CAS 2009/A/1817 **WADA & FIFA v. Cyprus Football Association (CFA), Carlos Marques, Leonel Medeiros, Edward Eranosian, Angelos Efthymiou, Yiannis Sfakianakis, Dmytro Mykhailenko, Samir Bengeloun, Bernardo Vasconcelos**

CAS 2009/A/1844 **FIFA v. Cyprus Football Association and Edward Eranosian**

ARBITRAL AWARD

delivered by the

COURT OF ARBITRATION FOR SPORT

sitting in the following composition:

President: Prof. Luigi **Fumagalli**, Attorney-at-Law, Milan, Italy

Arbitrators: Prof. Richard H. **McLaren**, Attorney-at-Law, London, Ontario
Mr Michele **Bernasconi**, Attorney-at-Law, Zurich, Switzerland

* * *

In the arbitration proceedings CAS 2009/A/1817

between

World Anti-Doping Agency (WADA), Lausanne, Switzerland
Represented by Mr François Kaiser, Attorney-at-Law, Lausanne, Switzerland

as Appellant

Fédération Internationale de Football Association (FIFA), Zurich, Switzerland
Represented by Mr Marco Villiger and Mr Paolo Lombardi, Zurich, Switzerland

as Intervener

and

Cyprus Football Association (CFA), Cyprus
Represented by Mr Antonio Rigozzi, Attorney-at-Law, Geneva, Switzerland

Edward Eranosian
Represented by Mr Christos M. Triantafyllides, Attorney-at-Law, Nicosia, Cyprus

Carlos Marques, Leonel Medeiros, Angelos Efthymiou, Yiannis Sfakianakis, Dmytro Mykhailenko, Samir Bengeloun, Bernardo Vasconcelos
Represented by Mr Howard L. Jacobs, Attorney-at-Law, Westlake Village, United States

as Respondents

* * *

In the arbitration proceedings CAS 2009/A/1844

between

Fédération Internationale de Football Association (FIFA), Zurich, Switzerland
Represented by Mr Marco Villiger and Mr Paolo Lombardi, Zurich, Switzerland

as Appellant

and

Cyprus Football Association (CFA), Cyprus
Represented by Mr Antonio Rigozzi, Attorney-at-Law, Geneva, Switzerland

Edward Eranosian
Represented by Mr Christos M. Triantafyllides, Attorney-at-Law, Nicosia, Cyprus

as Respondents

1. BACKGROUND

1.1 Introduction

1. These two appeals (CAS 2009/A/1817, *WADA & FIFA v. Cyprus Football Association (CFA), Carlos Marques, Leonel Medeiros, Edward Eranosian, Angelos Efthymiou, Yiannis Sfakianakis, Dmytro Mykhailenko, Samir Bengeloun, Bernardo Vasconcelos*, and CAS 2009/A/1844, *FIFA v. Cyprus Football Association and Edward Eranosian*) arise out of the same basic facts, have been filed approximately at the same time and have been examined together by the same Panel. Although they have been examined together, the Panel has considered each case separately and has come to a decision on the facts of that appeal. In compliance with the principle of procedural economy, and for the sake of convenience and simplicity, the Panel is issuing one award in relation to the two appeals.

1.2 The Parties

2. The World Anti-Doping Agency (hereinafter referred to as the "WADA") is a Swiss private-law foundation. Its seat is in Lausanne, Switzerland, and its headquarters are in Montreal, Canada. The WADA was created in 1999 to promote, coordinate and monitor the fight against doping in sport in all its forms. WADA is the appellant in CAS 2009/A/1817.

3. The Fédération Internationale de Football Association (hereinafter referred to as "FIFA) is the world governing body of football. It exercises regulatory, supervisory and disciplinary functions over national associations, clubs, officials and players, worldwide. FIFA is an association under Swiss law and has its headquarters in Zurich (Switzerland). FIFA is the appellant in CAS 2009/A/1844 and an intervener in CAS 2009/A/1817.

4. The Cyprus Football Association (hereinafter also referred to as "CFA") is the national football association for Cyprus and is a member of FIFA. CFA is a respondent both in CAS 2009/A/1817 and in CAS 2009/A/1844.

5. Edward Eranosian (hereinafter also referred to as "Mr Eranosian") is a professional football coach of Bulgarian nationality, at the relevant time employed by APOP Kinyras Peyeia F.C. (hereinafter also referred to as "APOP Kinyras"), a Cypriot football club affiliated to the CFA. Eranosian is a respondent both in CAS 2009/A/1817 and in CAS 2009/A/1844.

6. Carlos Marques, Leonel Medeiros, Angelos Efthymiou, Yiannis Sfakianakis, Dmytro Mykhailenko, Samir Bengeloun, Bernardo Vasconcelos (hereinafter also collectively referred to as the "APOP Kinyras Respondents") are professional football players of various nationalities at the relevant time registered with APOP Kinyras (Mr Carlo Marques is hereinafter referred to as "Mr Marques"; Mr Leonel Medeiros is hereinafter referred to as "Mr Medeiros"; Mr Angelos Efthymiou, Mr Yiannis Sfakianakis, Mr Dmytro Mykhailenko, Mr Samir Bengeloun and Mr Bernardo Vasconcelos are hereinafter also collectively referred to as the "Other Players"). The APOP Kinyras Respondents are respondents in CAS 2009/A/1817.

1.3 The Dispute between the Parties

7. The circumstances stated below are a summary of the main relevant facts, as submitted by the parties in their written pleadings or in the evidence offered in the course of the proceedings.

8. On 31 October 2008, Mr Marques took part in a football match between APOP Kinyras and Anorthosis. After the football match, Mr Marques underwent a doping control.

9. On 9 November 2008, Mr Medeiros took part in a football match between APOP Kinyras and APEP Pitsilias. After such football match, Mr Medeiros underwent a doping control.

10. On 31 October 2008, 9 November 2008, and 24 November 2008 doping controls were carried out also on other players of APOP Kinyras.

11. The laboratory analysis performed on the "A" sample collected from Mr Marques and Mr Medeiros indicated the presence of Oxymesterone, a prohibited substance under the applicable anti-doping regulations. The "B" samples confirmed the adverse analytical finding of the "A" samples. The other samples collected from different players of APOP Kinyras tested negative.

12. As a result of the above, the Executive Committee of the CFA appointed on 28 November 2008, Mr George A. Michanikos (hereinafter referred to as "Mr Michanikos") as investigator in charge of carrying out an official inquiry with respect to the adverse analytical findings concerning Mr Marques and Mr Medeiros.

13. On 31 December 2008, Mr Michanikos issued a report (hereinafter referred to, in the English translation provided by the APOP Kinyras Respondents, as the "Investigation Report") setting forth his findings "*after carefully listening to the 26 witnesses and conducting an in depth analysis of their depositions and … (often voluminous) exhibits*", to conclude that Mr Eranosian, Mr Marques, Mr Medeiros, Mr Angelos Efthymiou, Mr Yiannis Sfakianakis, Mr Dmytro Mykhailenko, Mr Samir Bengeloun, Mr Bernardo Vasconcelos, Mr Charalambos Vargas, Mr Georgos Polyviou, Mr Andreas Menelaou, Mr Georgos Nikolaou and Mr Vangelis Demetriou "*have violated specific articles of applicable Regulations and therefore are guilty of disciplinary misdemeanours*".

14. In support of such conclusion, Mr Michanikos inter alia remarked[1] that "*the following unquestionable facts concerning the case emerge:*

- *The football players were given food supplements under the responsibility of the Assistant Coach and Trainer of the Team George Poliviou … during the training session.*
- *At every game, one hour to one and half hour before the start, the Coach Edward Eranosian … gave the 11 football players who were playing 2 white round pills, 1 small one and 1 larger one.*

[1] The quotation is from the English translation of the Investigation Report submitted by the APOP Kinyras Respondents, as supplemented, with respect to a missing portion, by the translation provided by WADA.

- *They were not obligated to take them some didn't take them and some took them but didn't use them and threw them away.*
- *The Coach had the pills in his jacket in a cylindrical box, which was clear plastic, without any label and approximately 5-6 cm high and 2-3 cm in diameter.*
- *The Coach told them these pills were caffeine and according to Bernardo Vasconcelos … vitamins.*
- *Except for the players Lionel Bah …, Miquel Rondrigo Pereira Vargas …, Alexandre Negri …, and Rafael Jaques …, all the other mentioned above took the pills from the Coach and used them at least once.*
- *Bah (...) was never in the eleven starting players, Vargas (...) the first time they were offered to him refused to take the pills and they did not give him again, Negri (...) was goalkeeper and the first time the pills were given to him he did not take them and Jaques (...) did not want to take them.*
- *Except also from Bah (...), Negri (...) and Jaques (...), the other 8 players recognized the pills administered by the Coach (...).*
- *All the players agreed that the pills were being administered by the coach openly in the rest rooms in front of all the players.*
- *Also, according to the majority, present during the administration of the pills were also the other members of the coaching team, Y. Polyviou (...) and Andreas Menelaou (...).*
- *Some [of the players] place at the rest rooms during this time also the steward of the team Pampos Vergas (...) and according to Medeiros (...) some times during the time that the coach administered the pills might be present even members of the administration of the Club but he could not see whether they were watching or not.*
- *During the match against "DOXA" at Makereio Stadium on 16.11.2008, the coach for first time changed the type of pills which administered but except from their description it had not been possible for me to get samples. These pills were of brown-beige color and of cylindrical shape.*
- *Most of the players trusted the coach, especially when after several doping controls on the team no positive sample was found, and they believed that the administered pills contained caffeine. Besides, because they knew that in Cyprus many doping controls are conducted, they did not suspect that someone could give them something prohibited.*
- *These pills caused frequent urination as side effect, according to Mykahilenko (...) who drunk them only once and ever since he was taking them and throwing them, and side effects of insomnia according to Bengeloun (...), Medeiros (...) and Vasconcelos (...). From the latter 3, Bengeloun (...) took them only once when he started the match*".

15. On the basis of the Investigation Report, disciplinary proceedings were started against Mr Eranosian, Mr Marques and Mr Medeiros before the competent Cypriot authorities for anti-doping rule violations.

16. On the other hand, the CFA decided not to open disciplinary proceedings against Mr Angelos Efthymiou, Mr Yiannis Sfakianakis, Mr Dmytro Mykhailenko, Mr Samir Bengeloun, Mr Bernardo Vasconcelos, Mr Charalambos Vargas, Mr Georgos Polyviou, Mr Andreas Menelaou, Mr Georgos Nikolaou and Mr Vangelis Demetriou (such decision is hereinafter referred to as the "Decision concerning the Other Players").

17. On 26 February 2009, a hearing was held before the Judicial Committee of the CFA (hereinafter referred to as the "Judicial Committee") with respect to the case of Mr Medeiros and Mr Marques. At the hearing, the Judicial Committee adopted the decision that was formally issued on 24 April 2009 (below § 23).

18. In an email to WADA dated 9 March 2009, Mr Michael Petrou of the Cyprus National Anti-Doping Organization referred to the adverse analytical findings concerning Mr Marques and Mr Medeiros and to the conclusions of the Investigation Report to advise WADA inter alia that:

    i. a disciplinary committee of the CFA had held a hearing, deciding to impose on the two players who had tested positive a one year suspension as having provided a substantial assistance in discovering or establishing anti-doping rule violations: "*however, to our knowledge, the players did not submit any signed written statement with related information to the Police or the Cyprus National Anti-Doping Organization or the Disciplinary Committee of the CFA. (…)*";

    ii. the disciplinary committee of the CFA had decided "*to stop the Hearing and impose no sanctions for the remaining 10 (except the coach)*" players and officers of APOP Kinyras: however, "*we don't understand why the CFA asked from the Disciplinary Committee to stop the Hearing! For us, it is obvious that they violated the anti-doping Rules and they should have been sanctioned*";

    iii. "*no provisional suspension has been imposed to the coach*".

19. On 2 April 2009, the Judicial Committee issued a decision concerning Mr Eranosian (hereinafter referred to, in the English translation provided by WADA, as the "Decision of 2 April 2009"), sanctioning Mr Eranosian with "*two years ineligibility from any coaching activity*".

20. In the Decision of 2 April 2009, the Judicial Committee underlined that "*the immediate cooperation and willingness of Mr. Eranosian for the detection of this sad case, with unpleasant results for him, which would possibly not been achieved without his contribution, justifies the application of the relevant provisions on the imposition of reduced sentence*". Therefore, on the basis of the applicable provisions of the FIFA Disciplinary Code (hereinafter referred to as the "FIFA DC") and of the World Anti-Doping Code (hereinafter referred to as the "WADC") in force at the time of the doping offence, the Judicial Committee decided that "*the appropriate sanction without the benefit of its reduction is 4 years ineligibility. Given, however, that we have been convinced that it is fair to grant Mr. Eranosian with this benefit, we decide the reduction thereof by half*".

21. At the same time, the Judicial Committee indicated that the period of ineligibility was to start from the date of its decision, i.e. on 2 April 2009.

22. The Decision of 2 April 2009 was received by FIFA on 15 April 2009 under cover letter of the CFA dated 13 April 2009.

23. On 24 April 2009, a decision concerning Mr Medeiros and Mr Marques (hereinafter referred to, in the English translation provided by WADA, as the "Decision of 24 April 2009"; the Decision concerning the Other Players, the Decision of 2 April 2009 and the Decision of 24 April 2009 are hereinafter jointly referred to as the "Decisions") was issued by the Judicial Committee, holding as follows:

    i. "*the two players are … disqualified for one year and are not allowed to participate in any match, including friendly matches*";

    ii. "*the imposed sanction begins from the date the samples were received from the two players and more specifically for Mr. Medeiros from 9.11.2008 and for Mr. Marques from 31.10.2008*".

24. In the Decision of 24 April 2009, the Judicial Committee considered the submission of Mr Medeiros and Mr Marques that they bore no negligence or no significant negligence in respect to the imputed anti-doping rule violations, but noted "*without any doubt*" that Articles 10.5.1 and 10.5.3 of the WADC (corresponding to similar provision in the FIFA DC) could not be applied, and therefore the "*accused … cannot benefit of any elimination of the disciplinary sanction due to 'no significant fault or negligence'*", for the "*following reasons:*

    A. The two football players admitted the charge which is infringement of Strict Liability and the proof of intention is not required.

    B. The football players had to be aware of the substances used before the football games. They didn't examine or tried to learn about the contain [sic] *of the pills supplied to them.*

    C. The fact that their coach assured them that the substance of the pills was caffeine does not exempt them from their personal obligation to take their own measures to ensure the substance the pills were containing.

    D. The football players were taking these pills and were not aware of the substance of the pills".

25. The Judicial Committee, on the other hand, "*accepted*" the submission that the two players were entitled to a "*reduction of their sentence due to their assistance in revealing the offence of drug abuse by another person*", since they provided "*substantial evidence for the prosecution of their coach Mr. Eranosian before the Disciplinary Committee with the charges of violating several doping regulations*". As a result, the Judicial Committee held that the "*provided sanction of disqualification for two years*" was to be "*decreased by half*".

26. The Decision of 24 April 2009 was communicated to FIFA by the CFA on 27 April 2009.

2. THE ARBITRAL PROCEEDINGS

2.1 The CAS Proceedings

27. On 30 March 2009, WADA filed a statement of appeal with the Court of Arbitration for Sport (hereinafter referred to as "CAS"), pursuant to the Code of Sports-related Arbitration (hereinafter referred to as the "Code"), to challenge the decisions rendered by the CFA with respect to the players and officers of APOP Kinyras (§ 74 below). The statement of appeal named the CFA, Carlos Marques, Leonel Medeiros, Edward Eranosian, Angelos Efthymiou, Yiannis Sfakianakis, Dmytro Mykhailenko, Samir Bengeloun, Bernardo Vasconcelos, Charalambos Vargas, George Polyviou, Andreas Menelaou, George Nikolaou and Vangelis Demetriou[2] as respondents. It had attached 7 exhibits. The arbitration proceedings so started by WADA were registered by the CAS Court Office as CAS 2009/A/1817.

28. The statement of appeal filed by WADA referred, in addition, to some "*urgent procedural matters*". WADA, in fact, indicated that it had not been a party to the proceedings before the CFA disciplinary bodies, and had not been provided with full copies of the decisions rendered by CFA and the full files of the cases. WADA wrote that it was "*even unaware of the exact identity of some of the Respondents. WADA is therefore presently unable to prepare an Appeal Brief stating all facts and legal arguments giving rise to the appeal. Furthermore, the CFA Regulations have not been provided to WADA*". As a result, WADA requested that the CAS:

    "• *invites CFA to provide WADA with the complete case files, including the decisions rendered in the matter of each of the Respondents;*

    • *invites CFA to provide WADA with the detailed identity of each of the Respondents;*

    • *invites CFA to provide WADA with the relevant CFA Regulations, in particular the CFA Statutes;*

    • *grants WADA an extension of the time limit to file its Appeal Brief (article R51 of the Code of Sports-related Arbitration) and set to WADA a deadline of 10 days for submitting such Appeal Brief as from receipt by WADA of the complete case file and of the relevant CFA Regulations*".

29. On 3 April 2009, the CAS Court Office transmitted to the named respondents, a copy of the WADA statement of appeal and requested, on behalf of the Deputy President of the CAS Appeals Arbitration Division, the CFA provide the CAS with the documentation sought by WADA.

30. On 15 April 2009, the CFA transmitted to the CAS, the following documents (mostly in Greek): (a) complete case file, including the decisions rendered in the matter of each of the respondents named by WADA; (b) the Statutes Regulations of the CFA; (c) the Proclamation of the Cyprus Football League 2008/2009; (d) the Regulations of the CFA for Anti-Doping; (e) the Law of the Cyprus Sport Organization. At the same time, the CFA referred to APOP Kinyras for the detailed identity of each of the respondents.

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[2] In the statement of appeal, Messrs. Vargas, Polyviou, Menelaou, Nikolaou and Demetriou were identified by WADA only by the position they held in APOP Kinyras. Their detailed identities were subsequently provided to WADA and the CAS.

31. In a letter dated 23 April 2009, WADA requested the CFA to provide an English translation of the documents filed that were not in English.

32. On 27 April 2009, the CFA advised, *inter alia*, that it was impossible for it to provide a translation of all the documents in question.

33. On 5 May 2009, FIFA filed a statement of appeal with the CAS, pursuant to the Code, challenging the Decision of 2 April 2009 rendered by the CFA with respect to Mr Eranosian (§ 81 below). The statement of appeal named the CFA and Mr Eranosian as respondents and attached 2 exhibits. The arbitration proceedings so started by FIFA were registered by the CAS Court Office as CAS 2009/A/1844.

34. In a letter of 13 May 2009, FIFA requested CAS to join CAS 2009/A/1817 and CAS 2009/A/1844 and to consider FIFA as co-appellant in CAS 2009/A/1817, "*in view of the identity of the appeals at stake and on account of the fact that it is also FIFA's intention to appeal against the decisions reached by the Cyprus Football Association in respect of other players and individuals involved in the same doping-related matter*". In addition, FIFA requested that all documents pertaining to the CFA disciplinary proceedings be translated into English by the CFA and that the deadline for the filing of the appeal brief be suspended.

35. In a letter dated 14 May 2009 the CFA, upon receipt of the appeal brought by FIFA, informed the CAS Court Office inter alia of its opinion that the Decision of 2 April 2009 "*was correct because Mr. Eranosian had opened a case against the Cyprus FA in the civil courts with a good chance to win, according to our Lawyers, setting up a precedent for Cyprus. If he did, our courts would pronounce a stoppage leaving the case on the shelf for at least 5 years. He was persuaded to abandon the case in the civil courts in exchange for a lesser penalty with full knowledge that FIFA had the right to appeal. We think that we have acted in good faith protecting the sport and of course FIFA regulations*".

36. On 14 May 2009, the CAS Court Office invited all the parties in CAS arbitrations 2009/A/1817 and 2009/A/1844 to comment on the FIFA's request that the two proceedings be consolidated.

37. In a letter dated 22 May 2009, WADA expressed its agreement on consolidation.

38. In a letter dated 25 May 2009, the CFA indicated that it would translate the documents on which it was going to base its case, but that it had no obligation to translate the documents on which WADA and FIFA wished to ground their appeals. At the same time, the CFA objected to the requested consolidation, as the players and their former coach had or would have a conflict of interest and was therefore unfair to force them to act together from a procedural point of view.

39. On 12 June 2009, the APOP Kinyras Respondents indicated to the CAS that in their opinion, the consolidation of the proceedings was inappropriate, "*as the cases do not have manifestly the same object and involve different parties*".

40. In a letter to CAS dated 15 June 2009, Mr Eranosian expressed his position that the two proceedings had to be consolidated "*as both cases involve … the same facts and legal issues and there can be no prejudice to any one of the Respondents if they are heard together*". At the same time, Mr Eranosian disputed the CFA's statement that it was impossible for it to translate all documents.

41. In a letter of 18 June 2009, WADA noted that the entire file had not been provided yet by CFA, and requested that CFA be invited to provide, with English translation, a document (the Investigation Report) mentioned in the Decision of 2 April 2009. As a result, on 19 June 2009, the CAS Court Office invited the CFA to provide, with English translation, the Investigation Report. Such document was filed (in its Greek text) by the CFA on 26 June 2009. Submitting the Investigation Report, the CFA underlined that "*the Players' statements contained in this report are unofficial and unreliable translations made on the spot during the examination of the players. The Players were not in a position to check the veracity of the statements and subsequently contested the translation that was made. This is precisely one of the reasons why the case against the Players was dropped and the Michanikos report was not considered as part of the file*".

42. In a letter dated 23 June 2009, Mr Eranosian submitted that, in the case the two proceedings were not consolidated, all the documents in the CFA file would have to be filed by the CFA separately in each proceeding, as all statements and material before the disciplinary body of the CFA have to be placed before the CAS.

43. On 23 June 2009, the parties to both arbitration proceedings were informed that the President of the CAS Appeals Arbitration Division had decided to refer the arbitration proceedings CAS 2009/A/1817 and CAS 2009/A/1844 to the same Panel. The parties were also advised of some procedural directions issued by the President of the CAS Appeals Arbitration Division.

44. In a letter of 30 June 2009, the CAS Court Office confirmed to the parties that the two proceedings had not been consolidated, but referred to the same Panel. In the same vein, on 3 July 2009, the CAS Court Office indicated to all parties that the cases would be referred to the same Panel and would be run simultaneously, or in accordance with the procedural directions issued by the Panel, but that the matter would continue as two separate procedures.

45. On 2 July 2009, the CFA wrote to the CAS Court Office with respect to the FIFA's request made on 25 June 2009, for clarification as to its petition to be treated as co-appellant in CAS 2009/A/1817, submitting that the FIFA's original request for consolidation should be considered as a request for intervention and requesting that the respondents be allowed to file an answer to such request.

46. On 9 July 2009, FIFA requested CAS to "*primarily consider FIFA as co-Appellant*" in CAS 2009/A/1817, "*or alternatively accept our request for intervention pursuant to article R41.3 of the Code*".

47. On 15 July 2009 and 20 July 2009, Mr Eranosian and WADA respectively informed the CAS Court Office that they did not object to the FIFA's request. On the other hand, by letters dated 20 July 2009, the CFA and the APOP Kinyras Respondents requested that the FIFA's petition be dismissed.

48. By communication dated 31 July 2009, the CAS Court Office informed the parties, on behalf of the President of the CAS Appeals Arbitration Division, that the Panel had been constituted as follows: Prof. Luigi Fumagalli, President of the Panel; Prof. Richard McLaren and Mr Michele Bernasconi, arbitrators.

49. On 19 August 2009, the CAS Court Office advised the parties that the Panel had made the following decisions and issued the following procedural directions:

> "*1. The Panel allows FIFA to intervene in CAS 1817: however, FIFA is not allowed to seek relief beyond the relief sought by WADA;*
>
> *2. CFA is directed to send to WADA a copy of the decision of 2 April 2009 concerning Mr Eranosian;*
>
> *3. All the documents in the CFA disciplinary file (including statements, minutes and reports), regarding Mr Eranosian, the players and the other APOP Kinyras Respondents (if they have not been already filed), are to be filed separately by the CFA in both CAS 1817 and 1844 proceedings; if translations into English of the documents in the CFA disciplinary file are already available, they should be provided by CFA;*
>
> *4. The parties relying on a document not in English shall file that document together with an English translation of same;*
>
> *5. WADA and FIFA are granted a deadline of 20 days from receipt of this letter to file their appeal briefs*".

50. On 20 August 2009, the CFA, as directed by the Panel, sent to WADA a copy of the Decision of 2 April 2009.

51. On 8 September 2009, WADA filed, together with 9 exhibits, its appeal brief. In this brief, WADA withdrew its appeal against Mr Charalambos Vargas, Mr George Polyviou, Mr Andreas Menelaou, Mr George Nikolaou and Mr Vangelis Demetriou, as "*there is no conclusive evidence against them*". For the rest, WADA specified its requests for relief against the remaining respondents, i.e. CFA, Mr Eranosian and the APOP Kinyras Respondents, seeking the setting aside of the Decisions, and the imposition of sanctions on all of them (§ 75 below).

52. On 8 September 2009, FIFA filed, together with 3 exhibits, its appeal brief. In this brief, FIFA endorsed the requests submitted by WADA in CAS 2009/A/1817 and confirmed the relief it had requested against the CFA and Mr Eranosian in its statement of appeal (§ 82 below).

53. On 26 September 2009, the Panel granted the APOP Kinyras Respondents an extension of time to file their answer.

54. On 1 October 2009, the CFA filed its answer to the appeals brought against it, seeking their dismissal (§ 85 below).

55. On 26 October 2009, within the extended deadline, the APOP Kinyras Respondents filed their answer to the appeal brought against them, seeking their dismissal (§ 95 below). Together with the answer, the APOP Kinyras Respondents filed 19 exhibits.

56. On 26 October 2009, Mr Eranosian filed his answer to the appeals brought against him, seeking their dismissal (§ 90 below). Mr Eranosian's answer had attached 1 exhibit (in Greek).

57. In a letter dated 2 November 2009, the parties were informed that the Panel had decided to accept the answer filed by Mr Eranosian on 26 November 2009, even though the extension to that date of the deadline to file the answer had been requested only by, and granted to, the APOP Kinyras Respondents. In the same letter the Panel requested Mr Eranosian to file "*a translation into English of the letter dated 7 October 2009 attached to his answer, together with his letter (accompanied by an English translation, if that letter was written in a different language) dated 29 September 2009 to the CFA, to which the CFA's letter of 7 October 2009 was meant to answer*".

58. Mr Eranosian filed the letters so requested by the Panel on 4 November 2009.

59. Extensive correspondence between the CAS Court Office, writing on behalf of the Panel, and the parties, was thereafter exchanged with respect to the setting of the hearing date: on 19 November 2009 the Panel proposed the date of 5 January 2010; on 7 December 2009, the Panel proposed the date of 17 March 2010; on 28 December 2009 the Panel proposed the dates of 31 March 2010, 1 June 2010, 2 June 2010 and 3 June 2010; on 25 January 2010 the Panel proposed the date of 7 July 2010; on 2 February 2010 the Panel proposed the date of 14 or 15 July 2010; on 19 February 2010 the Panel indicated the date of 1 September 2010. All those dates met the unavailability of at least one of the parties.

60. As a result, the Panel decided that its only option was to impose a hearing date on the parties, and that a possible date could be 13 May 2010. The parties were informed of such decision by letter of the CAS Court Office of 4 March 2010.

61. In a letter dated 5 March 2010 FIFA informed the Panel that a hearing could be held without FIFA's presence.

62. Following Mr Eranosian's letter of 8 March 2010, the Panel finally decided, on 17 March 2010, to set the hearing for 10 June 2010.

63. On 4 May 2010, Mr Eranosian requested a further postponement of the hearing. Such request was denied by the Panel on 5 May 2010.

64. On 11 May 2010, the CAS Court Office, on behalf of the President of the Panel, issued an order of procedure (hereinafter referred to as the "Order of Procedure"), which was countersigned by the parties.

65. On 21 May 2010, the CAS Court Office received a request for intervention filed by Athletiki Enosis Limassol (hereinafter referred to as "Limassol"), a football club affiliated to the CFA. In such application, Limassol made reference to the 2010 version of the Code and requested to be allowed to intervene in CAS 2009/A/1817 in support of the position of WADA and FIFA. Limassol further requested that "*the appeal lodged by FIFA and WADA … be totally accepted in order for the players*" of APOP Kinyras "*to be sanctioned and their participation to the Cup Final 2009 to be considered illegal, so that APOP Peyeia-Kinyra FC to lose the title of the Cup Winner 2009*".

66. After consultation with the parties, the Panel, on 3 June 2010, denied the request for intervention filed by Limassol. The Panel found in fact that the admissibility of the application had to be determined on the basis of the 2004 version of the Code, in force at the time the arbitration proceedings started. The Panel then found that the conditions stipulated in Articles R41.3 and R41.4 of the Code (version 2004) were not satisfied.

67. A hearing was held in Lausanne on 10 June 2010 on the basis of the notice given to the parties in the letter of the CAS Court Office dated 17 March 2010. The Panel was assisted at the hearing by Ms Louise Reilly, Counsel to the CAS.

68. The hearing was attended

i. for WADA: by Mr François Kaiser, Mr Serge Vittoz and Mr Alexandros Ramos, counsel;

ii. for the CFA: by Mr Costakis Koutsokoummis, CFA President, Mr Antonio Rigozzi and Mr Andreas Zagklis, counsel;

iii. for Mr Eranosian: by Mr Christos M. Triantafyllides, counsel (via video conference);

iv. for the APOP Kinyras Respondents: by Mr Howard L. Jacobs and Mr Christodoulos Tselepos, counsel and by Mr Marques, Mr Aggelos Efthimiou, Mr Yiannis Sfakianakis, Mr Samir Bengeloun and Mr Bernardo Vasconcelos personally.

69. Nobody attended the hearing for FIFA.

70. At the hearing, declarations were rendered by Mr Samir Bengeloun, Mr Costakis Koutsokoummis and Mr Marques. Mr Michanikos (on the phone) and Mr Michael Petrou were heard as witnesses. In his deposition:

i. Mr Michanikos declared *inter alia*, that he had been appointed by the CFA to investigate the doping case of the two players of APOP Kinyras and that during the investigation he had discovered that the coach of the team, Mr Eranosian, used to distribute pills to the players selected to play in the starting team; the pills were distributed in the locker room, before the match, in front of everybody; the players were not forced to take the pills; in fact, some players did not accept or did not ingest them. On the basis of such information, as obtained through the investigation, disciplinary proceedings could be opened against Mr Eranosian. Mr Michanikos, in addition, explained how he obtained for testing the pills that Mr Eranosian was distributing, and confirmed that Mr Eranosian had taken a fully cooperative attitude with respect to the investigation;

ii. Mr Petrou explained his involvement in the testing procedure, with respect to the anti-doping rule violations imputed to Mr Marques and Mr Medeiros and with regard to the pills which were administered to the players, and confirmed that he had been informed by Mr Marques and Mr Medeiros that Mr Eranosian, in addition to vitamins, used to distribute pills to the players before the matches.

71. The counsel for Mr Eranosian, after the presentation of his client's position, had to leave the hearing, because of other engagements. Before leaving, however, the counsel for Mr Eranosian confirmed that the hearing could continue also in his absence and that he had no objections in respect of Mr Eranosian's right to be heard and to be treated equally in the arbitration proceedings.

72. In the same way, at the conclusion of the hearing, the parties, after making submissions in support of their respective cases, confirmed that they had no objections in respect of their right to be heard and to be treated equally in the arbitration proceedings.

2.2 The Position of the Parties

73. The following outline of the parties' positions is illustrative only and does not necessarily comprise every contention put forward by the parties. The Panel, however, has carefully considered all the submissions made by the parties, even if there is no specific reference to those submissions in the following summary.

a. The Position of WADA

74. In its statement of appeal, WADA requested the CAS to rule that:

"*1. The Appeal of WADA is admissible.*

2. The decision of CFA in the matter of the Respondents is set aside.

3. Each of the person involved is sanctioned with a period of suspension to be set between two years and lifetime, starting on the date on which the CAS award enters into force. Any period of suspension (whether imposed to or voluntarily accepted by him) before the entry into force of the CAS award shall be credited against the total period of suspension to be served.

4. WADA is granted an award for costs".

75. The relief so sought was specified in the appeal brief dated 8 September 2009, whereby WADA requested the Panel to hold as follows:

"*1. The Appeal of WADA is admissible.*

2. The decision of CFA dated April 2nd, 2009 against Mr. Eduard Eranosian is set aside.

3. Mr. Eduard Eranosian is sanctioned with a period of suspension of four years, starting on the date on which the CAS award enters into force. Any period of suspension (whether imposed to or voluntarily accepted by him) before the entry into force of the CAS award shall be credited against the total period of suspension to be served.

4. The decision of CFA dated April 24th, 2009 against Mr. Carlos Marques and Leonel Medeiros is set aside.

5. Mr. Leonel Medeiros is sanctioned with a period of suspension of two years, starting on the date on which the CAS award enters into force. Any period of suspension (whether imposed to or voluntarily accepted by him) before the entry into force of the CAS award shall be credited against the total period of suspension to be served.

6. *Mr. Carlos Marques is sanctioned with a period of suspension of two years, starting on the date on which the CAS award enters into force. Any period of suspension (whether imposed to or voluntarily accepted by him) before the entry into force of the CAS award shall be credited against the total period of suspension to be served.*

7. *Mr. Angelos Efthymiou is sanctioned with a period of suspension of two years, starting on the date on which the CAS award enters into force. Any period of suspension (whether imposed to or voluntarily accepted by him) before the entry into force of the CAS award shall be credited against the total period of suspension to be served.*

8. *Mr. Yiannis Sfakiannakis is sanctioned with a period of suspension of two years, starting on the date on which the CAS award enters into force. Any period of suspension (whether imposed to or voluntarily accepted by him) before the entry into force of the CAS award shall be credited against the total period of suspension to be served.*

9. *Mr. Dmytro Mykhailenko is sanctioned with a period of suspension of two years, starting on the date on which the CAS award enters into force. Any period of suspension (whether imposed to or voluntarily accepted by him) before the entry into force of the CAS award shall be credited against the total period of suspension to be served.*

10. *Mr. Samir Bengeloun is sanctioned with a period of suspension of two years, starting on the date on which the CAS award enters into force. Any period of suspension (whether imposed to or voluntarily accepted by him) before the entry into force of the CAS award shall be credited against the total period of suspension to be served.*

11. *Mr. Bernardo Vasconcelos is sanctioned with a period of suspension of two years, starting on the date on which the CAS award enters into force. Any period of suspension (whether imposed to or voluntarily accepted by him) before the entry into force of the CAS award shall be credited against the total period of suspension to be served.*

12. *WADA is granted an award for costs*".

76. In other words, WADA criticizes the Decisions, which it asks the Panel to set aside in their entirety: in the WADA's opinion, they have to be replaced by an award imposing on Mr Eranosian a suspension of four years and a suspension of two years on each of the APOP Kinyras Respondents.

77. In its submissions, WADA preliminarily refers to the Investigation Report, which found that all the APOP Kinyras Respondents had taken and ingested the pills provided to them by the coach Mr Eranosian, and that the Other Players had played during the matches after which Mr Medeiros and Mr Marques tested positive. At the same time, WADA indicates that Oxymesterone (i.e., the substance allegedly administered to the APOP Kinyras Respondents by Mr Eranosian and found in the samples provided by Mr Medeiros and by Mr Marques) is a prohibited substance falling in the class S.1, *Anabolic Agents – Anabolic Androgenic Steroids* of the 2008 List of Prohibited Substances (hereinafter referred to as the "2008 Prohibited List"), in force at the time the alleged anti-doping rule violations were committed.

78. As a result of the above, WADA submits that:

i. Mr Eranosian, having administered pills containing a prohibited substance, breached Article II.9 of the FIFA Doping Control Regulations in force in 2008 (hereinafter referred to as the "FIFA DCR"), which defines as an anti-doping rule violation, the "*administration or attempted administration of a prohibited substance*";

ii. Mr Medeiros and Mr Marques, having tested positive for a prohibited substance, breached Article II.1 of the FIFA DCR, which defines as an anti-doping rule violation, the "*presence of a prohibited substance … in a player's bodily sample*";

iii. the Other Players, having taken and ingested "*at least once*" a pill containing a prohibited substance, breached Article II.2 of the FIFA DCR, which defines as an anti-doping rule violation, the "*use or attempted use of a prohibited substance*" and "*the fact that they were not asked to be tested does nor release them from the consequences of their anti-doping rule violations and their careless behavior*".

79. With respect to the measure of the sanction, WADA refers to the provisions of the FIFA DC deemed to be relevant (Article 65.1), which provide for a suspension of four years for the "*administration of a prohibited substance*" and a suspension of two years for the "*presence of a prohibited substance*" and for the "*use of a prohibited substance*", and asks them to be applied to Mr Eranosian and to the APOP Kinyras Respondents. WADA, in fact, underlines that Mr Eranosian, Mr Marques, Mr Medeiros and the Other Players are not entitled to any elimination or reduction of the sanction:

i. for no (or no significant) fault or negligence (Article 65.2 and 65.3 of the FIFA DC), since "*it is obvious that neither the coach, nor the players did exercise the slightest caution when administering or accepting and ingesting the pills. They chose to ignore the numerous warnings against the use of nutritional supplements whose risks to lead to positive tests are well known in sport*";

ii. for substantial assistance (Article 65.4 of the FIFA DC), as the conditions for the application of such reduction (clarified in CAS precedents: award of 25 March 2008, TAS 2007/A/1368, *UCI v/ Michele Scarponi & FCI*, hereinafter referred to as the "Scarponi Award"; and award of 17 March 2009, CAS 2008/A/1698, *Riccardo Riccò v/ CONI*, hereinafter referred to as the "Riccò Award") have not been met:

- as to Mr Eranosian, because "*his statements and information provided by him did not lead to the discovery of any other person's doping violation. Moreover, he refused, in particular, to provide the name of the supplier of the pills in Bulgaria*";
- as to Mr Medeiros and Mr Marques, because "*the mere fact that …* [they] *named their coach as being the provider of the incriminated pills cannot be considered as an assistance that could lead to a reduction of the sanction*" and because "*it appears that the implication of the coach would have anyway been discovered as the entire club personnel was aware of the distribution of the pills before the games and that Mr. Eranosian confessed this fact*"; and

iii. because the Other Players "*did not establish any truly exceptional circumstances which would have made their degree of fault appear as no-significant, nor did they establish any Substantial Assistance to benefit from a reduction of the otherwise applicable sanction for their anti-doping rule violations*".

80. Finally, WADA underlines that if it is established that more than one player of APOP Kinyras has committed an anti-doping rule violation, FIFA may open disciplinary proceedings against APOP Kinyras and impose sanctions pursuant to Article 65.5 of the FIFA DC.

b. The Position of FIFA

81. In its statement of appeal, FIFA requested the CAS:

"*1. To set aside the decision passed on 2 April 2009 by the Cyprus Football Association Judicial Committee and pass a new decision imposing a suspension of at least four years on the coach Edward Eranosian.*

2. To order the Respondents to cover all legal expenses of the Appellant related to the present procedure".

82. The relief so sought was specified in the appeal brief dated 8 September 2009, as follows:

"*1. In conclusion, we request this Honourable Court to consider the requests made by WADA in its Appeal Brief concerning the appeal proceedings CAS 2009/A/1817 in respect of all respondents but the Cyprus Football Association and Mr. Edward Eranosian as being also FIFA's requests.*

2. We request CAS to set aside the decision passed on 2 April 2009 by the Cyprus Football Association Judicial Committee and pass a new decision imposing a suspension of at least four years on the coach Edward Eranosian.

3. We also request CAS to order the Respondents to bear all costs incurred with the present procedure.

4. Finally, we request CAS to order the Respondents to cover all legal expenses of the Appellant related to the present procedure".

83. FIFA, in other words, "*endorses the contents of and the requests made by WADA … in respect of all the respondents*" named by WADA except CFA and Mr Eranosian, and submits that the Decision of 2 April 2009 is to be set aside and replaced by an award imposing on Mr Eranosian a suspension of four years.

84. FIFA, more specifically, after summarizing the facts of the case, as evidenced by the Investigation Report, underlines that "*it cannot be denied that Mr Eranosian committed an anti-doping rule violation (administration of a prohibited substance) which is sanctioned by a minimum of four years*" and that Mr Eranosian is not entitled to any reduction:

i. "*Mr Eranosian's fault cannot be regarded as anything else but extremely significant*", since he "*organised the systematic distribution of the pills containing the Prohibited Substance … pretending that they were caffeine. He was the person*

who set up the doping scheme. He admitted having obtained the pills from someone … in Bulgaria (whose name he however never revealed), without knowing the products, nor having conducted any control and investigation to ensure that such products did not contain any Prohibited Substance";

ii. "*Mr Eranosian does … not meet the requirements to benefit from Article 65 par. 4 of the FDC. In particular, Mr Eranosian's statements and information provided to the deciding authority did not lead to the discovery of any other person's doping violation. Moreover, his attitude was not fully cooperative as, according to the investigation report, he refused … to provide the name of the supplier of the pills in Bulgaria*".

c. The Position of the CFA

85. In its answer dated 1 October 2009, the CFA requested the CAS to issue an award:

"• *Rejecting WADA's [and FIFA's] prayers for relief.*

• *Confirming the Decisions under appeal.*

• *Condemning WADA [and FIFA] to pay CFA's legal fees and other expenses incurred in connection with these proceedings*".

86. In these arbitration proceedings, the CFA preliminarily underlines that it "*strongly opposes any form of doping*": its submissions are therefore intended to make sure "*that its affiliates' rights are respected and that the applicable regulations are complied with*". With respect to the position of Mr Eranosian, the CFA only points out that he was afforded a fair hearing before the Judicial Committee.

87. Firstly, the CFA endorses the Decision of 24 April 2009 concerning the position of Mr Medeiros and of Mr Marques, and notes that WADA has only objected to the application of Article 65.4 of the FIFA DC in their respect, "*but did not contest the fact that the sanction inflicted by the … Judicial Committee is appropriate under such provision*".

88. At the same time, the CFA endorses as "*absolutely correct*" the Decision concerning the Other Players to refrain from opening disciplinary proceedings against the Other Players, and explains that this decision was based on the fact that the Other Players had contested the summary and the translations of their declarations as set out in the Investigation Report: as a result, the CFA "*did not have enough evidence to secure a conviction*".

89. In any case, the CFA does not agree with the WADA's submissions concerning the alleged anti-doping rule violations of the Other Players. In CFA's opinion, in fact,

i. Article II.2, as opposed to Article II.1, of the FIFA DCR does not provide for a strict liability offence, but requires intent: the contrary assumption is not correct; and in the present case there is no evidence that the Other Players intended to use a prohibited substance;

ii. even assuming that evidence of intent is not required, it has not been established that the pills taken by the Other Players actually contained a prohibited substance: the Investigation Report is not reliable; and the fact that some of the pills caused

adverse analytical findings is not decisive.

d. The Position of Mr Eranosian

90. In his answer of 26 October 2009, Mr Eranosian requested the CAS to dismiss the appeals filed against him by WADA and FIFA, submitting that CAS has no jurisdiction to deal with them and, in any case, that the Decision of 2 April 2009 is "*legally correct*".

91. Preliminarily, in fact, Mr Eranosian denies the CAS jurisdiction to hear the appeals filed against him by WADA and FIFA: in his opinion, Article R47 of the Code requires "*that there must be an express reference to the adoption of the … jurisdiction of CAS*". The simple reference to the FIFA Statutes contained in the CFA rules is not sufficient, since the CFA "*has not expressly adopted in its Articles the right of Appeal from a decision of its JC*".

92. At the same time, Mr Eranosian remarks that "*the Appeals cannot be heard without all the material (documentation) being before the CAS duly translated*": only the examination of all the documentation that was considered by the Judicial Committee would enable this Panel to exercise its function as a body of appeal. For instance, Mr Eranosian challenges the explanations offered in these CAS proceedings by the CFA for its decision not to pursue the Other Players, and underlines that before the Judicial Committee, no reasons were given.

93. With respect to the merits of the case, Mr Eranosian submits that the Decision of 2 April 2009 "*is legally correct*", because the following "*exceptional circumstances*" entitled him to the "*discount given*":

"*(a) The exceptional assistance he provided which resulted in the full investigation of the case at hand.*

Mr. Eranosian co-operated fully with the CFA and the investigating officer Mr. G. Michanikos and

(i) Gave a full and frank statement of what occurred and as to all the relevant facts.

(ii) He provided the pills which were tested in order to determine their substance. No such pills existed when the first two players were tested positive and if he did not provide the pills to the CFA which he gave them (they were in his exclusive possession and no one else had any) it would have been if fact, impossible to analyze the pills he provided and so it would have been impossible to substantiate any charge and the commission of the offence.

(b) He had the pills tested in a laboratory in Sophia, Bulgaria (his home town and Country) with no problem before he gave them to any of the players. Therefore at the time of their administration he was not aware of their prohibitive content. He nevertheless admitted to the investigation office that the said laboratory is not an official laboratory and he took full responsibility for his actions.

(c) He did not administer the pills secretly but in full view of all the players and other coaching staff in the dressing room before the game.

(d) *He did not force anyone to take the pills. It was done entirely on a voluntary basis and in fact some players did not take them with no adverse repercussions concerning them from him as their coach.*

(e) *He made an immediate full and frank apology concerning his actions.*

(f) *He is a first offender.*

(g) *He is entitled to the same treatment as regards sentencing as the other defendants on the basis of equality of treatment.*

(h) *The fact that the case was withdrawn against the other defendants for no reason … entitles him to a more lenient punishment because otherwise the principle of fairness as regards his treatment viz-a-viz the prosecuting Authority (the CFA) is violated. This is clearly established both by the case Law of the European Court of Human Rights and the Supreme Court of Cyprus*".

94. In conclusion, according to Mr Eranosian, "*the decision of the JC of the CFA has to be judged on the basis of the whole of the material submitted before it. On the basis of that material the said decision is legally correct. There exist the necessary extraordinary circumstances that fully justify the decision taken. Any decision of the CAS with only part of the material before it as compared with what was submitted before the JC of the CFA will effectively be a new decision on new material which will not be the judgment of an Organ hearing a case on appeal but effectively of an Organ issuing a 1rst instance decision*".

e. The Position of the APOP Kinyras Respondents

95. In the answer dated 26 October 2009, the APOP Kinyras Respondents requested the CAS Panel to:

"*1. Confirm the CFA's earlier sanction of Respondents Carlos Marques and Leonel Medeiros for a period of 12 months commencing on 31 October 2008 and 9 November 2008, respectively;*

2. Confirm the CFA's earlier decision not to sanction Angeles Efthymiou, Yiannis Sfakianakis, Dmytro Mykhaelenko, Samir Bengeloun, and Bernardo Vasconcelos;

3. Dismiss the appeal of WADA (as joined in by FIFA) as against Respondents Carlos Marques, Leonel Medeiros, Angeles Efthymiou, Yiannis Sfakianakis, Dmytro Mykhaelenko, Samir Bengeloun, and Bernardo Vasconcelos; and

4. Condemn WADA and/or FIFA to pay all cost of Respondents Carlos Marques, Leonel Medeiros, Angeles Efthymiou, Yiannis Sfakianakis, Dmytro Mykhaelenko, Samir Bengeloun, and Bernardo Vasconcelos, including legal fees and other expenses incurred in connection with the Proceedings".

96. In other words, the APOP Kinyras Respondents request that the appeals filed against them by FIFA and WADA be dismissed, since

i. with respect to Mr Marques and Mr Medeiros, "*their conduct is exactly the type of conduct for which the so-called «Cooperation rule» was designed. These players immediately helped the investigating authorities, and provided information that directly led to the charging and suspension of their coach*";

ii. with respect to the Other Players, "*there is no credible evidence that* [they] *used a prohibited substance. No one of these athletes have tested positive, and therefore, the strict liability concept cannot be applied to any of them. WADA's conclusion that these Players ingested a pill containing a prohibited substance has not and cannot be proven. WADA's conclusion that because a pill provided for testing by Eduard Eranosian contained the prohibited substance Oxymesterone, and that because each of these players consumed a pill provided by Mr. Eranosian they must have consumed a prohibited substance, is fatally flawed. It ignores the practical realities of supplement contamination, wherein some pills within the same bottle or the same lot can be contaminated while others are not. It would unacceptably expand the doping scheme to provide for automatic suspension of athletes who use a legal nutritional supplement that might be contaminated, even in the absence of a positive test*".

97. As to the position of Mr Medeiros and of Mr Marques, more specifically, it is submitted that "*the CFA properly reduced the suspensions … to 12 months pursuant to the cooperation rule contained in Article 65.4, FIFA DC*", under which, "*if help given by a suspect leads to the exposure or proof of a doping offence by another person, the sanction may be reduced, but only by up to half of the sanction applicable …*". Mr Marques and Mr Medeiros provided help to the CFA that exposed the doping offence by Mr Eranosian. Mr Marques and Mr Medeiros have therefore met the conditions necessary for a reduction of their suspension pursuant to Article 65.4 FIFA DC. As a consequence, the Decision of 24 April 2009 should be confirmed.

98. In this regard, the APOP Kinyras Respondents underline that "*the WADC is not applicable to this case*" and that Article 65.4 of the FIFA DC and Article 10.5.3 of the WADC "*differ in their language*": whereas the WADC requires as a condition of reduction of sanction that the athlete provides "*substantial cooperation … which results in the Anti-Doping Organization discovering or establishing an anti-doping rule violation by another Person*", the FIFA DC requires only that "*help given by a suspect leads to exposure or proof of a doping offence by another person*".

99. Therefore, according to the APOP Kinyras Respondents, any argument that Mr Marques or Mr Medeiros did not provide cooperation that was substantial enough to merit a reduction is irrelevant to this case, because there is no requirement in the applicable provision that the cooperation be substantial; rather, Mr Marques and Mr Medeiros were required simply to provide "*help*" that leads to the "*exposure*" of a doping offence by another person. Likewise, WADA's argument that the implication of Mr Eranosian would have been discovered anyway, is speculative and immaterial, so long as Mr Marques and Mr Medeiros helped expose a doping offence by Mr Eranosian.

100. In this case, the APOP Kinyras Respondents submit that it is undisputed that Mr Marques and Mr Medeiros were the first individuals to expose Mr Eranosian's doping offence. Both Mr Marques and Mr Medeiros provided statements to the CFA, and the CFA confronted Mr Eranosian with those statements, where the Players had stated that the coach had given them caffeine pills just before the matches in which they tested positive: Mr Eranosian, indeed, only confessed his involvement and cooperated in providing caffeine pills to the CFA for testing after being confronted by the statements of Marques and Medeiros. This fact, in the APOP Kinyras Respondents' opinion, plainly constitutes the "*help given by a suspect* [that] *leads to exposure or proof of a*

doping offence by another person" required by the applicable Art. 65.4 FIFA DC.

101. The APOP Kinyras Respondents, then submit that the suspension of one year imposed on Mr Marques and Mr Medeiros was appropriate pursuant to Article 65.4 FIFA DC:

    i. under the principles expressed in the Scarponi Award, because Mr Marques and Mr Medeiros were "*fully cooperative and forthcoming. They did not wait to identify the coach and the circumstances, but rather, disclosed them immediately when they realized that the only explanation for the positive test must have been related to the pills they took from their coach the day(s) they were tested*". In addition, Mr Marques and Mr Medeiros were not involved in an organized doping scheme, but believed they were taking caffeine pills;

    ii. under the "*lex mitior*" doctrine, because Article 48 of the 2009 edition of the FIFA Anti-Doping Regulations (hereinafter referred to as the "2009 FIFA ADR") "*provides that up to ¾ of the applicable suspension can be eliminated based upon substantial cooperation*";

    iii. under other principles recognized in the CAS jurisprudence, because "*this Panel should not replace the CFA's reasonable and discretionary decision regarding length of sanction, unless this Panel believes that the CFA exercised its discretion in an unreasonable fashion*", whereas "*it cannot be said that the CFA's sanction of 12 months … was unreasonable or grossly disproportionate to the facts*".

102. Finally, the APOP Kinyras Respondents submit that "*the CFA properly started the suspensions of Respondents Marques and Medeiros on the dates of their positive tests*" and note that "*neither WADA nor FIFA contests this conclusion*".

103. As to the position of the Other Players, the APOP Kinyras Respondents emphasize that "*WADA has not and cannot prove that* [they] *used a prohibited substance in violation of the FIFA DCR*".

104. In the opinion of the APOP Kinyras Respondents, in fact, "*because none of these players tested positive, there is no strict liability issue …; rather, WADA is required to prove that each of these players used a prohibited substance*". In other words, "*WADA must … prove, without the benefit of any of the usual presumptions, both the following: (a) that each of these players took and ingested the caffeine pills that were given to them by Eduard Eranosian, and (b) that the caffeine pills ingested by each of the players actually was contaminated with the prohibited substance*".

105. That notwithstanding, the APOP Kinyras Respondents allege that "*WADA's case is predicated on the false assumption that if one or two or even four of the caffeine pills were contaminated with oxymesterone, then all the caffeine pills provided by Eduard Eranosian must have been equally contaminated*". Such assumption "*ignores the practical realities of supplement contamination*"; the fact that some pills were tested and shown to contain a prohibited substance does not prove that all the pills were contaminated.

106. At the same time, the Other Players challenge the Investigation Report, which forms the exclusive basis of WADA's appeal, since it is "*flawed*" and cannot be considered as credible evidence: "*Mr Michanikos did not conduct his investigation in a professional*

manner, … did not use professional translators, … did not allow the players the opportunity to confirm whether or not his amateur translators accurately reported to him what was said, and … started and finished his investigation with a preconceived notion and bias against APOP Kinyras that was not even remotely accurate". As a result, the Investigation Report "*should be completely disregarded as evidence in this case*".

3. LEGAL ANALYSIS

3.1 Jurisdiction

107. The jurisdiction of CAS to decide the present appeals is not disputed by the CFA and the APOP Kinyras Respondents, but is challenged by Mr Eranosian, who submits that no provision, within the meaning of Article R47 of the Code, is contained in the regulations of the CFA providing for an appeal to the CAS against the decisions of the CFA's disciplinary bodies.

108. The Panel notes that WADA and FIFA based their respective statements of appeal, for the purposes of Article R47 of the Code, on Articles 62 and 63 of the FIFA Statutes.

109. More specifically, the provisions of the FIFA Statutes that have been invoked in these proceedings by WADA and FIFA to find the CAS has jurisdiction are the following:

i. Article 62 ["*Court of Arbitration for Sport (CAS)*"]:

"*1. FIFA recognises the independent Court of Arbitration for Sport (CAS) with headquarters in Lausanne (Switzerland) to resolve disputes between FIFA, Members, Confederations, Leagues, clubs, Players, Officials and licensed match agents and players' agents.*

2. The provisions of the CAS Code of Sports-Related Arbitration shall apply to the proceedings. CAS shall primarily apply the various regulations of FIFA and, additionally, Swiss law".

ii. Article 63 ["*Jurisdiction of CAS*"]:

"*1. Appeals against final decisions passed by FIFA's legal bodies and against decisions passed by Confederations, Members or Leagues shall be lodged with CAS within 21 days of notification of the decision in question.*

2. Recourse may only be made to CAS after all other internal channels have been exhausted.

3. CAS, however, does not deal with appeals arising from:

(a) violations of the Laws of the Game;

(b) suspensions of up to four matches or up to three months (with the exception of doping decisions);

(c) decisions against which an appeal to an independent and duly constituted arbitration tribunal recognised under the rules of an Association or Confederation may be made.

4. The appeal shall not have a suspensive effect. The appropriate FIFA body or, alternatively, CAS may order the appeal to have a suspensive effect.

5. *FIFA is entitled to appeal to CAS against any internally final and binding doping-related decision passed by the Confederations, Members or Leagues under the terms of par. 1 and par. 2 above.*

6. *The World Anti-Doping Agency (WADA) is entitled to appeal to CAS against any internally final and binding doping-related decision passed by FIFA, the Confederations, Members or Leagues under the terms of par. 1 and par. 2 above.*

7. *Any internally final and binding doping-related decision passed by the Confederations, Members or Leagues shall be sent immediately to FIFA and WADA by the body passing that decision. The time allowed for FIFA or WADA to lodge an appeal begins upon receipt by FIFA or WADA, respectively, of the internally final and binding decision in an official FIFA language*".

110. According to Article R47 of the Code,

"*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*".

111. In light of this provision, the question is whether "*the statutes or regulations of the said body* [i.e. of the CFA, whose decisions are challenged in these proceedings] … *provide*" for an appeal to the CAS.

112. The Panel notes that Mr Eranosian, being the coach of APOP Kinyras, was registered with the CFA and that, by his act of registering, he agreed to abide by the statutes and regulations (including the anti-doping regulations) of the CFA.

113. In addition, the Panel finds that Mr Eranosian, being subject to the statutes and regulations of the CFA, is also bound by the FIFA rules. In fact

i. pursuant to Article 13.1(d) of the FIFA Statutes, CFA is obliged "*to ensure that their own members comply with the Statutes, regulations, directives and decisions of FIFA bodies*";

ii. under Article 11.7 of the CFA's Statutes, the anti-doping regulations of the CFA need to comply inter alia with the regulations of FIFA;

iii. Article 21 of the CFA's Statutes provides for the application of the FIFA rules in the event of ambiguous or missing provisions in the CFA's internal rules;

iv. pursuant to Article 22.5 of the CFA's Statutes, in case of disputes between members of the CFA and foreign subjects, the provisions of the FIFA Statutes apply.

114. As a result of the above, the rules set in Articles 62 and 63 (more particularly Article 63 para. 5 of the FIFA Statutes) are binding for Mr Eranosian: therefore, to the extent they provide for an appeal to the CAS, they constitute the basis for the jurisdiction of a CAS panel to hear an appeal against a decision of a body of the CFA issued with respect to

Mr Eranosian.

115. In light of the foregoing, and as a consequence of the general reference to the FIFA rules contained in the CFA's Statutes, the CAS has jurisdiction to hear WADA's and FIFA's appeals against Mr Eranosian in accordance with Article R47 of the Code.

3.2 Appeal proceedings

116. As these proceedings involve appeals by WADA and FIFA against decisions in disputes relating to anti-doping rule violations, issued by a federation (CFA), with respect to rules that provide for an appeal to the CAS, they are considered and treated as appeal arbitration proceedings in a disciplinary case of an international nature, in the meaning and for the purposes of the Code.

3.3 Admissibility – Scope of the Panel's review

117. WADA filed its statement of appeal within the deadline set down in the FIFA Statutes. No further recourse against the Decisions is available to WADA within the structure of FIFA or the CFA. Accordingly, the appeal filed by WADA is admissible.

118. FIFA filed its statement of appeal within the deadline set down in the FIFA Statutes. No further recourse against the Decision of 2 April 2009 is available to WADA within the structure of FIFA or the CFA. Accordingly, the appeal filed by FIFA is admissible.

119. Mr Eranosian submits however that the CAS "*in its appellate jurisdiction will judge the correctness of the decision of the JC of the CFA*". As a result, in Mr Eranosian's opinion, the appeals brought by WADA and FIFA cannot be heard by this Panel "*without having in front of it all the documentation*" that was considered by the Judicial Committee: otherwise, this Panel would render "*its decision vulnerable, and in addition not a decision on appeal but an altogether new decision since it will be based on new material*".

120. According to Article R57 of the Code, the Panel has full power to review the facts and the law of the case. Furthermore, the Panel may issue a new decision which replaces the Decisions challenged, or may annul the Decisions and refer the case back to the previous instance.

121. In light of such provision, and consistently with well established CAS case-law (see for instance CAS 98/211, *B. v/ FINA*, award of 7 June 1999; CAS 2000/A/281, *H. v/ FIM*, award of 22 December 2000), the hearing before the Panel constitutes a hearing *de novo*, i.e. a rehearing of the merits of the case. As a result, the Panel's scope of review is not limited to consideration of the evidence that was adduced before the body that issued the challenged decision, but can extend to all evidence produced before the Panel.

122. The Panel, however, underlines the arbitral nature of the CAS proceedings, as confirmed in several occasions by the Swiss Federal Tribunal (15 March 1993, *G. v/ Fédération Equestre Internationale*; 27 May 2003, *Lazutina and Danilova v/ Comité International Olympique and Fédération Internationale de Ski*; 10 February 2010, *Pechstein v/ International Skating Union*). As a result, even though, according to

Article R57 of the Code, the Panel has full power to review the facts of the case, the arbitral nature of the proceedings limits the Panel's power of review to the evidence adduced in the arbitration (Swiss Federal Tribunal, decision 4A_400/2008 of 9 February 2009, *X. v/ Y.*), to be evaluated on the basis of the relevant evidentiary rules (see §§ 154-156 below). The Panel, therefore, is bound to issue an award only on the basis of the evidence that has been brought before it: the failure of a party to submit evidence available to it (because such evidence was part of the disciplinary file or was otherwise available) in support of its case can only be considered in light of the rules on the burden of proof and cannot prevent the Panel from issuing an award.

123. The Panel has therefore the power to consider the parties' submissions on the basis of the evidence produced in these arbitrations.

3.4 Applicable law

124. Article R58 of the Code requires the Panel to decide the dispute

"*according to the applicable regulations and 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*".

125. Article R58 of the Code, therefore, recognizes the traditional principle of the freedom of the parties to choose the law that the arbitral tribunal has to apply to the merits of the dispute. In this respect, it is generally agreed that the parties may choose to subject the dispute to a system of rules which is not the law of a State; in this context, the parties may designate the relevant statutes, rules or regulations of a sporting governing body as the applicable "rules of law" for the purposes of Article R58 of the Code (award of 12 July 2006, CAS 2005/A/983 & 984, *Peñarol v/ Bueno, Rodriguez & PSG*, § 64).

126. In the present case, the question is which "rules of law", if any, were chosen by the parties, i.e. whether the parties choose the application of a given State law, and the identification of the "applicable regulations" for the purposes of Article R58 of the Code.

127. In solving this question the Panel has to consider the following:

i. Article 62.2 of the FIFA Statutes indicates that

"*... CAS shall primarily apply the various regulations of FIFA and, additionally, Swiss law*";

ii. Article 11.7 of the CFA Statutes provides that

"*... the* [national anti-doping] *regulations must indispensably conform to the international Regulations of FIFA, UEFA, International Olympic Committee and the domestic legislation of Cyprus*".

128. In light of the foregoing, the Panel remarks that:

i. the appeals are directed against decisions issued by bodies of the CFA: the rules of the CFA are therefore in principle applicable, with Cyprus law to apply as law of the country of domicile of the entity that rendered the challenged decision; however,

ii. the appeals are based on Article 62.2 of the FIFA Statutes, mandating the application of the "*various regulations of FIFA*" and of Swiss law;

iii. the Judicial Committee itself, in the Decision of 2 April 2009 and in the Decision of 24 April 2009, considered and/or applied the FIFA regulations;

iv. the parties discussed in the proceedings before this Panel the contents and meaning of various provisions set in the FIFA regulations; and

v. in any case, the CFA anti-doping rules cannot conflict with the FIFA regulations: in case of conflict, the FIFA regulations prevail.

129. As a result, the Panel concludes that this dispute can be determined on the basis of the FIFA rules as the "applicable regulations" for the purposes of Article R58 of the Code, with Swiss law applying for their interpretation. Cyprus law, being the law of the country in which the CFA is based, applies subsidiarily.

130. A question has arisen in these proceedings with respect to the relevance of the rules contained in the WADC. WADA submits in fact that the WADC rules are also to be applied by the Panel, at least for the interpretation of the FIFA anti-doping rules which are meant to implement them; the CFA and the APOP Kinyras Respondents deny it, as the WADC "*is not a self-executing document*".

131. The Panel agrees with the submission of the CFA and of the APOP Kinyras Respondents. As noted in a CAS precedent (award of 5 May 2006, CAS 2005/A/831, *IAAF v/ Hellebuyck*, at § 7.3.4.1 et seq.), the fact that FIFA is a signatory to the WADC does not mean that the WADC applies between FIFA and its affiliates. As made clear by the Introduction to the WADC (both in its 2003 and 2009 versions), in order to be applied, the provisions of the WADC require implementation in the rules of the relevant organization. Indeed, the WADC can be used to help with interpretation, where the content of the FIFA rules is equivalent to the WADC: however, it is not possible to have recourse to the WADC to alter or amend the FIFA provisions where their content is not equivalent to the WADC.

132. The Panel, at the same time, remarks that some problems may be caused by the succession in time of the pertinent rules, that have evolved since Mr Medeiros and Mr Marques underwent the doping controls at which they tested positive. In fact

i. at the time the doping controls took place, the following regulations were in force:

- the FIFA DCR, which defined the actions constituting anti-doping infringements;
- the FIFA DC, which in its Articles 63-70 set the sanctions for the anti-doping infringements indicated in the FIFA DCR;

ii. but, thereafter, on 1 May 2009, the 2009 FIFA ADR entered into force, including in a single text, the provisions defining the anti-doping infringements and the related sanctions.

133. The Panel identifies the applicable rules by reference to the principle "*tempus regit actum*": in order to determine whether an act constitutes an anti-doping rule infringement, the Panel applies the law in force at the time the act was committed. In other words, new regulations do not apply retroactively to facts that occurred prior to their entry into force, but only for the future (CAS 2000/A/274, *S. v/ FINA*, award of 19 October 2000).

134. The principle of non-retroactivity is however mitigated by the application of the "*lex mitior*" principle (advisory opinion CAS 94/128, rendered on 5 January 1995, *UCI and CONI*): the new provisions must also apply to events which have occurred before they came into force if they lead to a more favourable result for the athlete. Except in cases where the penalty pronounced is entirely executed, the penalty imposed is, depending on the case, either expunged or replaced by the penalty provided by the new provisions

135. In light of the above, in order to establish an anti-doping rule violation and its consequences, the Panel shall apply the FIFA DCR and the FIFA DC. In any event, according to the principle of *lex mitior*, the Panel will apply those rules subsequently entered into force which are more favourable to any of the Respondents.

136. More precisely, the rules which are relevant to the case at hand are the following:

i. Article II (Anti-Doping Rule Violations) of the FIFA DCR

The following constitute anti-doping rule violations:

1. The presence of a prohibited substance or its metabolites or markers in a player's bodily sample. (…)

2. Use or attempted use of a prohibited substance (…)

8. Administration or attempted administration of a prohibited substance (…) to any player (…)

ii. Appendix A of the FIFA DCR

Substances and methods prohibited at all times (in and out of competition)

S.1 Anabolic agents

Anabolic agents are prohibited

1. Anabolic androgenic steroids

(…) oxymesterone (…)

iii. Article 65.1 of the FIFA DC

The following sanctions will, in principle, apply to doping offences in accordance with Chapter II of the Doping Control Regulations for FIFA Competitions and Out of Competition:

a) Any violation of Chapter II.1 (The presence of a prohibited substance or its metabolites or markers), Chapter II.2 (Use or attempted use of a prohibited substance or a prohibited method), Chapter II.3 (Refusing, or failing without compelling justification, to submit to sample collection), Chapter

II.5 (Tampering or attempting to tamper with any part of a doping control test) and Chapter II.6 (Possession of prohibited substances and methods) shall incur a two-year suspension for the first offence and a lifelong ban in the case of repetition. (...)

c) Any violation of Chapter II.7 (Trafficking in any prohibited substance or prohibited method) or Chapter II.8 (Administration of a prohibited substance or method) shall incur a suspension of at least four years. If any of the players concerned are under the age of 21 and the offence does not involve a specified substance, a lifelong ban shall be imposed on the perpetrator. (…)

iv. Article 65.2 of the FIFA DC

If the suspect can prove in each individual case that he bears no significant fault or negligence, the sanction may be reduced, but only by up to half of the sanction applicable under para. 1; a lifelong ban may not be reduced to less than eight years.

v. Article 65.3 of the FIFA DC

If the suspect can prove in an individual case that he bears no fault or negligence, the sanction otherwise applicable under the terms of para. 1 becomes irrelevant.

vi. Article 65.4 of the FIFA DC

If help given by a suspect leads to the exposure or proof of a doping offence by another person, the sanction may be reduced, but only by up to half of the sanction applicable under the terms of par. 1; a lifelong ban may not be reduced to less than eight years.

vii. Article 106 of the FIFA DC

1. The burden of proof regarding disciplinary infringements rests on FIFA.

2. In the case of a doping offence, it is incumbent upon the suspect to produce the proof necessary to reduce or cancel a sanction. For sanctions to be reduced, the suspect must also prove how the prohibited substance entered his body.

viii. Article III of the FIFA ADR

1. FIFA shall have the burden of establishing that an anti-doping rule violation has occurred.

2. Facts related to anti-doping rule violations may be established by any reliable means, including admissions. The following rules of proof shall be applicable in doping cases:

2.1 WADA-accredited laboratories are presumed to have conducted sample analysis and custodial procedures in accordance with the International Standard for Laboratories. The player or other person may rebut this presumption by establishing that a departure from the International Standard for Laboratories. If the player rebuts the preceding presumption by showing that a departure from the International Standard for Laboratories occurred, then FIFA shall have the burden of establishing that such departure did not cause the adverse analytical finding.

2.2 Departures from the International Standard for Testing, which did not cause an adverse analytical finding or other anti-doping rule violation shall not invalidate such results. If the player establishes that a departure from the International Standard occurred during testing then FIFA has the burden of establishing that such departures did not cause the adverse analytical finding or the factual basis for the anti-doping rule violation".

3.5 The merits of the dispute

137. The Decisions challenged in these proceedings concern Mr Medeiros and Mr Marques (the Decision of 24 April 2009), Mr Eranosian (the Decision of 2 April 2009) and the Other Players (the Decision concerning the Other Players). In respect of such Decisions, WADA and FIFA submit that the CFA bodies wrongly applied the relevant provisions: in essence, it is alleged that Mr Medeiros, Mr Marques and Mr Eranosian could not benefit from a reduction in the sanction, since they did not satisfy the conditions for the application of the rule on cooperation, and that the Other Players had to be sanctioned for an anti-doping rule violation.

138. The Panel, in order to assess the claims of WADA and FIFA, needs to answer the following questions with respect to Mr Medeiros, Mr Marques, Mr Eranosian and the Other Players:

1. have doping offences been committed?
2. in the event that the Panel finds that doping offences have been committed, it needs to further respond to the following questions:
   a. are the conditions met for the cancellation or reduction of the sanction
      i. under Article 65.2 or 65.3 of the FIFA DC?
      ii. under Article 65.4 of the FIFA DC?
   b. what are, in light of the above, the appropriate sanctions?

139. The Panel shall consider each of said questions separately for Mr Medeiros and Mr Marques (Part I), Mr Eranosian (Part II) and the Other Players (Part III).

140. Before doing that, however, the Panel finds it convenient, in order to avoid unnecessary repetitions, to clarify in general terms some issues, raised by the above questions, that are possibly common to the positions of all the Respondents.

141. <u>The first issue refers to the conditions for the reduction or elimination, pursuant to Article 65.2 or 65.3 of the FIFA DC, of the otherwise applicable ineligibility period</u>.

142. The Panel underlines in this respect, that the mentioned FIFA provisions, to the extent they make reference to the concepts of "*No Fault or Negligence*" or of "*No Significant Fault or Negligence*", correspond to the rules contained in the WADC (in its 2003 and 2009 editions: Articles 10.5.1 and 10.5.2). As a result, the Panel submits that the understanding and interpretation of the FIFA rules can be informed in such respect by the text and the interpretative notes included in the WADC. Indeed, the CAS case law has already followed this approach and held that the expressions "*No Fault or Negligence*" or "*No Significant Fault or Negligence*" should be considered as having the same meaning in the FIFA regulations and in the WADC (see the award of 3 June

2008, CAS 2006/A/1385 *Antchouet v/ HFF*, § 54).

143. Under the definitions included in the WADC, an athlete bears "*No Fault or Negligence*" when he establishes that "*he … did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he … had used or been administered the Prohibited Substance*", and he bears "*No Significant Fault or Negligence*" when he establishes "*that his … fault or negligence, when viewed in the totality of the circumstances and taking into account the criteria for No Fault or Negligence, was not significant in relationship to an anti-doping rule violation*".

144. According to the Comment to Articles 10.5.1 and 10.5.2 of the WADC (2009 edition), "*Articles 10.5.1 and 10.5.2 are meant to have an impact only in cases where the circumstances are truly exceptional …. . To illustrate the operation of Article 10.5.1, an example where No Fault or Negligence would result in the total elimination of a sanction is where an Athlete could prove that, despite all due care, he or she was sabotaged by a competitor. Conversely, a sanction could not be completely eliminated on the basis of No Fault or Negligence in the following circumstances: (a) a positive test resulting from a mislabelled or contaminated vitamin or nutritional supplement (Athletes are responsible for what they ingest (Article 2.1.1) and have been warned against the possibility of supplement contamination); (b) the administration of a Prohibited Substance by the Athlete's personal physician or trainer without disclosure to the Athlete (Athletes are responsible for their choice of medical personnel and for advising medical personnel that they cannot be given any Prohibited Substance); and (c) sabotage of the Athlete's food or drink by a spouse, coach or other Person within the Athlete's circle of associates (Athletes are responsible for what they ingest and for the conduct of those Persons to whom they entrust access to their food and drink)*".

145. According to the same Comment, "*however, depending on the unique facts of a particular case, any of the referenced illustrations could result in a reduced sanction based on No Significant Fault or Negligence. (For example, reduction may well be appropriate in illustration (a) if the Athlete clearly establishes that the cause of the positive test was contamination in a common multiple vitamin purchased from a source with no connection to Prohibited Substances and the Athlete exercised care in not taking other nutritional supplements)*".

146. The issue whether an athlete's negligence is "significant" has been much discussed in the CAS jurisprudence (e.g., in the awards of 20 July 2005, CAS 2005/A/847, *Knauss v/ FIS*; of 30 September 2008, CAS 2008/A/1489, *Despres v/ CCES* & CAS 2008/A/1510, *WADA v/ Despres, CCES and Bobsleigh Canada Skeleton*; of 12 June 2006, CAS 2006/A/1025, *Puerta v/ ITF*; of 15 July 2005, CAS 2005/A/830, *Squizzato v/ FINA*; of 24 March 2005, CAS 2004/A/690, *Hipperdinger v/ ATP Tour, Inc.*; of 17 August 2004, CAS OG 04/003, *Edwards v/ IAAF*). According to such precedents, a period of ineligibility can be reduced, based on no significant fault or negligence, only in cases where the circumstances are truly exceptional and not in the vast majority of cases.

147. <u>The second issue refers to the interpretation of Article 65.4 of the FIFA DC</u>.

148. Such provision, indeed, sets a rule (hereinafter referred to as the "FIFA Cooperation Rule") allowing for an additional ground for the reduction of the otherwise applicable ineligibility period, in the event "*help* [is] *given by a suspect* [which] *leads to the*

exposure or proof of a doping offence by another person". The intention of such provision is to grant preferential treatment to those athletes and players who, by furnishing information, contribute to the fight against doping. As mentioned in a CAS precedent (award of 20 July 2005, CAS 2005/A/847, *Knauss v/ FIS*, at § 7.4.5), "*the motive for this preferential treatment is the recognition that the instruments for combating and eliminating the acts of trafficking, possession or the administration of prohibited substances are extremely limited. This is due primarily to the inherently clandestine nature of these activities and, secondly, the personal relationships which the athlete usually has developed to the people and athletes in his immediate proximity. The athlete will generally not want to expose these persons to the risk of a sanction.* [The rule] *is intended to create an incentive for the athlete to provide the information which is urgently required for the fight against doping*" (see also the Scarponi Award, at § 91, and the Riccò Award, at § 61).

149. The Panel notes that rules sharing the same aim as the FIFA Cooperation Rules have been the object of interpretation by other CAS panels. More specifically, the Scarponi Award better defined the conditions for the application of Article 10.5.3 of the WADC (2003 edition), which provided that a sanction could be reduced "… *where the Athlete has provided substantial assistance to the Anti-Doping Organization which results in the Anti-Doping Organization discovering or establishing an anti-doping rule violation by another Person involving Possession under Article 2.6.2 (Possession by Athlete Support Personnel), Article 2.7 (Trafficking), or Article 2.8 (Administration to an Athlete)* …".

150. At the same time, however, the Panel remarks that the FIFA Cooperation Rule, while sharing the same aim, does not have the same content as Article 10.5.3 of the WADC (2003 edition). As remarked by the APOP Kinyras Respondents, in fact, Article 65.4 of the FIFA DC does not require that "substantial assistance" be provided in the discovery or establishment of an anti-doping rule violation; it simply requires that "help" be given which leads to the exposure or proof of a doping offence. If "help" appears as having the same meaning as "assistance" and "exposure" can be equated to "discovery", it is clear that the WADC requires a condition (that the assistance be "substantial") not contemplated by the FIFA DC.

151. As a result, for the purposes of the application of the FIFA Cooperation Rule, contrary to what other panels had to do while applying the WADC or rules of sport federations exactly corresponding to the WADC provisions, it is not necessary for this Panel to consider whether the assistance provided by the relevant subject was "substantial" or not. This Panel has simply to verify whether "help" was provided which led to the exposure of the doping offence by another person.

152. Of course, the above does not mean that all the clarifications offered by the CAS precedents with respect to the WADC are irrelevant: to the extent they refer to points corresponding to the FIFA Cooperation Rule, they offer pertinent guidance to this Panel.

153. In this respect, more specifically, this Panel agrees with the Scarponi Award where (at § 93) it underlined that "*il faut … un élément objectif, à savoir que l'aide fournie permette d'impliquer une autre personne. Ainsi des aveux fournis par l'athlète, mais portant sur ses propres infractions et ne permettant pas la poursuite d'un tiers n'ouvrent pas droit*

aux mesures de clémence …". The point is indeed reflected in Article 65.4 of the FIFA DC, where it indicates that the help given has to lead to "*the exposure or proof of the doping offence by another person*" (emphasis added).

154. The third issue refers to the rules on the proof of doping.

155. In such respect, the Panel notes that the burden of proof is initially on the party asserting that an anti-doping rule violation has occurred (Article 106 of the FIFA DC and Article III.1 of the FIFA ADR). However, according to Article III.2 of the FIFA ADR, the party asserting that an anti-doping rule violation occurred is not called to give evidence of the application of the relevant rules concerning the conduct of the analysis and the custodial procedures. The player, nevertheless, may rebut this presumption by establishing that a departure from the International Standard for Laboratories has occurred; in this case, the party asserting that an anti-doping rule violation has occurred has the burden of establishing that such departure did not undermine the validity of the adverse analytical finding.

156. As to the standard of proof (as confirmed also with respect to the application of the FIFA DC and the FIFA DCR by the CAS award of 3 June 2008, CAS 2006/A/1385, *Antchouet v/ HFF*, § 55), evidence has to be given that an anti-doping rule violation has occurred "*to the comfortable satisfaction of the hearing body, bearing in mind the seriousness of the allegation which is made*". This standard of proof is greater than "*a mere balance of probability*" but less than "*proof beyond reasonable doubt*." On the other hand, when the burden of proof is upon the player to rebut a presumption or establish specified facts or circumstances, the standard of proof shall be by a "*balance of probability*." The balance of probability means that the athlete alleged to have committed a doping violation bears the burden of persuading the judging body that the occurrence of a specified circumstance is more probable than its non-occurrence.

157. In light of the foregoing, the Panel can turn to the questions mentioned above (§ 138).

I. Mr Medeiros and Mr Marques

1. Have doping offences been committed by Mr Medeiros and Mr Marques?

158. It is undisputed that the doping controls that took place on 31 October 2008 and on 9 November 2008 showed the presence of Oxymesterone in the samples provided by Mr Marques and Mr Medeiros respectively.

159. Oxymesterone was (and still is) a prohibited substance at the time when the doping controls took place. Appendix A to the FIFA DCR, indeed, mentions Oxymesterone as an anabolic agent (an anabolic androgenic steroid), prohibited, as such, at all times (in- and out-of-competition).

160. Pursuant to Article II.1 of the FIFA DCR the presence of a prohibited substance in a player's bodily sample constitutes an anti-doping rule violation.

161. The Panel therefore concludes that the presence of Oxymesterone in the bodily samples of Mr Marques and of Mr Medeiros constitutes a doping offence: They did not dispute in the first instance or in the appeal the adverse analytical finding of the laboratory and,

therefore, accepted that they had committed a doping offence. Mr Medeiros and Mr Marques committed the doping offence contemplated by Article II.1 of the FIFA DCR, for which Article 65.1 of the FIFA DC provides the sanction of a two-year suspension.

2.a.i Are the conditions met for the cancellation or reduction of the sanction under Article 65.2 or 65.3 of the FIFA DC?

162. Having established that Mr Medeiros and Mr Marques committed anti-doping rule violations, the question that the Panel has now to consider, refers to the possibility to eliminate or reduce pursuant to Article 65.2 or 65.3 of the FIFA DC the otherwise applicable ineligibility periods.

163. Comment to Articles 10.5.1 and 10.5.2 of the WADC (§ 144 above) alone, however, suggests that the application of the *No Fault or Negligence*-principle in the case at hand is to be excluded. As expressly made clear therein, fault or negligence cannot be excluded because of the simple fact that the prohibited substance had been administered without disclosure to the players by the trainer. Mr Marques and Mr Medeiros are therefore not entitled to the elimination of the sanction pursuant to Article 65.3 of the FIFA DC.

164. In the same way, the Panel notes that it cannot find that the behaviour of Mr Marques and of Mr Medeiros was not significantly negligent.

165. In the case at hand, in fact, Mr Marques and Mr Medeiros blindly accepted the pills administered by Mr Eranosian: they did not refuse, they did not ask questions or make any enquiry, and they did not conduct further investigations with a doctor or another reliable specialist. Those circumstances show that Mr Marques and Mr Medeiros were indeed very negligent under the alleged circumstances, also considering that the risks associated with contamination of products should be well known among athletes, years after the first cases of anti-doping rule violations caused by contamination or mislabelled food supplements were detected and considered in the CAS jurisprudence. Mr Marques and Mr Medeiros are therefore not entitled to the reduction of the sanction pursuant to Article 65.2 of the FIFA DC.

2.a.ii Are the conditions met for the reduction of the sanction under Article 65.4 of the FIFA DC?

166. The main question that has to be examined by the Panel with respect to the position of Mr Marques and Mr Medeiros, concerns the satisfaction of the conditions set by Article 65.4 of the FIFA DC for the reduction of the sanction otherwise applicable: WADA denies that the conditions of Article 65.4 are satisfied and therefore challenges the Decision of 24 April 2009 that held otherwise.

167. As already mentioned (§ 151 above), for the purposes of the application of the FIFA Cooperation Rule, this Panel has simply to verify whether "help" was provided and whether this help led to the exposure of the doping offence by another person.

168. In such respect, the Panel notes, also on the basis of the declarations rendered by Mr Michanikos while heard as a witness at the hearing, that it is undisputed that Mr Marques and Mr Medeiros were the first individuals to expose the actions of Mr

Eranosian, i.e. that pills had been administered to the players by Mr Eranosian before the matches of APOP Kinyras. Only after Mr Marques and Mr Medeiros had described Mr Eranosian's practice, could further investigation be conducted with respect to the pills administered by Mr Eranosian. Only following the declarations of Mr Marques and Mr Medeiros could Mr Eranosian be requested to give explanations and disciplinary proceedings were started against him.

169. The Panel, therefore, finds that Mr Marques and Mr Medeiros provided "help" by way of assistance and information to Mr Michanikos with regard to the implication of Mr Eranosian in their anti-doping rule violation. Mr. Michanikos did not have the legal authority to compel them to disclose or testify before him. Therefore, under the circumstances, the Panel cannot understand how they could have cooperated more with the investigation of Mr Michanikos concerning Mr Eranosian. In the opinion of the Panel, in conclusion, Mr Marques and Mr Medeiros satisfied the conditions for the application of the FIFA Cooperation Rule. The argument of WADA, that the doping offence committed by Mr Eranosian would have been discovered even without the information provided by Mr Marques and Mr Medeiros is in this context totally immaterial.

170. Mr Marques and Mr Medeiros are therefore entitled to a reduction of the sanction pursuant to Article 65.4 of the FIFA DC. This Panel agrees on the point with the Decision of 24 April 2009.

2.b What is, in light of the above, the appropriate sanction for Mr Medeiros and Mr Marques?

171. Pursuant to Article 65.4 of the FIFA DC, if help is given (leading to the exposure or proof of a doping offence by another person), the sanction may be reduced, but only by up to half of the sanction applicable; a lifelong ban may not be reduced to less than eight years. As a result, since the sanction contemplated by Article 65.1 of the FIFA DC for the offence of Mr Marques and Mr Medeiros is a two-year suspension, Mr Marques and Mr Medeiros can benefit of a maximum reduction to one year of suspension. Indeed, the Judicial Committee, in the Decision of 24 April 2009, applied the reduction to its maximum extent.

172. Preliminarily, the Panel notes that WADA in its submissions, challenged the application to Mr Marques and Mr Medeiros of the FIFA Cooperation Rule. WADA, however, did not specifically challenge the Decision of 24 April 2009 with respect to the measure of the reduction applied. As a result, the Panel, having found that the Mr Marques and Mr Medeiros were entitled to the benefits under the FIFA Cooperation Rule, could not review the extent in which such benefits were granted, failing a request by WADA. The Panel, however, finds that the Decision of 24 April 2009 can be confirmed on this point also for other reasons.

173. The Panel holds in fact that, for the determination of the measure (of the reduction) of the sanction, some elements are relevant: in deciding the period of ineligibility in a range between one and two years, the Panel has to review the degree of assistance provided, i.e. the type of information shared, the manner in which it was shared, and its impact on the discovery of the involvement of another subject in a doping offence, as well as the doping offence the individual claiming the reduction is involved in (it is in

fact conceded that the offence committed by the athlete could appear so serious that it would not be conceivable to grant this athlete a measure of mercy). In the determination of such reduction, the disciplinary body enjoys a discretionary power (Scarponi Award, at § 98).

174. In this latter respect, this Panel agrees with the CAS jurisprudence under which the measure of the sanction imposed by a disciplinary body in the exercise of the discretion allowed by the relevant rules can be reviewed only when the sanction is evidently and grossly disproportionate to the offence (see, e.g. the awards of: 24 March 2005, CAS 2004/A/690, *Hipperdinger v/ ATP Tour, Inc.*, § 86; 15 July 2007, CAS 2005/A/830, *Squizzato v/ FINA,* § 10.26;; 26 June 2007, 2006/A/1175, *Daniute v/ IDSF*, § 90; and the advisory opinion of 21 April 2006, CAS 2005/C/976 & 986, *FIFA & WADA*, § 143).

175. In this case, the Panel holds that in the specific case, the sanction imposed by the Judicial Committee is not evidently and grossly disproportionate, with a view to the elements that had to be considered in the exercise of such discretion: Mr Marques and Mr Medeiros voluntarily provided as much help as they could; they were open and frank; their offences (however caused by a negligent behaviour) cannot be described as intentional.

176. The Panel concludes therefore that the period of the ineligibility of one year imposed by the Judicial Committee is proper under to Article 65.4 of the FIFA DC for the anti-doping rule violation committed by Mr Marques and Mr Medeiros.

II. Mr Eranosian

1. Has a doping offence been committed by Mr Eranosian?

177. It is undisputed that Mr Marques and Mr Medeiros tested positive on 31 October 2008 and on 9 November 2008 for Oxymesterone following the ingestion of pills given them by Mr Eranosian before the match.

178. During the investigation of Mr Michanikos, as confirmed in the Investigation Report, it was held that the pills administered by Mr Eranosian were contaminated with Oxymesterone. The point, set in the Decision of 2 April 2009 and in the Decision of 24 April 2009, is unchallenged.

179. As already mentioned (§ 159 above), Oxymesterone was (and still is) a prohibited substance at the time the doping controls took place.

180. Pursuant to Article II.8 of the FIFA DCR the administration of a prohibited substance constitutes an anti-doping rule violation.

181. The Panel therefore concludes that the administration of Oxymesterone by Mr Eranosian to Mr Marques and Mr Medeiros constitutes a doping offence: Mr Eranosian committed the doping offence contemplated by Article II.8 of the FIFA DCR, for which Article 65.1 of the FIFA DC provides the sanction of a four-year suspension.

2.a.i Are the conditions met for the cancellation or reduction of the sanction under Article 65.2 or 65.3 of the FIFA DC?

182. Having established that Mr Eranosian committed an anti-doping rule violation, the question that the Panel has now to consider refers to the possibility to eliminate or reduce pursuant to Article 65.2 or 65.3 of the FIFA DC the otherwise applicable ineligibility period.

183. The Panel denies this possibility, taking into consideration, the conditions (summarized above: §§ 142-146) to which it is subject: Mr Eranosian administered pills he had obtained from a source unrelated to the producer; he did not ask questions or conduct further investigations with a doctor or another reliable specialist; he did not have the pills tested by an official laboratory. Those circumstances show that Mr Eranosian was extremely negligent under the alleged circumstances.

184. In this context, the Panel finds that the elements invoked by Mr Eranosian (§ 93 above) have not been substantiated and are not relevant: the fact that he did not administer the pills secretly, but in full view of all the players and other coaching staff in the dressing room before the game, or that he did not force anyone to take the pills, do not contradict or exclude his significant negligence.

185. Mr Eranosian is therefore not entitled to a reduction of the sanction pursuant to Articles 65.2 or 65.3 of the FIFA DC.

2.a.ii Are the conditions met for the reduction of the sanction under Article 65.4 of the FIFA DC?

186. Also, with respect to the position of Mr Eranosian, the main question that has to be examined by the Panel concerns the application of the FIFA Cooperation Rule: WADA and FIFA deny its application and therefore challenge the Decision of 2 April 2009 that held otherwise.

187. In this respect, the Panel notes that according to the Decision of 2 April 2010, the Judicial Committee appears to have imposed on Mr Eranosian, a reduced sanction in light of "*the immediate cooperation and willingness of Mr Eranosian for the detection of this sad case, with unpleasant results for him, which would possibly not been achieved without his contribution*".

188. At the same time, the Panel has noted the letter dated 14 May 2009 (§ 35 above) whereby the CFA explained that "*Mr. Eranosian had opened a case against the Cyprus FA in the civil courts*" and that "*he was persuaded to abandon the case in the civil courts in exchange for a lesser penalty*".

189. In the opinion of the Panel, however, the elements considered by the Judicial Committee or mentioned in the CFA's letter of 14 May 2009 are not relevant under the FIFA Cooperation Rule.

190. As explained above (§ 153) under Article 65.4 of the FIFA DC, it is necessary that the help is given leading to the exposure or proof of the doping offence by another person. The fact that Mr Eranosian admitted his doping offence, provided for testing the pills he

had distributed, apologized for his actions and explained all the elements surrounding them, or that he withdrew an action brought before Cyprus courts against the CFA does not trigger the application of the FIFA Cooperation Rule. In essence, he only provided a confession of his actions, but did not provide help leading to the exposure or proof of the doping offence by another person: for instance, he did not disclose the name of the supplier of the pills containing Oxymesterone.

191. Mr Eranosian is therefore not entitled to a reduction of the sanction pursuant to Article 65.4 of the FIFA DC.

2.b What is, in light of the above, the appropriate sanction for Mr Eranosian?

192. In light of the foregoing, the Panel finds that Mr Eranosian has committed an anti-doping rule violation and is not entitled to any reduction of the period of ineligibility to be imposed for the offence for which he is responsible. The Decision of 2 April 2009, to the extent it otherwise held, is to be set aside.

193. The reduction of the sanction to be imposed is not justified, in addition, by any of the other reasons suggested by Mr Eranosian (§ 93 above). No reduction can be granted on the basis of the fact that "*he is a first offender*": indeed, should this not be the case, Mr Eranosian would be subject to a much harsher sanction; no reduction can be applied on the basis of the equality of treatment principle, since, in any case, no comparable infringement has been committed in this case by other subjects.

194. As a result, the Panel imposes on Mr Eranosian, pursuant to Article 65.1 of the FIFA DC, the sanction of a four-year suspension, to be calculated from 2 April 2009, the date on which Mr Eranosian was originally suspended.

III. The Other Players

1. Have doping offences been committed by the Other Players?

195. WADA also challenges in the arbitration, the Decision concerning the Other Players, whereby the CFA decided not to start disciplinary proceedings against them. Contrary to the CFA's decision, WADA requests this Panel to find the Other Players responsible for the anti-doping rule violation contemplated by Article II.2 of the FIFA DCR, as having used the prohibited substance administered by Mr Eranosian. As a result, the sanction provided by Article 65.1.a of the FIFA DC should apply and the Other Players should be suspended for two years.

196. As mentioned above (§§ 155-156), WADA, being the party asserting that an anti-doping rule violation has occurred, has the burden of establishing the infringement committed by the Other Players. In other words, WADA has to prove that the Other Players used a prohibited substance.

197. The Panel notes that WADA offers, in support of its claim against the Other Players, a line of reasoning based on logic as follows: Mr Eranosian administered some pills to Mr Marques and Mr Medeiros containing a prohibited substance; Mr Eranosian administered the same pills to the Other Players; therefore the Other Players used a prohibited substance. In other words, WADA is basing its allegation on a presumption:

starting from two established facts, it infers a conclusion with regard to a third, uncertain fact.

198. The Panel is not convinced to its "*comfortable satisfaction*" that such conclusion – failing additional corroborating evidence – can be accepted.

199. The Panel notes, in fact, that there is no evidence that the actual pills individually used by each of the Other Players contained a prohibited substance. Indeed some players took the pills, were subsequently tested and there was no adverse analytical finding.

200. No clear-cut evidence was brought to show that – contrary to a common assumption in the CFA disciplinary proceedings concerning Mr Medeiros, Mr Marques and Mr Eranosian – the pills administered by Mr Eranosian were "plain steroids" and not "caffeine pills" contaminated by steroids. WADA itself refers in its submissions (see § 79.i above) to the dangers of "nutritional supplements"; and the concrete possibility that the pills were a contaminated product can be shown by the fact that the players of APOP Kinyras who underwent doping controls did not produce adverse analytical results (except Mr Marques and Mr Medeiros).

201. The supposition that the pills administered by Mr Eranosian were "caffeine pills" contaminated by steroids excludes the possibility to follow the mentioned WADA's line of reasoning, since it is possible that, even though Mr Eranosian administered some pills to Mr Marques and Mr Medeiros containing a prohibited substance and Mr Eranosian administered the same pills to the Other Players, the Other Players did not use a prohibited substance.

202. In light of the above, the Panel holds that there is insufficient evidence that the Other Players used a prohibited substance. The decision not to open disciplinary proceedings against them was correct: the WADA appeal against the Other Players must be dismissed.

3.6 Conclusion

203. The Panel holds that the appeals brought by WADA (CAS 2009/A/1817) and FIFA (CAS 2009/A/1844) against the Decision of 2 April 2009 are upheld.

204. The Decision of 2 April 2009 is set aside and Mr Eranosian is declared ineligible for a period of four years, commencing on 2 April 2009, the date of his suspension according to the Decision of 2 April 2009.

205. The appeals filed by WADA against the Decision of 24 April 2009 and against the Decision concerning the Other Players are dismissed.

206. In the same way, all other prayers for relief (except as specified below: § 210) submitted by the parties are to be dismissed.

4. COSTS

207. Pursuant to Article R65.1 of the Code, disciplinary cases of an international nature are free of charge, except for the Court Office fee to be paid by the appellant and retained by the CAS.

208. Article R65.3 of the Code provides that the Panel shall decide which party shall bear the costs of the parties, witnesses, experts and interpreters, taking into account the outcome of the proceedings, as well as the conduct and financial resources of the parties.

209. As those proceedings involve appeals in a disciplinary case of an international nature, which were brought to CAS by WADA and FIFA, they are free of charge, except for the Court Office fees, already paid by WADA and FIFA, which are retained by the CAS.

210. With regard to the parties' costs, having taken into account the outcome of the arbitrations, the conduct and the financial resources of the parties, the Panel finds it to be appropriate and fair that

    i. Mr Edward Eranosian pay CHF 10,000 (ten thousand Swiss Francs) to WADA as a contribution towards the legal and other costs incurred by WADA in connection with these arbitration proceedings;

    ii. WADA pays CHF 1,000 (one thousand Swiss Francs) to each of CFA, Mr Marques, Mr Medeiros and the Other Players as a contribution towards the legal and other costs incurred by them in connection with these arbitration proceedings;

    iii. FIFA, not represented in the proceedings by an external counsel bears its own legal and other costs.

ON THESE GROUNDS

The Court of Arbitration for Sport rules that:

1. The appeals filed by the World Anti-Doping Agency and by the Fédération Internationale de Football Association against the decision issued on 2 April 2009 by the Judicial Committee of the Cyprus Football Association concerning Mr Edward Eranosian are upheld.

2. Mr Edward Eranosian is declared ineligible for a period of four years, commencing on 2 April 2009.

3. The appeal filed by the World Anti-Doping Agency against the decision issued on 24 April 2009 by the Judicial Committee of the Cyprus Football Association concerning Mr Carlos Marques and Mr Leonel Medeiros is dismissed.

4. The decision issued on 24 April 2009 by the Judicial Committee of the Cyprus Football Association concerning Mr Carlos Marques and Mr Leonel Medeiros is confirmed.

5. The appeal filed by the World Anti-Doping Agency against Mr Angelos Efthymiou, Mr Yiannis Sfakianakis, Mr Dmytro Mykhailenko, Mr Samir Bengeloun and Mr Bernardo Vasconcelos is dismissed.

6. This award is pronounced without costs, except for the Court Office fee of CHF 500 (five hundred Swiss Francs) already paid by the World Anti-Doping Agency and the Fédération Internationale de Football Association, to be retained by the CAS.

7. Mr Edward Eranosian is ordered to pay CHF 10,000 (ten thousand Swiss Francs) to the World Anti-Doping Agency as a contribution towards the legal and other costs incurred in connection with these arbitration proceedings.

8. The World Anti-Doping Agency is ordered to pay CHF 1,000 (one thousand Swiss Francs) to each of the Cyprus Football Association, Mr Carlos Marques, Mr Leonel Medeiros, Mr Angelos Efthymiou, Mr Yiannis Sfakianakis, Mr Dmytro Mykhailenko, Mr Samir Bengeloun and Mr Bernardo Vasconcelos as a contribution towards the legal and other costs incurred in connection with these arbitration proceedings.

9. The Fédération Internationale de Football Association shall bear its own legal and other costs.

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

Lausanne, 26 October 2010

THE COURT OF ARBITRATION FOR SPORT

Luigi **Fumagalli**
President of the Panel

Richard H. **McLaren**
Arbitrator

Michele **Bernasconi**
Arbitrator