

## **Sport Ireland and Peter Newti**

### **Reasoned Decision of Sport Ireland**

The following is the reasoned decision of Sport Ireland pursuant to Article 7.6.4<sup>1</sup> of the Irish Anti-Doping Rules (the "**Rules**"). It concerns an anti-doping rule violation ("**ADRV**") committed by Mr Peter Newti and records the Consequences<sup>2</sup> to be applied.

#### **1. Background and Facts**

- 1.1 Peter Newti (the "**Athlete**") is a 21 year-old who competes in 97kg category in wrestling.
- 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 2 November 2019 the Athlete was competing at the Irish Amateur Wrestling Association ("**IAWA**") Irish Open in the National Indoor Arena. The Athlete was selected for In-Competition testing.
- 1.4 The Athlete's 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 21 November 2019 for tetrahydrocannabinol ("**THC**") (S8. Cannabinoids), a Specified Substance which is prohibited In-Competition only.
- 1.5 Sport Ireland notified the athlete of the alleged anti-doping rule violation by letter dated 2 December 2019.
- 1.6 By way of email dated 16 December 2019, the Athlete admitted the anti-doping rule violation but he denied that the presence of the Prohibited Substance had any connection to sport performance and gave an explanation of the circumstances in which it was taken.
- 1.7 By email of 18 December 2019 Sport Ireland sought certain clarifications from the Athlete, which were provided on 1 January 2020.

---

<sup>1</sup> Article 7.6.4 of the Rules provides that "*In the event that Sport Ireland withdraws the Notification, or the Athlete or other Person admits the alleged anti-doping rule violation(s) and accedes to the Consequences specified by Sport Ireland (or is deemed to have done so in accordance with Article 7.6.1), neither B Sample analysis nor a hearing is required. Instead, Sport Ireland 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.*"

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

## **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, 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 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."*

### 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 Fault<sup>3</sup>.

### 3.2 Sport Ireland is of the view that the appropriate period of Ineligibility in the circumstances of the case is a period of three (3) months and wrote to the Athlete to that effect on 21 January 2020. These circumstances include the Athlete's timely admission, the evidence as to how the Prohibited Substance entered his system, the fact that he had demonstrated that the context of the Use was unrelated to sport performance, previous cases involving cannabis and the fact that from 2021 the World-Anti-Doping Code will provide for a period of Ineligibility of three (3) months in respect of cannabis (which may be reduced to one (1) month in certain circumstances).

### 3.3 The Athlete replied on 23 January accepting the period of Ineligibility.

### 3.4 In addition, based on his timely admission Sport Ireland has backdated his period of Ineligibility to 16 December 2019 (Article 10.7.2), the date of his admission. This means that the period of Ineligibility will expire on 16 March 2020. Sport Ireland understands that he didn't compete in any IAWA competitions between 2 December 2019 and this decision being issued and considered this as relevant in backdating his period of Ineligibility to 16 December 2019.

---

<sup>3</sup> 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."

- 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 to date are Disqualified (with all of the resulting consequences including forfeiture of any medals, titles, points and prizes) (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 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; and
  - 3.7.4 further, a comment to Article 10.8 of the Rules provides that an *"Ineligible Athlete may not compete in a non-Signatory professional league, Events organised by a non-Signatory International Event organisation or a non-Signatory national-level event organisation without triggering the Consequences set forth in Article 10.8.3."*
- 3.8 In accordance with Article 7.6.4 of the Rules, a copy of this decision shall be sent to the Athlete, the IAWA, United World Wrestling ("**UWW**"), WADA and the Irish Sport Anti-Doping Disciplinary Panel.
- 3.9 Pursuant to Article 13 of the Rules, the Athlete, IAWA, UWW 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 THC in a Sample collected from him in In-Competition Testing on 2 November 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 three (3) months, which has been backdated in accordance with Article 10.7.2 to 16 December 2019 based on the Athlete's timely admission.

- The Athlete's period of Ineligibility shall expire on 16 March 2020.

**Dated the 28<sup>th</sup> of January 2020**

*Síobhán Leonard*

---

**Sport Ireland**