Tribunal Arbitral du Sport
Court of Arbitration for Sport

CAS 2014/A/3734 WADA v Vladislav Lukanin and IWF

ARBITRAL AWARD

delivered by

THE COURT OF ARBITRATION FOR SPORT

sitting in the following composition:

Sole Arbitrator: His Hon. James Robert Reid QC in West Liss, United Kingdom

in the arbitration between

World Anti-Doping Agency ("WADA"), Montreal, Quebec, Canada
Represented by Mr Julien Sieveking, Chief Legal Manager

-Appellant-

and

Mr Vladislav Lukanin ("the Athlete"), Sochi, Russia

-First Respondent-

International Weightlifting Federation ("IWF"), Lausanne, Switzerland
Represented by Dr Magdolna Trombitas, IWF Legal Counsel, Budapest, Hungary

-Second Respondent-

I THE PARTIES

1. The World Anti-Doping Agency ("WADA") is a Swiss private-law foundation. Its seat is in Lausanne, Switzerland, and its headquarters are in Montreal, Canada. WADA was created in 1999 to promote, coordinate and monitor the fight against doping in sport in all its forms.

2. The International Weightlifting Federation ("IWF") is the international body governing the sport of weightlifting. It is a signatory of the World Anti-Doping Code ("WADC") having its registered seat in Lausanne, Switzerland, and its secretariat in Budapest, Hungary.

3. Mr Vladislav Lukanin ("the Athlete") is a weightlifter affiliated to the Russian Weightlifting Federation which is a member of the IWF. As such the Athlete is bound by the terms of the IWF Anti-Doping Policy ("IWF ADP").

II FACTUAL BACKGROUND

4. Below is a summary of the relevant facts and allegations based on the parties' written submissions, pleadings and evidence adduced. Additional facts and allegations found in the parties' written submissions, pleadings and evidence may be set out, where relevant, in connection with the legal discussion that follows. While the Sole Arbitrator has considered all the facts, allegations, legal arguments and evidence submitted by the parties in the present proceedings, he refers in his Award only to the submissions and evidence he considers necessary to explain his reasoning.

5. In 2003, the presence of the peptide hormone HCG, a prohibited substance, was detected in an in-competition sample provided by the Athlete during the 2003 Weightlifting World Championships which took place in Vancouver between 14 and 22 November 2003 (the "2003 Violation"). As a result, in accordance with Rule 14.2 a) of the then current IWF Anti-Doping Policy ("IWF ADP"), the Athlete was sanctioned, pursuant to a decision of the IWF dated 26 January 2004, with a two-year period of ineligibility running to 16 November 2005 for an anti-doping violation.

6. Following his return to competition, the Athlete submitted an in-competition test on 13 April 2011 during the European Weightlifting Championships in Kazan, Russia. The tests performed on both the A and B urine samples provided by the Athlete proved positive for epioxandrolone and i8-nor-oxandrolone. Both epioxandrolone and 18-nor-oxandrolone are metabolites of oxandrolone. Oxandrolone is an exogenous, anabolic steroid, which is classified under "Si.i (a)" *(Anabolic*

Androgenic Steroids) on the 2011 WADA Prohibited List. As a result of this adverse analytical finding the Athlete was provisionally suspended on 13 May 2011.

7. Following a hearing at the Newport Bay Hotel, Disneyland, Paris, France on 7 November 2011 the IWF Doping Hearing Panel (the "IWF DHP"), by a decision dated 24 November 2011 (the "2011 IWF Decision"), held that the Athlete had committed an anti-doping rule violation (the "2011 Violation") and sanctioned him with a period of ineligibility of 4 years. This sanction was a "standard sanction" for a first anti-doping rule violation in accordance with Rule 10.2 of the IWF ADP of 31 March 2009 which was in force at the time. The four year period of ineligibility commenced on the date of the Athlete's provisional suspension, 13 May 2011. The IWF DHP was not informed of the Athlete's previous anti-doping violation in 2003.

8. At the hearing the Athlete blamed his failure on his having taken a supplement in the form of capsules labelled "Superior Amino 2222 Caps" purchased from an internet site popular with body builders and power lifters. He had done so without any consultation with, or advice from, his coach, any doctor or any official of his national federation. Analysis of capsules produced by the Athlete showed that the capsules contained the prohibited substance found in the urine samples.

9. The IWF ADP was modified in September 2012. The 2012 version of the IWF ADP is the current version of the IWF ADP. Under this version of the IWF ADP the period of ineligibility (the "standard sanction") for, *inter alia*, a violation of Rule 2.1 *(Presence of a Prohibited Substance or its Metabolites or Markers)* was reduced from four years to two years.

10. The Executive Committee of the IWF (apparently on an application of *lex mitior* and in the light of Article 19.7.3 of the 2012 version of the IWF ADP) decided to apply "*this reduction of suspension time to all athletes who are still serving their period of ineligibility longer than two years in the period of ineligibility for a first violation.*" This decision was notified to the Russian Weightlifting Federation of this decision by letter dated 29 October 2012. By that letter IWF informed the Russian Federation that the new date for the end of the Athlete's suspension was 13 May 2103 (the "Reduction Decision").

11. WADA received the 2011 IWF Decision (i.e. the decision imposing a period of ineligibility of four years) on 8 August 2014 as an attachment to an email from the IWF and requested the case file from the IWF by a letter dated 18 August 2014. WADA received documents relating to the 2011 IWF Decision attached to an email from IWF dated 19 August 2014. These documents did not include the 2012 IWF Reduction Decision.

12. Following a further request by WADA on 22 August 2014, WADA received the Reduction Decision as an attachment to an email from the IWF on 26 August 2014

III. PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT AND THE CONSTITUTION OF THE PANEL

13. WADA filed its Statement of Appeal serving as Appeal Brief with the CAS by fax and registered mail on 8 September 2014 against the 2011 IWF decision and the Reduction Decision (together the "Challenged Decisions"), in accordance with Articles R47, R48 and R51 of the Code Sports-related Arbitration (2013 edition) (the "Code").

14. By its Statement of Appeal, WADA sought provisional measures pending the determination of the appeal as well as substantive relief.

15. By letter dated 10 September 2014, enclosing the "Statement of Appeal/Appeal Brief" the CAS informed the parties that, in accordance with Article R37 of the Code, the Respondents were granted a deadline of 10 days from receipt of the letter by courier to file their position on WADA's request for provisional measures.

16. The arbitration proceedings were served on the Athlete and the IWF on 13 September 2014 and 11 September 2014, respectively.

17. On 12 September 2014, IWF responded to the application for provisional measures that "*The IWF hereby [...] agrees with the application for provisional measures.*" The Athlete did not respond to the application for provisional measures.

18. On 19 September 2014, IWF expressed the wish to have the matter determined by a sole arbitrator.

19. By an e-mail dated 29 September 2014 WADA stated that it had no objection to the matter being referred to a sole arbitrator. On 3 October 2014 by e-mail the Athlete agreed "*to proceed with a single arbitrator*".

20. Neither the Athlete nor IWF filed any answer in response. The IWF however indicated by letter dated 30 September 2014 that it would not file a statement of defence but would abide by the award to be rendered.

21. On 13 October 2014, the CAS informed the parties that in absence of agreement between the parties as to the person of the Sole Arbitrator the President or his Deputy would proceed with appointing a Sole Arbitrator pursuant to Article R54 of the Code.

22. On 4 November 2014, the President appointed His Honour James Robert Reid QC as Sole Arbitrator.

23. The Sole Arbitrator, having considered the preference expressed by the parties for the matter to be determined without a hearing, pursuant to Article R57 of the Code has determined not to hold an oral hearing.

24. In view of the circumstances, and in particular the short duration of the present procedure, the request for provisional measures filed by WADA has become moot and shall not be ruled upon.

IV THE PARTIES' SUBMISSIONS

25. On behalf of WADA it was submitted:

25.1 The Athlete did not contest the presence of the metabolites of a prohibited substance in his urine sample taken in 2011. He did not have a therapeutic use exemption in place at the time of the anti-doping rule violation. Consequently, the violation by the Athlete of Article. 2.1 of the 2009 IWF ADP (presence of a prohibited substance or its metabolites or markers in an athlete's bodily specimen) was established. The Athlete did not appeal against the 2011 IWF Decision, which imposed a four year ineligibility period.

25.2 The four year period of ineligibility was the standard sanction under the 2009 IWF ADP for a first violation of Article. 2.1. The IWF DHP determined the applicable sanction in the erroneous belief that the Athlete had not previously been sanctioned for an anti-doping rule violation. In fact, the Athlete had been sanctioned with a two year period of ineligibility in respect of the 2003 Violation.

25.3 Pursuant to the IWF ADP in force at the time of the 2003 Violation, a two year period of ineligibility was the standard sanction for a first anti-doping rule violation involving peptide hormones. The sample which led to the 2003 Violation was collected during the 2003 Weightlifting World Championships which took place in Vancouver between 14 and 22 November 2003. The sample collection which led to the 2011 Violation was collected on 13 April 2011. The two anti-doping rule violations occurred within the same eight year period and must therefore be considered as multiple violations for the purposes of Rule 10.7 of the 2009 IWF ADP.

25.4 Consequently, the 2011 Violation should have been sanctioned as a second anti-doping rule violation in accordance with Rule. 10.7 of the 2009 IWF ADP and, in particular, the table set out at Rule 10.7.1. The 2003 Decision constituted a "standard sanction" for the purposes of Rule 10.7 of the 2009 IWF ADP. Similarly, the IWF DHP found that the 2011 Violation, when considered in isolation, also merited the "standard sanction" of four years under the 2009 IWF ADP.

25.5 Where an athlete (i) commits a second anti-doping rule violation which would (in isolation) attract a standard sanction and (ii) has already been sanctioned with a standard sanction in respect of a previous anti-doping rule violation, the applicable ineligibility period is between 8 years and lifetime ineligibility under both the 2009 IWF ADP and the 2012 IWF ADP. Consequently, the Athlete's second violation, i.e. the 2011 Violation, should have been sanctioned with an ineligibility period of between eight years and lifetime.

25.6 Bearing in mind the serious nature of the substances involved in the 2003 Violation and the 2011 Violation — peptide hormones and anabolic steroids — WADA submitted that there is certainly no reason why the Athlete should benefit from the minimum applicable sanction, i.e. 8 years.

25.7 The IWF DHP imposed the wrong sanction on the Athlete in respect of the 2011 Violation because it did not appreciate that the Athlete had previously been sanctioned for an anti-doping rule violation. This information should have been known or made available to the IWF DHP.

25.8 Because of this omission on the part of the IWF, WADA was duty-bound to appeal against the Challenged Decisions in order to ensure that a Code-compliant sanction is imposed. The IWF neglected to provide WADA with the 2011 IWF Decision for a period of nearly three years with the result the Athlete has eligible to compete in circumstances where he should have been serving a long (even lifetime) ban.

25.9 Neither the Athlete nor IWF has made any submissions as to the substance of the appeal.

V JURISDICTION OF THE CAS AND ADMISSIBILITY OF THE APPEAL

26. Article R47 of the Code provides as follows:

"An appeal against the decision of a federation, association or sports-related body may be filed with the CAS insofar as the statutes or regulations of the said body so

provide or as the parties have concluded a specific arbitration agreement and insofar as the Appellant has exhausted the legal remedies available to him prior to the appeal, in accordance with the statutes or regulations of the said sports-related body."

27. According to Rule 13.2.1 of both the 2009 and 2012 IWF ADP:

"In cases arising from participation in an International Event or in cases involving International-Level Athletes, the decision may be appealed exclusively to CAS in accordance with the provisions applicable before such court."

28. The European Weightlifting Championships 2011 was an International Event, for the purposes of Rule 13.2.1 of the 2012 IWF ADP, such an event being defined as "An Event where the International Olympic Committee, the International Paralympic Committee, an International Federation, a Major Event Organization, or another international sport organization is the ruling body for the Event or appoints the technical officials for the Event."

29. Rule 13.2.3 of both the 2009 and 2012 IWF ADP sets out the persons entitled to appeal under art. 13.2.1. WADA is explicitly mentioned amongst such persons (at sub-paragraph (f) of the first paragraph of the article).

30. In light of the above, WADA has a right of appeal against the Challenged Decisions to the CAS whether the relevant provisions are those of the 2009 IWF ADP or the 2012 IWF ADP.

31. Under Rule 13.6 of both the 2009 IWF ADP and the 2012 IWF ADP:

"The above notwithstanding, the filing deadline for an appeal or intervention filed by WADA shall be the later of: (a) Twenty-one (21) days after the last day on which any other party in the case could have appealed, or (b) Twenty-one (21) days after WADA's receipt of the complete file relating to the decision."

32. WADA received documents relating to the 2011 IWF Decision on 19 August 2014, and subsequently received the Reduction Decision on 26 August 2014. The appeal to CAS against both the 2011 IWF Decision and the Reduction Decision is therefore made within the applicable time-limit.

33. The CAS accordingly has jurisdiction and the appeal is admissible.

VI APPLICABLE LAW

34. Article R58 of the Code provides as follows:

> *"The Panel shall decide the dispute according to the applicable regulations and, subsidiarily, the rules of law chosen by the parties or, in the absence of such a choice, according to the law of the country in which the federation, association or sports-related body which has issued the challenged decision is domiciled or according to the rules of law, the application of which the Panel deems appropriate. In the latter case, the Panel shall give reasons for its decision."*

Accordingly this matter falls to be decided according to the IWF ADP and subsidiarily Swiss law.

VII THE RELEVANT IWF ADP RULES

35. The edition of the IWF ADP in force at the time of the 2011 Violation was the 2009 IWF ADP. By Article 18.7 of the 2009 IWF ADP, those rules came into full force and effect on 31 March 2009.

36. The version of the IWF ADP in force at the time of this appeal is the 2012 IWF ADP. Those Rules are (perhaps surprisingly) expressed to "have come into full force and effect on 1 January 2009 (defined as the "Effective Date")": see Article 19.7. They are not to apply retrospectively to matters pending before the Effective Date, provided, however, that:

> *"19.7.1 With respect to any anti-doping rule violation case which is pending as of the Effective Date and any anti-doping rule violation case brought after the Effective Date based on an anti-doping rule violation which occurred prior to the Effective Date, the case shall be governed by the substantive anti-doping rules in effect at the time the alleged anti-doping rule violation occurred unless the panel hearing the case determines the principle of "lex mitior" appropriately applies under the circumstances of the case."*

37. By Article 19.7.3 of the 2012 IWF ADP, provision was made for the effect of the amendment to the Articles by which the standard sanction for violations of, *inter alia*, Article 10.2 of the 2009 Code was reduced. It provides:

> *"With respect to cases where a final decision finding an anti-doping rule violation has been rendered prior to the Effective Date, but the Athlete or other Person is still serving the period of Ineligibility as of the Effective Date, the Athlete or other Person may apply to the Anti-Doping Organization which had*

results management responsibility for the anti-doping rule violation to consider a reduction in the period of Ineligibility in light of these anti-doping rules. Such application must be made before the period of Ineligibility has expired. The decision rendered may be appealed pursuant to Article 13.2. These anti-doping rules shall have no application to any anti-doping rule violation case where a final decision finding an anti-doping rule violation has been rendered and the period of ineligibility has expired."

38. Article 10.2 of the 2009 Code provided as follows:

"The period of Ineligibility imposed for a violation of Article 2.1 (Presence of Prohibited Substance or its Metabolites or Markers), Article 2.2 (Use or Attempted Use of Prohibited Substance or Prohibited Method) or Article 2.6 (Possession of Prohibited Substances and Prohibited Methods) shall be as follows, unless the conditions for eliminating or reducing the period of Ineligibility, as provided in Articles 10.4 and 10.5, or the conditions for increasing the period of Ineligibility, as provided in Article 10.6, are met:
First violation: Four (4) years' Ineligibility."

39. Article 10.2 of the 2012 Code is in identical terms, save that the period of ineligibility is set at 2 years.

40. It has not been suggested in the course of the appeal that any of Articles 10.4, 10.5 or 10.6 are relevant and there has been no evidence produced which might make any of them material.

41. Article 10.7.1 under the heading "Multiple Violations" is in the same terms in both the 2009 and 2012 Codes. It provides, *inter alia*, that the standard sanction for a second anti-doping rule violation under Article 10.2 where the first violation was punished with a standard sanction under Article 10.2 shall be a period of Ineligibility of between 8 years and lifetime.

42. Article 10.7.5 states as follows:

"For the purposes of Article 10.7, each anti-doping rule violation must take place within the same eight (8) year period in order to be considered multiple violations."

43. Article 10.8 of both the 2009 and 2012 Codes provides as follows:

"In addition to the automatic Disqualification of the results in the Competition which produced the positive Sample under Article 9 (Automatic Disqualification of

Individual Results), all other competitive results obtained from the date a positive Sample was collected (whether In-Competition or Out-of-Competition), or other anti-doping rule violation occurred, through the commencement of any Provisional Suspension or Ineligibility period, shall, unless fairness requires otherwise, be Disqualified with all of the resulting Consequences including forfeiture of any medals, points and prizes."

44. Article 10.9 of both the 2009 and 2012 Codes provides (so far as material) as follows:

"Except as provided below, the period of Ineligibility shall start on the date of the hearing decision providing for Ineligibility or, if the hearing is waived, on the date Ineligibility is accepted or otherwise imposed. Any period of Provisional Suspension (whether imposed or voluntarily accepted) shall be credited against the total period of Ineligibility imposed....
10.9.3 If a Provisional Suspension is imposed and respected by the Athlete, then the Athlete shall receive a credit for such period of Provisional Suspension against any period of Ineligibility which may ultimately be imposed."

VIII. MERITS OF THE APPEAL

45. The Sole Arbitrator is comfortably satisfied that each of the two anti-doping violations on which WADA relies occurred. The Athlete did not seek to challenge the findings which led to the first suspension following a test taken in the period 14 to 22 November 2003 during the World Championships in Vancouver. No suggestion has been made in the course of this appeal that the Athlete was not guilty of that violation or that the laboratory report detecting peptide hormone HCG in his sample was incorrect. As to the second violation, the Athlete was tested on 13 April 2011 during the European Championships. Neither at the original hearing on 7 November 2011 nor on this appeal did the Athlete seek to suggest that the analysis of the A or B sample was in any way in error or that there was any deficiency in the way the samples were collected and treated. The Athlete did not seek to appeal against the decision of the IWF DHP.

46. Since the first violation took place in November 2003 and the second in April 2011 the two violations took place within the same eight year period and must therefore be considered multiple violations within the terms of Article 10.7.5 of both the 2009 and 2012 IWF ADP.

47. When the Athlete was found by the IWF DHP in 2011 to have committed a second anti-doping violation under Article 10.2, the IWF DHP should have imposed a sanction of between 8 years and life ineligibility in accordance with the 2009 IWF ADC. The only reason why it could have failed to impose a sanction in accordance with Article 10.2 of the 2009 Code is that it was not made aware of the fact that the Athlete had

been previously sanctioned in 2003. It imposed an incorrect sanction on the Athlete in respect of the 2011 Violation as it failed to appreciate that the Athlete had previously been sanctioned for an anti-doping rule violation. This information should have been known or made available to the IWF DHP.

48. In these circumstances the period of ineligibility imposed ought to have been between 8 years and life.

49. The letter from IWF dated 29 October 2012 purported to record a decision of the IWF Executive Board by which the period of ineligibility imposed on the Athlete was reduced so as to end of 13 May 2013. The material parts of that letter are as follows:

> *"... [A]mong others Article 10.2 was amended and the **period of Ineligibility for first violation was reduced from 4 years to 2 years.** Other related provisions are amended accordingly.... In addition to the above, the IWF Executive Board decided to apply this reduction of suspension to all athletes who are still serving their period of ineligibility longer than 2 years."*

The letter then identified the Athlete as one of those to benefit from the decision of the Executive Board.

50. It appears that by its letter the IWF was trying to short-circuit the process envisaged by Article 19.7.3 of the 2012 IWF ADP. Under that provision an athlete seeking to take advantage of the reduction in penalties under the 2012 IWF ADP would have to apply to the Anti-Doping Organization which had results management responsibility for the anti-doping rule violation (in the case of the Athlete, IWF). Although the process used in sending out the letter of 26 October 2012 (and no doubt other letters in similar terms) was technically flawed, it did no more than speed up what might otherwise have been a somewhat tedious administrative process for IWF Executive Board.

51. The substance of the problem with the decision recorded in the letter is that it was written on the basis that the Athlete was a first time offender, as would have appeared correct to the IWF Executive Board on the face of the IWF DHP's decision. Since in fact the Athlete had been guilty of a second anti-doping rule violation the fundamental premise of the letter was flawed. The decision was intended only to benefit a person serving a four year period of ineligibility under the terms of Article 10.2 as it stood in the 2009.

52. In these circumstances the 2011 IWF DHP decision must be set aside and a fresh sanction imposed in accordance with Article 10.7 of the 2009 version of the Code.

Such a sanction must be in the range of 8 years to life ineligibility. Once this is done the decision of the IWF Executive Committee falls away because on its true construction the decision was intended only to apply to athletes serving a period of ineligibility longer than two years under the 2009 version of Article 10.2. It has no application to the Athlete who is to serve a period of ineligibility under Article 10.7 of the 2009 Code.

IX. THE SANCTION

53. WADA submitted that as a result of the failure of IWF to inform the IWF DHP in 2011 of the Athlete's 2003 anti-doping violation and its failure to inform WADA timeously of the 2011 decision, the Athlete has been for some 18 months been eligible to compete, and has been competing, in circumstances where he should have been serving a long or even a lifetime ban. It asserts that in these circumstances and in the light of the seriousness of the two violations there were no reasons why the Athlete should benefit from the minimum ban of 8 years.

54. It is correct that the Athlete should not have been in a position to complete during the period from 13 May 2013, but he did so having been cleared to compete by the IWF. It was the failure of the IWF to alert the IWF DHP to the Athlete's first anti-doping rule violation which led to the imposition of a period of ineligibility of only 4 years. It is unrealistic to expect the Athlete to have done this when the IWF did not do so.

55. As to the seriousness of the second violation, this was no more nor less serious than many other violations. The second violation was, it appears, a violation committed by negligence rather than by intent. As the IWF DHP observed in its decision: "*Any athlete who uses a so-called "supplement" without knowing precisely what ingredients and constituents it has is taking a risk that in fact it contains a Prohibited Substance. It is tragic to see an illustrious sporting career end because the athlete has gambled on the contents of a "supplement", but has lost that gamble. It is a very high price to pay.*"

56. In all the circumstances this is not a case which calls for a period of ineligibility greater than the lower end of the bracket set out in the IWF DHP and the appropriate period of ineligibility is one of eight years.

57. There follows the question of whether the results obtained by the Athlete in the period from 13 May 2013 to the date of this award should be allowed to stand. The terms of Article 10.8 provide for a case such as the present. They provide for disqualification of results from the date a positive sample was collected "through the commencement of any Provisional Suspension or Ineligibility Period". The word "any" has the effect

of catching results in any period between the end of a period of Ineligibility and the re-commencement of a period of Ineligibility as a result of a decision on appeal.

58. The question then arises as to whether fairness requires that those results should be allowed to stand. Article 10.8 provides for the disqualification of results in a case "unless fairness requires otherwise". There is nothing in this case which requires that the Athlete's results be allowed to stand. Under Article 10.9 the period of ineligibility (subject to certain exceptions) "*shall start on the date of the hearing decision providing for Ineligibility*". One of the exceptions gives athletes credit for any period of provisional suspension preceding the hearing decision. The effect in this case has been to backdate the period of ineligibility so as to commence on 13 May 2011. It would be contrary to fairness and common sense for the Athlete to be able to retain the benefit of his results over the period from May 2013 while at the same time having the benefit of counting the same period as a part of his period of Ineligibility.

X. CONCLUSION

59. It follows that WADA's appeal must be allowed and a period of eight years ineligibility imposed on the Athlete. The determination of the IWF DHP as to the period of Ineligibility is set aside and a period of eight years ineligibility is substituted commencing on 13 May 2011. The effect of this is to make void the decision of the IWF Executive Committee to reduce the period of ineligibility imposed by the IWF DHP to two years, that decision having been made upon the false premise that the Athlete's anti-doping rule violation was a first offence. As a consequence, his individual results since 13 May 2013 are disqualified including the forfeiture of any medals, points and prizes.

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XI. COSTS

60. As this is a disciplinary case of an international nature, pursuant to Article R65.1 of the Code the proceedings are free of charge, except for the Court Office fee, already paid by the Appellant, which is retained by the CAS.

61. The Sole Arbitrator notes the further provisions in Article R65 of the Code, in particular Article R65.3 which bestows discretion upon the Sole Arbitrator to grant the prevailing party a contribution towards its legal costs and expenses.

62. This need for this appeal arose from the error of IWF in not providing the IWF DHP in 2011 with information as to the 2003 violation. In those circumstances the appropriate order is that IWF should pay a contribution of CHF 3,000 towards the costs of this appeal.

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ON THESE GROUNDS

The Court of Arbitration for Sport rules that:

1. The decision of the IWF Doping Hearing Panel issued on 7 November 2011 is varied in that in place of a period of four years ineligibility a period of eight years ineligibility is imposed on the Athlete, such period to be calculated from 13 May 2011.

2. The decision of the IWF Executive Board contained in its letter dated 29 October 2012 is declared void.

3. All competitive individual results obtained by the Athlete from 13 April 2011 are disqualified (including forfeiture of any medals, points and prizes).

4. IWF shall pay a contribution of CHF 3,000 (three thousand Swiss Francs) towards the costs of WADA incurred in connection with these arbitration proceedings.

5. All other motions or prayers for relief are dismissed.

Lausanne, 16 December 2014

THE COURT OF ARBITRATION FOR SPORT

His Hon. James Robert Reid QC
Sole Arbitrator

9. **Oral presentation**

By signature of the present Order, the parties confirm their agreement that the Sole Arbitrator may decide this matter based on the parties' written submissions. The parties confirm that their right to be heard has been respected. Pursuant to Article R57 of the Code, the Sole Arbitrator considers himself to be sufficiently well informed to decide this matter without the need to hold a hearing.

10. **Award**

In accordance with Article R59 of the Code, the Sole Arbitrator will render a written, reasoned award, which will be notified to the parties by the CAS Court Office.

11. **Costs**

11.1 Article R65 of the Code shall apply.

11.2 In accordance with Article R65.2 of the Code, the Appellant paid the Court Office fee of CHF 1'000.

12. **Publication**

Pursuant to Article R59 of the Code, the award, a summary, and/or a press release setting forth the results of the proceedings shall be made public by the CAS, unless all parties agree that they should remain confidential.

Lausanne, 4 December 2014

On behalf of the Sole Arbitrator:

Christopher SINGER
Counsel to the CAS

Read and agreed upon by

DR. TAMÁS AJÁN

on behalf of the Appellant / First Respondent
/ on behalf of the Respondent

on 12 / 12 / 2014

INTERNATIONAL WEIGHTLIFTING FEDERATION

Signature: