

Sport Ireland and Stanislaw Ukieja

Reasoned Decision of Sport Ireland

The following is the reasoned decision of Sport Ireland pursuant to Article 7.6.4¹ of the Irish Anti-Doping Rules (the "**Rules**"). It concerns an anti-doping rule violation ("**ADRV**") committed by Mr Stanislaw Ukieja and records the Consequences² to be applied.

1. Background and Facts

- 1.1 Stanislaw Ukieja is a 31 year-old Athlete (the "**Athlete**") who competes in national level motorsport events.
- 1.2 Sport Ireland is a statutory body established pursuant to the Sport Ireland Act 2015. The functions of Sport Ireland include taking such action as it considers appropriate, including testing, to combat doping in sport.
- 1.3 On 8 June Mr Ukieja was competing in the Mondello Park National Anti-Clockwise event in Mondello Park, Naas, Co Kildare. Mr Ukieja was selected for In-Competition testing.
- 1.4 The Sample was analysed by the World Anti-Doping Agency ("**WADA**") accredited laboratory in Cologne, the Deutsche Sporthochschule Köln Institut für Biochemie (the "**Laboratory**"). The Laboratory notified Sport Ireland of an Adverse Analytical Finding ("**AAF**") on 24 June 2019 for Carboxy-THC (S8. Cannabinoids), a Specified Substance which is prohibited In-Competition only.
- 1.5 Sport Ireland notified the athlete of the alleged ADRV by letter dated 2 July 2019. A Provisional Suspension was imposed from 3 July 2019.
- 1.6 By way of email dated 12 July 2019 Mr Ukieja explained how the substance entered his system but denied that this was in any way connected to sport performance. By way of email dated 17 July 2019 Sport Ireland sought certain clarifications from Mr Ukieja and those clarification were provided by email dated 22 July 2019.

2. No Significant Fault or Negligence

- 2.1 Article 10.4.1.1 of the Rules provides:

"Where the anti-doping rule violation involves a Specified Substance, and the Athlete or other Person can establish No Significant Fault or Negligence then the period of Ineligibility shall be,

¹ Article 7.6.4 of the Rules provides that "In the event that the Irish Sports Council withdraws the Notification, or the Athlete or other Person admits the alleged anti-doping rule violation(s) and accedes to the Consequences specified by the Irish Sports Council (or is deemed to have done so in accordance with Article 7.6.1), neither B Sample analysis nor a hearing is required. Instead, the Irish Sports Council shall promptly issue a reasoned decision confirming the commission of the anti-doping rule violation(s) and the imposition of the specified Consequences, shall send notice of the decision to the Athlete or other Person and to the Athlete's or other Person's National Governing Body and International Federation, WADA and the Irish Sport Anti- Doping Disciplinary Panel, and shall publish the decision in accordance with Article 15."

² Capitalised terms used throughout this decision shall have the meaning given to them in the Rules.

at a minimum, a reprimand and no period of Ineligibility, and at a maximum, two (2) years' Ineligibility, depending on the Athlete's or other Person's degree of Fault. Except in the case of a Minor, in order to establish No Significant Fault or Negligence or any violation of Article 2.1, the Athlete must also establish how the Prohibited Substance entered his or her system."

- 2.2 The comment in World Anti-Doping Code to the definition of No Significant Fault or Negligence provides that *"For Cannabinoids, an Athlete may establish No Significant Fault or Negligence by clearly demonstrating that the context of the Use was unrelated to sport performance."* Carboxy-THC is a Specified Substance and a Cannabinoid.
- 2.3 Sport Ireland was satisfied that the Athlete had established how the Prohibited Substance entered his system and that he had demonstrated that the context of the Use was unrelated to sport performance.

3. Consequences

- 3.1 As Sport Ireland was satisfied that Article 10.4.1.1 is applicable, the period of Ineligibility is 0-24 months, depending on the Athlete's degree of Fault³.
- 3.2 Cannabis is prohibited In-Competition only, meaning that it is not prohibited Out-of-Competition. As such, the Fault in this case relates to competing before the Cannabis had left his system or taking it too close to competing in a competition.
- 3.3 Sport Ireland is of the view that the appropriate period of Ineligibility is a period of four (4) months and wrote to the Athlete to that effect on 31 July 2019. The Athlete replied on 1 August accepting the period of Ineligibility.
- 3.4 The Athlete was Provisionally Suspended as of 3 July 2019 and pursuant to Article 10.7.3.1 he receives credit for the Provisional Suspension. In addition, based on his timely admission the period of Ineligibility will be backdated to the date of the test, 8 June 2019 (Article 10.7.2). This means that the period of Ineligibility will expire at midnight on 7 October 2019.
- 3.5 As the ADRV is in connection with an In-Competition test, the Athlete's results in that Competition are automatically Disqualified (with all resulting consequences, including forfeiture of any medals, titles, points and prizes (Article 9.1)). In addition, all other results obtained by the Athlete in Competitions taking place after the date of Sample collection through the commencement of any Provisional Suspension on 3 July are Disqualified (with all of the resulting consequences including forfeiture of any medals, titles, points and prizes unless fairness requires otherwise (Article 9.3).
- 3.6 Further, if the alleged ADRV occurred during or in connection with an Event, a decision by the ruling body of the Event may lead to Disqualification of all the Athlete's individual results obtained in that

³ Fault means *"Any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing an Athlete or other Person's degree of Fault include, for example, the Athlete's or other Person's experience, whether the Athlete or other Person is a Minor, special considerations such as impairment, the degree of risk that should have been perceived by the Athlete and the level of care and investigation exercised by the Athlete in relation to what should have been the perceived level of risk. In assessing the Athlete's or other Person'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 of behaviour. Thus, for example, the fact that an Athlete would lose the opportunity to earn large sums of money during a period of Ineligibility, or the fact that the Athlete only has a short time left in his or her career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of Ineligibility under Article 10.4.1 or 10.4.2."*

Event with all resulting consequences including forfeiture of all medals, points and prizes (Article 9.2).

3.7 Pursuant to Article 10.8 of the Rules, during the period of Ineligibility, the Athlete remains subject to Testing. He may not participate in any capacity in a Competition or activity (other than authorised anti-doping education or rehabilitation programs):

3.7.1 authorised or organised by any Signatory, Signatory's member organisation, or a club or other member organisation of a Signatory's member organisation,

3.7.2 by any National Governing Body or by a member or affiliate organisation or licensee of a National Governing Body; or

3.7.3 authorised or organised by any professional league or any international or national-level Event organisation or any elite or national-level sporting activity funded by a governmental agency.

3.8 In accordance with Article 7.6.4 of the Rules, a copy of this decision shall be sent to the Athlete, Motorsport Ireland, the FIA, WADA and the Irish Sport Anti-Doping Disciplinary Panel.

3.9 Pursuant to Article 13 of the Rules, the Athlete, the FIA and WADA have a right of appeal. Such an appeal must be made to the Chair of the Irish Sport Anti-Doping Disciplinary Panel within 21 days of the date of issuance of this Reasoned Decision.

4. Summary

4.1 Sport Ireland issues this decision pursuant to Article 7.6.4 of the Rules.

4.2 For the reasons given above, Sport Ireland has issued this decision, which records that:

- The Athlete has committed a violation of Article 2.1 of the Rules by virtue of the presence of Carboxy-THC in a Sample collected from him in In-Competition Testing on 8 June 2019.
- The Athlete has established No Significant Fault or Negligence and pursuant to Article 10.4.1.1, Sport Ireland has determined that the appropriate period of Ineligibility shall be four (4) months.
- The Athlete's period of Ineligibility shall expire at midnight on 7 October 2019.

Dated the 13 of August 2019

Sicblair Leonard

Sport Ireland