

Issued Decision

UK Anti-Doping and Ian Edmonds

Disciplinary Proceedings under the Anti-Doping Rules of the British Cycling Federation

This is an Issued Decision made by UK Anti-Doping Limited ('UKAD') pursuant to the anti-doping rules of the British Cycling Federation ('the ADR'). It concerns a violation of the ADR committed by Mr Ian Edmonds and records the Consequences to be applied.

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

Background and Facts

1. The British Cycling Federation ('BCF') is the governing body for the sport of cycling in the UK. UKAD is the National Anti-Doping Organisation ('NADO') for the United Kingdom.
2. Mr Edmonds is a 41-year-old cyclist. At all material times Mr Edmonds was a registered member of the BCF and therefore subject to the jurisdiction of and bound to comply with the ADR. Pursuant to the ADR, UKAD has results management responsibility in respect of all athletes that are subject to the jurisdiction of the ADR.
3. On 10 April 2016, the UK Border Force seized a package sent from India sent to Mr Edmonds at his home address ('the Package'). On inspection the Package was found to contain 20 ampoules labelled as Testosterone and 100 tablets labelled as Nandrolone.
4. Testosterone and Stanozolol ('the Steroids') fall under S1. Anabolic Agents of the 2016 WADA Prohibited List ('the Prohibited List'). They are each Prohibited Substances.
5. On 1 May 2016, a UKAD Doping Control Officer ('DCO') visited Mr Edmonds at his home address in order to undertake Testing. Mr Edmonds signed the Doping Control Form ('DCF') in Box 9 indicating that he understood that refusing or failing to comply with a request for Sample may constitute an Anti-Doping Rule Violation. Mr Edmonds refused to provide a Sample. He stated that he had never competed as a competitive cyclist at any level and signed in Box 31 of the DCF confirming that as his reason for refusing to provide a Sample.
6. On 6 June 2016, a UKAD representative conducted an interview with Mr Edmonds, during which he confirmed the following:
 - 6.1 that he was a member of the BCF and Mapperley Cycling Club;
 - 6.2 that he refused to submit to Sample Collection on 1 May 2016 as he was not aware that he was obliged to do so on account that he had never participated in competitive cycling; and
 - 6.3 that he had ordered the Package containing the Steroids online for his personal Use.

7. In interview with UKAD on 6 June 2016, Mr Edmonds admitted committing Anti-Doping Rule Violations in respect of ADR Article 2.2 and ADR Article 2.3.
8. On 1 August 2016, UKAD issued Mr Edmonds with a Notice of Charge ('the Charge'). The Charge related to the commission of Anti-Doping Rule Violations pursuant to ADR Article 2.2 (Attempted Use of a Prohibited Substance) and ADR Article 2.3 (Refusing to Submit to Sample Collection).
9. The Charge explained the facts relied on in support of the allegation, the details of the Charge, the details of a Provisional Suspension, and the Consequences of an admission or proof of the Anti-Doping Rule Violations. Mr Edmonds did not respond to the Charge.

Admission and Consequences

10. ADR Article 2 provides that:

The following constitute Anti-Doping Rule Violations:

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

2.3 Evading, Refusing or Failing to Submit to Sample Collection.

Evading Sample Collection or without compelling justification, refusing or failing to submit to Sample collection after notification of Testing as authorised in these Rules or other applicable anti-doping rules.

11. Mr Edmonds has admitted that he ordered the Steroids for his own personal Use. Mr Edmonds does not have, nor has he ever held, a Therapeutic Use Exemption in respect of the Steroids.
12. Mr Edmonds has also admitted that he refused to submit to Sample collection on 1 May 2016. He has not sought to demonstrate that he had any compelling justification for doing so. For the avoidance of doubt, UKAD does not consider Mr Edmond's absence of knowledge that he was bound to comply with a request to provide a Sample because he had never participated in competitive cycling as compelling justification for his refusal to provide a Sample on 1 May 2016.
13. ADR Article 7.7.1 sets out that if the Athlete does not respond to the Charge by the deadline specified therein that:

"the Athlete or other Person shall be deemed to have admitted the Anti-Doping Rule Violation(s) charged, and, unless UKAD (at its sole discretion) refers the determination of the applicable Consequences to a hearing conducted in accordance with Article 8, the Athlete or other Person shall also be deemed to have acceded to the Consequences specified in the Notice of Charge.
14. ADR Article 7.7.4 provides:

7.7.4 In the event that the Athlete or other Person admits the Anti-Doping Rule Violation(s) charged and accedes to the Consequences specified by the NADO (or is deemed to have done so in accordance with the last sentence of Article 7.7.1), neither B Sample analysis nor a hearing is required. Instead, the NADO 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 each Interested Party, and shall publish the decision in accordance with Article 8.4.

15. Mr Edmonds admitted the Anti-Doping Rule Violations in interview with UKAD on 6 June 2016. He has not provided a response to the Charge. Mr Edmonds is therefore deemed to have admitted the Anti-Doping Rule Violations charged and acceded to the Consequences specified therein pursuant to ADR Article 7.7.1.
16. ADR Article 10.2 sets out the relevant period of Ineligibility for a violation of ADR Article 2.2 as follows:
 - 10.2 Imposition of a Period of Ineligibility for the Presence, Use or Attempted Use, or Possession of Prohibited Substances and/or a Prohibited Method.

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 a 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 or other Person can establish that the Anti-Doping Rule Violation was not intentional.
17. Mr Edmonds has admitted that he ordered the Package online intending to use the Steroids for his own personal Use. He has not sought to demonstrate that the Attempted Use of the Steroids was not intentional.
18. The period of Ineligibility to be imposed on Mr Edmonds for his Attempted Use of the Steroids is therefore four (4) years.
19. ADR Article 10.3.1 provides the Consequences to be imposed for an Anti-Doping Rule Violation under ADR Article 2.3:
 - 10.3.1 For an Anti-Doping Rule Violation under Article 2.3 or Article 2.5 that is the Athlete's or other Person's first anti-doping offence, the period of Ineligibility shall be four years unless, in a case of failing to submit to Sample collection, the Athlete can establish that the commission of the Anti-Doping Rule Violation was not intentional (as defined in ADR Article 10.2.3), in which case, the period of Ineligibility shall be two years.
20. The period of Ineligibility to be imposed on Mr Edmonds for refusing to submit to Sample collection is therefore four (4) years.
21. ADR Article 10.7 provides:
 - 10.7.4 Additional rules for certain potential multiple offences:
 - (a) For the purposes of imposing sanctions under Article 10.7, an Anti-Doping Rule Violation will only be considered a second Anti-Doping Rule Violation if UKAD establish that the Athlete or other Person committed the second Anti-Doping Rule Violation after he/she received notice, or after UKAD or its designee made a reasonable attempt to give notice, of the first Anti-Doping Rule Violation. Otherwise, the Anti-Doping Rule Violations shall be considered as one single first Anti-Doping Rule Violation, and the sanction imposed shall be based on the Anti-Doping Rule Violation that carries the more severe sanction.

22. Mr Edmonds did not receive notice of the violation of ADR Article 2.2 before committing a violation of ADR Article 2.3. Pursuant to ADR Article 10.7.4(a), the Anti-Doping Rule Violations shall therefore be considered as one single first Anti-Doping Rule Violation, and the sanction imposed shall be based on the Anti-Doping Rule Violation that carries the more severe sanction.
23. In the circumstances, pursuant to ADR Article 10.2.1(a) and 10.3.1, UKAD has specified the Consequences in respect of the Anti-Doping Rule Violations committed by Mr Edmonds to be a period of Ineligibility of four (4) years.
24. UKAD issues this Decision pursuant to ADR Article 7.7.4.

Application of ADR Article 10.6.3

25. ADR Article 10.6.3 provides:

10.6.3 Prompt admission of an Anti-Doping Rule Violation after being confronted with a Violation Sanctionable under Article 10.2.1 or Article 10.3.1:

An Athlete or other Person potentially subject to a four-year sanction under Article 10.2.1 or Article 10.3.1 (for evading or refusing Sample Collection), may receive a reduction in the period of Ineligibility down to a minimum of two years, depending on the seriousness of the violation and the Athlete's or other Person's degree of Fault by promptly admitting the asserted Anti-Doping Rule Violation after being confronted with it, upon the approval and at the discretion of WADA and UKAD.

26. Article 10.6.3 provides that Mr Edmonds 'may receive a reduction in the period of Ineligibility down to a minimum of two years' if he has made a prompt admission. Any reduction depends on 'the seriousness of the violation' and Mr Edmonds' 'degree of Fault'.
27. Mr Edmonds admitted the Anti-Doping Rule Violations after being confronted with them by UKAD in interview on 6 June 2016 and before his receipt of the Charge. UKAD considers that Mr Edmonds has therefore made a 'prompt admission' for the purposes of ADR Article 10.6.3, and therefore that ADR Article 10.6.3 is capable of application in this case.
28. UKAD has considered whether Mr Edmonds' sanction should be reduced under ADR Article 10.6.3, by reference to the seriousness of the violation and his level of Fault in the circumstances.
29. As regards the first criterion, UKAD has taken the view that as a registered member of the BCF, his ordering online of the Steroids (both of which are powerful anabolic steroids) for his own personal Use is serious. UKAD has therefore not exercised its discretion to reduce the period of Ineligibility on the basis of the seriousness of the violations.
30. As regards the second criterion, Fault is defined in the ADR as follows:

Fault is 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 10.5.1 or 10.5.2.

31. In this regard UKAD notes that ADR Article 1.3.1 sets out the Core Responsibilities of Athletes which comprise the expected standard of behaviour:

1.3.1 It is the personal responsibility of each Athlete:

- (a) to acquaint him/herself, and to ensure that each Person (including medical personnel) from whom he/she takes advice is acquainted, with all of the requirements of these Rules, including (without limitation) being aware of what constitutes an Anti-Doping Rule Violation and of what substances and methods are on the Prohibited List;
- (d) to carry out research regarding any products or substances which he/she intends to ingest or Use (prior to such ingestion or Use) to ensure compliance with these Rules; such research shall at a minimum include a reasonable internet search of (1) the name of the product or substance, (2) the ingredients/substances listed on the product or substance label, and (3) other related information revealed through research of points (1) and (2)
- (f) to make him/herself available for Testing at all times upon request, whether In-Competition or Out-of-Competition;

(emphasis added)

32. Mr Edmonds has explained that he did not know that he was subject to the ADR because he had never participated in competitive cycling. UKAD's position is that his ignorance to that fact is not a sufficient explanation that would justify a reduction based on his level of Fault.
33. As a registered member of the BCF, Mr Edmonds was under a duty to comply with his personal responsibilities to acquaint himself with the ADR and their specific requirements including what constituted an Anti-Doping Rule Violation. He was also under a requirement to carry out research on any products he planned to ingest to ensure compliance with the ADR and to make himself available for Testing when requested to do so by UKAD. He failed to meet those requirements.
34. Consequently, UKAD has not exercised its discretion to reduce the period of Ineligibility on the basis of his level of Fault.
35. The period of Ineligibility to be imposed therefore remains at four (4) years, pursuant to ADR Article 10.2.1(a) and Article 10.3.1, as referred to above.

Disqualification of Results and Ineligibility

36. ADR Article 10.11 provides that:

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:

10.11.3 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.
37. Mr Edmonds has been subject to a Provisional Suspension since the date of the Charge. The period of Ineligibility is therefore deemed to have commenced on 1 August 2016 and will expire at midnight on 1 August 2020.
38. During the period of Ineligibility, in accordance with ADR Article 10.12.1, Mr Edmonds shall not be permitted to participate in any capacity in a Competition, Event or other activity (other than authorised anti-doping education or rehabilitation programmes) organised, convened or authorised by:
- the BCF or any body that is a member of, or affiliated to, or licensed by BCF
 - any Signatory (as that term is defined in the ADR)
 - any club or other body that is a member of, or affiliated to, or licensed by, a Signatory or a Signatory's member organisation
 - any professional league or any international or national-level Event organisation
39. Mr Edmonds, the BCF, the UCI and WADA have a right of appeal against this decision or any part of it in accordance with ADR Article 13.4.
40. The disposition of these proceedings on the terms set out above will be publicly announced via UKAD's website media release after any appeal period has expired and no appeal has been filed, or any appeal has been finalised.

Summary

41. For the reasons given above, UKAD has issued this decision, which records that:
- Mr Edmonds has committed ADRVs pursuant to ADR Article 2.2 and ADR Article 2.3
 - pursuant to ADR Article 10.7 and for the purpose of sanctioning, Mr Edmonds' conduct is treated as one single anti-doping rule violation
 - a period of Ineligibility of four (4) years shall be the Consequences imposed pursuant to ADR Article 10.2.1(a) and 10.3.1
 - the period of Ineligibility is deemed to have commenced from 1 August 2016 and will expire at midnight on 1 August 2020
 - Mr Edmonds' status during the period of Ineligibility shall be as detailed in ADR Article 10.12
- 4 October 2016.