

THE NATIONAL ANTI-DOPING APPEAL PANEL

Hearing of the 11th of October 2012

Case Number 02/2012/NADDP

The Anti-Doping Commission

vs.

Clayton Failla

The National Anti-Doping Appeal Panel,

Examined the decision of the National Anti-Doping Disciplinary Panel pronounced on the 27th of September 2012 whereby the appellant Clayton Failla was found guilty of breaching Article 3(3) of the Anti-Doping Regulations (Subsidiary Legislation 455.08 – Legal Notice No. 281 of 2011) and Article 2.1 of the WADA Code, and sentenced Clayton Failla to a period of ineligibility of four (4) months starting from the date of provisional suspension, namely from Wednesday 20th July 2012.

Examined the appeal application filed by Clayton Failla (Doc. CF1) whereby the aforementioned Clayton Failla asked the National Anti-Doping Appeal Panel, while confirming the decision of the National Anti-Doping Disciplinary Panel pronounced on the 27th September 2012, that *“with regard to the detection of the prohibited substance as well as to the fact that the appellant did not take this medicine with the intention of enhancing his performance in the sport he practices, it reformulates the sentence into one that is more equitable and fair, and that reflects all the circumstances of the case”*.

Examined the reply filed by the Anti-Doping Commission (Doc. CF2) whereby the National Anti-Doping Appeal Panel was asked to confirm the decision of the National Anti-Doping Disciplinary Panel pronounced on the 27th of September 2012 with regard to the appellant Clayton Failla.

Examined the document exhibited by Dr. Sarah Galea on behalf of the appellant Clayton Failla (Doc. CF3), which contains a list of suspensions related to cases of ephedrine use involving foreign athletes in other countries.

Heard the statements of the Anti-Doping Commission, as well as those of the appellant Clayton Failla.

The National Anti-Doping Appeal Panel noted the particular circumstances in which the facts occurred, and for which the appellant Clayton Failla was found guilty by the National Anti-Doping Disciplinary Panel.

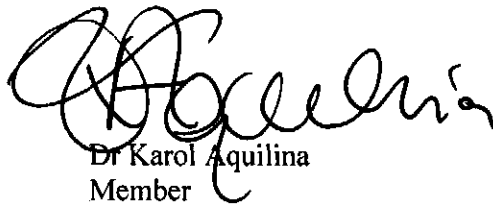
The National Anti-Doping Appeal Panel noted that the appellant Clayton Failla fully cooperated with the Anti-Doping Commission.

The National Anti-Doping Appeal Panel is of the opinion that the penalty consisting of a period of ineligibility of four (4) months imposed on the appellant Clayton Failla should be reformulated so as to be more equitable and fair, in view of the particular circumstances as stated during the hearing of the case before the National Anti-Doping Disciplinary Panel, which are not being challenged by the Anti-Doping Commission.

Therefore, the National Anti-Doping Appeal Panel is accepting the appeal filed by Clayton Failla, and is reformulating the decision pronounced by the National Anti-Doping Disciplinary Panel on the 27th of September 2012 exclusively with regard to the penalty whereby the appellant Clayton Failla was sentenced to a period of ineligibility of four (4) months, and is instead sentencing Clayton Failla to a period of ineligibility of three (3) months, starting from the date of provisional suspension, namely from Wednesday 20th July 2012.



Dr Joe Mifsud
Chairman



Dr Karol Aquilina
Member



Dr Stefan Camilleri
Member