

Supplementary Issued Decision

UK Anti-Doping and Luke Traynor

Disciplinary Proceedings under the Anti-Doping Rules of UK Athletics

This is a Supplementary Issued Decision made by UK Anti-Doping Limited ('UKAD') pursuant to the Anti-Doping Rules of UK Athletics ('UKA'). It concerns a violation of the Anti-Doping Rules of UKA committed by Mr Luke Traynor and is supplementary to the Issued Decision dated 29 May 2020.

The 2021 World Anti-Doping Code, the 2021 UKA Anti-Doping Rules ('2021 UKA ADR') and the 2021 UK Anti-Doping Rules ('2021 UK ADR') came into effect on 1 January 2021. Mr Traynor applied to UKAD on 23 December 2020 to reduce his period of Ineligibility in light of a *lex mitior* in the 2021 UK ADR. This Supplementary Issued Decision records UKAD's decision on that application and the applicable Consequences.

Capitalised terms used in this Decision shall have the meaning given to them in the 2021 UK ADR unless otherwise indicated.

Background

1. World Athletics, formerly the International Association of Athletics Federations ('IAAF'), is the International Federation governing the sport of athletics. UKA is the national governing body for the sport of athletics in the United Kingdom and a National Federation for the purposes of the IAAF Anti-Doping Rules ('IAAF ADR')¹. In accordance with Article 1.5 of the IAAF ADR, UKA adopted the IAAF ADR via Rule 2.1 of the UKA Anti-Doping Rules²:

2.1 UKA hereby adopts the IAAF Anti-Doping Rules (as amended from time to time) as its anti-doping rules subject to UKA's specific amendments and supplemental rules as to management and enforcement set out below. The IAAF Anti-Doping Rules currently in force are set out at <http://www.iaaf.org/about-iaaf/documents/anti-doping>. In the event that the IAAF adopts new Anti-Doping Rules which supersede these Rules, the new IAAF Anti-Doping Rules will prevail...

2. On 29 May 2020 UKAD issued a Decision imposing a period of Ineligibility of two years on Mr Traynor, a long distance and cross-country runner, as a result of him committing an Anti-Doping Rule Violation ('ADRV') pursuant to the IAAF ADR.

¹ Effective 1 January 2019. These Rules have since been updated by World Athletics.

² Effective 1 January 2015. These Rules have since been updated by UKA.

3. Mr Traynor committed an ADRV pursuant to Article 2.1 (Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample) of the IAAF ADR. The Prohibited Substance present in his Sample was benzoylecgonine (a metabolite of cocaine).
4. On the basis of the explanation provided by Mr Traynor for his ADRV and in light of the opinion UKAD received from Professor David Cowan OBE, former Director of the Drug Control Centre, King's College London, UKAD accepted the account given by Mr Traynor. UKAD was satisfied that Mr Traynor had established on the balance of probability that his ADRV was not intentional and that his ingestion of cocaine took place Out-of-Competition in a context unrelated to sport performance (applying the definition of Out-of-Competition and meaning of 'intentional' in Article 10.2.3 of the IAAF ADR).
5. Mr Traynor's two-year period of Ineligibility was deemed to have commenced on 27 May 2019 and is to therefore expire on 26 May 2021.

The 2021 World Anti-Doping Code, 2021 UKA ADR and 2021 UK ADR

6. The 2021 World Anti-Doping Code, the 2021 UKA ADR and the 2021 UK ADR came into effect on 1 January 2021 (the 'Effective Date').
7. The 2021 UKA ADR states:

Background to these Rules

...

UK Anti-Doping

The National Anti-Doping Organisation for the United Kingdom is UK Anti-Doping ("UKAD"), which has issued the UK Anti-Doping Rules in compliance with the World Anti-Doping Code. In accordance with the World Anti-Doping Code and the UK National Anti-Doping Policy, UKA incorporates the UK Anti-Doping rules (as amended from time to time) into its own rules, to apply to and govern all Anti-Doping Activities carried out by UKAD or its Delegated Third Parties in respect of Athletes...(as those terms are defined in the UK Anti-Doping Rules) who fall under UKA's jurisdiction...

8. The 2021 UKA ADR further states at Rule 3:

Rule 3 The UK Anti-Doping Rules

3.1 *UKA hereby adopts the UK Anti-Doping Rules (as amended from time to*

time) and incorporates them into these Rules as if set out in full herein.

- 3.2 *In the event that UKAD adopts new UK Anti-Doping Rules, the new UK Anti-Doping Rules will prevail during any intervening period before UKA updates these Rules (where it deems it necessary to do so).*
- 3.3 *All Athletes... (with each of these terms as defined in the UK Anti-Doping Rules) under UKA's jurisdiction shall be bound by the UK Anti-Doping Rules (as amended from time to time).*
- 3.4 *UKAD may enforce the UK Anti-Doping Rules directly as against all such Athletes...under UKA's jurisdiction...in relation to all Anti-Doping Activities (including Testing, investigations, and Results Management) carried out by UKAD or its Delegated Third Parties in respect of such Athletes...*

9. In accordance with Article 27.3 of the 2021 World Anti-Doping Code, Article 1.6.2(e) of the 2021 UK ADR allows an Athlete still serving a period of Ineligibility as of the Effective Date, to apply to UKAD for a reduction to their period of Ineligibility in light of a *lex mitior* in the 2021 UK ADR. Article 1.6.2(e) of the 2021 UK ADR provides:

...Where a final decision finding an Anti-Doping Rule Violation has been rendered prior to the Effective Date, but the Athlete or other Person is still serving the period of Ineligibility as of the Effective Date, the Athlete or other Person may apply to UKAD before the period of Ineligibility has expired to reduce the period of Ineligibility in light of a lex mitior in these Rules...

10. The 2021 Prohibited List classifies cocaine as a 'Substance of Abuse'.

11. Article 10.2.4 of the 2021 UK ADR provides:

Notwithstanding any other provision in Article 10.2, where the Anti-Doping Rule Violation involves a Substance of Abuse:

- (a) If the Athlete can establish that any ingestion or Use occurred Out-of-Competition and was unrelated to sport performance, the period of Ineligibility shall be three (3) months; provided that it may be further reduced to one (1) month if the Athlete satisfactorily completes a Substance of Abuse treatment program approved by UKAD. The period of Ineligibility established in this Article 10.2.4(a) is not subject to any reduction pursuant to Article 10.6...*

12. Out-of-Competition is defined in the 2021 UK ADR as:

Any period which is not In-Competition.

13. In-Competition is defined in the 2021 UK ADR as:

The period commencing at 11:59 p.m. on the day before a Competition in which the Athlete is scheduled to participate through the end of such Competition and the Sample collection process related to such Competition; provided, however, that WADA may approve, for a particular sport, an alternative definition if an International Federation provides a compelling justification that a different definition is necessary for its sport. Upon such approval by WADA, the alternative definition shall be followed by all Major Event Organisations for that particular sport.

14. Accordingly, in relation to a Substance of Abuse, a period of Ineligibility of three (3) months applies under Article 10.2.4 of the 2021 UK ADR, where an Athlete can establish that ingestion occurred Out-of-Competition and was unrelated to sport performance.

Application of the 2021 UKA ADR and 2021 UK ADR to Mr Traynor's ADRV

15. UKAD has responsibility for Results Management of Mr Traynor's ADRV and his ADRV arose as a result of Sample collection carried out on 27 May 2019 by UKAD.
16. Mr Traynor is still serving the two-year period of Ineligibility imposed on him by UKAD's Issued Decision dated 29 May 2020.
17. UKAD is satisfied that Mr Traynor's ingestion of cocaine took place Out-of-Competition (as defined in the 2021 UK ADR) and was unrelated to sport performance.
18. In accordance with Articles 1.6.2(e) and 10.2.4 and a *lex mitior* in the 2021 UK ADR, UKAD therefore reduces Mr Traynor's period of Ineligibility from two years to three (3) months.
19. Mr Traynor's period of Ineligibility commenced on 27 May 2019. Mr Traynor has already served a period of Ineligibility of over 19 months. Accordingly, Mr Traynor's period of Ineligibility expires forthwith on 7 January 2021.

Summary

20. For the reasons given above, UKAD has considered Mr Traynor's application, period of Ineligibility and issued this Supplementary Issued Decision which records that:

- a. Mr Traynor is still serving the period of Ineligibility imposed on him by UKAD's Issued Decision dated 29 May 2020;
 - b. Mr Traynor applied to UKAD on 23 December 2020 to reduce his period of Ineligibility in light of a *lex mitior* in the 2021 UK ADR;
 - c. In accordance with Articles 1.6.2(e) and 10.2.4 of the 2021 UK ADR Mr Traynor's period of Ineligibility is reduced from two years to three (3) months; and
 - d. Given that Mr Traynor has served over 19 months of his period of Ineligibility, Mr Traynor's period of Ineligibility expires forthwith on 7 January 2021.
21. Mr Traynor, UKA, World Athletics and WADA have a right to appeal against this decision or any part of it in accordance with 2021 UK ADR Article 13.4.
22. This Supplementary Issued Decision will be publicly announced via UKAD's website in accordance with 2021 UK ADR Articles 8.5.3 and 14.1.3.

7 January 2021