

## **WORLD RUGBY**

### **IN THE MATTER OF AN ANTI-DOPING RULE VIOLATION BY JUAN DAVID HERRERA HENAO (COLOMBIA) (THE “PLAYER”) CONTRARY TO WORLD RUGBY REGULATION**

#### **21**

##### Reasoned Decision

- [1] The Player underwent an Out of Competition Doping Control on 18 March 2021 as part of his involvement in the Superliga Americana de Rugby conducted under the Testing Authority of the Comisión Nacional de Control de Dopaje de Chile (CNCD Chile).
- [2] The Player’s Sample was sent to the WADA Accredited Laboratory in Paris, France for analysis and on 3 May 2021 returned an Adverse Analytical Finding (AAF) for 19-Norandrosterone, boldenone and its metabolite 5b-androst-1-en-17b-ol-3-one.
- [3] 19-Norandrosterone, boldenone and its metabolite 5b-androst-1-en-17b-ol-3-one are classified as Non Specified Substances under S1.1 Anabolic Androgenic Steroids under the WADA 2021 Prohibited List. The Player did not have a Therapeutic Use Exemption approving the use of any of the Prohibited Substances to treat a legitimate medical condition.
- [4] In accordance with Article 7.1.3 of the World Anti-Doping Code, CNCD Chile declined to exercise Results Management Authority (RMA) in this matter and transferred RMA to World Rugby.
- [5] The Player was notified of the AAF and his Provisional Suspension by letter on 20 May 2021.
- [6] On 6 June 2021 the Player offered an explanation, and accepted the finding of the laboratory. His right to request the “B” sample analysis was deemed waived.
- [7] By letter dated 7 July 2021, the Player was given formal notice that he was being charged with an anti-doping rule violation, namely a breach of World Rugby Regulation 21.2.1 on the basis that 19-Norandrosterone, boldenone and its metabolite 5b-androst-1-en-17b-ol-3-one were present in the player’s sample (“the ADRV”).
- [8] The Player was notified that it was World Rugby’s position that the ADRV was intentional (under World Rugby Regulation 21.10.2.1.2) and that World Rugby would be seeking a four year period of Ineligibility.
- [9] The Player was also informed that if, within 20 days of the formal notice of charge, the Player were to accept the occurrence of the ADRV and the consequences of the ADRV, then the four year suspension would be reduced to three years under World Rugby Regulation 21.10.8.1.
- [10] Within the 20 day period provided for under World Rugby Regulation 21.10.8.1, the Player admitted the ADRV and waived his right to a hearing. The Player also accepted the associated sanction of a suspension of four years from all rugby activity at all levels, pursuant to World Rugby Regulation 21.10.2.1, but with the four year sanction being reduced by one year pursuant to World Rugby Regulation 21.10.8.1. The Player also acknowledged that under World Rugby Regulation 21.10.8.1, no further reduction in the period of Ineligibility shall be allowed under any other Regulation.

[11] World Rugby Regulation 21.10.8.1 provides that: *“One (1) Year Reduction for Certain Anti-Doping Rule Violations Based on Early Admission and Acceptance of Sanction. Where a Player or other Person, after being notified by World Rugby of a potential anti-doping rule violation that carries an asserted period of Ineligibility of four (4) or more years (including any period of Ineligibility asserted under Regulation 21.10.4), admits the violation and accepts the asserted period of Ineligibility no later than twenty (20) days after receiving notice of an anti-doping rule violation charge, the Player or other Person may receive a one (1) year reduction in the period of Ineligibility asserted by World Rugby. Where the Player or other Person receives the one (1) year reduction in the asserted period of Ineligibility under this Regulation 21.10.8.1, no further reduction in the asserted period of Ineligibility shall be allowed under any other Regulation”*.

[12] Consequently, the Player is suspended for three years and the suspension runs from the date of his Provisional Suspension on 20 May 2021, ending at midnight on 19 May 2024.

[13] The Player's attention is drawn to Regulation 21.10.14 (Status During Ineligibility or Provisional Suspension) which provides (so far as relevant here):

*“21.10.14.1 Prohibition Against Participation During Ineligibility or Provisional Suspension*

*No Player or other Person who has been declared Ineligible or is subject to a Provisional Suspension may, during a period of Ineligibility or Provisional Suspension, participate in any capacity in a Competition or activity (other than authorised anti-doping Education or rehabilitation programmes) authorised or organised by any Signatory, Signatory's member organisation, or a club or other member organisation of a Signatory's member organisation, or in Competitions authorised or organised by any professional league or any international- or national-level Event organisation or any elite or national-level sporting activity funded by a governmental agency.”*

...

*A Player or other Person subject to a period of Ineligibility shall remain subject to Testing and any requirement by World Rugby to provide whereabouts information.*

*21.10.14.2 Return to Training*

*As an exception to Regulation 21.10.14.1, a Player may return to train with a team or to use the facilities of a Union, Club, Rugby Body or other member organisation of World Rugby, an Association or a Union during the shorter of: (1) the last two months of the Player's period of Ineligibility, or (2) the last one-quarter of the period of Ineligibility imposed. ”*

[14] This decision is final, subject to referral to a Post Hearing Review Body (Regulation 21.13.7) or an appeal, where the circumstances permit, to the Court of Arbitration for Sport (Regulation 21.13.2). The regulation sets out the timelines within which any referral or appeal must be commenced.



David Ho  
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