



Sent to

AIK
Evenemangsgatan 31
169 03 SOLNA
Sweden

Decision
of the
Control, Ethics and Disciplinary Body
on
19 September 2019

Chairman: Partl Thomas (AUT)
Vice-Chairmen: Hansen Jim Stjerne (DEN)
Members: Antenen Jacques (SUI)
García Caba Miguel María (ESP)
Leal João (POR)
Lorenz Hans (GER)
Řepka Rudolf (CZE)

Disciplinary Case: 32958 - UEL - 2019/20

Incidents: Other Doping Control issue – Art. 9 Anti-Doping Regulations
Other Doping Control issue (Lindkvist Rasmus) – Art. 9.08 (a) Anti-Doping Regulations

Competition: UEFA Europa League 2019/2020

Match: Celtic FC vs. AIK, 22.08.2019

Referee: Tamás Bognár (HUN)

I. Facts of The Case

1. The elements set out below are a summary of the main relevant facts, as established by the Control, Ethics and Disciplinary Body (the "CEDB") on the basis of the official reports, the written submissions, the exhibits filed and the statements produced by AIK (the "club") in the course of the CEDB proceedings. While the CEDB has considered all the facts, allegations, legal arguments and evidence submitted by the club in these proceedings, it refers in the present decision only to the submissions and evidence it considers necessary to explain its reasoning.
2. The facts of this case, as reported by the UEFA doping control officer (the "DCO") present at the 2019/20 UEFA Europa League match between Celtic FC and the club, played on 22 August 2019 (the "match"), are as follows:

DCO's report

"No. 9 Lindqvist (AIK Stockholm) Did the DCO/chaperone tell the player that he/she was selected to undergo a doping control? Yes.

Did the player go to the dressing room despite the DCO/chaperone telling him not to?. The team rep did not know, and he did not tell the player not to go to the dressing room.

Did the player stay in the dressing room without supervision of a DCO/chaperone? If this is the case how long? Yes, less than 1 minute.

Any other remarks? The team rep. apologies. The team doc was instructed to tell team rep again that it is not allowed to go anywhere but to the DCS."

II. The club's statements

3. The club in its statements dated 8 September 2019, essentially stated the following:
 - The club and Lindkvist Rasmus (the "player") apologise for the incident.
 - The club states that it is used to the doping control routines at the Swedish League, where the players can go to the dressing room, followed by the DCO, after the games.
 - The club informs that it has now changed its doping control routine to avoid any other future incidents.
4. The more detailed arguments made by the club and the player in support of their written submissions are set out below in as far as they are relevant.

III. Merits of the Case

A. UEFA's competence and relevant provisions applicable to the case

5. Pursuant to Articles 33(3), 52 and 57 of the UEFA Statutes, as well as Article 29(3) of the UEFA Disciplinary Regulations (DR), the CEDB is competent to deal with the case.
-

-
6. Pursuant to Article 5(a) DR, the UEFA Statutes, rules and regulations, in particular the DR, are applicable to these proceedings.
 7. The following relevant provisions apply to the case at hand.
 8. According to Article 13 DR, "*[d]oping is punished in accordance with the UEFA Anti-Doping Regulations and these regulations*".
 9. Pursuant to Article 9.01 of the UEFA Anti-Doping Regulations ("ADR") "*[...] clubs admitted to participate in UEFA competitions undertake to assist UEFA in the implementation of its anti-doping programme described in these regulations [...]*".
 10. Pursuant to Article 9.03 ADR, "*[p]layers [...] from [...] clubs undertake to comply with these anti-doping regulations and assist UEFA in the implementation of its antidoping programme described in these regulations and in investigating antidoping rule violations*".
 11. According to Article 9.08 ADR, "*[e]very player designated to undergo a doping control: (a) is personally responsible for reporting immediately to the doping control station as notified [...]*".
 12. According to Appendix B, B(8) ADR, "*[w]ithout prejudice to each player's personal responsibility to report for sample collection and even when chaperones have been appointed, the teams concerned are responsible for ensuring that the players selected for sample collection report to the doping control station straight from the pitch as soon as the match is over*".
 13. According to Article 45 DR, "*[f]acts contained in official UEFA reports are presumed to be accurate. Proof of their inaccuracy may, however, be provided*".
 14. Pursuant to Article 23 DR, "*[t]he competent disciplinary body determines the type and extent of the disciplinary measures to be imposed in accordance with the objective and subjective elements of the offence, taking account of both aggravating and mitigating circumstances. [...]* ³ *Disciplinary measures can be reduced or increased by the competent disciplinary body on the basis of the circumstances of the specific case [...]*".
 15. According to Article 25 DR, "*[r]ecidivism occurs if another offence of a similar nature is committed within: [...] (c) two years of the previous offence if that offence was related to order and security at UEFA competition matches; (d) three years of the previous offence in all other cases.* ² *Recidivism counts as an aggravating circumstance*".
 16. According to Article 6(5) DR, "*Annex A contains a list of standard disciplinary measures which may be taken into consideration by the relevant disciplinary body when rendering its decision*".
-

B. Responsibility of the club and the player for the doping violation

17. According to the DCO's report, the player did not report to the Doping Control Station ("DCS") straight from the pitch as soon as the match was over, which resulted in the player staying in the dressing room for less than one minute before reporting to the DCS.
 18. The CEDB underlines that it is of utmost importance, in order to ensure the functioning and efficiency of the UEFA anti-doping programme, that clubs and players respect and follow the regulations set out by UEFA and act diligently when implementing such regulations.
 19. According to Article 9.08(a) ADR, the players selected for the sample collection must report immediately to the DCS after the end of the match, whereas according to Appendix B, B(8) ADR, the teams concerned are responsible for ensuring that such players report to the DCS straight from the pitch as soon as the match is over. In the case at hand, the player was selected for sample collection but instead of going directly to the DCS, he went to the team's dressing room before reporting to the DCS. According to the official report, he stayed there for less than one minute without being under observation of the DCO.
 20. The CEDB recalls the statements of the club and the player that the doping control procedure at UEFA competition matches is different from the one in the Swedish League. In this regard, the CEDB points out that the lack of knowledge of a rule is not an acceptable pretext or justification for a violation of the applicable regulations, particularly when the offence is related to the anti-doping procedure.
 21. The CEDB emphasises that each club and its staff have to ensure that players are made aware of the obligation of reporting to the DCS without delay (cf. Appendix B, B(8) ADR). In the present case, the CEDB does not have any doubt, as it is also recognised by the club, that the latter is responsible for breaching Appendix B, B(8) ADR.
 22. Regarding the responsibility of the player, the CEDB stresses that, in order to ensure the integrity of the competition, it is crucial that every player selected to participate in a doping control reports to the DCS immediately; otherwise, the *ratio legis* of Article 9.08(a) ADR and the accuracy and integrity of the testing procedure is undermined. This has been regularly confirmed by the well-established jurisprudence of the disciplinary bodies of UEFA (as published on the UEFA website). In the present case, the CEDB considers that it has been established, and confirmed by the club and the player, that the player did not report directly to the DCS after the end of the match.
 23. Noting that the violations of the ADR by the player and the club have been established, recalling that the club did not provide any arguments which could question the accuracy of the facts contained in the official report, which are presumed to be accurate in accordance with Article 45 DR, the CEDB considers that the club and the player shall be punished for the violation of Article 13 DR in connection with Appendix B, B(8) ADR and Article 9.08(a) ADR respectively; i.e. for the player's failure to immediately report to the DCS in accordance with the ADR.
-

IV. The determination of the appropriate disciplinary measure

24. Based on Article 23 DR, the CEDB determines the type and extent of the disciplinary measures to be imposed in accordance with the objective and subjective elements of the case, taking account of any aggravating and mitigating circumstances.
 25. The CEDB notes that the club and the player have no previous record of doping offences within the last three years (cf. Article 25(1)(d) DR).
 26. The CEDB considers that the doping control procedure is of the utmost importance for UEFA's fight against doping and, consequently, the CEDB must be strict in its application of the ADR. In the present case, according to the DCO's report, the player was aware of his selection but instead of going directly to the DCS, as it is imperative pursuant to Article 9.08(a) ADR, he went directly to the dressing room, with the result that the DCO had to go and look for the player.
 27. In the light of the above, regarding the violation committed by the club, the CEDB decides to apply Article 6(5) DR and its Annex A(VI), which provides standard sanctions for said offence. Consequently, taking into the account that it is the first doping offence of the club, the CEDB decides to fine the club €5,000 for the violation of Article 13 DR in connection with Appendix B, B(8) ADR.
 28. In relation with the violation committed by the player, the CEDB also decides to apply Article 6(5) DR and its Annex A(VI), which provides standard sanctions for said offence. Consequently, taking into the account that it is the first doping offence of the player, the CEDB decides to fine the player €5,000 for the violation of Article 13 DR in connection with Article 9.08(a) ADR.
-

29. Consequently, the CEDB

decides

1. **To fine AIK €5,000 for the doping offence, i.e. for not ensuring that the player Lindkvist Rasmus selected for sample collection reported to the doping control station straight from the pitch as soon as the match was over.**
2. **To fine AIK player Lindkvist Rasmus €5,000 for the doping offence, i.e. for not reporting to the doping control station directly after the conclusion of the match.**
3. **The above fines must be paid into the bank account indicated below within 90 days of communication of this decision.**
4. **AIK ensures that the player is personally informed of this decision.**

Thomas Partl
Chairman



© Swedish Football Association

Bank details

Union Bank of Switzerland
CH-3001
Acc. n° 235-90 186'444.6
Bank code 235
Swift: UBS WCH ZH 80A
IBAN CH30 00235235901864446

*Detail address of UBS AG (Union Bank of Switzerland) – CH – 3001 BERNE
VAT Number in Switzerland : CHE-116.317.087
Fiscal number in Switzerland / canton de Vaud : 21 652*

Advice as to rights of appeal

This decision is open to appeal (Article 60 DR).

A declaration of the intention to appeal against a decision by the Control, Ethics and Disciplinary Body must be lodged with the UEFA administration, in writing, for the attention of the Appeals Body, within three days of notification of the relevant decision with grounds (Article 60 (2) DR).

Within five days of the expiry of the time limit for the declaration of the intention to appeal, the appellant must file, in writing, the grounds for appeal, which must contain a legal request, an account of the facts, evidence, a list of the witnesses proposed (with a brief summary of their expected testimony) and the appellant's conclusions (in particular on whether to conduct the appeal proceedings orally or in writing) (Article 60 (3) DR).

The appeal fee is €1,000, payable on submission of the grounds for appeal at the latest (Article 60 (4) DR).

Publication notice

Decisions of the UEFA disciplinary bodies are published on the UEFA website in accordance with Article 52(5) DR. A request to publish an anonymised version of the decision shall be submitted to the UEFA administration within seven days of notification of the decision with grounds.