmacist.

112. As for the subjective factors, the Single Judge holds as follows:

113. First, the Athlete was 27 years old at the time of the ADRV, and he is an experienced International-Level athlete. The Single Judge observes the Athlete's contention that he had completed a course more than two years before his sudden allergic reaction. The Single Judge observes that all athletes participating in the Event where the ADRV was committed were required to complete the WADA on-line course on anti-doping for International-Level athletes prior to the Event. Therefore, the Single Judge finds the Athlete's contention of no relevance in this case.

114. Second, the Athlete contends that he had previously used other nasal sprays to treat various illnesses and never had any incident (he always tested negative). The Athlete has not named any of the nasal sprays or whether these nasal sprays were prescribed by a doctor and given to him with no label or information pamphlet. Further, the Athlete did not take the relevant medication, Rudic drops, over

a long period of time without incidents before the AAF finding. It follows, that the Single Judge finds this contention to be irrelevant to this case.

115. Third, the Athlete asserts that he suffered from a high degree of stress at the time: he never had an allergic reaction where his nose had become congested and did not know if he would be healthy enough to race the World Championships a few days later. The Single Judge accepts that the Athlete due to his illness might have been concerned about his participation in the Event. Even though this was the first time the Athlete experienced an allergic reaction where his nose became congested, the Single Judge holds that it is a common concern for all athletes to become ill shortly before competitions. Therefore, this assertion has little bearing in this case.

116. Fourth, the Athlete asserts that he did not have entourage or other experienced support personnel around him *"to monitor everything he puts in his body or provide him with specialized ani-doping advice and directions"*. The Single Judge reiterates that in line with consistent CAS case law, an athlete cannot abdicate his or her personal duty to avoid consumption of a prohibited substance by simply relying on a doctor or (lack of) entourage or other experienced support personnel.

117. In addition to the *Cilic guidelines*, the Athlete relies on the fact that he met all requirements to be granted a prospective TUE for the use of *Ephedrine*, to establish that he bore No Significant Fault or Negligence.

118. The Single Judge observes that while this was confirmed by the ITA in their decision to reject the R-TUE, WA asserts that it is not relevant in the assessment of the level of fault of the Athlete.

119. The Single Judge agrees with the Claimant's assertion because none of the criteria that must be met to be granted a prospective TUE relate to the level of fault of the Athlete in this case.

120. Further, the Athlete contends he was not committing an ADRV while using the Rudic drops without TUE between 7-10 February 2024, because *Ephedrine* is only banned in-competition, and the Athlete did not need a TUE until he knew he was going to use the Rudic drops on the day of his competition, which only transpired on the morning of 11 February 2024 since he was treating his symptoms on a day-by-day basis. Because WADA has imposed a decision limit of 10 μg/mL for *Ephedrine,* the Athlete's only fault (besides not asking for a TUE) was using too much ephedrine on the day of his competition without a TUE.

121. The Single Judge does not agree with the Athlete's contention for the simple reasons that (1) an ADRV under Article 2.1 of the WA ADR is established by the presence of a Prohibited Substance in an athlete's sample, (2) *Ephedrine* is prohibited in-competition, and (3) no TUE had been granted to the Athlete.

122. Further, the Athlete argues that sports tribunals have constantly imposed low sanctions for positive tests involving *Ephedrine*. The Athlete relies on one CAS case and three cases from Ireland, the International Rugby Board, and Canada.

- In CAS 2000/A/281, the Panel imposed a 3-week period of Ineligibility on an athlete who tested positive for Ephedrine from a homeopathic herbal product that was given to him by his fitness trainer. The Single Judge notes that pursuant to the relevant rule at that time a first-time offence provided a disqualification and suspension up to 3 months in a case where *Ephedrine* were found during an event. The Single Judge holds that the CAS case is of no relevance to the present matter.

- In the Decision by the International Rugby Board, 2006, the Panel imposed a 6-week suspension to the player Sebastían Berti after carelessly taking a supplement containing Ephedrine. The range of sanctions open to the Panel in terms of Ineligibility was from, a

minimum, a reprimand with no period of Ineligibility to, at a maximum, a period of Ineligibility of 1 year. The Sole Arbitrator observes that the case was adjudicated before the CAS 2013/A/3327 set out *the Cilic-guidelines*.

- In the Decision by the Irish Sport Anti-Doping Panel (IS-4003), 2010, an experienced athlete was handed a 2-month ban after testing positive for Ephedrine, which came from the athlete's use of two over-the-counter medications that she knew contained Ephedrine (tablets from a supplement store and a nasal spray medication from a pharmacy). The athlete explained that although she failed to declare the medications on her DCF, she took the medications prior to her race to cure acute exacerbations of her asthma symptoms. The range of sanctions open to the Panel in terms of Ineligibility was from, a minimum, a reprimand with no period of Ineligibility to, at a maximum, a period of Ineligibility of 2 years. The Sole Arbitrator observes that the case was adjudicated before the CAS 2013/A/3327 set out *the Cilic-guidelines*.

- In the Decision by the Sport Dispute Resolution Centre of Canada (SDRCC), the Panel imposed a 2-month ban after testing positive out of competition for terbuline, an asthma medication. The Single Judge holds that the SDRCC Decision did not concern *Ephedrine*, and therefore, is not relevant to this case

123. The Single Judge reminds that Article 10.6.1.1 of the WA ADR provides that where the ADRV involves a Specified Substance *"the period of Ineligibility shall be, at a minimum, a reprimand and no period of Ineligibility, and a maximum, two (2) years of Ineligibility, depending on the Athlete's or other Person's degree of Fault"*. The factors in the assessment of the *"degree of Fault"* are set out in the *Cilic-guidelines*.

124. The Single Judge notes that neither the WA ADR, the WADA Code or the *Cilic-guidelines* make any distinction between different Specified Substances. Therefore, the Single Judge finds that any distinction between different Specified Substances must be deemed arbitrary and without legal basis. Accordingly, the Single Judge holds that, all ADRVs that involves a Specified Substance, may lead to a sanction between at a minimum a reprimand and no period of Ineligibility, and a maximum, two years. However, the Single Judge notes here that *Ephedrine* is not sought for out of competition, and its use as a performance enhancing drug is limited, which is also reflected in the few cases the Athlete relies on.

125. Considering the totality of circumstances, the Single Judge finds that the Athlete has not met his onus to prove that he should receive a warning given the light degree of fault. The Single Judge holds that the Athlete was clearly negligent, however, the Athlete did not use Ephedrine for the purpose of doping. Therefore, and based on all the facts and findings set out above in paras. 103-124, the Single Judge finds that the Athlete 's Fault is a standard degree of fault (i.e. 8 to 16 months, according to the *Cilic-scale*).

126. The Single Judge deems that the appropriate sanction is a one-year period of Ineligibility.

C. Sanctions

1. Disqualification

127. The Single Judge observes that the Athlete agrees that his results achieved at the World Championships on 11 February 2024 must be disqualified.

128. Further, the Single Judge observes the Athlete's assertion that fairness requires that his results in May are not disqualified because they were not affected by his use of Rudic drops.

129. The Single Judge observes that the Claimant seeks disqualification of all results of the Athlete for all competitions he took part from 7 February 2024 until the date of the CAS Award.

130. Having considered, on one hand the seriousness of the Athlete's breach, and, on the other hand, the main purpose and the consequences of a disqualification period, the Single Judge determines to disqualify all results obtained by the Athlete between 7 February 2024 until the date of the CAS award, including the forfeiture of any titles, awards, medals, points and prize and appearance money.

2. Start of the Period of Ineligibility

131. The Single Judge observes the Athlete's contention that any period of Ineligibility to be backdated to the date of sample collection in accordance with Article 10.12.1 of the WA ADR based on the assertion that substantial delays unattributable to the Athlete have occurred.

132. The Single Judge observes the Claimant's disagreement with any suggestion that there were substantial delays not attributable the Athlete.

133. The Single Judge holds that the Athlete did not meet his onus to prove that there were substantial delays not attributable to him, based on the following facts and findings:

134. First, the result management of this case, from collection of the sample, until the request for arbitration took four months and a half, including three extensions of deadline, totalling 19 days, were granted to the Athlete during the process.

135. Second, the 40 days it took for the ITA to render its decision on the Athlete's application to be granted a R-TUE, and despite the ISTUE recommends a 21-day deadline, the Single Judge holds this is within the bounds of normality. This finding is supported by CAS 2021/A/7840, where the Panel deemed that a period of four months for and anti-doping organisation to send a charge letter to an athlete was not a substantial delay, but rather as *"within the bounds of normality"*.

136. Third, the Single Judge holds that the delays caused by the Athlete's doctor and translation of documents are attributable to the Athlete and not the Claimant.

137. Accordingly, the Single Judge deems that the starting date of the Athlete's period of Ineligibility remains the date of notification of this decision.

VIII. COSTS

138. Article A24 of the CAS ADD provides as follows:

Subject to Article A23, the administrative cost of CAS ADD, the fees and costs of the arbitrator and ad hoc clerk (if any), and the expenses of CAS ADD (arbitration costs) associated with proceedings filed by IOC, any Olympic IF, or the ITA (on behalf of an Olympic IF delegator) involving a Sole Arbitrator shall be covered by the budget assigned to the Olympic Ifs by the IOC, for up to 4 procedures per annum filed by the same Claimant, as directed by CAS ADD.

…

In the arbitral award and without any specific requests from the parties, the Panel has discretion to grant the prevailing party a contribution towards its legal costs incurred with the proceedings. When granting such contribution the Panel shall take into account the complexity and the outcome of the proceedings, as well as the conduct and financial ressources of the parties.

139. The arbitration costs of this matter are to be determined and served upon the Parties in accordance with Article A24 of the ADD Rules as set out above, if necessary.

140. As for the Parties' legal and other costs, the Sole Arbitrator considers that the procedure was handled in a streamline fashion by the Parties and Counsel, with neither Party being required to unnecessarily waste financial resources. For this reason, the Parties shall bear their own legal and other costs.

IX. APPEAL

141. Pursuant to Article A21 of the ADD Rules, this award may be appealed to the CAS Appeals Arbitration Division within 21 days from receipt of the notification of the final award with reasons in accordance with Articles R47 *et seq*. of the CAS Code of Sports-Related Arbitration, applicable to appeals procedures.

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DECISION

1. The Request for Arbitration filed by World Aquatics on 28 June 2024 is partially upheld.

2. Uros Nikolic is found to have committed an anti-doping rule violation pursuant to Articles 2.1 and/or 2.2 of the World Aquatics ADR.

3. Uros Nikolic is sanctioned with a period of Ineligibility of one (1) year commencing on the date of notification of this decision.

4. All competitive results obtained by Uros Nikolic at the 2024 World Aquatics Championships and from 11 February 2024 until the date on which the CAS ADD decision enters into force are disqualified with all resulting Consequences, including forfeiture of any medals, points and prizes.

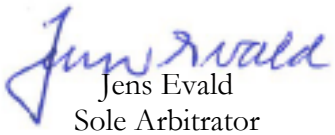
5. The costs of the procedure are to be determined and served upon the Parties in accordance with Article A24 of ADD Rules, if necessary.

6. Each party shall bear their own legal costs and other expenses incurred in connection with this procedure.

7. All other motions or prayers for relief are dismissed.

Done in Lausanne, Switzerland
Date: 4 July 2024

THE ANTI-DOPING DIVISION
OF THE COURT OF ARBITRATION FOR SPORT



Jens Evald
Sole Arbitrator