

IN THE MATTER OF THE SPORT IRELAND ACT, 2015

BETWEEN:

SPORT IRELAND

APPLICANT

AND

MAXIM TRIGUB

RESPONDENT

DETERMINATION

1. The Respondent, Maxim Trigub, is an Irish carded Judoka enjoying international level athlete status.
2. On 17th September, 2024 the Respondent was charged with the commission of Anti-Doping Rule Violations (“**ADRVs**”) under Articles 2.1 and 2.2 of the Irish Anti-Doping Rules, 2021 (January, 2023 version) (“the **Rules**”) following the collection on 1st June, 2024 of an out of competition urine sample and its subsequent analysis which allegedly returned an Adverse Analytical Finding (“**AAF**”) for recombinant erythropoietin (“**rEPO**”).
3. A Disciplinary Panel (“the **Panel**”) comprising Hugh O’Neill, Senior Counsel, Professor Colm O’Moráin, Medical Practitioner, and Professor Denis Cusack, Forensic & Legal Medical Practitioner, was duly convened pursuant to the Rules to adjudicate on the alleged ADRV.
4. The substantive hearing took place over two days, namely, 13th and 14th May, 2026 and was conducted in private, the Respondent having declined the invitation to request a public hearing. Previously, the Panel had ruled on two applications by the Respondent

for disclosure of documentation (“the **Disclosure Applications**”). The two Rulings of the Panel are dated 21st July, 2025 and 10th March, 2026.

5. At the substantive hearing, the Applicant was represented by Ms. Louise Reilly, SC and Mr. Robert Kerslake, BL instructed by Aidan Healy of DAC Beachcroft, Solicitors. The Respondent was represented by Ms. Emma Davey, BL instructed by Stephen Kirwan of KOD Lyons LLP, Solicitors. Legal submissions were delivered and exchanged by the parties in advance of the hearing. These submissions addressed not only the substantive matters but also addressed the aforementioned applications brought by the Respondent for disclosure.
6. On 1st June, 2024 the Respondent provided an out of competition urine sample [REDACTED] England. The sample, divided into two containers identified as “A” and “B” Samples, was collected by DHL from the home of the doping control officer on 3rd June, 2024 and transported to the Institute of Biochemistry, German Sport University Cologne (“the **Cologne Laboratory**”), a WADA accredited laboratory for doping analysis, and arrived in the laboratory on 5th June, 2024. Thereafter, following a positive Initial Testing disclosing a positive finding of rEPO, the “A” Sample was analysed in what is described in the Technical Documents as the Confirmation Procedure. This analysis commenced on 13th June, 2024 and on 17th June, 2024 the Cologne Laboratory confirmed the presence of rEPO in the Respondent’s “A” sample. This analysis was reviewed by two certifying scientists appointed by WADA, namely, Laurent Martin and Geoffrey D. Miller who, on 20th and 21st June, 2024 respectively confirmed the presence of rEPO in the Respondent’s Sample “A”. On 10th July, 2024 Dr. Valeria Catalani, Manager Special Project, Science & Medicine, WADA reported that the Respondent did not carry the EPO c.577del variant, the carrying of which could impact on the presence of EPO in a urine sample.
7. It is not contested that rEPO is on the WADA list of prohibited substances and is so identified in the WADA International Standard Prohibited List (2024) exhibited by the Respondent.¹

¹ The WADA International Standard Prohibited List exhibited by the Applicant (Exhibit B5 to both the Applicant’s initial submissions dated 17th October, 2025 and the supplemental submissions dated 23rd January, 2026) only applies from 1st January, 2025.P

8. On 22nd July, 2024 the Applicant wrote to the Respondent stating that the urine sample had tested positive for the presence of EPO and informed the Respondent that he was provisionally suspended from participation in any sport pending the final decision while informing him of his right to appeal the imposition of the provisional suspension. The Respondent was also informed, *inter alia*, of his entitlement to have the “B” Sample analysed. The Respondent was also told that he could admit the alleged ADVRs thereby reducing the length of the potential ban and/or provide an explanation warranting a further reduction in the length of the ban. The Respondent did not admit the alleged ADVRs or appeal his provisional suspension. He did, however, exercise his right to have the “B” Sample analysed.
9. The analysis of the “B” Sample was undertaken by the Cologne Laboratory and commenced on 20th August, 2024, when the sample was opened, and concluded three days later. Professor Jean-Claude Alvarez attended the Cologne Laboratory on behalf of the Respondent on 20th August, 2024 but was only present for the opening of the sample and not its subsequent testing and analysis. By letter dated 23rd August, 2024 KOD Lyons LLP, the Respondent’s solicitors, wrote to DAC Beachcroft, the Applicant’s solicitors, complaining of the fact that none of Professor Alvarez, the Respondent or KOD Lyons was informed that the analysis would take longer than one day. It has not been suggested that this failure so to inform or the absence of Professor Alvarez or any one else on behalf of the Respondent undermines the testing or analysis of the “B” Sample.
10. The analysis of the “B” Sample was duly completed and on 22nd August, 2024 and the Cologne Laboratory confirmed the presence of rEPO in the “B” Sample. That finding of the presence of rEPO in the “B” Sample was reviewed by Laurent Martin and Geoffrey D. Miller who on 23rd August and 29th August, 2024 respectively confirmed the findings of the Cologne Laboratory.
11. On 17th September, 2024 the Respondent was charged by the Applicant with the following ADVRs:
 - Article 2.1: “*the presence of a Prohibited Substance or its Metabolites or Markers in an Athlete’s Sample*”; and

- Article 2.2: *“Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method.”*

The Respondent, as he was entitled to do, challenged the alleged ADRVs as a consequence of which the Panel was appointed to adjudicate on the issue.

12. At the hearing evidence was submitted on behalf of the Parties. [REDACTED]
[REDACTED], Mr. Philipp Reihlen, Professor Mario Thevis and Professor Jean-François Naud were called by the Applicant; on behalf of the Respondent, the Respondent himself and [REDACTED] gave evidence. All evidence was given remotely; by telephone in the case of [REDACTED] and by video conference by the other witnesses. Each of the witnesses had provided statements/witness statements prior to the hearing. In fact, Mr. Reihlen and Professor Thevis each provided two statements and two joint witness statements.
13. The Respondent retained the services of a number medical experts namely, Professor Alvarez, Professor Jon Nissen-Mayer, Mr. Tore Skotland, Professor Erik Boye, Professor Bjarne Østerud and Dr. Douwe de Boer each of whom provided reports directed primarily to the issue of disclosure of documentation/information and each of whom prepared reports. These experts addressed the need for greater information than that provided to enable them express their independent expert opinions on the veracity of the AAF in the “A” and “B” Samples. All of the five experts stated they could not provide an independent opinion on the confirmatory process/analysis undertaken by the Cologne Laboratory in the absence of the original raw data (gel images). However, in a subsequent report/reply dated 2nd May, 2025 Dr. de Boer said he did not require the disclosure of the raw data associated with the “A” and “B” Samples.
14. Professor Alvarez and Dr. de Boer went further and said they needed the laboratory documentation in respect of the Respondent’s urine and blood tests taken on 3rd and 28th April, 2024 and documentation relating to the initial screening test undertaken by the Cologne Laboratory and leading to the confirmatory process in respect of Sample “A”. Professor Alvarez also opined that the high pH level of [REDACTED] found in the Respondent’s urine sample could impact on the result of any analysis. Subsequently, another expert, Professor Pascal Houillier, provided an opinion specifying the

circumstances in which a urinary pH of over ■ could be found.² Dr. de Boer also identified the need to focus on the potential effect of ethanol consumption on the EPOETIN.³

15. None of the Respondent's experts gave evidence because, we were informed by Counsel, of their inability to express an opinion in the absence of the documentation/information sought (the request for such documentation/information was addressed in the two Rulings on the Disclosure Applications) and, according to the Respondent, due to the cost that would be incurred in calling them as witnesses.
16. The Respondent submits that the Rules which create a strict liability "*offence*" coupled with the various presumptions of compliance with procedures in the collection, transport and analysis of samples are strongly weighted in favour of the Applicant. This is correct and may indeed in part be justified by the fact that the Applicant will not normally be privy to the circumstances in which the alleged prohibited substance entered the body of the athlete.
17. The Panel is conscious of the challenges facing an athlete charged with a ADRV and in hearing the complaint and adjudicating on the same is conscious of the need to ensure that the Respondent is given every opportunity to advance his case and to ensure that natural justice is applied but always against the background of the Rules and the Disciplinary Panel Procedures by which the Panel is bound.
18. In order to balance the rights of the parties and, in particular, the rights of the Respondent, as best we can, the Panel has had regard to the various reports provided by the Respondent's experts, despite those experts not having been called to give evidence or face cross-examination. Under the Irish Sport Anti-Doping Disciplinary Panel Procedures (January, 2023) a Panel is empowered to decide on the admissibility, relevance and weight of evidence and is not bound by any legal rules relating to such matters. However, the Disciplinary Panel Procedures do envisage the giving of evidence and the absence of the ability to cross-examine the maker of a witness statement where the contents of that statement are disputed is significant.

² Report dated 27th October, 2025.

³ Report/Reply of Dr. de Boer dated 2nd May, 2025.

19. The assessment by the Panel of the alleged ADRVs, the onus of proof and the consequences of a finding of an ADRV are governed by the Rules and the Disciplinary Panel Procedures.
20. The Respondent, Mr. Trigub, gave evidence by video conference, and by way of a witness statement dated 24th November, 2025. Mr Trigub gave evidence of his involvement with judo, starting at age 5, and his successful application for admission to the International Carding Scheme for 2024 on foot of which he was awarded a grant of €18,000, payable quarterly during 2024. He recounted his involvement during 2024 in international judo competitions in which he a significant level of success.
- [REDACTED]
- [REDACTED] the Respondent felt compelled to compete in the Abu Dhabi World Championships Seniors Individuals on 21st May, 2024 where, having beaten his first round opponent, he lost to the world's number one judoka in his weight category.
21. The Respondent returned from Abu Dhabi to [REDACTED] [REDACTED] where he was living at the time on 22nd May 2024. His loss in Abu Dhabi meant that he could not qualify for the Olympic Games meaning that he had no competitions for at least four months. In the circumstances, he booked a flight to return to Dublin on 2nd June for treatment to be followed by a ten/eleven day holiday in Majorca starting on 16th June.
22. The urine sample was taken on 1st June, The previous evening Mr. Trigub said he had consumed large quantities of alcohol. The circumstances surrounding the provision of the samples and the events of the previous evening are dealt with in more detail below. When asked about the positive analyses of rEPO in his urine samples, which he acknowledged can only be administered by injection, and the possible suggestion that the administration of EPO was to assist recovery, Mr Trigub stated that such assertions were "preposterous" and "baffling" in circumstances where he was going on holidays and would not be undertaking any training regime.
23. Mr Trigub also described the significant adverse consequences both on his career as a judoka and his personal life generally. The funding he was receiving from the Applicant stopped following the alleged ADRVs. He did, however, resume his

academic studies which had been put on hold and achieved in 2.1 degree in Economics, mathematics and statistics from UCD.

24. A number of issues have been raised on behalf of the Respondent both in the written and oral submissions.
25. The first issue relates to the circumstances in which the urine sample was taken from the Respondent on 1st June, 2024 and, in particular, whether or not the Respondent gave an informed consent to the taking of the sample. The Respondent gave evidence of having consumed a very large quantity of alcohol on the evening of Friday 31st May, 2024 before going to a nightclub in [REDACTED] where he drank further alcohol. He returned to his accommodation at approximately 4 am (at approximately 3 or 4 am in his witness statement) in a very drunk state and went to bed fully clothed. [REDACTED] confirmed that he observed the Respondent drinking large amounts of alcoholic drinks in the shared accommodation at the [REDACTED] [REDACTED] [REDACTED] and that the Respondent appeared noticeably intoxicated. [REDACTED] [REDACTED] did not, however, accompany the Respondent and others to the nightclub.
26. [REDACTED] an international doping control officer for IDTM, arrived at the residence at [REDACTED] at approximately 06:10 on the next day, Saturday 1st June, 2024 accompanied by a witness and chaperone, [REDACTED] [REDACTED] [REDACTED]. The Respondent was woken up and [REDACTED] identified herself and the purpose of her visit, which was to take a urine sample from the Respondent. The Respondent arrived at the Doping Control Station at approximately 06:12. [REDACTED] said it was clear to her that the Respondent had been out drinking the previous night and the Respondent informed her that he had only arrived home a couple of hours before and went to bed fully clothed. The Respondent said in evidence that he was drunk and angry at being woken up (by two of his team mates) although [REDACTED] says that he was cooperative and cordial and while tired not, in her opinion, drunk or intoxicated.
27. The Respondent says that he has little recollection of events but does recall that he had to drink three to four pints of water before he was able to provide a urine sample, knew

that he was being asked to provide a urine sample and recalls a conversation with [REDACTED] about [REDACTED] which [REDACTED] had undergone.

28. There was produced to us a Doping Control Form signed by [REDACTED], the Respondent and [REDACTED]. It is apparent from that Form that the Respondent signed a Declaration stating that he understood that he had been selected for doping control, acknowledging that he had "*received and read this notice and my rights and responsibilities outlined on the previous pages*" (which have not been provided to us) and further that he understood that any refusal or failure to submit to doping control may be treated as an Anti-Doping Rule Violation. This Declaration was signed at the outset of the process (06:12 am). The urine sample was not provided until 07:47 am after which the Respondent signed a further Declaration stating, *inter alia*, that the information set out on the Doping Control Form accurately reflected the details of the doping control session. The Respondent said he had very little recollection of the sample taking and did not recall signing the Doping Control Form or being asked to select one of two sample collection kits. It appears that the Respondent signed the Doping Control Form both at the beginning of the session and at the end on a tablet with his finger rather than with a tablet pen, although, again, the Respondent has no recollection of this but considers it unlikely that he would have used his finger rather than a pen.
29. Significantly, the Doping Control Form also identifies that the Respondent did not consent to his sample being used for anti-doping research purposes and that he produced his driving licence as proof of identification.
30. It was suggested in cross-examination of [REDACTED] that due to the inebriated state of the Respondent (a state with which [REDACTED] did not agree) she should have left and come back at another time to procure a sample.
31. It is apparent from the evidence presented to the Panel, and the Panel's assessment of that evidence, that the Respondent knew he was being required to provide a urine sample, was able to decide whether or not his sample should be made available for research purposes, had a recollection of some of the occurrences during the taking of the sample, such as the amount of water he had to drink before being able to provide "A" Sample and the conservation in relation to the knee replacement surgery such that

Mr. Trigub, while undoubtedly suffering from the effects of alcohol, had sufficient capacity to consent to the process of providing the urine sample. Indeed, while it is not necessary to decide, the suggestion that because of an self-inflicted incapacity to provide consent to the doping control process, that process could be deferred would undermine significantly the procedure whereby an athlete may be required to provide a sample. A failure to provide a sample may of course be treated as an ADRV.

32. The Panel is comfortably satisfied that the urine sample was knowingly and freely provided by the Respondent and was taken in accordance with the relevant procedures.
33. [REDACTED] gave evidence that having taken the samples she travelled by car to her home in [REDACTED] [REDACTED] (approximately one hour away) after which the samples were placed in a locked refrigerated cabinet in her home office which was maintained at a temperature of ten degrees centigrade. The samples were collected on Monday morning (3rd June, 2024) by DHL and transported to the Cologne Laboratory where they arrived on 5th June at 08:05 a.m. An Out of Competition Mission Sample signed by [REDACTED] identifies that the Sample was stored under two conditions, namely, room temperature and cool (2-12 degrees centigrade).
34. The Respondent complains that that temperature of the samples during their transport from [REDACTED] to [REDACTED] home and subsequently during the period when they were under the control of DHL is not recorded and is unknown. An issue was also raised as to the delay in transferring the sample to DHL. [REDACTED] [REDACTED] stated that she is a toxicologist and had been involved in taking samples for testing since 2018, probably dealing with 50 to 60 cases per annum. For samples taken on a Friday or Saturday, the same were not collected for delivery by DHL until the following Monday.
35. The 2021 Guidelines for Sample Collection address (at chapter 15) the transportation of urine samples and unlike the transportation of blood samples (Chapter 16) do not require urine samples to be maintained at any particular temperature. Article 9.3 of the WADA International Standard Testing and Investigations (2023) requires a sample collection authority to authorize a transport system that ensures samples and documentation “are transported in a manner that protects their integrity, identity and security.” The article continues that samples should be transported in a manner which

minimizes the potential for sample degradation due to factors such as time delays and extreme temperature variations.

36. Professor Alvarez in his reports dated, 16th November, 2024, 20th February, 2025 and 9th May, 2025 addresses the issue of the [REDACTED] pH level found in the Respondent's urine sample. He asserts that the pH level of [REDACTED] is not physiologically possible and asserts, relying upon the opinion of Professor Ziad Massy that such a pH may be due to⁴ urinary infection, adulteration of urine to hide drugs of abuse, or poor storage. Professor Alvarez expresses the view that the high pH in the Respondent's pH sample must be due to poor storage although how he comes to this conclusion is unclear.⁵ More significantly however, Professor Alvarez says that a [REDACTED] [REDACTED] pH level may influence the migration of proteins and EPO leading to a misinterpretation of the urinary EPO analysis.
37. Mr. Reihlen, with whom Professor Thevis agrees, states that the Cologne Laboratory commonly analyses urine samples with a pH level [REDACTED] [REDACTED]. He reviewed the urine samples analysed for doping control by the Cologne Laboratory in 2023 and identified that 862 of those samples had a [REDACTED] pH than [REDACTED] 137 of these samples were analysed for EPO and all proved negative for rEPO. Indeed, both these witnesses state that sample degradation of urine (identified as a cause for the high pH by Professor Alvarez) would lead to an overall decrease in the presence of EPO detectable on analysis. Similarly, Professor Naud expresses the view that while significant temperature fluctuations could lead to premature aging of the urine, making EPO detection impossible such degradation could lead to a decrease in EPO, but in no circumstances could it lead to an increase in the EPO in the sample in question. On the basis of the evidence available to the Panel, including the various reports of the Respondent's experts, the Panel is of the view that even if the urine sample was subjected to unduly high temperatures (of which there is no evidence) such degradation was not responsible for an increase in the EPO identified in the samples and in particular the level of rEPO in those samples. Consequently, the Panel is satisfied that the storage and/or transport

⁴ His Report refers to "*synonymous*" which, as identified by Professor Naud, is not a proper translation of Professor Massy's comments in French.

⁵ See paragraph 16 of Report dated 20th February, 2025.

of the Respondent's samples was not such as to cause the AAFs in Samples "A" and "B".

38. The next issue relates to the impact of ethanol, on the EPOETIN profile in the Respondent's urine sample. Dr. de Boer refers to papers identifying that ethanol consumption results in the presence of acetaldehyde, which can result in acetaldehyde-protein adducts which alter the characteristics of a protein. Acetaldehyde-protein adducts occur amongst others in the liver and while kidneys are the primary organs that synthesise EPO, the liver produces it in small amounts. On this basis, he concludes that the consumption of ethanol could affect the characteristics of EPO.⁶ Ethyl glucuronide is a biomarker for the intake of ethanol and thus, according to Dr. De Boer, the presence of ethyl glucuronide in samples should be identified. Mr. Reihlen, Professor Thevis and Professor Naud disagree with Dr. de Boer's identification of the relevance of ethanol on the level of EPO. Each of them say that there is no literature supporting this alleged connection. Mr. Reihlen and Professor Thevis state that of 621 urine samples screened for ERYTHROPOIETIN-Receptor Agonists (i.e. EPO, rEPO and EPO based constructs) ("**ERAs**") having a similar or higher ethyl glucuronide level to that recorded in the Respondent's sample all proved negative for ERAs other than the Respondent's sample. Some of these samples had significantly higher ethyl glucuronide (EtG) than that found in the Respondent's sample ([REDACTED]). Similarly, Professor Naud disagrees with Dr. de Boer's assertions in relation to the potential impact of ethanol consumption on the EPO profile and refers to the results of tests carried out since 2015 by the WADA accredited laboratory in Montreal where in the 298 samples in which the level of ethyl glucuronide was measured (ranging from 6 ng/mL-579 ng/mL) none identified the presence of rEPO.
39. While it is undoubtedly the case that the Respondent did consume large quantities of alcohol in the hours before the urine sample was collected, the preponderance of evidence points to there being no correlation between the presence of ethanol and the level or existence of rEPO.
40. Turning to the analysis of the samples, an issue has arisen as to the identification of the Technical Document under which the analyses were conducted. Up until the 15th June,

⁶ See in particular the Report of Dr. de Boer dated 5th November, 2025.

2024, the analysis and reporting of EPO and other ERAs, were governed by WADA Technical Document - TD 2022 EPO. On the 15th June, 2024 a new WADA Technical Document - TD 2024 EPO came into force.

41. Article 6.4.1 of the Rules provides:

“Laboratories shall analyse Samples and report results in conformity with the International Standard for Laboratories in force at the time of analysis.”

“International Standard” is defined in Appendix 1 to the Rules as including any Technical Documents issued pursuant to the International Standard.

42. The analysis/confirmation procedure in respect of Sample “A” following the initial testing procedure was commenced on 13th June, 2024 and thus, subject to the qualification below, should have been conducted in accordance with TD 2022 EPO. The second opinions of Messrs. Martin and Miller were not sought until after the 15th June, 2024; Mr. Martin states that his opinion was requested on 19th June, 2024.
43. TD 2022 EPO requires a second opinion from an outside expert before any AAF, can be reported. It is provided at clause 3.4:

“the Laboratory shall provide appropriate and sufficient analytical data, in accordance with the requirements established in Annex C of the TD LDOC, in order for the expert to produce a second opinion. A summary of these data shall be provided in the template for “Second Opinion” for ERA Results” (See Annex A) and sent to the expert with raw gel images (.TIFF) and processed analytical data. The summary conclusion of any second opinion provided shall be inserted as part of the Laboratory record in the Laboratory Documentation Package.”

While not entirely clear, the second opinion required under TD 2022 EPO is not a fresh analysis of the analysis carried out as part of the confirmation procedure but is rather a review of the analysis carried out and reported in the Confirmation Procedure. Thus, in the view of the Panel, the second opinion in respect of Sample “A” fell to be conducted in accordance with TD 2022 EPO. TD 2024 EPO, which now requires two second opinions is clearer in that it provides at clause 3.0(a):

“[Confirmation Procedures] results (“A” and “B”, when applicable) of the analysis of ERAs shall be independently reviewed by, at least, two (2) Certifying Scientists. Each of these reviews shall be documented as part of the Sample’s record.”

44. The Laboratory Documentation Package (“LDP”) in respect of Sample “A” which is essentially the only documentation provided to an athlete of the analysis of a sample is confusing and conflicts with evidence given by Mr. Reihlen and Professor Trevis. The conclusion of the Confirmation Procedure is signed by Mr. Reihlen, a scientist at the Cologne Laboratory and is dated 17th June, 2024. It confirms the presence of rEPO and states that the profile corresponds to the identification criteria as described in TD 2024 EPO and fulfils the required acceptance criteria defined by that Technical Document. In fact, in evidence both Mr. Reihlen and Professor Trevis, who is the Director of the Cologne Laboratory, state that the confirmation process in respect of Sample “A” was undertaken in accordance with TD 2022 EPO, which was the Technical Document in force when the analysis was undertaken. Annex B to the LDP for Sample “A” seeking a second opinion requests an ERA analysis is headed TD 2024 EPO yet it is clear from the opinions of both Mr. Martin and Mr. Miller that the review was conducted by them in accordance with TD 2022 EPO. It is worth noting that TD 2022 EPO only required one second opinion whereas two were sought and obtained in accordance with the provisions of TD 2024/EPO. Mr Reihlin explains this apparent anomaly saying that the Cologne Laboratory was directed by WADA to follow TD 2024 EPO and seek two rather than one second opinion(s). Nowhere in the LDP for Sample “A” (other than the opinions of Messrs. Martin and Miller) is there any reference to TD 2022 EPO?
45. The LDP in respect of Sample “B” identifies that the Confirmation Procedure started on 20th August, 2024, after the date upon which TD 2024 EPO had come into force. The conclusion of the Confirmation Procedure was certified again by Mr. Reihlen on 22nd August, 2024, and states that procedure was conducted in accordance with TD 2024 EPO. The second opinions were again provided by Mr. Martin and Mr. Miller; Mr. Martin states that the gel complies with all acceptance and identification criteria in TD 2024 EPO. Mr. Miller simply says that the Sample complies with the positivity

criteria as defined in the Technical Document in force. Both confirm the findings of rEPO.

46. Clause 2.2.1.3 of TD 2022 EPO reads:

“for the “B” Sample [Confirmation Procedure], the Laboratory should use the same PAGE Analytical Method(s) used for the “A” Sample [Confirmation Procedure].”

Under Article 2.3.1.3 of TD 2024 EPO the wording is slightly different:

“for the “B” Sample [Confirmation Procedure], the Laboratory should use the same Analytical Testing Procedure(s) used for the “A” Sample [Confirmation Procedure].”

47. Thus, it would appear that Sample “A” was analysed and reported in accordance with the procedures identified in TD 2022 EPO whereas the “B” Sample was tested and reported in accordance with TD 2024 EPO.
48. Counsel for the Respondent referred to the CAS decision in UCI/H dated 28th January, 2002 in which the Court of Arbitration held that similar tests and standards should be applied to the analysis of the B sample as were applied to the A sample as otherwise the process is not confirmatory. As a matter of common sense this must be correct and hence the requirement in both the 2022 and 2024 Technical Documents for similar analytical methods and testing procedures for both samples.
49. Article 8.6.6 of the Rules provides:

“WADA - accredited laboratories, and other laboratories approved by WADA, shall be presumed to have conducted Sample analysis and custodial procedures in accordance with the International Standard for Laboratories. The Athlete or other Person may rebut this presumption by establishing that a departure from the International Standard for Laboratories occurred which could reasonably have caused the Adverse Analytical Finding. If the Athlete or other Person rebuts the preceding presumption by showing a departure from the International Standard for Laboratories occurred which could reasonably have caused the Adverse Analytical Finding, then Sport Ireland (or a National

Governing Body where applicable) shall have the burden of establishing that such departure did not cause the Adverse Analytical Finding.”

50. Apart from the confusing nature of the LDP in respect to Sample “A” and the contradictions in the evidence given by Messrs. Reihlen and Trevis and the LDP in respect of the Technical Document applied during the Confirmation Procedure, there is also the apparent failure to comply with the Technical Documents (both the 2022 and 2024 versions) in that different analytical methods/analytical testing procedures may have been applied to Sample “A” and Sample “B”. Thus, the onus passes to the Applicant to establish that such departure did not cause the AAF.
51. It is asserted on behalf of the Respondent that the Applicant’s experts, namely, Mr. Reihlen, Professor Trevis and Professor Naud cannot be regarded as independent having regard to their association with WADA and it is argued, their desire to uphold the procedures identified in the Technical Documents (insofar as any of them may have been involved) and their findings. In the view of the Panel this challenge is unjustified and unsustainable.
52. While there are differences between the two Technical Documents, including the requirement for two second opinions rather than one, the evidence of Mr. Reihlen, Professor Trevis and Professor Naud is clear: there are no differences between TD 2022 EPO and TD 2024 EPO in the criteria for analysing samples for the presence of EPAs and the reporting thereon. This evidence, while not accepted by the Respondent, was not contradicted. The Panel accepts this evidence and on that basis is comfortably satisfied that the same analytical methods and testing procedures were applied to Samples “A” and “B” and that the second opinions also applied the same analytical criteria as that applied in the Confirmation Procedures for the two samples.
53. Reference was made during the course of closing submission to the WADA International Standard for Laboratories (2021) which at Article 1.1.2 provides, *inter alia*, that implementation of the requirements detailed in a Technical Document may occur prior to the effective date for implementation specified in that document, but shall occur no later than the effective date. Insofar as the Confirmation Procedure in respect of Sample “A” occurred prior to the effective date for TD 2024 EPO, under this Article

TD 2024 EPO could arguably have been applied. However, the evidence is that the analysis and subsequent second opinions were conducted utilising TD 2022 EPO.

54. An issue was raised by the Panel as to the need to prove by appropriate evidence the second opinions of Mr. Martin, Mr. Miller and Dr. Valeria Catalani reporting that the Respondent did not carry the EPOc 577del variant. The Panel was referred to Article 8.6.9 which provides, *inter alia*, that any certificate, notice, form, or other document shall be, until the contrary is approved, sufficient evidence of the facts stated in the certificate, notice, form or other such document. While questions were raised as to which Technical Document Mr. Miller applied in providing his opinion on the “B” Sample the veracity of these opinions/statements was not challenged.
55. Each of the Respondent’s five experts identified at the start paragraph 13 above stated that they needed access to the raw data (gel images) to enable them provide their respective opinions on the correctness of the conclusions drawn by the Cologne Laboratory and the two certifying scientists, although Dr. de Boer subsequently said that he did not require the disclosure of this raw data. While this matter was addressed in the ruling of the Panel dated 21st July, 2025, dealing with the initial application for disclosure it was not contested during the hearing that without access to the GASepo software, which is only available to WADA Laboratories, the gel images could not be interpreted in accordance with the relevant Technical Document. Moreover, Professor Naud who independently reviewed the analysis undertaken by the Cologne Laboratory stated that such review could be undertaken, and was undertaken by him, without access to the raw data. The Respondent was not in a position to contradict this evidence.
56. The Respondent relies upon the decision of CAS in the case of **Devyatovskiy v International Olympic Committee** (10th June, 2010), a case involving an AAF against a Belarusian hammer thrower, in which the tribunal stated:

“252 *Doping is an offence which requires the application of strict rules. If an athlete is to be sanctioned solely on the basis of the provable presence of a prohibited substance in his body, it is his or her fundamental right to know that the Respondent, as the Testing Authority, including the WADA Accredited Laboratory working with it, has strictly observed the mandatory safeguards.*

253 *Strict application of the rules is the quid pro quo for the imposition of a regime of strict liability for doping offences. This fundamental rule, which has formed the anchor for CAS rulings for more than two decades of anti-doping arbitrations was laid down eloquently in USA Shooting & Q/International Shooting Union already in 1995: “the fight against doping is arduous, and it may require strict rules. But the rule makers and the rule appliers must begin by being strict with themselves.”*”

57. Having carefully reviewed the evidence presented by the parties, including the reports submitted by the Respondent’s experts identified above and the legal submissions delivered by the parties, the Panel is satisfied, to the level of proof required, namely, to the comfortable satisfaction of the Panel (bearing in mind the seriousness of the allegation made) that the Applicant has established that the Respondent has committed an anti-doping rule violation contrary to Articles 2.1 and 2.2. of the Rules in that both urine Samples “A” and “B” taken on 1st June, 2024 contain and confirm the presence of a prohibited substance, namely, rEPO.
58. The Parties do not dispute that the sanction in respect of such violation is a four-year ban pursuant to article 10.1.1 of the Rules, it being acknowledged by the Respondent that he cannot establish that the ADRV was not intentional. In addition, pursuant to article 9.3 of the Rules all competitive results of the Respondent from the 1st June, 2024, being the date upon which the Sample was collected, are disqualified, albeit the Respondent has stated that he has not participated in any competitive events on or after that date.
59. The Respondent was provisionally suspended from participation in any sport on 22nd July, 2024, the *prima facie* date upon which the period of ineligibility runs. Article 10.9.1 provides for a potentially earlier date for the commencement of ineligibility:

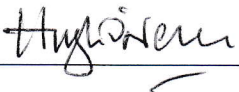
“Where there have been substantial delays in the hearing process or other aspects of Doping Control, and the Athlete or other Person can establish that such delays are not attributable to the Athlete or other Person, the body imposing the sanction may start the period of ineligibility at an earlier date commencing as early 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."

60. There has been delay in the hearing process in that the Respondent was charged with the ADRVs on 17th September, 2024 and the within hearing only commenced on 13th May, 2026. The substantial delay in convening a hearing has been attributable to the applications for disclosure brought by the Respondent. While the Respondent was unsuccessful in obtaining disclosure of the majority of categories of documentation sought, he was successful in respect of three categories and thus potentially benefited from the disclosure process, a benefit which arguably he would not have obtained had he not sought such disclosure. Consequently, to procure the documentation which he did, he needed to advance the first of the Disclosure Applications and thus is not responsible for the majority of the delay in dealing with that application. In the circumstances, the Panel is of the view that the period of ineligibility should commence on 1st June, 2024, the date upon which the urine sample was taken.
61. On review of the provisions of Article 9.4 of the Rules, the Panel makes no order as to costs.
62. Having regard to the foregoing, the Panel orders and directs:
 - (i) that the Respondent, Maxim Trigub, is ineligible for a period of four years commencing on 1st June, 2024 from participating in any capacity in any competition (as defined) or activity as identified at Article 10.10.1.1 of the Rules;
 - (ii) the Respondent is disqualified from the results in any competition in which he participated as and from 1st June, 2024;
 - (iii) each party shall bear its own costs in respect of the matter, including the hearing and the Disclosure Applications.
63. The Respondent has an entitlement to appeal the within decision to CAS pursuant to the provisions of Article 13.2 of the Rules.

64. Finally, the Panel would like to thank the parties, their legal representatives and witnesses for their participation in the process and, in particular, the help afforded to the Panel by the legal teams in their comprehensive submissions, both written and oral.

Dated: 25th May, 2026

Signed: 

On behalf of the Panel by

Hugh O'Neill, S.C. (Chairman)