



MALTA FOOTBALL ASSOCIATION

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

THE CONTROL AND DISCIPLINARY BOARD.

1 st, June, 2016

Mr. Sur Miguel Francica

[...]

Mr. Francica
The Secretary,

Decision taken by the Control and Disciplinary Board hearing on the Control and Disciplinary Board on Tuesday 31 st. May, 2016, at 5:30 pm at the Malta F.A. Headquarters, Floor 2, Millennium Stand, Ta' Qali. On this charge mentioned below

01) Charge against Miguel Francica (MFA No.16629) (Player of Sta Lucia FC (Loan and Zebbug Rangers FC) for after he made the doping test at the end of the match between Sta Lucia FC v Ghaxaq FC of 02.04.2016 is found positive for benzoylcognine (*main metabolite of Cocaine*) and this breach of inter alia, Articles 2 and 10 of the Wada Code 2015;

The Board:

After having seen the charge brought against Miguel Francica "the Player";

After having seen the medical report;

After having heard Dr David Attard;

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 benzoylecognine (*main metabolite of Cocaine*) 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 substance is of a non-specified nature.

The Board furthermore considers that:

The medical board stated that *"There is no evidence to show that there was intentional doping and we are of opinion that this is a "social drug" issue"* and the Board feels that it should not depart from such a conclusion.

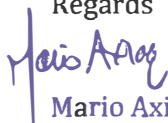
Therefore the Board deems that the Player did not intend to cheat and therefore the punishment shall be reduced from 4 years to 2 years ineligibility.

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 significant fault or negligence on his part.

The Board asserts that there is no proof that there was no significant fault or negligence on the part of the player in this case and therefore the Player cannot benefit from any 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. Any temporary suspensions served by the Player with regard to the above shall be taken into consideration in relation to the said suspension and therefore the suspension shall span as follows: ie. from 19 th April, 2016 (date of temporary suspension) to 18 th April 2018 (both dates inclusive).

Regards

Mario Axiaq
Board Secretary

Cc: Sta Lucia FC

Cc: Zebbug Rangers FC