



MALTA FOOTBALL ASSOCIATION

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

THE CONTROL AND DISCIPLINARY BOARD.

4 th, May , 2016
Mr. Jake Farrugia
[...]

Mr Farrugia,
The Segretarju

Decision taken by the Control and Disciplinary Board hearing on the Control and Disciplinary Board on Tuesday 3 May, 2016, at 5:30 pm at the Malta F.A. Headquarters , Floor 2, Millennium Stand, Ta 'Qali. On this charge mentioned below

02) Charge against Jake Farrugia (player of Mellieha FC) for after he made the doping test at the end of the match between Mellieha SC and Mgarr Utd the 19.02.2016 is found positive for Nandrolone and Boldenone and this breach of inter alia, Articles 2 and 10 of the Wada Code 2015;

The Board:

After having seen the charge brought against Jake Farrugia "the Player";

After having seen the medical report;

After having heard the player give evidence;

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

After having seen the relative sections of the WADA CODE 2015;

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 Nandrolone u Boldenone duly found in the WADA PROHIBITED LIST 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.

It is also clear that in accordance with the Wada Code if a player intended to cheat, whatever the substance, the period of ineligibility is four (4) years. Otherwise, the period of ineligibility is two years – unless the player can show that he had had no significant fault or negligence, in which case ineligibility may be reduced by up to a maximum of one year (that is, to a minimum ineligibility of one year). If the violation involved a specified substance or a contaminated product and the player can demonstrate no significant fault, ineligibility may range from two years to a reprimand (depending on the level of fault).

It has been established the substances are of a non-specified nature.

The Board furthermore considers that:

The Player had sustained an injury in April 2015 and was recovering from such injury.

The Player was not fit enough to play competitive football and only featured on the line up for “number” purposes;

Therefore the Board deems that the Player did not intend to cheat as there was no intention/possibility of competing and therefore this would mean that the punishment shall be reduced from 4 years to 2 years ineligibility.

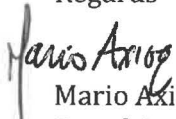
Since the substances in question are of a non-specified nature, then the player can only benefit from another reduction (one year) if it is proven that there was no fault or negligence on his part.

The Board believes that the Player knew what he was doing when taking such substances and therefore the Player cannot benefit from a further reduction.

Therefore:

After having seen articles 2 and 10 of the WADA Code the Board find the Player guilty of a doping offence under the same article in terms of the charge brought against him and condemns him to a period of ineligibility of two (2) years from all football activities which period shall be considered to have commenced from the 8th of March 2016 being the date of the commencement of the temporary suspension until the 7th of March 2018.

Regards


Mario Axiaq
Board Secretary

cc. Mellieha SC