

Issued Decision

UK Anti-Doping and Luke Traynor

Disciplinary Proceedings under the Anti-Doping Rules of United Kingdom Athletics

This is an Issued Decision made by UK Anti-Doping Limited ('UKAD') pursuant to United Kingdom Athletics' Anti-Doping Rules (the 'UKA ADR'), effective 1 January 2015¹. It concerns a violation of the UKA ADR committed by Mr Luke Traynor and records the applicable Consequences.

Capitalised terms used in this Decision shall have the meaning given to them in the UKA ADR unless otherwise indicated.

Jurisdiction and Applicable Rules

1. World Athletics, formerly the International Association of Athletics Federations ('IAAF') is the International Federation governing the sport of athletics.
2. Article 1.5 of the IAAF Anti-Doping Rules ('IAAF ADR')², effective 1 January 2019, states:
 - 1.5 *These Anti-Doping Rules shall apply to the IAAF and to each of its National Federations and Area Associations. All National Federations and Area Associations shall comply with the Anti-Doping Rules and Anti-Doping Regulations. The Anti-Doping Rules and Anti-Doping Regulations shall be incorporated either directly, or by reference, into the rules or regulations of each National Federation and Area Association, and each National Federation and Area Association shall include in its rules the procedural regulations necessary to implement the Anti-Doping Rules and Anti-Doping Regulations effectively (and any changes that may be made to them). The rules of each National Federation and Area Association shall specifically provide that all Athletes and other Persons under its jurisdiction shall be bound by the Anti-Doping Rules and Anti-Doping Regulations, including submitting to the results management authority set out in such rules.*
3. United Kingdom Athletics ('UKA') is the National Governing Body for the sport of athletics in the United Kingdom and a National Federation for the purposes of the IAAF ADR. In accordance with Article 1.5 of the IAAF ADR, UKA adopted the IAAF ADR via Rule 2.1 of the UKA ADR:

¹ These Rules have since been updated by UKA.

² These Rules have since been updated by World Athletics.

2.1 *UKA hereby adopts the IAAF Anti-Doping Rules (as amended from time to time) as its anti-doping rules subject to UKA's specific amendments and supplemental rules as to management and enforcement set out below. The IAAF Anti-Doping Rules currently in force are set out at <http://www.iaaf.org/about-iaaf/documents/anti-doping>. In the event that the IAAF adopts new Anti-Doping Rules which supersede these Rules, the new IAAF Anti-Doping Rules will prevail...*

4. Rule 4 of the UKA ADR sets out that:

4.1 *These Rules shall apply to and shall bind all Athletes...under the jurisdiction of UKA (as derived from the IAAF) even if any such Athletes...have not signed and returned a form of acknowledgement and agreement as envisaged by Rule 30.3 of the IAAF Anti-Doping Rules. Those to whom these Rules apply include:*

- a) *all Athletes...who are members of, or licensed by UKA and/or member or affiliate organisations of UKA (including any clubs, teams, associations or leagues);*
- b) *all Athletes ... participating in such capacity in Events, Competitions and other Athletics activities organised, convened authorised or recognised by UKA or any of its member or affiliate organisations (including any clubs, teams, associations or leagues), wherever held...*

5. At all material times, Mr Traynor was subject to the UKA ADR and the IAAF ADR by virtue of his membership of UKA and his participation in events organised, convened, authorised or recognised by UKA.

6. Article 7.1 of the IAAF ADR states:

7.1 *Except as provided for in Article 7.2 below, results management and hearings shall be the responsibility of, and shall be governed by, the procedural rules of the National Federation or Anti-Doping Organisation that initiated and directed Sample collection (or, if no Sample collection is involved, the National Federation or Anti-Doping Organisation which first provides notice to an Athlete or other Person of an asserted Anti-Doping Rule Violation and then diligently pursues that Anti-Doping Rule Violation).*

None of the provisions of Article 7.2 of the IAAF ADR apply in this case. UKAD, as the relevant National Anti-Doping Organisation ('NADO'), initiated and directed that the Sample in this matter be collected from Mr Traynor.

7. Furthermore, Rule 5.1 of the UK ADR states:

5.1 *Without prejudice to its rights under Rule 5.2 below, UKA appoints the NADO to undertake Testing on Athletes in the UK. UKA may at any time*

appoint the NADO to carry out the results management process (including the presentation of the case at any hearing) ...A copy of the existing notice of delegation to the NADO of 14th December 2009, which is currently in force, is at Schedule 3 of these Rules.

8. Schedule 3 of the UKA ADR states:

With effect from today (Monday 14 December 2009) UKA appoints UK Anti-Doping (UKAD), which is the successor National Anti-Doping Organisation to the Drug-Free Directorate of UK Sport, to carry out the results management process in respect of any adverse analytical finding, atypical finding or other alleged anti-doping rule violation on behalf of UKA. For the avoidance of doubt, the results management process includes the presentation of the case at any hearing on behalf of UKA...

9. UKAD therefore has authority to conduct results management in relation to this violation of the UKA ADR.

Facts

10. Mr Traynor is a 26-year old long distance and cross-country runner. He has competed for Great Britain at the World Cross-Country Championships in 2019 and the World Half Marathon Championships in 2018. He has also represented Great Britain in the European Cross-Country Championships at U20 and U23 levels.
11. On 27 May 2019, UKAD collected an In-Competition urine Sample from Mr Traynor at the Vitality London 10k race held in London. The Sample was separated into two bottles which were given the reference numbers A1152943 (the 'A Sample') and B1152943 (the 'B Sample').
12. Both Samples were transported to the World Anti-Doping Agency ('WADA') accredited laboratory, the Drug Control Centre, King's College London ('the Laboratory'). The Laboratory analysed the A Sample in accordance with the procedures set out in WADA's International Standard for Laboratories. The analysis returned an Adverse Analytical Finding ('AAF') for benzoylecgonine (a metabolite of cocaine).
13. Cocaine is listed under section S6a (Stimulants) of the WADA 2019 Prohibited List as a Stimulant. It is a non-Specified Substance that is prohibited In-Competition only.
14. Mr Traynor did not have a Therapeutic Use Exemption.
15. On 3 July 2019 UKAD issued Mr Traynor with a Notice of Charge and a Provisional Suspension. The Notice of Charge alleged the commission of an Anti-

Doping Rule Violation ('ADRV') pursuant to Article 2.1 of the IAAF ADR (Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample).

Admission and Consequences

16. Article 2.1 of the IAAF ADR provides that the following amounts to an ADRV:

Doping is defined as the occurrence of one or more of the following (each an "Anti-Doping Rule Violation"):

2.1 Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample

2.1.1 It is each Athlete's duty to ensure that no Prohibited Substance enters his 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.

17. On 14 July 2019 Mr Traynor formally admitted committing an ADRV pursuant to IAAF ADR Article 2.1 in his response to the Notice of Charge.

18. Article 7.7.4 of the UK Anti-Doping Rules 2015 (Version 1.0) states as follows:

7.7.4 In the event that...the Athlete or other Person admits the Anti-Doping Rule Violation(s) charged and accedes to the Consequences specified by UKAD (or is deemed to have done so in accordance with Article 7.7.1), neither B Sample analysis nor a hearing is required. Instead, UKAD shall promptly issue a reasoned decision confirming...the commission of the Anti-Doping Rule Violation(s) and the imposition of the specified Consequences, shall send notice of the decision to the Athlete or other Person and to each Interested Party, and shall Publicly Disclose the decision in accordance with Article 8.4.

19. This Decision is issued pursuant to Article 7.7.4 of the UK Anti-Doping Rules 2015 without a hearing and on the basis of the admission to the ADRV charged and the acceptance of the Consequences by Mr Traynor.

20. Article 10.2 of the IAAF ADR states as follows:

10.2 Ineligibility for Presence, Use or Attempted Use, or Possession of a Prohibited Substance or Prohibited Method

The period of Ineligibility imposed for an Anti-Doping Rule Violation under Article 2.1...that is the Athlete...s first anti-doping offence shall be as follows, subject to potential reduction or suspension pursuant to Article 10.4, 10.5 or 10.6:

10.2.1 *The period of Ineligibility shall be four years where:*

- (a) *The Anti-Doping Rule Violation does not involve a Specified Substance, unless the Athlete or other Person establishes that the Anti-Doping Rule Violation was not intentional.*
- (b) *[...]*

10.2.2 *If Article 10.2.1 does not apply, the period of Ineligibility shall be two years.*

21. With regards to the meaning of 'intentional', Article 10.2.3 of the IAAF ADR states as follows:

10.2.3 As used in Articles 10.2 and 10.3, the term "intentional" is meant to identify those Athletes or other Persons who cheat. The term, therefore, requires that the Athlete or other Person engaged in conduct that he knew constituted an Anti-Doping Rule Violation or knew that there was a significant risk that the conduct might constitute or result in an Anti-Doping Rule Violation and manifestly disregarded that risk. An Anti-Doping Rule Violation resulting from an Adverse Analytical Finding for a substance that is only prohibited In-Competition...shall not be considered "intentional" if the Substance is not a Specified Substance and the Athlete can establish that it was Used Out-of-Competition in a context unrelated to sport performance.

22. IAAF ADR Article 10.2.1(a) therefore provides that, as cocaine is a non-Specified Substance that is prohibited In-Competition only, the period of Ineligibility to be imposed shall be four years, unless Mr Traynor can establish, on the balance of probability, that his violation of IAAF ADR Article 2.1 was not intentional. If Mr Traynor can establish that his ingestion of cocaine took place Out-of-Competition in a context unrelated to sport performance, his ADRV shall not be considered intentional, and the period of Ineligibility shall be two years.

23. In admitting the ADRV, Mr Traynor explained that his ingestion of cocaine was not intentional as that term is contemplated by IAAF ADR Article 10.2.3. Mr Traynor asserts that on the evening of 24 May 2019 he was out drinking in Glasgow. Mr Traynor states that he was offered cocaine at approximately 2:00am on 25 May 2019, which he accepted and ingested intranasally. He states that this was the first and only time that he had ingested cocaine.

24. UKAD instructed Professor David Cowan OBE, former Director of the Laboratory, to review the account provided by Mr Traynor. Professor Cowan provided a written opinion on 28 November 2019, in which he stated that *"the finding of benzoylecgonine in the Athlete's Sample may be explained by the account of the ingestion by the athlete (ie 1 line of cocaine taken at or about 2am on 25 May*

2019 – nasal inhalation)". Professor Cowan found no evidence of ingestion In-Competition.

25. In light of the explanation provided by Mr Traynor and the opinion of Professor Cowan, UKAD considers that, on the balance of probability, Mr Traynor did not act intentionally, as that term is defined in IAAF ADR Article 10.2.3. The period of Ineligibility to be applied in these circumstances in accordance with IAAF ADR Article 10.2.2 is therefore two years.
26. The period of Ineligibility can be reduced if Mr Traynor can establish that he bears No Significant Fault or Negligence in accordance with IAAF ADR Article 10.5.2 or can be eliminated, if he can establish that he bears No Fault or Negligence in accordance with IAAF ADR Article 10.4.
27. Mr Traynor accepts that he cannot establish that he bears No Significant Fault or Negligence or No Fault or Negligence and that the period of Ineligibility to be applied is therefore two years.

Commencement of period of Ineligibility

28. IAAF Article 10.10 requires that the period of Ineligibility starts on the date that the decision imposing Consequences is issued.
29. However, IAAF ADR Article 10.10.2(b) allows for the period of Ineligibility to start as early as the date of Sample Collection where the ADRV is admitted promptly by the Athlete after being confronted by it.
30. Mr Traynor was charged on 3 July 2019 and admitted the ADRV in his response dated 14 July 2019. UKAD considers this to be a timely admission and therefore IAAF ADR Article 10.10.2(b) applies. As such, the period of Ineligibility is therefore deemed to have commenced on 27 May 2019 and will expire at midnight on 26 May 2021. Mr Traynor will be eligible to compete again on 27 May 2021, subject to fulfilling all reinstatement criteria.

Status during Ineligibility

31. During the period of Ineligibility, Mr Traynor's status is governed by IAAF ADR Article 10.11.1 which states:

10.11 Status During Ineligibility

10.11.1 *Prohibition Against Participation During Ineligibility:*

- (a) *No Athlete or other Person who has been declared Ineligible may, during the period of Ineligibility, compete or otherwise participate in any capacity in (or, if the Athlete is*

an Athlete Support Person, assist any Athlete competing or otherwise participating in any capacity in):

- (i) any International Competition;*
- (ii) any other Competition or Event or activity (other than authorised anti-doping education or rehabilitation programmes) authorised, organised or sanctioned by the IAAF, any National Association or member of a National Association, or any Area Association, or any Signatory, Signatory's member organisation, or club or member organisation of that Signatory's member organisation;*
- (iii) any Event or Competition authorised or organised by any professional league or any international or national-level Event or Competition organisation; or*
- (iv) any elite or national-level sporting activity funded by a governmental agency.*

32. Mr Traynor may return to train as part of a team or to use the facilities of a club or other member organisation of World Athletics or a Signatory's member organisation during the last two months of his period of Ineligibility (i.e. from midnight on 26 March 2021) pursuant to IAAF ADR Article 10.11.1(b)(ii).

33. IAAF ADR Article 10.12 sets out the conditions that must be met prior to reinstatement:

10.12 Conditions of Reinstatement:

- 10.12.1 *As a condition of reinstatement, an Athlete who is subject to a period of Ineligibility must respect the conditions of Article 10.11.5, failing which the Athlete shall not be eligible for reinstatement until he has made himself available for Testing (by notifying the IAAF in writing) for a period of time equal to the period of Ineligibility remaining as at the date he first stopped making himself available for Testing, except that in the event that an Athlete retires while subject to a period of Ineligibility, the conditions set out in Article 5.8.2 shall apply.*
- 10.12.2 *Once the period of an Athlete's Ineligibility has expired, and the Athlete has fulfilled the foregoing conditions of reinstatement, then provided that (subject to Article 10.10.1) the Athlete has paid in full all amounts forfeited, and has satisfied in full any award of costs made against the Athlete by the Disciplinary Tribunal and/or by the CAS following any appeal made pursuant to Article 13.2, the*

Athlete will become automatically re-eligible and no application by the Athlete for reinstatement will be necessary. If, however, further amounts become due after an Athlete's period of Ineligibility has expired (as a result of an instalment plan established pursuant to Article 10.10.1), then any failure by the Athlete to pay all outstanding amounts on or before their respective due dates shall render the Athlete automatically Ineligible to participate in further International Competitions until all amounts due are paid in full.

34. Rule 9.3 of the UKA ADR requires that all Athletes to meet the IAAF ADR requirements in relation to reinstatement.

Summary

35. For the reasons provided above, UKAD has issued this Decision in accordance with Article 7.7.4 of the UK Anti-Doping Rules 2015 and records that:
- a. Mr Traynor has committed an ADRV pursuant to Article 2.1 of the IAAF ADR;
 - b. A period of Ineligibility of two years is imposed pursuant to IAAF ADR Article 10.2.2;
 - c. Acknowledging the timely admission pursuant to IAAF ADR Article 10.10.2(b), the period of Ineligibility is deemed to have commenced on 27 May 2019 and will expire at midnight on 26 May 2021;
 - d. Mr Traynor's status during the period of Ineligibility shall be as detailed in IAAF ADR Article 10.11; and
 - e. Pursuant to Rule 9.3 of the UKA ADR, in order to regain eligibility, Mr Traynor must comply with the requirements set out at IAAF ADR Article 10.12.
36. Mr Traynor, UKA, World Athletics and WADA have a right of appeal against this decision or any part of it in accordance with IAAF ADR Article 13.2.

29 May 2020