

Issued Decision

UK Anti-Doping and Kamil Sokolowski

Disciplinary Proceedings under the Anti-Doping Rules of the British Boxing Board of Control

This is an Issued Decision made by UK Anti-Doping Limited ('UKAD') pursuant to the Anti-Doping Rules ('ADR') of the British Boxing Board of Control ('BBBoC'). It concerns Anti-Doping Rule Violations ('ADRVs') committed by Mr Sokolowski contrary to the ADR.

Capitalised terms used in the Decision shall have the meaning given to them in the ADR unless otherwise indicated.

Background and Facts

1. The BBBoC is the national governing body for the sport of professional boxing in the United Kingdom. UKAD is the National Anti-Doping Organisation for the United Kingdom. The BBBoC has adopted the UK Anti-Doping Rules¹ as its own Anti-Doping Rules.
2. Mr Sokolowski is a 37-year-old Polish professional boxer. The BBBoC granted Mr Sokolowski a license to participate as a foreign boxer in a bout on 12 November 2022 against Mr Frazer Clarke at the AO Arena in Manchester, England (the 'Bout'). At all relevant times, Mr Sokolowski was subject to the jurisdiction of the BBBoC and bound to comply with the ADR. Pursuant to ADR Article 7.2, UKAD has Results Management responsibility for all boxers who are subject to the jurisdiction of the BBBoC.
3. On 12 November 2022, UKAD Doping Control Personnel collected a urine Sample from Mr Sokolowski, In-Competition, after the Bout.
4. Assisted by a UKAD Doping Control Officer in attendance, Mr Sokolowski split the urine Sample into two separate bottles which were given reference numbers A1182912 (the 'A Sample') and B1182912 (the 'B Sample').
5. Both Samples were transported to the World Anti-Doping Agency ('WADA') accredited laboratory in London, the Drug Control Centre, King's College (the

¹ Version 1.0, in effect as from 1 January 2021

'Laboratory'). The Laboratory analysed the A Sample in accordance with the procedures set out in WADA's International Standard for Laboratories and Technical Document for the Measurement and Reporting of Endogenous Anabolic Steroid Markers of the Urinary Steroid Profile ('TD2021EAAS'). The Sample was found to have a testosterone epitestosterone ratio ('T/E ratio') of 20.56.

6. Due to testosterone being detected in the Sample, the Laboratory subcontracted the WADA accredited laboratory in Cologne, the institute of Biochemistry – German Sport University (the 'Cologne Laboratory') to conduct Gas Chromatography / Combustion / Isotope-Ratio Mass Spectrometry ('GC/C/IRMS') analysis of the A Sample. GC/C/IRMS analysis of the A Sample was conducted by the Cologne Laboratory in accordance with the procedures set out in WADA's Technical Document for the Detection of Synthetic Forms of Endogenous Anabolic Steroids by GC-C-IRMS ('TD2022IRMS'). The results of the GC/C/IRMS analysis confirmed Adverse Analytical Findings ('AAFs') in respect of the A Sample for exogenous origin of testosterone and its Metabolites 5 α -androstane-3 α , 17 β -diol ('5 α Adiol') and 5 β -androstane-3 α , 17 β -diol ('5 β Adiol').
7. Testosterone is listed under section S1.1 of the 2022 WADA Prohibited List as an Anabolic Androgenic Steroid. It is a non-Specified Substance, which when administered exogenously, is prohibited at all times.
8. Mr Sokolowski did not have a Therapeutic Use Exemption ('TUE') for testosterone.
9. On 21 April 2023, UKAD sent Mr Sokolowski a notification letter (the 'Notice'). The Notice confirmed the imposition of a Provisional Suspension and formally notified Mr Sokolowski in accordance with ADR Article 7.8, that he may have committed an ADRV pursuant to ADR Article 2.1 (Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample) and/or an ADRV pursuant to ADR Article 2.2 (Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method).
10. On 30 April 2023, Mr Sokolowski confirmed that he believed a supplement which he had taken called '*Hi-Tech Pharmaceuticals Sustanon 250 30CT*' was the source of the AAFs.
11. On 26 May 2023, UKAD proceeded to issue Mr Sokolowski with a Charge Letter in accordance with ADR Article 7.11.2. The Charge Letter asserted the commission of ADRVs pursuant to Article 2.1 (Presence of a Prohibited Substance or its Metabolites or Markers in an Athletes Sample) and ADR Article 2.2 (Use of a Prohibited Substance) (the 'Charges').

Admission and Consequences

12. ADR Article 2.1 provides that the following is an ADRV:

2.1 Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample, unless the Athlete establishes that the presence is consistent with a TUE granted in accordance with Article 4.

13. ADR Article 2.2 provides the following is an ADRV:

2.2 Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method, unless the Athlete establishes that the Use or Attempted Use is consistent with a TUE granted in accordance with Article 4

14. ADR Article 10.2 provides as follows:

10.2 Imposition of a Period of Ineligibility for the Presence, Use or Attempted Use, or Possession of a Prohibited Substance and/or a Prohibited Method.

The period of Ineligibility for an Anti-Doping Rule Violation under Article 2.1, 2.2, or 2.6 that is the Athlete's or other Person's first anti-doping offence shall be as follows, subject to potential elimination, reduction or suspension pursuant to Article 10.5, 10.6, or 10.7:

10.2.1 Save where Article 10.2.4(a) applies, the period of Ineligibility shall be four (4) years where:

(a) The Anti-Doping Rule Violation does not involve a Specified Substance or a Specified Method, unless the Athlete or other Person can establish that the Anti-Doping Rule Violation was not intentional.

(b) [...]

10.2.2 If Article 10.2.1 does not apply, then (subject to Article 10.2.4(a)) the period of Ineligibility shall be two (2) years.

15. In accordance with ADR Article 10.2.1(a), since this matter concerns a non-Specified Substance, the period of Ineligibility to be imposed shall be four (4) years, unless Mr Sokolowski can establish on the balance of probability, that the ADRVs were not intentional (within the meaning of ADR Article 10.2.3).

16. Within his responses to UKAD, Mr Sokolowski has accepted responsibility for the Prohibited Substance detected in his Sample and admits to the ADRVs. At no stage has Mr Sokolowski sought to establish that his ADRVs were not intentional (within the meaning of ADR Article 10.2.3). Accordingly, Mr Sokolowski is not entitled to a two (2) year period of Ineligibility pursuant to ADR Article 10.2.2 or any reduction pursuant to ADR Article 10.5 (No Fault or Negligence) or ADR Article 10.6 (No Significant Fault or Negligence) thereafter.
17. For the purposes of imposing a sanction, the two ADRVs will be considered together as a single first violation pursuant to ADR Article 10.9.4 which states as follows:

10.9.4 Additional Rules for certain potential multiple offences:

(a) For the purposes of imposing sanctions under Article 10.9, except as provided in Articles 10.9.4(b) and 10.9.4(c) an Anti-Doping Rule Violation will only be considered a second (or third, as applicable) Anti-Doping Rule Violation if UKAD can establish that the Athlete or other Person committed the additional Anti-Doping Rule Violation after they received notice, or after UKAD or its designee made a reasonable attempt to give notice, of the first (or the second, as applicable) Anti-Doping Rule Violation. Otherwise, the first and second Anti-Doping Rule Violations (or the second and third Anti-Doping Rule Violations, as applicable) shall be considered as one single first Anti-Doping Rule Violation, and the sanction imposed shall be based on the Anti-Doping Rule Violation that carries the more severe sanction [...]

18. The applicable period of Ineligibility is therefore four (4) years.

Application of ADR Article 10.8.1

19. ADR Article 10.8.1 provides:

10.8.1 One (1) year reduction for certain Anti-Doping Rule Violations based on early admission and acceptance of sanction:

Where UKAD sends an Athlete or other Person a Charge Letter for an Anti-Doping Rule Violation that carries an asserted period of Ineligibility of four (4) or more years (including any period of Ineligibility asserted under Article 10.4), if the Athlete or other person accepts the asserted period of Ineligibility no later than twenty (20) days after receiving the Charge Letter, they shall receive a one (1) year reduction in the period of Ineligibility asserted by UKAD. Where the Athlete or other person receives the one (1) year reduction in the asserted period of Ineligibility under this Article 10.8.1, no further

reduction in the asserted period of Ineligibility shall be allowed under any other Article.

20. Mr Sokolowski admitted the ADRVs and accepted the asserted period of Ineligibility of four (4) years on 15 June 2023 (having been sent the charge Letter on 26 May 2023). Accordingly, ADR Article 10.8.1 applies and Mr Sokolowski shall receive a one (1) year reduction to the period of Ineligibility of four (4) years.
21. The period of Ineligibility to be imposed is therefore three (3) years.

Commencement of period of Ineligibility

22. ADR Article 10.13 requires that the period of Ineligibility starts on the date Ineligibility is accepted or otherwise imposed where there is no hearing.
23. However, ADR Article 10.13.2 allows for credit to be given against the total period of Ineligibility to be served where and Athlete has been provisionally suspended and has respected the terms of that Provisional Suspension.
24. Mr Sokolowski has been subject to a Provisional Suspension since the date of the Notice, i.e. since 21 April 2023, and as far as UKAD is aware he has respected the terms of that Provisional Suspension. Therefore, affording Mr Sokolowski credit for the time he has spent provisionally suspended, his period of Ineligibility is deemed to have commenced on 21 April 2023, and will therefore expire midnight on 20 April 2026.

Status during Ineligibility

25. During the period of Ineligibility, in accordance with ADR Article 10.14.1, Mr Sokolowski shall not be permitted to participate in any capacity (or assist any Athlete participating in any capacity) in a Competition, Event, or other activity (other than authorised anti-doping education or rehabilitation programmes) organised, convened, authorised or recognised by:
- a) The BBBoC;
 - b) Any Signatory;
 - c) Any club or other body that is a member of, or affiliated to, or licensed by, a Signatory or a Signatory's member organisation of the BBBoC;
 - d) Any professional league or any international or national-level Event organisation; or
 - e) Any elite or national-level sporting activity funded by a governmental agency.

26. Mr Sokolowski may return to train with or to use the facilities of a Signatory's club or member organisation during the last two months of his period of Ineligibility (i.e. from midnight on 20 February 2026) pursuant to ADR Article 10.14.4(b).

Summary

27. For the reasons given above, UKAD has issued this Decision in accordance with ADR Article 7.12.2, and records that:

- a) Mr Sokolowski has committed ADRVs pursuant to ADR Articles 2.1 and 2.2;
- b) In accordance with ADR Article 10.9.4(a) the ADRVs are considered as one single ADRV for the purposes of imposing a sanction;
- c) This constitutes Mr Sokolowski's first ADRV and in accordance with ADR Article 10.8.1, Mr Sokolowski is entitled to a one (1) year reduction to the asserted period of Ineligibility of four (4) years. A period of Ineligibility of three (3) years is therefore imposed;
- d) Acknowledging Mr Sokolowski's Provisional Suspension, the period of Ineligibility is deemed to have commenced on 21 April 2023 and will expire midnight on 20 April 2026; and
- e) Mr Sokolowski's status during the period of Ineligibility shall be as detailed in ADR Article 10.14.

28. Mr Sokolowski, the BBBoC, the Polish Anti-Doping Agency and WADA have a right to appeal against this Decision or any part of it in accordance with ADR Article 13.4.

29. This Decision will be publicly announced via UKAD's website in accordance with ADR Article 8.5.3 and ADR Article 10.15.

7 August 2023