#### IRISH SPORT ANTI-DOPING DISCIPLINARY PANEL

#### IN THE MATTER OF THE FOOTBALL ASSOCIATION OF IRELAND

#### AND

#### the Athlete IS-1533

#### **DECISION**

#### A. Introduction:

- 1. This is the written decision of the Irish Sports Council Anti-Doping Disciplinary Panel ("the Panel") in proceedings brought by the Football Association of Ireland (the "FAI") under the Irish Anti-Doping Rules (2009 version)(the "Rules") against IS-1533 , an athlete engaged in the sport of football.
- 2. The Anti-Doping Rule violation alleged against Mr. IS-1533 was that he was in breach of Article 2.1 of the Rules in that a prohibited substance, namely, methylhexaneamine (dimethylpentylamine) (hereafter referred to as "MHA") was found in a sample of urine given by him during in-competition testing on the 2012. Defined terms in the Rules carry the same meaning in this decision.

# B. Relevant Background:

- 3. Mr. IS-1533 is a semi-professional footballer with [...] and was playing for his club against [...] on [...] 2012 when he was selected for incompetition testing which was carried out after the game. He completed a doping control form on which he disclosed the fact that he had taken certain prescribed and non-prescribed medication and supplements within the previous 14 days, including one scoop of an energy supplement drink known as "Jack 3D".
- 4. An analysis of Mr. IS-1533 ' "A" sample was conducted by the Deutsche Sporthochschule Köln Institut Für Biochemie. The analytical report in respect of the analysis of Mr. IS-1533 ' sample dated the 29th May 2012 disclosed the presence of MHA, which is a prohibited substance and also a specified substance

under the World Anti-Doping Code 2011 prohibited list maintained by the World Anti-Doping Agency (WADA).

- 5. The analytical report was immediately furnished to the Irish Sports Council which then conducted an initial review pursuant to Article 7.2 of the Rules to determine whether the presence of MHA was consistent with a valid and applicable therapeutic use exemption held by Mr. IS-1533, and to determine whether there had been any apparent departure from the International Standards for Testing for Laboratories that might have caused the adverse analytical finding. The review was carried out by the Irish Sports Council on the 30th May 2012. In a certificate dated the 30th May 2012, the Irish Sports Council certified that its review did not reveal the existence of a valid and applicable therapeutic use exemption in Mr. IS-1533, a favour or any departure from the International Standard for Testing for Laboratories in force at the time of testing or analysis which might have caused the adverse and analytical finding.
- 6. The results of the adverse analytical finding were communicated to Mr. IS-1533 by letter dated the 31st May 2012. The purpose of that letter was to notify Mr. IS-1533 of the alleged violation of the rules. Mr. IS-1533 was provided with detailed information and extensive documentation with that letter. He was informed of his right to have his "B" sample tested in order to determine whether it disclosed the same substance found in the "A" sample. He was informed that under the Rules any such request had to be made by the 14th June 2012, failing which his right to have the "B" sample analysed would be deemed to have been waived. Mr. IS-1533 was also informed that he had the right to admit or deny the alleged violation to the Panel by the 21st June 2012, under Article 7.3.2.8 of the Rules. Mr. IS-1533 was informed that if he admitted the alleged violation, the consequences or sanctions to be imposed in respect of that violation would have to be determined by the Panel and that he had a right to a hearing before the Panel. He was also informed that if he failed to admit or deny the alleged violation by the 21st June 2012, he would be deemed under the Rules to have admitted the violation. The potential consequences or sanctions in respect of the alleged violation were also set out in that letter.

- 7. On the same date, the Irish Sports Council wrote to the Secretary of the Panel informing the Panel of the alleged violation and enclosing a copy of the correspondence and other documentation which it had furnished that day to Mr. IS-1533.
- 8. The Irish Sports Council also wrote to the Anti-Doping Officer of the FAI on the same day notifying her of the alleged Anti-Doping Rule Violation.
- 9. A hearing Panel was convened and agreed to conduct a hearing on the 26th June 2012.
- 10. By email dated the 13th June 2012 the FAI informed the Panel that it had imposed a provisional suspension on Mr. IS-1533 pending the outcome of the Panel hearing in accordance with Fédération Internationale de Football Association ("FIFA") policy, and that Mr. IS-1533 and his club had been advised accordingly.
- 11. By letter dated the 19<sup>th</sup> June 2012 [...] , the Solicitors then acting for Mr. IS-1533 wrote to the Secretary of the Panel seeking an adjournment of the hearing scheduled for the 26<sup>th</sup> June in order to take their client's instructions and due to the unavailability of Counsel and the Solicitor on the said date. The FAI did not oppose that application which was then granted by the Panel and the hearing was then fixed for the 17<sup>th</sup> July 2012.
- 12. By letter dated the 28th June 2012 the Professional Footballers Association of Ireland (the "PFAI") notified the Panel that they had been requested to act on behalf of Mr. IS-1533 and that he had now discharged [...] , Solicitors. The letter set out an explanation as to why Mr. IS-1533 was only now answering the allegation, and stated that he had previously instructed his former Solicitors that he wished to admit the doping violation at the earliest possible juncture, and that he was most distressed to find that no such admission had been made on his behalf to date. In that letter the PFAI stated that Mr. IS-1533 admitted the Anti-Doping Rule Violation, but also that he would rely upon the provisions of Article 10.3.1 of the Rules and prove that he did not take a specified

substance for the intention of enhancing sporting performance and that he would provide evidence of this at the hearing.

13. FIFA and WADA were informed of the hearing and of the right to attend the hearing as observers. However, both FIFA and WADA informed the Secretary that they did not intend to appear at the hearing.

# C The Hearing of the 17th July 2012:

# (a) Parties Present:

14. The hearing took place on the 17th July 2012. The composition of the Panel at the hearing was Seamus Woulfe S.C., (the Chair of the Panel), Mr. Philip Browne (Sports Administrator) and Professor Colm O'Morain (Medical Practitioner). The FAI was represented by its Disciplinary Regulations Officer, Ms. Cliona Guy. Mr. [...] , Solicitors, appeared representing Mr. of [...] IS-1533 . Mr. IS-1533 was also present. He was accompanied by Mr. Stephen McGuiness, General Secretary of the PFAI, and by Mr. [...] , Chairman of Football Club. Ms. Siobhan Leonard was present on behalf of [...] the Irish Sports Council which was attending as an observer. Ms. Nicola Carroll attended as Secretary to the Panel, and was accompanied by Ms. Vivian Meacham, Trainee Secretary to the Panel.

## (b) The Sequence of Evidence and Submissions:

15. It was confirmed with the Parties at the outset of the hearing that the purpose of the hearing was to determine the appropriate consequence or sanction to be imposed in respect of the admitted violation. It appeared to the Panel that having regard to the provisions of Article 10 of the Rules, which impose certain procedural and evidential burdens on Mr. IS-1533 , that Mr. IS-1533 should present his case which would be subject to cross-examination on behalf of the FAI and thereafter the FAI would present such evidence as it wished to present. There would then be submissions from both sides. The Parties agreed with that proposed running order.

# (c) Mr. IS-1533 'evidence:

- 16. Mr. IS-1533 first gave evidence. He gave details of how he had started playing League of Ireland football when he was about 18 years old with [...] [...] . He was with [...] for three years and he then went to play with [...] again in the first division and was there for three seasons. He then got an opportunity to go the premier division for the first time this season after he was signed by [...] . He found the pre-season training the toughest he had ever had, and his family circumstances had changed after the birth of his son on the [...] 2011. He was feeling tired between the increased loads of pre-season training and working in his day job where he was working a full 40 hours a week, and raising his son as well with his girlfriend.
- Mr. IS-1533 explained how he came into contact with the Jack 3D energy supplement drink. He said that there was a senior player on the [...]

  [...] who previously had played abroad professionally, and he told Mr. IS-1533 and some other players that he was on an energy supplement drink that was very good, and he recommended that it would be of help to players "because if you are feeling tired that would give you a bit of a boost". This senior player asked Mr. IS-1533 did he want some in the dressing room, and he told Mr. IS-1533 to take a scoop of the Jack 3D and to mix it with water. Mr. IS-1533 took it from time to time during the pre-season training. Mr. IS-1533 stated that it was taken openly in front of everybody in the middle of the dressing room. He indicated that he never even thought of checking out the Jack 3D energy supplement drink, and as far as he was concerned it was an energy drink and that was it.
- 18. Mr. IS-1533 then explained how the season started and he would take a scoop of the energy supplement before some matches and not before others. He stated that it didn't make that much difference to him and he thought it was just a routine or a habit thing, and he was still feeling tired. He explained how he had taken the Jack 3D energy supplement in the dressing room before the match against [...] on [...] 2012. He described filling in the doping control form after the match and putting down that he had taken Jack 3D as well

as protein drinks and a stomach tablet. He wasn't concerned about the matter at that stage, but started to get concerned after talking to the physic at [...]

the following day. The physio asked him had he ever checked out the Jack 3D drink, and Mr. IS-1533 replied in the negative. The physio came back to him later and said that he had checked out the Jack 3D, and that Mr. IS-1533 could be in a bit of bother. Mr. IS-1533 then went and checked it out on the laptop and realised that he could be in trouble, but he still wasn't too sure.

- 19. Mr. IS-1533 then described how he spoke to the senior player who had been giving him the scoop shortly afterwards, and this senior player insisted that there was nothing wrong with this energy drink. Mr. IS-1533 described how it was possible to buy this energy drink in his local gym in [...] . He indicated that he had never heard of methylhexaneamine, otherwise known as MHA, before. He then described what had happened after he got a call from the Irish Sports Council telling him that he tested positive, and how he had wanted to hold his hands up and admit that he had done wrong from the outset. Mr. IS-1533 accepted that he should have checked out the energy drink before taking it, and that he could not put all the blame on the other player who had given it to him, and that he had some culpability as well because he should have checked.
- 20. Mr. IS-1533 was then asked about whether he had received Anti-Doping education. He sated that he had never received any lectures or talks about the issue but there had been a pile of leaflets on the table in the middle of the dressing room after one match when there was lots of other stuff on the table. He had not picked up a leaflet from the table.
- 21. Mr. IS-1533 was then briefly cross-examined by Ms. Guy on behalf of the FAI. He accepted that he was aware as a professional player that there was Anti-Doping or testing in the National League. He insisted, however, that he wasn't aware that he should have talked to the medical staff in the club or checked with anybody in relation to anything he might have taken. He stated that he never had any education on checking stuff out or on Anti-Doping at all.
- 22. On questioning by the Panel members at the conclusion of his evidence, Mr. IS-1533 stated that he knew now that it was up to the player to realise that he

was responsible for what he took and what he ate and what he drank. He also clarified that the leaflets which had been referred to were from the Irish Sports Council, and Ms. Guy intervened to clarify further that the leaflets were sent from the Sports Council to the FAI and were then issued to all at the club on the for distribution to the players.

# (d) Mr. [...] 's evidence:

- 23. Mr. [...] then gave some brief evidence. He described how he had found Mr. IS-1533 since he had joined his club, and described him as a very open, transparent and honest man. He described how the staff at the club were absolutely shocked when they heard about the anti-doping rule violation, and how they never expected to be involved in something like this. He explained how the people who are running [...] had come in two years ago when the club was on the verge of going out of business, and how anti-doping was not at the top of the list of challenges which the club would have faced.
- 24.then introduced two witness statements submitted on behalf of Mr. IS-1533, and Ms. Guy had no objection to same. The first witness statement was from Mr. [...] , who is the manager of [...] Football Club and he offered his opinion that the situation which Mr. IS-1533 found himself in was a genuine mistake, and that he had never known Mr. IS-1533 to try and gain any unfair advantage either in a competitive game or in training. The second witness statement was from the parents of Mr. IS-1533 , [...] and [...] . They stated that Mr. IS-1533 had taken the energy drink called Jack 3D unknowingly, as regards the fact that any banned or legal substance was in the ingredients, and they were of the view that Mr. IS-1533 would never intentionally jeopardise his football career by knowingly taking illegal substances. appealed to the Disciplinary Panel to show as much leniency as possible.

# D Submissions on behalf of Mr. IS-1533:

- 25. On behalf of Mr. IS-1533, Mr. [...] submitted that the defence in this case arose out of the potential application of Article 10.3 of the Rules. Article 10.1 provides for a sanction of two years ineligibility for a first violation of the rules unless the conditions for eliminating or reduction of the period of ineligibility, as provided for in Articles 10.3 and 10.4, are met. Article 10.3 sets out such conditions as follows:
  - "10.3.1 Where a participant can establish how a specified substance entered his or her body or came into his or her possession and that such specified substance was not intended to enhance the athlete's sport performance ... the period of ineligibility found in Article 10.1 shall be replaced with, at a minimum, a reprimand and no period of ineligibility and a maximum period of ineligibility of two years.
  - 10.3.2 To justify any elimination or reduction, the participant must produce corroborating evidence in addition to his or her word which establishes to the comfortable satisfaction of the hearing Panel the absence of intent to enhance sport performance ... the participant's degree of fault shall be the criterion considered in assessing any reduction of the period of ineligibility".
- 26. Mr. [...] submitted that there were four elements which needed to be dealt with in order to meet the conditions set out in Article 10.3 of the Rules. The first was how the MHA entered the player's system. The second was whether he had intent to enhance his sporting performance. The third was that there must be corroborating evidence in addition to his or her word which established to the comfortable satisfaction of the Panel the absence of intent. If those three elements were established, then the degree of fault of the player himself had to be considered in determining any reduction in the two years ineligibility.
- 27. Mr. [...] drew the Panel's attention to a previous decision involving an Irish Rugby player where the Panel had reduced the sanction of two years ineligibility to a period of 12 months, in a case involving the presence of MHA after taking an

- energy drink. Mr. [...] sought to use the **Carroll** case as his template but to distinguish that case in certain aspects.
- 28. As regards the first element of Article 10.3 referred to above, Mr. [...] submitted that it was fairly clear in this case and there was no evidence to the contrary that the only way that the MHA could have got into Mr. IS-1533 'body was through the use of the Jack 3D, which Mr. IS-1533 had freely admitted to and which clearly contained the MHA.
- 29. As regards the second element referred to above, Mr. [...] submitted that previous cases established that the intention must be to enhance performance by ingestion of the specified substance, rather than merely by ingestion of the supplement in which this was contained, and he argued that there was no evidence in the present case that Mr. IS-1533 intended to take the specified substance, and his evidence was that he didn't know that MHA was in the energy supplement and he didn't even know what MHA was.
- 30. As regards the third element of Article 10.3 referred to above, i.e. the requirement for the participant to produce corroborating evidence to establish the absence of intent to enhance sport performance, Mr. [...] relied upon the list of objective circumstances regarding as corroborative by the Panel in the Carroll case, and argued that at least three of the form matters applied to Mr. IS-1533. Firstly, there was the evidence of Mr. IS-1533 as to his purpose in taking the energy supplement, and his evidence of lack of knowledge of the supplement containing MHA. Secondly, there was the evidence that the energy supplement was taken openly in front of his team mates. Finally, Mr. IS-1533 had disclosed on the doping control form that he had taken Jack 3D. This type of disclosure was mentioned as an example of the type of objective circumstance which might contribute to a finding of no performance-enhancing intention in the note to Article 10.4 of World Anti-Doping Code.
- 31. After dealing with these first three elements, Mr. [...] then turned to the final element being the participant's degree of fault. He accepted that there was no doubt that Mr. IS-1533 had an element of fault here, and that Mr. IS-1533 accepted that he should have checked out the energy supplement drink and

should not have accepted the word of a senior player who handed him the drink. Mr. [...] referred to the treatment of the fault issue in the Carroll case, and the list of points recited by the Panel in that case in Mr. Carroll's favour and against Mr. Carroll. Mr. [...] submitted most of the points in favour of Mr. Carroll applied to Mr. IS-1533, while some of the points against did but a lot of them did not. Mr. [...] placed particular reliance upon the fact that Mr. IS-1533 did not buy the product at all, but was handed it by a senior player who he trusted and respected. He did not knowingly take MHA and he took it openly in front of his team mates. He was not an elite professional, but merely a semi-professional and closer to an amateur player than a real professional. He had immediately accepted the provisional suspension as soon as he got full legal advice.

- 32. As regards the points which were viewed as going against Mr. Carroll in the Carroll case, Mr. [...] accepted that Mr. IS-1533 probably should have asked the senior player some questions about the energy supplement. Mr. IS-1533 had never really seen the container as the scoops were handed to him. It was fair to say that he took no independent medical advice about the supplement. It was unclear whether there was a recommended maximum period on the container, but Mr. IS-1533 had only been using the product for two or three months as opposed to Mr. Carroll who had been using it for eight months. Mr. IS-1533 had not been warned about the in-house competition test. He was not fully cognisant of the Anti-Doping regime, and had not been a real professional in the sense that Mr. Carroll had been in the years beforehand.
- 33. Mr. [...] 's overall submission in conclusion was that while a period of ineligibility was undoubtedly appropriate in this case, the period should be at the lower end of the scale, and the facts were somewhat different from the Carroll case and Mr. IS-1533 should attract a lesser sanction than the sanction decided upon in the Carroll case.

# E Submissions on behalf of the FAI:

34. In response and on behalf of the FAI Ms. Guy went through the same elements required by Article 10.3 of the Rules in the same order as Mr. [...] . She

accepted that the only evidence was that the MHA had entered Mr. IS-1533 as a result of the Jack 3D. In relation to the element of intent Ms. Guy referred to the fact that Mr. IS-1533 did take the supplement and accepted it and didn't make sufficient inquiries. In relation to the corroboration element Ms. Guy noted that the Panel did not have any evidence of any other players that the substance was taken openly, but at the same time she accepted the evidence of Mr. IS-1533 on that point, and she also accepted that Mr. IS-1533 had made disclosure on the doping control form. In relation to the issue of fault Ms. Guy noted the acceptance by Mr. IS-1533 that he should have checked out the energy supplement and made inquiries. She accepted that there was not any warning in relation to matches in the League of Ireland or tests, whether out of competition or in competition, and that this was somewhat different from the Carroll case. Overall Ms. Guy submitted in the present case was a very similar case and was quite close to the Carroll case, but that there were slight difference between the two cases, and the matter of the relative seriousness of the two cases was a matter for the Panel.

#### F The Decision:

- 35. In light of the fact that Mr. IS-1533 had admitted the Anti-Doping rule violation alleged against him prior to the hearing, the function of the Panel was solely to determine the appropriate consequence or sanction to impose in respect of the violation. The admitted violation was a breach of Article 2.1 of the Rules by virtue of the presence of a prohibited substance, namely MHA. Article 10.1 of the Rules provides for the relevant penalty to be imposed in respect of a first violation of Article 2.1. This was Mr. IS-1533 'first violation.
- 36. Article 10.1 provides that the period of in ineligibility to be imposed for such a first violation of Article 2.1 shall be two years ineligibility unless the conditions for eliminating or reducing the period of ineligibility, as provided for in Article 10.3 and 10.4, are met. This case turns on the possible application of Article 10.3 of the Rules, as set out at paragraph 25.
- 37. The burden of proof under Article 10.3. rests with the athlete, so the issues which the Panel must determine are as follows:

- (a) Whether Mr. IS-1533 has established how MHA entered his body;
- (b) Whether Mr. IS-1533 has established that his ingestion of MHA was not intended to enhance his sporting performance, and whether in doing so he has produced corroborating evidence in addition to his own word which establishes to the comfortable satisfaction of the Panel the absence of intent to enhance sport performance; and
- (c) If the Panel is satisfied that Mr. IS-1533 has met the above requirements, what degree of fault should be attributed to Mr. IS-1533 and whether this merits any reduction in the two years ineligibility.
- 38. As regards issue (a), the Panel accepts that Mr. IS-1533 has discharged the onus on him of showing, on the balance of probabilities, how the specified substance entered his body, namely through his ingestion of Jack 3D.
- 39. As regards issue (b), the Panel accepts Mr. [...] 's submission that his client must show that he did not intend to enhance his sport performance by ingesting this specified substance, rather than by ingesting the supplement in which it was contained. This principle is supported by a number of previous cases and reaffirmed in the Carroll case. The Panel accepts Mr. IS-1533' evidence that he did not know that Jack 3D contained MHA when he took same, and this evidence prima facie supports a finding that he had no intention of enhancing his sporting performance by ingesting MHA. However, that on its own is not enough to satisfy Article 10.3.2, given the obligation on Mr. IS-1533 to adduce corroborating evidence, in addition to his own word, which establishes the absence of intent to the comfortable satisfaction of the Panel.
- 40. The Panel considered a number of objective circumstances in combination as corroborative of Mr. IS-1533 's evidence of lack of intention to enhance his sporting performance through ingestion of MHA. These objective circumstances include Mr. IS-1533 's evidence that he took Jack 3D openly in front of his team mates, and in particular Mr. IS-1533 's disclosure of the use of the energy supplement Jack 3D on the doping control form. Having carefully considered the evidence and submissions, the Panel is comfortably satisfied that Mr. IS-1533 has

established that he did not intend to take the specified substance MHA, found in his sample, to enhance his sporting performance.

- 41. As regards issue (c), the Panel must now determine Mr. IS-1533 's degree of fault in deciding whether, and if so to what extent, the two year ineligibility period should be reduced.
- 42. Article 2.1.1. of the Rules makes each athlete personally responsible for what is in his or her body:

"It is each athlete's personal duty to ensure that no prohibitive substance enters his or her body. An athlete is responsible for any prohibitive substance or any of its metabolites or markers found to be present in his or her sample. Accordingly, it is not necessary that intent, fault, negligence or knowing use on an athlete's part be demonstrated in order to establish an anti-doping rule violation under Article 2.1; nor is the athlete's lack of intent, fault, negligence or knowledge a valid defence to an allegation that an anti-doping rule violation has been committed under Article 2.1."

43. The Panel regards the facts of this case as the most important factor in determining Mr. IS-1533 's degree of fault. As with the Carroll case there are points in Mr. IS-1533 'favour and points against him.

#### 44. In Mr. IS-1533 'favour:

- (a) He did not buy the product anywhere but was given some of the product on occasions by a senior player.
- (b) He did not knowingly take MHA, rather he took Jack 3D to assist him with a feeling of fatigue from his work and sporting schedule and new family circumstances.
- (c) He took Jack 3D openly in front of teammates and disclosed the ingestion of Jack 3D on his doping control form.
- (d) He is not an elite professional, but only a semi-professional who is perhaps closer to an amateur player than a real professional.

(e) He accepted the provisional suspension once he got full legal advice.

## 45. Against Mr. IS-1533:

- (a) He gave evidence that he would have been aware that there was anti-doping testing in the National League, and yet he did not ask the senior player if the product contained prohibitive or specified substances before taking same.
- (b) He made no effort whatsoever to check out the ingredients of Jack 3D, which would have readily allowed him to establish the unsuitability of those ingredients for use in-competition.
- (c) He took no independent medical advice about Jack 3D.
- (d) While he was a semi-professional player, he had been one for approximately six years up to [...] 2012 and he was aware of the anti-doping regime.
- 46. While the points in favour of Mr. IS-1533 indicate to the Panel that he did not knowingly or intentionally take MHA, they do not support a finding that he was conscientious about discharging his duties under Article 2.1 of the Rules. The points against Mr. IS-1533 evidenced a degree of carelessness by him and disregard of his responsibilities about what he ingests. In addition to the facts of the case, the Panel has carefully considered the submissions and cases cited with a view to ensuring that the period of ineligibility it decides upon is, so far as possible, both proportionate and consistent with other similar cases. The Panel believes that Mr. IS-1533 'case is similar to Mr. Carroll's case in several important respects, but distinguishable as regards the fact Mr. Carroll had been a professional player for six years gaining a full understanding of anti-doping obligations. Having regard to that distinction, the Panel concludes that eight months ineligibility is appropriate.
- 47. The last issue which the Panel had to determine was the date from the period of ineligibility should run. Article 10.7 of the Rules provides that the period of ineligibility shall start on the date of the decision providing for ineligibility except as provided below. Article 10.7.2 goes on to provide that where the

participant promptly admits the anti-doping rule violation after being notified of same, the sanction imposed may provide for the commencement of the period of ineligibility as early as the date on which the anti-doping rule violation last occurred, which shall be deemed in a case involving sample collection to be the date of sample collection. The Panel is satisfied that Mr. IS-1533 did promptly admit the violation in the overall circumstances of this case. The Panel is satisfied, therefore, that the period of ineligibility in this case should commence on the [...] 2012.

48. The Panel wishes to note that the evidence appeared to establish that the antidoping education of players playing for League of Ireland football clubs does not appear adequate, and that the method of distribution of leaflets in this case appeared totally inadequate, and this issue appears to require more detailed consideration by the FAI and by the PFAI.

# G Concluding comments:

49. The Panel wishes to thank its Secretary, Ms. Nicola Carroll, for her hard work and assistance relating to these proceedings. The Panel would also thank the parties and participants in the proceedings for their assistance.

Dated the 30th July 2012.

Signed on behalf of the Panel by

Seamus Woulfe

Seamus Woulfe, Chairman

Philip Browne

Colm O'Morain