



MALTA FOOTBALL ASSOCIATION

PATRON: HE. Marie-Louise Coleiro Preca, President of Malta

THE CONTROL AND DISCIPLINARY BOARD.

12 th February, 2019

Mr. Shamison Zammit
7, Triq San Ġlormu
Buġibba.

Mr. Zammit
The Secretary

Decision taken by the Control and Disciplinary Board at the hearing held on **Monday, 11th February, 2019 at 5.30pm** at the Malta F.A. Headquarters, Floor 2, Millenium Stand, Ta' Qali, with respect to the charge mentioned below:

03) Charge against **Shamison Zammit (Player of Qormi FC)** for having failed a doping test which occurred after the match between Tarxien Rainbows Fc vs. Qormi FC (Premier League) played on 27th of October 2018 where it results that you have tested positive for Carboxy-(the main metabolite of Tetrahydrocannabinol - class 6 Cannabinoids) and this in breach of *inter alia* Article 2 and 10 of Wada Code 2015 and *inter alia* Article 4 and 6 of the MFA Doping Charter;

The Board:

After having seen the charge brought against Shamison Zammit "the Player";

After having seen the medical report dated 14th January, 2019 issued by the Medical Committee within the Malta Football Association;

After having seen all the documentation at the Board's disposal;

After having seen the relative sections of the WADA CODE 2015 and the Doping Charter of the Malta Football Association (hereinafter referred to as the 'Doping Charter'), applicable at time of the offence;

Registered with the Kunsill Malti għall-Isport (F003)
Member of: Fédération Internationale de Football Association (FIFA)
Union des Associations Européennes de Football (UEFA)



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Considers the following:

Article 2.1 of the Wada Code 2015 states that:

*"It is each Athlete's personal duty to ensure that no Prohibited Substance enters his or her body. Athletes are responsible for any Prohibited Substance or its Metabolites or Markers found to be present in their Samples. **Accordingly, it is not necessary that intent, Fault, negligence or knowing Use on the Athlete's part be demonstrated in order to establish an anti-doping rule violation under Article 2.1**".*

Article 2.1.2 of the Wada Code 2015 states that:

"Sufficient proof of an anti-doping rule violation under Article 2.1 is established by any of the following: presence of a Prohibited Substance or its Metabolites or Markers in the Athlete's A Sample...."

Therefore once the Player has been found positive for Carboxy (the main metabolite of Tetrahydrocannabinol - class 6 Cannabinoids) the Player shall be considered to be in violation of article 2.1 of the Wada Code and **it is not necessary that intent, fault or negligence, or knowing use on the Athlete's part be demonstrated to prove such violation.**

Therefore the Board does not have any option other than finding the Player guilty of violating article 2.1 of the Wada Code.

With regards to the penalty to be inflicted:

The Player is not contesting the test or result thereof *per se* but states that he did not intend in any way to enhance his performance, an assertion which is plausible in the light of what the Chairman of the Medical Committee stated that the substance in question is rarely, if ever, used for the performance-enhancing purposes.

In this respect, the Board is morally convinced that the Player did not intend to enhance his performance in the match in question. In other words, the Board is morally convinced that the player did not intend to cheat, or in terms of the WADA Code, the taking of the prohibited substance was

not intentional, in which case, excluding articles 10.2.1.1 and 10.2.1.2 of the Wada Code, Article 10.2.1 of the same said Code applies which contemplates a period of ineligibility of two years, subject to the mitigating factors allowing a scaling down of the penalty, contemplated under article 10.5.

Since the violation involved a specified substance, then if the player can demonstrate no significant fault or negligence, ineligibility may range from two years to a reprimand (depending on the degree of fault).

In the Board's opinion, given that the Code in Article 10.5 contemplates a rather wide spectrum of possible penalties, in the given case, ranging from a simple reprimand and no period of ineligibility (at a minimum) to a period of ineligibility of two (2) years (at a maximum) allows the Board a rather wide discretion in applying the penalty and effectively in taking into account all relevant factors that determine the extent of "Significant Fault or Negligence" which may also include the player's admission to the use of the prohibited substance (as was the case when the player appeared before the Medical Commission) and which the Medical Commission described as the player's "*honest admission*" and the fact that the particular substance, otherwise prohibited in-competition was not intended (by the player) to enhance performance. The last foregoing consideration implies that although the player was surely at fault in assuming the prohibited substance, the circumstances surrounding the assumption of the prohibited substance, suggest that the player had no significant fault or negligence in relation to a substance which was not otherwise intended to enhance his performance.

Accordingly, in the Board's opinion, the reduction of sanctions, contemplated under article 10.5.1.1 of the Wada Code applies.

Therefore:

After having seen articles 2 and 10 of the WADA Code and the relevant articles from the Doping Charter, the Board finds the Player guilty of a doping offence under the same article 2 of the WADA Code in terms of the charge brought against him and **condemns him to a period of ineligibility of one (1) year from all football activities, applying thereto mitigating factors for the purpose of scaling down the penalty (of two (2) years) which could otherwise have been applicable as a maximum.**

Any temporary suspensions served by the Player with regard to the above shall be deducted from the said suspension and therefore the period of ineligibility shall commence to run from the 4th. December, 2018 up to 4th. December, 2019.

About the Club of Qormi FC:-

The Board:

After having seen the charge brought against Qormi FC "the Club" as a consequence of the positive doping result of Mr Shamison Zammit (Player of Qormi FC);

After having seen the medical report dated 14th January, 2019;

After having seen all the documentation at the Board's disposal;

After having seen the relative sections of the WADA CODE 2015 applicable at time of the offence;

Considers the following:

The Board makes reference to the decision given by the same Board in relation to Mr. Shamison Zammit.

The Board firmly believes that the Club was not in any way involved or cognisant of the facts which resulted in the said decision;

Therefore:

The Club is being acquitted from all charges brought against it as the Board firmly believes that it was not in any way involved or cognisant of the facts which resulted here above.

Regards



Mario Axiaq

Secretary Disciplinary & Control

Board

Cc:- Qormi FC