

ISSUED DECISION

In the Matter of:

UK ANTI-DOPING LIMITED

And

ZBYSZKO KIENAST

Relating to:

Disciplinary Proceedings under the Anti-Doping Rules of the British Weightlifting Association

This is an Issued Decision between UK Anti-Doping Limited (“UK Anti-Doping”) and Mr Zbyszko Kienast (the “Athlete”) relating to an Anti-Doping Rule Violation arising from the British Weightlifting Association (“BWL”) Anti-Doping Rules (the “Anti-Doping Rules” or “ADR”).

Background and Facts

1. At all material times the Athlete was a participant in the sport of British Weightlifting, and subject to the BWL Anti-Doping Rules.
2. On 26 November 2011, the Athlete competed in the BWL London and South-East Championships. Following the completion of the competition, the Athlete was required to, and did, provide a urine sample coded 1096760 (the “Sample”) for analysis. This was provided pursuant to the BWL Anti-Doping Rules.
3. The Sample was submitted for analysis to the Drug Control Centre at King’s College, London. The analysis revealed the presence of carbon isotope ratios for testosterone, androsterone and etiocholanone that were significantly different from that of the endogenous reference steroid 11-ketoetiocholanolone, and thereby revealed the presence of exogenous testosterone (the “Prohibited Substance”).
4. The Prohibited Substance is included in the World Anti-Doping Agency 2011 Prohibited List (the “Prohibited List”) (Section S1).

The Charge

5. BWL Anti-Doping Rule 2 provides as follows:

Article 2: Anti-Doping Rule Violations

Each of the acts or omissions set out in Articles 2.1 to 2.8 shall constitute an Anti-

Doping Rule Violation under these Rules:

2.1 The presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample, unless the Athlete establishes that the presence is consistent with a TUE granted in accordance with Article 4.

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.

6. On 21 December 2011 the Athlete was charged by UK Anti-Doping with having committed an Anti-Doping Rule Violation pursuant to Article 2.1 and Article 2.2 of the BWLA Anti-Doping Rules.
7. The Notice of Charge explained the facts relied on in support of the allegation; the details of the charge; the consequences of an admission or proof of an Anti-Doping Rule Violation; and the procedure for analysis of the B Sample.
8. On 2 January 2012, the Athlete responded to the Notice of Charge. The Athlete stated: "I accept the charge. I do not wish to appeal."
9. For the avoidance of doubt, by so doing, the Athlete admitted the charge and acceded to the consequences. He also thereby accepted that he was subject to the jurisdiction of BWLA, and subject to the BWLA Anti-Doping Rules.

Consequences

10. BWLA Anti-Doping Rule 10.2 provides:

10.2 Imposition of a Period of Ineligibility for the Presence, Use or Attempted Use, or Possession of Prohibited Substances and/or Prohibited Methods

For an Anti-Doping Rule Violation under Article 2.1 (presence of a Prohibited Substance or its Metabolites or Markers), Article 2.2 (Use or Attempted Use of a Prohibited Substance or Prohibited Method) or Article 2.6 (Possession of a Prohibited Substance and/or a Prohibited Method) that is the Participant's first violation, a period of Ineligibility of two years shall be imposed, unless the conditions for eliminating or reducing the period of Ineligibility (as specified in Article 10.4 and/or Article 10.5) or for increasing the period of Ineligibility (as specified in Article 10.6) are met.

11. Where an Athlete is found to have committed an Anti-Doping Violation under BWLA Anti-Doping Rule 2.1 or 2.2, and such offence is the Athlete's first Anti-Doping Violation, a period of Ineligibility of two (2) years must be imposed pursuant to BWLA Anti-Doping Rule 10.2.
12. This is the Athlete's first doping offence.
13. The Athlete did not seek to rely in mitigation on BWLA Anti-Doping Rules 10.5.1 or 10.5.2.
14. BWLA Anti-Doping Rule 7.5.4 states:

In the event that the Participant 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 7.5.1), neither B Sample analysis nor a hearing is required. Instead, the NADO shall promptly issue a 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 Participant and to each Interested Party, and shall publish the decision in accordance with Article 14.

15. UK Anti-Doping has specified the Consequences relating to this Anti-Doping Rule Violation to be a period of Ineligibility of two years, pursuant to BWLA Anti-Doping Rule 10.2. It has found no grounds to reduce, or increase, this period of Ineligibility pursuant to Articles 10.5 or 10.6 of the BWLA Anti-Doping Rules. The Athlete's status during this period will be as set out in BWLA Anti-Doping Rule 10.10.
16. The Athlete has been provisionally suspended since 22 December 2011. In accordance with BWLA Anti-Doping Rule 10.9, the Athlete's period of Ineligibility commences on 22 December 2011 and will expire at midnight on 21 December 2013.

Disqualification of Results

17. Anti-Doping Rule 9.1 states:

An Anti-Doping Rule Violation committed in connection with or arising out of an In-Competition test automatically leads to the Disqualification of any individual results obtained by the Athlete in the Competition in question, with all resulting consequences, including forfeiture of any medals, titles, points and prizes.

18. Anti-Doping Rule 10.8 states:

Unless fairness requires otherwise, in addition to the automatic Disqualification of results under Article 9.1 and Article 10.1, any other results obtained by the Athlete, in Competitions taking place after the date the Sample in question was collected or other Anti-Doping Rule Violation occurred, shall be Disqualified, with all of the resulting consequences, including forfeiture of any medals, titles, points and prizes.

19. UK Anti-Doping has no knowledge of the Athlete competing in any competition in which he has obtained individual results, but in the case that he has Anti-Doping Rules 9.1 and 10.8 shall apply.
20. The Athlete, the BWLA, the International Weightlifting Federation and the World Anti-Doping Agency have a right of appeal against this Order or any part of it in accordance with BWLA Anti-Doping Rule 13.
21. The disposition of these proceedings on the terms set out above will be publicly announced via UK Anti-Doping's website media release after any appeal period by third parties has expired and no appeal has been filed, or any appeal has been finalised.

SUMMARY

22. In accordance with BWLA Anti-Doping Rule 7.5.4, UK Anti-Doping hereby confirms the following:

- a. An Anti-Doping Rule Violation contrary to Article 2.1 and 2.2 has been established;
- b. A period of Ineligibility of two years is imposed;
- c. That period of Ineligibility is deemed to have commenced as from 22 December 2011, and therefore will end at midnight on 21 December 2013.

- d. The Athlete's status during this period of Ineligibility shall be as set out in Article 10.10:

10.10 Status during Ineligibility

A Participant who has been declared Ineligible may not, during the period of Ineligibility, participate in any capacity (or, in the case of an Athlete Support Personnel, assist any Athlete participating in any capacity) in a Competition, Event or other activity (other than authorised anti-doping education or rehabilitation programmes) organised, convened, authorised or recognised by (a) the NGB or by any body that is a member of, or affiliated to, or licensed by the NGB; (b) any Signatory; (c) any club or other body that is a member of, or affiliated to, or licensed by, a Signatory or a Signatory's member organisation; or (d) any professional league or any international- or national-level Event organisation. In addition, save where the Anti-Doping Rule Violation involved only a Specified Substance, some or all financial support or benefits (if any) that the NGB might have otherwise provided to the Participant shall be withheld. In addition, the NGB shall take all steps within its power to have the period of Ineligibility recognised and enforced by all relevant parties, including other Signatories pursuant to Code Article 15.4."

- e. The disposition of these proceedings on the terms set out above will be publicly announced via UK Anti-Doping's website.

Dated this 18th day of January, 2012.