



# MALTA FOOTBALL ASSOCIATION

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

4 th May, 2017  
Mr. Ian Zammit  
5, Flat 3  
Spurs Str  
Valletta

Mr Zammit  
The Secretary

Decision taken by the Control and Disciplinary Board hearing into the Control and Disciplinary Board on **Tuesday 18 th April, 2017**, at 5:30 pm in Malta F.A. Headquarters , Floor 2, Millennium Stand, Ta 'Qali. On this charge mentioned below

**01) charge against Ian Zammit (player of Sirens FC) (13 352 MFA) for after he made the text doping at the end of the match between Sirens FC Senglea FC of 29 October 2016 is found positive to the substance known as benzoylecognine (main metabolite of cocaine) and this breach of inter alia Articles 2 and 10 of the Wada Code 2015, inter alia, Articles 2 and 6 of the MFA Doping Charter;**

## The Board:

After having seen the charge brought against Ian Zammit “the Player”;

After having seen the medical report dated 30<sup>th</sup> of November 2016;

After having heard evidence of Dr Daniel McKeon, Dr. Mark Abela u 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 applicable at time of the offence;

## 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 as a **non-specified substance** 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.

**With regards to the penalty to be inflicted:**

The Player argues that the result was a false positive due to a number of medicinals which were being taken by the Player to cure a chronic cough.

Apart from there being no evidence of this alleged false positive result, Dr Attard stated that this was very highly unlikely due to the rigorous tests performed by the authorised WADA laboratories which effected the tests in question.

The player was given the opportunity to ask for the documentary analytical analysis of his test however the player did not avail himself of this opportunity.

In accordance with the Wada Code 2015, 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 was no evidence to show that this was a false positive and the Board feels that in the circumstances (including lack of evidence to the contrary) it should not depart from such a conclusion.

The Board also deems that the Player did not manage to show (as the onus is transferred unto him) that there was no intention on his part to enhance his performance and/or that there was no fault or negligence or significant fault or negligence on his part.

**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 four (4) years from all football activities.

Any temporary suspensions served by the Player with regard to the above shall be deducted from the said suspension and therefore the period of ineligibility shall commence to run from the 16<sup>th</sup> of November 2016.

Cc:- Sirens FC

Regards

  
Mario Axiaq  
Board Secretary