

**IN THE MATTER OF PROCEEDINGS BROUGHT UNDER THE ANTI-DOPING RULES
OF THE WELSH RUGBY UNION**

Before:

Mark Hovell (Chair)

Kitrina Douglas

Gordon McInnes

B E T W E E N:

UK ANTI-DOPING

Anti-Doping Organisation

and

ELLIS RICHARDS

Respondent

DECISION OF THE ANTI-DOPING TRIBUNAL

I. Introduction

1. UK Anti-Doping ("UKAD") is the National Anti-Doping Organisation in the UK and has jurisdiction to prosecute this case.
2. The Respondent, Mr Richards (the "Player" or "Respondent"), is a University rugby union player, from Wales. Mr Richards has been playing rugby for Cardiff Metropolitan University Rugby Football Club ("Cardiff Met"). As a licensed competitor of the Welsh Rugby Union (the "WRU") and a participant in competitions and other activities organised, convened, authorised or recognised by the WRU, he was at all times bound by and required to comply with the Anti-Doping Rules of the WRU.
3. The WRU has adopted the UK Anti-Doping Rules in their entirety, which are constituted as the Anti-Doping Rules (the "ADR"). Pursuant to the ADR, UKAD has the responsibility for bringing enforcement proceedings where an athlete provides a positive test or is alleged to have made an admission of Use.
4. Pursuant to the ADR, Mr Richards was the subject of Sample collection on 13 August 2018.
5. On 14 August 2018, Mr Richards had a conversation with Dai Watts (Strength and Conditioning Coach at Cardiff Met). He allegedly told Mr Watts that he had taken a sip of 'pre-workout' drink given to him by Rhys Gealy immediately prior to the test on 13 August 2018.
6. On 15 August 2018, Mr Richards received his first and only formal anti-doping education. The next day, Mr Richards met with Mr Dai Watts to express concerns he had following the Sample collection. Mr Watts invited Mr Ian Gardner, the head coach of Cardiff Met, to also attend. Mr Richards is alleged to have informed Messrs Watts and Gardner that he had ingested a steroid (or "gear"). Neither Mr Watts nor Mr Gardner were able to recall the name of the substance when interviewed by UKAD on 24 August 2018.
7. On 4 October 2018, Mr Richards was informed of the analysis of his urine sample. It did not reveal the presence of any Prohibited Substance.

8. On 28 November 2018, Mr Richards was interviewed by UKAD and he denied taking clenbuterol (he did not deny making the admission to Messrs Watts and Gardner that he had taken clenbuterol).
9. Clenbuterol is classified as an anabolic agent under section s.12 of the World Anti-Doping Agency ("WADA") Prohibited List 2018. It is a non-Specified Substance, prohibited at all times. UKAD confirmed that Mr Richards did not have a Therapeutic Use Exemption ("TUE") for clenbuterol.
10. On 7 May 2019, UKAD issued a Notice of Charge (the "Charge") to Mr Richards with an Anti-Doping Rule Violation ("ADRV") contrary to ADR Article 2.2, namely Use of a Prohibited Substance (clenbuterol). Mr Richards was provisionally suspended with immediate effect from the same date. UKAD understand this to be the his first ADRV.
11. On 4 July 2019, Mr Richards responded to the Charge and asserted that it had no realistic prospect of being upheld and as such he made an application for the Provisional Suspension imposed upon him to be lifted, pursuant to ADR Article 7.9.3(c)(i).
12. All players have the right to have a doping allegation determined by an independent and suitably qualified body, pursuant to the ADR Article 8.1. As such, this case (and this application) was referred to the National Anti-Doping Panel ("NADP") for resolution, on 4 July 2019.
13. On 5 July 2019, Mark Hovell was appointed as the Chair of the Tribunal
14. On 22 July 2019, UKAD responded to Mr Richards' application and requested the Chair of the Tribunal reject the application, to leave the Provisional Suspension in place and to move to list the matter for a directions hearing.
15. On 31 July 2019, Mr Richards provided his reply to UKAD's submissions on the Provisional Suspension. He maintained his request, but agreed after determination, the matter should progress to a directions hearing.
16. On 6 August 2019, the Chair of the Tribunal dismissed Mr Richard's application to lift his Provisional Suspension.

17. In accordance with Article 7.8 of the Rules of the NADP (2019 edition), the Chair of the Tribunal agreed various directions with the parties on 20 August 2019, with a view for the hearing of the matter to take place at the premises of Sport Resolutions at 1 Salisbury Square, London EC4Y 8AE.
18. Pursuant to those directions, Mr Richards submitted his detailed Response to the Charge on 15 November 2019.
19. On 3 December 2019, UKAD submitted additional evidence in reply to the latest Response from Mr Richards.
20. On 16 October 2019 Ms Kitrina Douglas and Gordon McInnes were appointed as Tribunal Members.
21. This matter was determined following the oral hearing that took place on 3 February 2020 (the "Hearing"). The Player attended the Hearing in person and was represented by Jason Torrance. The Tribunal would like to place on record its gratitude to Mr Torrance for representing the Player on a *pro bono* basis. UKAD were represented by Philip Law, Ms Nisha Dutt and Justin Humphries. Ms Kylie Brackenridge, from Sport Resolutions was also present to assist the Tribunal.

II. Jurisdiction

22. The WRU is the national governing body of rugby union in Wales. The WRU has adopted the UK Anti-Doping Rules in their entirety, which are constituted as the ADR. All rugby players in Wales playing for a member club of the WRU are subject to the ADR under the jurisdiction of the WRU. Cardiff Met is a member of the WRU as are the Players who play for it.
23. As a result of the above, the Player was therefore subject to the ADR and bound to comply with the ADR at all material times.
24. Pursuant to ADR Article 7.1.3, UKAD has responsibility for results management of this case. This meant UKAD could deal with this Charge and prosecute this matter.

25. Further, pursuant to ADR Article 8.1, any charge against an Athlete playing under the auspices of the WRU shall be determined by the NADP.
26. Finally, the Player acknowledged that he is an athlete registered with the WRU. He did not challenge the jurisdiction of the NADP, nor the applicability of the ADR.
27. For all of the above reasons, it follows that the Tribunal therefore has jurisdiction to determine this matter.

III. UKAD's Submissions

Evidence

28. UKAD relied upon the evidence of Messrs Watts and Gardner, along with the interview with Mr Richards.
29. On 16 August 2018, Mr Richards requested a meeting with Mr Gardner by WhatsApp message; Mr Gardner, in turn, asked Mr Watts to attend. At the meeting, Mr Richards informed Messrs Watts and Gardner that he had ingested a named Prohibited Substance.
30. Whilst neither witness was able to recall the name of the Substance discussed, Mr Watts stated:
- "So [Mr Richards] said he'd taken a steroid, one of his mates suggested he takes it and he got it off him he said he had not taken it for three weeks but took it orally.*
- ..."*

31. Mr Gardner stated:

"He sat down, Dai came in and I sat down, and he said, "oh look, I've got to get it off my chest, after what happened with the UK Anti-Doping thing yesterday, look, I took gear three weeks ago". Dai said "what have you taken"? And he named it, but I can't remember the name of the steroid. I just said, "what did you do, have you injected it?" He said "no, it's an oral steroid but I haven't taken it for three weeks now before I come here"." I said, "what are you doing? Why would you need to?" He said, "Oh I've been

stupid", he was genuinely remorseful and very, very nervous at that point. He said, *"what do you think the chances are of it being positive?"* I said, *"I haven't got a clue, I don't know, how do we know?"* I said *"look, you know I am going to have to pass this information on"*. He said, *"yeah, yeah, I understand"* and what have you, and he asked some questions about what happens now."

32. The substance discussed was later confirmed by Mr Richards (in interview) to be clenbuterol.

33. UKAD relied upon WhatsApp messages between Mr Richards and Messrs Watts and Gardner. Some messages appear after the meeting and show that:

33.1. Mr Richards had been removed from the team (and he did not appear to have challenged the fairness of this decision at any point);

33.2. Mr Richards was contemplating a positive test, which must relate to the Sample collection on 13 August 2018, as it is Mr Richards' only test.

34. On 28 November 2018, Mr Richards attended an interview with UKAD investigators. Mr Richards had been sent an interview request letter dated 6 September 2018 (by email on 11 September 2018). Mr Richards' rights and entitlements were set out plainly in that letter.

35. During the interview, Mr Richards stated the following:

35.1. That he found tablets (the "Tablets") in a gym that were unsealed and that he began to consume the Tablets within a week of finding them;

35.2. That he was not nervous about providing a Sample as had been suggested;

35.3. That he, *"spoke to Dai, I'm not sure if it was the Wednesday now or the Thursday but it was after the chat we had. I said look Dai, I may fail this test because of supplements that I've been having but I just wasn't sure. So he said right, come in and have a chat, whatever. Then Gards came and had a chat as well. Basically I just said about the supplement that I'd potentially been taking and that was that pretty much"*;

35.4. That he hadn't knowingly taken any Prohibited Substance;

35.5.Regarding the Tablets:

- 35.5.1. He'd taken 7 tablets over the course of a week;
- 35.5.2. The Tablets came in a container with a "Pharma Whey" label. He thought it was something to do with protein;
- 35.5.3. He didn't read the bottle/label, the label was partially ripped;
- 35.5.4. He threw the Tablets (and their container) away (unfinished) after showing them to his father.

35.6 Regarding the conversation with Messrs Watts and Gardner:

- 35.6.1 He told them he'd taken clenbuterol;
- 35.6.2 Mr Richards agreed that he had unambiguously told Messrs Gardner and Watts that he had taken clenbuterol;
- 35.6.3 He "... *put two and two together and if I'm having heart pain after taking something*".

36. UKAD also relied upon the following:

37. Dr Alan Brailsford, who provided evidence on the excretion rates for clenbuterol in light of the suggestion that Mr Richards had last consumed the Tablets three weeks prior to Sample collection. Dr Brailsford replied: "*Without knowing more information it is hard to be to certain. However, in general it is my opinion that it is very unlikely Clenbuterol would still be present in the urine 3 weeks post administration. Considering the suggestion that the Clenbuterol could be taken earlier, that would mean the window between administration and sample collection was even larger, therefore the chance of clenbuterol being in the urine would be even less*"

38. Dr Brailsford further said "*However 3 weeks seems very unlikely in my opinion. 2 weeks would be more usual given a typical dose.*" As such, the absence of clenbuterol from Mr Richards' Sample is not evidence that supports the assertion that Mr Richards was not Using clenbuterol.

39. Nick Wojek, who stated that clenbuterol is purchased on the black market in tablet form. It is known to have undesirable cardiovascular side effects (such as heart palpitations), but it may appeal to a rugby player for the following reasons: (i) it is a reputed fat burner and muscle building substance; and (ii) it has a shorter window of detection than many other anabolic androgenic steroids.
40. Princy Madanayake, who examined "Pharma Whey" and in particular, provided images of the label of a typical container of the supplement.
41. UKAD also sought adverse inferences against Mr Richards. UKAD had repeatedly asked for documentation relating to a medical appointment on 16 August 2018.

The Charge – Use

42. ADR Article 2.2 states:

"Use...by an Athlete of a Prohibited Substance or a Prohibited Method, unless the Athlete establishes that the Use...is consistent with a TUE granted in accordance with Article 4 26".

The term Use is also defined within the ADR as follows:

"Use: The utilisation, application, ingestion, injection or consumption by any means whatsoever of any Prohibited Substance or Prohibited Method."

43. UKAD noted that there was no suggestion that Mr Richards had a TUE. Further, it was not necessary that intent, Fault, negligence or knowing Use on Mr Richards' part be demonstrated in order to establish the ADRV.
44. In the interview Mr Richards confirmed that, unambiguously, he told his coaches that he had consumed clenbuterol. UKAD submitted that the Tribunal needed to decide if he was telling the truth when he made his admission – or whether his later account, that his admission was an error of judgement, is in fact the correct position.
45. In terms of the evidence that the Tribunal considers, ADR Article 8.3.3 states:

“The hearing panel shall have the power to decide on the admissibility, relevance and weight of any evidence (including the testimony of any fact or expert witness) and shall not be bound by any legal rules in relation to such matters. Facts may be established by any reliable means, including admissions. UKAD bears the burden of proving the charge. It must do so to the comfortable satisfaction of the Panel”.

Case law

46. The first decisions regarding admissions of ‘Use’ of a substance, arose from the ‘BALCO’ matters in the United States, wherein it was established that an AAF for a Prohibited Substance is not required in order to prove “Use” of that substance. The BALCO matters referred to the commentary to Article 2.2 in the Code: *“It has always been the case that Use or Attempted Use of a Prohibited Substance or Prohibited Method may be established by any reliable means. As noted in the Comment to Article 3.2, unlike the proof required to establish an anti-doping rule violation under Article 2.1, Use or Attempted Use may also be established by other reliable means such as admissions by the Athlete, witness statements, documentary evidence, conclusions drawn from longitudinal profiling, including data collected as part of the Athlete Biological Passport, or other analytical information which does not otherwise satisfy all the requirements to establish “Presence” of a Prohibited Substance under Article 2.1. For example, Use may be established based upon reliable analytical data from the analysis of an A Sample (without confirmation from an analysis of a B Sample) or from the analysis of a B Sample alone where the Anti-Doping Organization provides a satisfactory explanation for the lack of confirmation in the other Sample”.*
47. There appears to be no dispute that clenbuterol is a Prohibited Substance or that (an athlete bound by the ADR) consuming it would commit an ADRV.
48. UKAD cited the examples of *USADA v Collins (AAA No.30 190 00658 04)* and *USADA v Montgomery (CAS 2004/0/649)* the United States Anti-Doping Agency (“USADA”) relied upon evidence of admissions by the athletes in question provided by a federal law enforcement agency. The Court of Arbitration for Sport (“CAS”) banned Mr Montgomery for two years. The American Arbitration Association (“AAA”) decision in

USADA v Leogrande (AAA No. 77 190 00111 08), has now gone further than these early BALCO cases, and stands for the proposition that admissions alone can establish an ADRV of 'Use' in the absence of analytical data.

49. In *Leogrande*, the athlete admitted Using EPO (and also to tampering with a test) to a team assistant. The assistant told management, and eventually USADA was informed. The athlete claimed that a charge of 'Use' could not be upheld based on an admission alone, unless there was also analytical proof that the substance the athlete admitted Using was indeed a Prohibited Substance; as per the CAS decision of *French v ASC and CA* (CAS 2004/A165). The AAA hearing panel held that that was not a necessary condition, and distinguished *French* because the athlete had:

"...actually admitted the use of a Prohibited Substance to Sonye [the assistant], namely EPO, testosterone and Ventalin. French admitted to taking a drug named "Testicomp", not the taking of a Prohibited Substance."

UKAD submitted that the comparison with Mr Richards' case is obvious.

50. Similarly, in *USADA v O'Bee* (AAA No. 77 190 00515 09) the Panel upheld a charge that relied upon non-analytical data including the athlete's admissions, as establishing Use of EPO on multiple occasions over several years; notwithstanding that the athlete was tested several times during this period without any EPO being detected.

51. As such, UKAD submitted that in this case Mr Richards has made a clear and unsolicited admission to two persons of a named and well known Prohibited Substance, and that admission is corroborated by:

51.1. Mr Richards' evidence of chest pains (a known side effect of clenbuterol);

51.2. His concerns regarding test results;

51.3. His lack of contest to being removed from the Cardiff Met team;

51.4. The lack of credibility in his retraction; and

51.5. That he didn't challenge the fact that he admitted clenbuterol Use.

Has Mr Richards Used clenbuterol?

52. UKAD's position is that Mr Richards has made a clear and unambiguous admission in this case which he has subsequently attempted to retract. The Tribunal needs to consider the reliability of the initial admission against the reliability of the subsequent retraction. UKAD noted the following:

52.1. Mr Richards' admission was unsolicited. His admission came entirely of his own volition when he thought that he would test positive for clenbuterol. This would be a remarkable admission to make if Mr Richards did not know he had consumed clenbuterol.

52.2. The admission came before the result of the Sample analysis. He clearly expected or feared an adverse finding.

52.3. The admission to his coaches was unequivocal. Whilst it is now suggested by Mr Richards that he expressed that he "may" have taken clenbuterol, in his interview he was very clear that he accepted he had clearly admitted clenbuterol Use. If it is correct that Mr Richards did not really know if he had taken clenbuterol (and that he was merely expressing a fear that he might have done) it is notable that he did not wait for the results of the Sample analysis.

52.4. There appears to be no discernible reason for the admission other than it was the truth and that he was attempting to mitigate an imminent AAF.

53. Mr Richards demonstrated a general knowledge of doping and the risks of supplement use (prior to 16 August 2018) throughout his interview, "*you see some pretty dodgy stuff don't you, bright red shiny tins*". Further, he used products endorsed by Worcester Warriors and the day before the UKAD anti-doping session discussed with his coach the 'pre-workout' drink. Mr Richards was clearly aware of the risks of supplements prior to Sample collection.

54. The admission had consequences that do not appear to have been challenged. Mr Richards appears to have been removed from the Cardiff Met's squad. The absence of challenge or complaint is indicative that Mr Richards saw his removal from the

team as a legitimate sanction (which in and of itself suggests that he knew or believed he had used clenbuterol).

55. Whilst Mr Richards had had no formal anti-doping education prior to making his admission, it is clear that he is familiar with the risks of supplements and is studying a very relevant degree (he is an undergraduate on a sports course). It is inherently unlikely that an athlete (or anybody) would simply start to consume tablets from an unknown and unsealed container without a single enquiry of the contents. On Mr Richards' case he has no idea as to (i) the owner of the Tablets or (ii) the contents/ ingredients of the Tablets. He has, on his account, no understanding as to whether the Tablets were a medication or supplements, or even whether they have been adulterated or tainted in some way. Further, he has apparently abandoned his usual process for selecting supplements. He has, on his latest account, simply started to use a supplement without the endorsement or advice of an organisation or somebody he trusts. He provides no explanation (reasonable or otherwise) as to why he felt compelled to start using a supplement about which he had no information (and what information he had on the ripped label, he simply chose not to look at).
56. However, "Pharma Whey" does not appear to come in tablet form. The label on the Tablets' container is described as "slightly ripped" by Mr Richards. Even if that is correct, it is extraordinary that Mr Richards did not detect one of the following features of a typical Pharma Whey label that demonstrates clearly that Pharma Whey is a powder rather than tablets: Reference is made to "HIGH PROTEIN POWDER MIX. FOOD SUPPLEMENT WITH SWEETENER". Reference is made to "18g" of Protein and "98 CALORIES" and the supplement being "LOW SUGAR". These are features that would not be found on a tablet-based supplement. There are directions for use involving "scoop(s)" and the addition of "water or milk".
57. Further, the explanation proffered in interview was not the account provided to Messrs Watts and Gardner. Mr Watts reports being told that a friend was involved in recommending the use of a steroid; by the time of the UKAD interview, the account involves finding the abandoned Tablets.

58. UKAD submitted that the only reasonable explanation for Mr Richards' clear admission to clenbuterol Use is that he was taking clenbuterol, as he described to his coaches. The account he provided to his coaches must be the correct position, as it is the only explanation that explains the following:

58.1. His apparent concern / fear at being tested;

58.2. His admission to clenbuterol Use;

58.3. His concerns about a positive result;

58.4. His chest pains (a common side effect of clenbuterol ingestion);

58.5. His account of his search history;

58.6. That Mr Richards accepted being removed from the Cardiff Met team.

59. UKAD concluded that the Tribunal could be comfortably satisfied that Mr Richards' admission to his coaches was the correct position, and should find the Charge proved.

Sanction

60. If the charge is proved, the Tribunal should consider Sanction and the application of ADR Article 10.2 and whether or not the ADRV was "intentional".

61. The period of Ineligibility to be applied is set out at ADR Article 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 reduction or suspension pursuant to Article 10.4, 10.5 or 10.6: 10.2.1 The period of Ineligibility shall be four years where: (a) The Anti-Doping Rule Violation does not involve a Specified Substance, unless the Athlete ... can establish that the Anti-Doping Rule Violation was not intentional. (b) ... 10.2.2 If Article 10.2.1 does not apply, the period of Ineligibility shall be two years."

Therefore, the period of Ineligibility is four-years unless Mr Richards can demonstrate, on the balance of probability, that his actions were not intentional.

62. The definition of intentional can be found at ADR Article 10.2.3:

"As used in Articles 10.2 and 10.3, the term "intentional" is meant to identify those Athletes ... who cheat. The term, therefore, requires that the Athlete ... engaged in conduct which he ... knew constituted an Anti-Doping Rule Violation or knew that there was a significant risk that the conduct might constitute or result in an Anti-Doping Rule Violation and manifestly disregarded that risk..."

63. Mr Richards has used a non-Specified substance and has admitted it: *"after what happened with the UK Anti-Doping thing yesterday, look, I took gear three weeks ago"*. UKAD's position was that it is clear that he engaged in the deliberate and knowing Use of clenbuterol.

64. Whilst Mr Richards has had no prior (to Sample collection) formal anti-doping education that UKAD can point to, Mr Richards clearly had enough knowledge (prior to receiving education on 15 August 2018) to be able to: identify "dodgy" supplements; to report the use of a pre-workout drink to his coaches; and to use supplements with at least the comfort of professional endorsement or the advice of coaches or friends. He also appeared nervous during the test.

65. UKAD submitted that Mr Richards cannot show on the balance of probability that his conduct was not intentional. That is, Mr Richards cannot demonstrate that he did not engage in conduct that he knew constituted an ADRV, or that he knew carried a significant risk that it might constitute an ADRV and manifestly disregarded that risk.

66. In short, in the absence of a compelling (or indeed any reasonable) explanation, Mr Richards has not discharged his burden of establishing his lack of Intention. As such, a sanction of four-years should be imposed.

67. Additionally, UKAD made submissions regarding ADR Articles 10.4 and 10.5.2 – No Fault or Negligence and No Significant Fault or Negligence.

Commencement of Sanction

68. ADR Article 10.11 requires that, usually, sanction starts on the day of a decision. Article 10.11.3 requires that a player receives credit for any period of (respected) provisional suspension:

"10.11.3 - Credit for Provisional Suspension or period of Ineligibility Served:

(a) Any period of Provisional Suspension (whether imposed or voluntarily accepted) that has been respected by the Athlete ... shall be credited against the total period of Ineligibility to be served"

69. To get credit for any period of voluntary Provisional Suspension, however, the Athlete or other Person must have given written notice at the beginning of such period to UKAD (and UKAD shall copy that notice to each Interested Party) and have respected the Provisional Suspension. Mr Richards was suspended on 7 May 2019 and, as far as UKAD is aware, has respected the terms of the Provisional Suspension. UKAD does not agree that Mr Richards voluntarily suspended himself as of 16 August 2018 and has no record of written notice being received by UKAD.

IV. Respondent's Submissions

70. The Respondent relied upon various provisions of the ADR:

71. ADR Article 7.6 states as follows:

"Review of Evidence Other Than Adverse Analytical Findings, Atypical Findings or Adverse Passport Findings

7.6.1 Where a matter is referred to one or more Independent Reviewer(s) that involves evidence of a potential Anti-Doping Rule Violation other than an Adverse Analytical Finding, an Atypical Finding or an Adverse Passport Finding, UKAD shall identify one or more Independent Reviewer(s) who have the expertise required by the nature of the particular case to review the evidence to determine whether there is a case to answer under Article 2.

7.6.2 Where the Independent Reviewer(s) conclude(s) that there is a case to answer under Article 2, UKAD shall send the Athlete or other Person a Notice of Charge in accordance with Article 7.7.6."

72. ADR Article 8.3 provides as follows:

"Rules of Evidence and Procedure

8.3.1 UKAD shall have the burden of establishing that the Athlete or other Person charged has committed the Anti-Doping Rule Violation(s) specified in the Notice of Charge. To meet that burden, UKAD must establish the Athlete's or other Person's commission of the Anti-Doping Rule Violation(s) charged to the comfortable satisfaction of the hearing panel, bearing in mind the seriousness of the allegations that are made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt.

8.3.2 Where these Rules place the burden of proof upon the Athlete or other Person charged with the commission of an Anti-Doping Rule Violation to rebut a presumption or establish specified facts or circumstances, then the applicable standard of proof shall be by a balance of probability.

8.3.3 The hearing panel shall have the power to decide on the admissibility, relevance and weight of any evidence (including the testimony of any fact or expert witness) and shall not be bound by any legal rules in relation to such matters. Facts may be established by any reliable means, including admissions."

73. ADR Article 10.2 and 10.2.3, as set out above.

74. ADR Article 10.6.2 states as follows:

"Elimination, Reduction, or Suspension of the Period of Ineligibility or other Consequences for Reasons Other than Fault..."

10.6.2 Admission of an Anti-Doping Rule Violation in the Absence of Other Evidence:

Where an Athlete or other Person voluntarily admits the commission of an Anti-Doping Rule Violation before having received either (a) notification of a Sample collection that could establish the Anti-Doping Rule Violation (in the case of an Anti-Doping Rule Violation under Article 2.1), or (b) a Notice of Charge (in the case of any other Anti-Doping Rule Violation), and that admission is the only reliable evidence of the violation at

the time of the admission, then the otherwise applicable period of Ineligibility may be reduced, but not by more than one half."

75. ADR Article 10.11 states:

"Commencement of Ineligibility Period

The period of Ineligibility shall start on the date of the final decision providing for Ineligibility, or if the hearing is waived, or there is no hearing, on the date Ineligibility is accepted or otherwise imposed, save as follows:

10.11.1 Delays not attributable to the Athlete or other Person:

Where there have been substantial delays in the hearing process or other aspects of Doping Control that are not attributable to the Athlete or other Person charged, the period of Ineligibility may be deemed to have started at an earlier date, commencing as far back as the date of Sample collection or the date on which another Anti-Doping Rule Violation last occurred. All competitive results achieved during the period of Ineligibility, including retroactive Ineligibility, shall be Disqualified...

10.11.3 Credit for Provisional Suspension or period of Ineligibility Served:

(a) Any period of Provisional Suspension (whether imposed or voluntarily accepted) that has been respected by the Athlete or other Person shall be credited against the total period of Ineligibility to be served. If a period of Ineligibility is served pursuant to a decision that is subsequently appealed, then the Athlete or other Person shall receive credit for such period of Ineligibility served against any period of Ineligibility which may ultimately be imposed on appeal. To get credit for any period of voluntary Provisional Suspension, however, the Athlete or other Person must have given written notice at the beginning of such period to UKAD (and UKAD shall copy that notice to each Interested Party) and have respected the Provisional Suspension.

(b) No credit against a period of Ineligibility shall be given for any time period before the effective date of the Provisional Suspension (whether imposed or voluntarily accepted), regardless of whether the Athlete elected not to compete or was suspended by his or her team."

Burden of Proof

76. The Respondent submitted that the burden of proof in this matter rested with UKAD as the prosecuting authority on behalf of the WRU. A violation of ADR Article 2.2 is not a strict liability offence and it is therefore for UKAD to establish that Mr Richards has committed a breach of ADR Article 2.2 to the comfortable satisfaction of the Tribunal, bearing in mind the seriousness of the allegations that have been made in accordance with ADR Article 8.3.1. The Respondent submitted that this was a serious allegation and could result in serious consequences.

77. Article 3.2 of the World Anti-Doping Code ('the Code'), Methods of Establishing Facts and Presumptions, states that "[F]acts related to anti-doping rule violations may be established by any reliable means, including admissions"

78. The Comment to Article 3.2 of the Code provides example of how an ADRV may be established, providing:

"For example, an Anti-Doping Organization may establish an anti-doping rule violation under Article 2.2 based on the Athlete's admissions, the credible testimony of third Persons, reliable documentary evidence, reliable analytical data from either an A or B Sample as provided in the Comments to Article 2.2, or conclusions drawn from the profile of a series of the Athlete's blood or urine Samples, such as data from the Athlete Biological Passport."

79. UKAD must therefore establish that Mr Richards used clenbuterol, and may do so by adducing evidence in any form as long as it is "reliable". Speculation cannot be considered a "reliable" form of evidence.

Player's Account

80. Mr Richards was the subject of Sample collection on 13 August 2018. The analysis of this urine sample did not reveal a Prohibited Substance. At the date of Sample collection, Mr Richards had never received any formal anti-doping education. The first and only formal anti-doping education received by Mr Richards was two days after the date of Sample collection, on 15 August 2018.

81. The day after the first formal anti-doping education received by Mr Richards, on 16 August 2018, Mr Richards met with his coach, Mr Watts, to express concerns he had following the Sample collection. Mr Watts invited Mr Gardner to also attend. The information provided to Messrs Watts and Gardner was speculation on the part of Mr Richards, as demonstrated in the interview transcript.
82. Mr Richards made an "admission" to Mr Watts and Mr Gardner in the genuine belief that he had ingested clenbuterol. This belief amounted to nothing more than speculation. Mr Richards explained that a number of weeks prior to 16 August 2018, he was training at Dunvant gym with a friend. This was not a friend who he regularly trained with and not a gym that he regularly trained at. Mr Richards had attended the gym as a guest.
83. Upon finishing the training session, Mr Richards' friend exited the gym whilst Mr Richards went to the changing room to shower and change after the training session. Mr Richards found an unsealed container with a partially torn Pharma Whey label on it. Within the container were a number of tablets. Mr Richards decided that he would take these tablets to assist with his training without knowledge of the ingredients therein. Mr Richards was aware from the label that Pharma Whey was a protein supplement, and of the benefits of taking protein. He was not aware of the form that the Pharma Whey supplement should take, and has at no stage suggested that what he ingested was actually Pharma Whey.
84. Mr Richards ingested the tablets for approximately one week, ingesting 1 tablet per day during this period. Mr Richards ingested the tablets in this quantity because it was the same quantity that he ingested his other supplement tablets in. This information is corroborated by the interview undertaken by Mr Richards with UKAD and in Mr Richards' Witness Statement.
85. After ingesting the product for approximately a week, Mr Richards noticed that he was suffering from chest pains and became concerned. He disposed of the tablets that he had been ingesting.
86. Mr Richards carried out internet research as to the potential cause of these chest pains. This research identified to Mr Richards that one possible source for the chest pains was the use of clenbuterol. In short, Mr Richards came to the speculative

conclusion that he had ingested clenbuterol because of the chest pains from which he had suffered after he began ingesting the tablets found at the gym, based upon independently conducted internet research.

87. Mr Richards was subsequently interviewed by UKAD on 28 November 2018. At no point during this interview did Mr Richards admit to ingesting clenbuterol. The evidence provided by Mr Richards throughout the course of the interview was that he did not know whether or not he had ingested clenbuterol. It was his belief that he had ingested clenbuterol when he spoke to Messrs Gardner and Watts, based upon the internet research he had conducted. At no point during the interview did Mr Richards make any form of admission that he had ingested clenbuterol.

88. In particular, the following sections of the interview with UKAD were informative:

88.1. Question 12 and answer 12 of the interview provide as follows:

Mr Borrett: So what we're going to talk about is your rugby, what went on in that week in August to do with the test and we're going to talk about the conversation you had with Ian and Dai. So first of all, tell me about the substance that you admitted to taking.

Mr Richards: Well basically I don't actually know what it was. It goes back to that initial day when you came in and you tested us all, I was quite hunky dory about that, not knowing the problem, I wasn't scared or anything like that. Until we had the meeting where they showed the severity of ... like when they showed the Holland and Barratt, because Dai was obviously saying I needed to get Omega-3s and creatine and all that sort of stuff and I was getting mine from Holland and Barratt so initially I was like great, that's fine but after having that initial talk I was like, oh well, because it's not Inform Sport. So I was really sort of, oh great but what the substance was, it was either in June or July, I can't remember fully exactly what month it was, I was in Dunvant Rugby Club gym and there was just a little bottle, a little white bottle with Pharma Whey on it and I just picked it up because I thought someone's left it or whatever and I started taking that with my protein shake and my creatine and my Omega-3s and then it was in work about a week later, I was just walking on the beach because I was a litter picker in the summer and I was having chest pains and I thought, that's not right. So I stopped taking all my supplements and it went away. So after that chat we'd had, I looked up those side effects, heart pain with supplements and basically I came to the conclusion that

... I still don't know exactly what it was but one particular name just kept cropping up and I went on all these forums and everything and I kept saying yeah, really with heart pain I really sort of just ... I said look, I may have done this because I was so scared of actually failing the test so I owned up to it

88.2. At answer 60 Mr Richards provides as follows:

Yes. Well I said, based on what I'd looked at online, because I was most worried about that one I'd found in the gym because Omega-3 is Omega-3 and stuff like that but that ... I mean all those I'd bought for myself, that I'd found on the floor in the gym not knowing what it is, that really scared me and I said look, I was having heart pain after it. Well I'm not saying it was that that caused it but I said I'd had heart pain and I'd stopped it and then I was looking online for supplements that could cause heart pain and there was just this one supplement that kept cropping up. So I said look, I think I've done that.

88.3. The interview transcript then details the following exchange:

Mr Borrett: *What sort of searching and what sort of research did you do?*

Mr Richards: *I went online because I said what sort of supplements are out there that fail drugs tests that are on sale, marketed as proteins or whatever but then do contain things like that and nothing like that was taken. Then I searched sort of all the Omega-3s and the BCAs and all that, all kinds of supplements like that.*

Mr Borrett: *Was there any particular website you went on or was it just a Google search?*

Mr Richards: *No, I went on loads and forums and then I was concerned about the one in the summer and then, yes, so I searched that. For the one in the summer I searched heart pain, supplements related to heart pain and I looked on a few forums, there were a couple of different ones that were mentioned but there was just one in particular that came up and I was ...*

Mr Madanayake: *Which one is that? You keep mentioning it but you haven't said what it is, what?*

Mr Richards: *Clenbuterol was the one that kept coming up and another one was Trenbolone kept coming up.*

Mr Borrett: *So had you taken them?*

Mr Richards: *No. Not that I'm aware of, do you know what I mean? I would never intentionally take something that's illegal, I just wouldn't do it.*

88.4. At answer 76 to the interview transcript Mr Richards provides:

I came back and then, well there was nothing there that was relevant anyway. So then I spoke to Dai Watts on the phone, I said look Dai, can I come and have a sit down with you because I think I may potentially fail this drugs test because of XYZ and he said yes, come in, we'll have a chat. Basically he said, right, what have you done? And I said Clenbuterol, because I sort of just put two and two together with the heart pain and that was ... I don't know what it was in that thing, it literally may not have been, I honestly don't know but what really made me think it was, was when I was having the heart pain at work after taking that thing I found on the floor in the Dunvant gym and then that was scary for me.

88.5. At answer 82 of the interview transcript Mr Richards identifies the supplement container as being "Pharma Whey". A Google search for the term "Pharma Whey" produces as the top 3 results advertising of the product, which is produced by PhD, on uk.bodybuilding.com and amazon.co.uk. The ingredients lists of the product do not list clenbuterol as an ingredient, and there is no evidence that clenbuterol has ever been ingredient of the product. It is also true that Pharma Whey comes in powder form, and not tablet form as the supplement found by Mr Richards came.

88.6. Mr Borrett and Mr Richards then had the following exchange during the interview:

Mr Borrett: *They did say that you were nervous, that they did speak to you exactly as you corroborated it, don't worry about the the nervousness, I'm not too fussed about that. They corroborate what you said but we took that you took that supplement off Rhys Gearly. The difference comes is that you actually tell them that you had taken a steroid.*

Mr Richards: *Clenbuterol is what I said to them and then I asked Dai Watts if he knew what that was and that's when he said that is an anabolic steroid.*

Mr Borrett: *And you are saying that you didn't know, that was just a major thing for the cause of heart pain that came up in your research.*

Mr Richards: *That's what I was saying, yes, to them.*

Mr Borrett: *Tell me about Clenbuterol, what you found out about it.*

Mr Richards: *What I found out about it? Basically it was almost a fat stripper, it speeds up the heart rate in order to burn fat is what I think and makes your heart grow which obviously I don't know what effect, what benefit that would have, so.*

88.7.A further exchange takes place between them as follows:

Mr Borrett: *In their statements both Dai and Ian are quite clear that there's not any ambiguity here, you tell them you took a steroid. You didn't say I may have taken this.*

Mr Richards: *Yes, I said I took Clenbuterol because I just put two and two together because that's the one that kept reoccurring on these forums and stuff. It said heart pain, de-de-de, and I just thought well I found that bottle in the gym, heart pain, that's what I thought. Now whether it's correct or not I don't know. I just said to sort of cover my own back if you like, if it did come back positive, I said look, I've done that, not actually knowing fully what it was. To this day I don't know what it is. It says Pharma Whey on it, I don't know but I know Pharma Whey, that sort of chemical symbol, I'm not ...*

Mr Borrett: *So you never took any tablets or anything with the word Clenbuterol on it?*

Mr Richards: *No, nothing.*

Mr Borrett: *Nothing with Clenbuterol either before or ...*

Mr Richards: *That was my first ever UKAD talk, ever, and I've been in age grades rugby. I just wouldn't risk it.*

Mr Borrett: *Why would you admit to something you didn't know you've done though?*

Mr Richards: *Because I just thought, I put two and two together and if I'm having heart pain after taking something.*

88.8. At question 142 Mr Borrett actually suggests to Mr Richards that he would need to put fat on when he was playing at the level of rugby at which Mr Richards was playing. Clenbuterol is normally associated as being fat stripper and would in fact have had the opposite effect to that which Mr Richards required if he were deliberately using Clenbuterol to enhance his performance, meaning that taking Clenbuterol would have in fact had a detrimental effect on Mr Richards.

The Player's Primary Position

89. Mr Richards did not accept the Charge. Whilst Mr Richards did not dispute that the correct process has been undertaken by UKAD in respect of conducting an Independent Review, Mr Richards is extremely surprised that it has been determined that he has case to answer for this Charge based upon the evidence adduced by UKAD.
90. It appears as though the only evidence in support of UKAD's case is an 'admission' by Mr Richards that he may have ingested a substance that may have been clenbuterol. The evidence adduced is nothing more than speculation. It is far from a reliable form of evidence, as it must be in accordance with Article 3.2 of the Code.
91. This evidence adduced by UKAD is not included in the examples given in the Comment to Article 3.2 of the Code. Mr Richards has speculated, he has not made an admission.
92. The Charge is a non-analytical violation. The burden of proof rests with UKAD to establish, to the comfortable satisfaction of the Tribunal, that Mr Richards used clenbuterol.
93. There is no actual evidence that Mr Richards used clenbuterol, or any other Prohibited Substance, and on this basis the charge must be dismissed.

The Player's Secondary Position

94. In the alternative, if the Tribunal determine that UKAD have proven that Mr Richards did Use clenbuterol, Mr Richards seeks to rely upon the provisions of ADR Article 10.6.2.
95. The only evidence in support of the charge is the admission provided by Mr Richards to his coaches on 16 August 2018. In other words, without this, UKAD, put simply, would have had no case against Mr Richards. UKAD's entire case is based upon Mr Richards' admission.
96. The admission made to his coaches was made as a consequence of the anti-doping education received by Mr Richards on 15 August 2018, the first and only formal anti-doping education he had ever received.
97. The admission was not made in response to being notified for Sample collection on 13 August 2018. If this was the reason for the admission, Mr Richards would have made said admission immediately. Mr Richards was tested and this test returned a negative result. The admission occurred 3 days after Sample collection, and more significantly after Mr Richards had received formal anti-doping education.
98. The application of ADR Article 10.6.2 would result in any sanction issued against Mr Richards being reduced by up to half.

Sanction

99. If the Panel do find that UKAD have established to their comfortable satisfaction that Mr Richards used clenbuterol, the standard sanction under ADR Article 10.2 is a four year period of Ineligibility.
100. If the Panel determine that ADR 10.6.2 applies, this sanction may be reduced by up to two years. In these circumstances, Mr Richards would urge the Panel to reduce any sanction imposed by the highest reduction available, that being half of any sanction imposed. If it had not been for Mr Richards' admission, there would

have been no case to answer and no sanction, and Mr Richards should receive significant credit for this.

101. Mr Richards has been provisionally suspended by UKAD since the date of the notice of charge letter, dated 7 May 2019. Any period of Ineligibility should therefore start, at the latest, from 7 May 2019.

102. In accordance with ADR Article 10.11.1, Mr Richards respectfully submits that any period of Ineligibility should be backdated further. The earliest date upon which Mr Richards requests his period of Ineligibility commences is 16 August 2018, the date on which the admission was made. He was not interviewed by UKAD until 28 November 2018, over 3 months after his admission. Mr Richards was then not charged by UKAD until 7 May 2019, almost 9 months after his admission and over 5 months after he was interviewed by UKAD. During this period, Mr Richards has not competed in any sports.

V. The Tribunal's findings

103. The Tribunal noted that this was a matter where there was no positive test, purely an admission allegedly made by the Player to his coaches that he had used "gear" or a steroid, which he later confirmed to UKAD, in his interview, that he had named as clenbuterol.

104. In that interview and since, the Player has maintained that he merely speculated that he thought he had taken clenbuterol, as he admitted taking some tablets that he'd found in a gym and these had given him heart pains, so after doing some web based research he put two and two together.

105. The Tribunal noted both the case law cited above by UKAD, which demonstrates that it can rely upon an admission alone to determine Use of a Prohibited Substance. This was not challenged at all by the Player. Further, both Parties agreed that the burden of proof was on UKAD to convince the Tribunal to its comfortable satisfaction that this admission to the coaches was made as they

recalled it, rather than speculation as the Player now submits and that such admission comfortably satisfies the Tribunal that the Player used clenbuterol.

106. At the hearing, Mr Torrance cross-examined both Mr Watts and Mr Gardner. He noted that:

106.1. the relevant parts of their witness statements were extremely brief (just 2 lines in the case of Mr Watts);

106.2. the statements did not match up identically. In particular, Mr Gardner did not refer to the Player having apparently told him and Mr Watts that it was a friend of the Player that suggested he used steroids and had given them to him;

106.3. neither of them appeared to question the Player on such admission. For example, they didn't even ask him who this friend was; and

106.4. despite being interviewed by UKAD 8 days after their meeting with the Player, neither could remember the name of the steroid the Player referred to.

107. Ultimately, Mr Torrance accused Mr Watts of lying in his statement when he referred to the Player stating a friend had told him to take steroids and to use them. Instead, he submitted that the Tribunal could not be comfortably satisfied with their version of events, especially in the light of the explanation of the Player regarding the tablets taken from the gym. The Player had been examined at length by UKAD on his version and it had stood up to scrutiny.

108. The Tribunal struggled to believe the Player's "gym" explanation. It simply begged belief that anyone would take some tablets they found in a gym and then start to take them. The Tribunal can accept that the Player had not undertaken any detailed anti-doping education until the course at Cardiff Met on 15 August 2018, however, also noted that before that he did mention the warm up supplement to Mr Watts, he referred in his interview to some supplements being "dodgy", he was studying a sports course at Cardiff Met and he had been aware of at least one famous athlete having doping issues.

109. However, the burden is not on the Player, rather on UKAD. As such, the Tribunal examined the written and oral testimony of Messrs Watts and Gardner and noted the other evidence that was available to it, to determine that it was comfortably satisfied that the admission had been made as Mr Watts had stated and that all this evidence was sufficient to demonstrate Use of clenbuterol by the Player.

110. In particular, the Tribunal relied upon:

110.1. The timings. The Player's admission was made to the coaches a few days after the sample collection date. Their statements were made to UKAD 8 days after the admission, when their recollection would still be fresh. Whereas, the Player's interview took place a few months after that, but was also after the Player had received the news that his test result was negative;

110.2. The similarities. Whilst Mr Torrance rightly pointed out the differences between what Mr Watts and Mr Gardner put in their written statements, both referred to the Player telling them that he had taken steroids/gear, that he had taken it orally and that he had done so three weeks before. When Mr Gardner was asked about the statement of Mr Watts and why he had made a reference to the Player's friend being the source of the steroids, yet Mr Gardner had not, he did not look to change his position. He stated that it could have been said, but that he hadn't heard that, so he hadn't put it in his statement;

110.3. The "gym" explanation. The Player confirmed that he did not mention this to the coaches at that meeting. He did not refer to his chest pains, nor the research he had done either. If he was speculating at that time, then the Tribunal would have expected him to have mentioned this to the coaches. The Player had not helped himself by apparently throwing the container away either;

110.4. Credibility. Both the coaches spoke well and appeared honest and credible witnesses to the Tribunal. Whilst their statements could have been in more detail, it appeared that these statements were transcripts of what they answered to UKAD's interviewer. If the questions were brief, then

the answers would be too. Whilst the Tribunal was asked by UKAD to draw adverse inferences from the Player's delay in providing medical records, there was ultimately no need. The Player's testimony was "shaky" at times, especially when looking to standby his "gym" story, but on the whole the Tribunal preferred the evidence of the coaches;

110.5. The other evidence. The Tribunal noted the contents of the WhatsApp messages that immediately followed the meeting with the coaches. The Player seemed to simply accept that he was out of the team at Cardiff Met, which one might not have done if they were only speculating about having possibly taken a steroid, as opposed to actual Use. Then there was the unchallenged evidence of Alan Brailsford, which acknowledged that a standard dose of clenbuterol would likely be out of an athlete's system if a test was a few weeks after ingestion, supporting why there was a negative test (although the Tribunal notes that Dr Brailsford could not know the actual dose taken). Finally, there was also the evidence of Nick Wojek, who noted that clenbuterol was commonly taken in the sport of rugby.

111. The Tribunal believed the coaches with their version of events (in particular Mr Watts, which refers to the friend being the source of the Prohibited Substance), but UKAD might have fallen short of convincing the Tribunal of Use of clenbuterol, had the Player not unequivocally confirmed to UKAD in his interview that this was the substance he admitted using to his coaches.

112. However, having found use of clenbuterol to its comfortable satisfaction, the Tribunal next considers sanction. The Parties agreed that the starting point is a four year ban pursuant to ADR Article 10.2. The onus would then be on the Player to demonstrate pursuant to ADR Article 10.2.3 that this was not intentional, however, the Player made no submissions in this regard.

113. Instead the Player advanced an alternative argument in relation to ADR Article 10.6.2. His position was that without his admission both to the coaches and them within his interview, UKAD would have lacked the evidence to pursue this case, so he should be entitled to a reduction of up to half of his sanction.

114. UKAD strongly objected to this. The Tribunal noted that this "2 part" admission was the key evidence, but also noted that it was effectively retracted by the Player. He did not stand by it, rather he looked to change it to speculation and looked to rely upon a totally different version of events, namely the "gym" story.

115. The Tribunal finds that ADR Article 10.6.2 is there to assist honest athletes and to encourage them to co-operate and to reward those that do. In the case at hand the Player rowed away from the admission, so should not then be able to attempt to rely upon it once his alternative "gym" story had been dismissed by the Tribunal.

116. The Tribunal also noted that the Player cited ADR Article 10.11.1, but then failed to make any submissions regarding this either in writing or at the hearing. In any event, the Tribunal noted the procedure to get before the Tribunal was not particularly quick, but that this was also an unusual case, which required some investigation. Likewise, the Player cited ADR Article 8.3, but again seemed to abandon this point. There was nothing before the Tribunal to consider the independent review one way or the other.

117. The final issue before the Tribunal was in relation to ADR 10.11.3 and whether there had been a voluntary Provisional Suspension.

118. Whilst the Tribunal noted the Player was suspended by Cardiff Met, pursuant to the WhatsApp messages, before he was formally Provisionally Suspended by UKAD, this does not appear to meet the conditions laid down in ADR Article 10.11.3, namely that the Player himself would have to give written notice to UKAD and that should happen at the beginning of any voluntary Provisional Suspension. Here it appears that UKAD would have been aware of the Cardiff Met suspension once it was in possession of the WhatsApp messages, but that there was no formal written notice from the Player at the appropriate time. As such, the Tribunal is unable to apply ADR Article 10.11.3.

VI. The Decision

119. For the reasons set out above, the Tribunal makes the following decision:

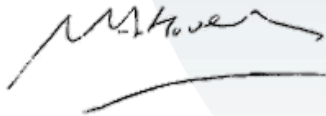
119.1. an ADRV contrary to ADR Article 10.2 has been established;

119.2. the standard sanction of 4 years Ineligibility shall apply to the Player;

120. In accordance with ADR Article 10.11.3, the Player is entitled to credit for his Provisional Suspension and so the period of Ineligibility shall be deemed to have commenced on 7 May 2019 and shall therefore end at midnight on 6 May 2023;

121. The Player's status during Ineligibility is outlined in ADR Article 10.12. For the avoidance of doubt, this Ineligibility applies and extends to Competitions or Events organised, convened, authorised or recognised by WADA Code Signatories, any professional league or any international or national-level Event organisation and any club or other body that is a member of, or affiliated to, or licenced by, a Signatory or a Signatory's member organisation throughout the World.

122. In accordance with ADR Article 20.14, the Player has a right of appeal to the NADP Appeal Tribunal. In accordance with Article 13 of the Procedural Rules any party who wishes to appeal must lodge a Notice of Appeal with the NADP Secretariat within 21 days of receipt of this decision.

A handwritten signature in black ink, appearing to read 'Mark Hovell', with a horizontal line underneath it.

Mark Hovell

For and on behalf of the Tribunal

24 February 2020

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