



Sent to

Royal Netherlands Football Association
Woudenbergseweg 56-58
3700 AM ZEIST
Netherlands

Decision
of the
Control, Ethics and Disciplinary Body
on
25 April 2019

Chairman: Partl Thomas (AUT)

Disciplinary Case: 32546 - EURO - 2019/20

Incidents: Doping offence - Art. 13 DR, Appendix B, Art. B(8) ADR
Doping offence, Dumfries Denzel Justus Morris - Art. 13 DR, Art. 9.08(a) ADR
Doping offence, Bizot Marco - Art. 13 DR, Art. 9.08(a) ADR

Competition: European Championship 2020

Match: Netherlands vs. Belarus, 21.03.2019

Referee: Davide Massa (ITA)

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 in the course of the CEDB proceedings. While the CEDB has considered all the facts, allegations, legal arguments and evidence submitted by the Royal Netherlands Football Association (the "association") in these proceedings, it refers in the present decision only to the submissions and evidence it considers necessary to explain its reasoning.
2. According to the official report of the Doping Control Officer (the "DCO") of the 2018-20 UEFA European Football Championship Qualification round match between the national teams of the association and the Belarus Football Federation played on 21 March 2019 (the "match"), the association's players selected for the doping control, i.e. Mr Denzel Justus Morris Dumfries (Mr. Dumfries) and Mr. Marco Bizot (Mr. Bizot) (the "players"), did not report to the doping control station straight from the pitch as soon as the match was over, which resulted in the DCO having to look for them.

II. The association's statements

3. The association in its statement dated 8 April 2019, essentially stated the following:
 - The association states that normally the team's doctor guides the players but, in this case, due to the injury of another player, the doctor could not guide the players, who did not know that there were no chaperones present.
 - The association recognises that it was a mistake, remarking that there was no deliberate act, fault, intention and/or negligence to breach the UEFA Anti-Doping Regulations (ADR).
4. The more detailed arguments made by the association 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(2)(b) and (3) of the UEFA Disciplinary Regulations (DR), the chairman of the CEDB is competent to deal with the case as judge sitting alone.
 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.
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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 ADR, "*[n]ational associations [...] 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 national associations [...] 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(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. Pursuant to Appendix B(25) ADR, "*[a]ny behaviour by a player or other person, and any other anomalies, which could compromise the doping control are reported to the UEFA office by the DCO [...]*".
 14. 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*".
 15. 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 any 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 [...]*".
 16. According to Article 25(1) DR, "*[r]ecidivism occurs if another offence of a similar nature is committed within: [...] (d) three years of the previous offence in all other cases*".
 17. 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 association and the players for the doping violation

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 associations and players respect and follow the regulations and directives set out by UEFA and act diligently when implementing such regulations.
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19. According to Article 9.08 ADR, the players selected for the sample collection must report immediately to the doping control station after the end of the match, whereas the teams concerned are responsible for ensuring that those players report to the doping control station straight from the pitch as soon as the match is over. In the case at hand, Mr. Dumfries and Mr. Marco were selected for doping control but instead of going directly to the doping control station, they went to the team's dressing room, which resulted in the DCO having to look for them.
20. The CEDB recalls that the association stated that the players did not go directly to the doping control station by mistake, given that the team doctor had to treat another player for an injury, which is why he could not accompany the players to the doping control station, remarking that there was no deliberate fault, intention and/or negligence to act contrary to the ADR.
21. Bearing this in mind, the CEDB stresses that in order to assure the integrity of the competition, it is crucial that every player who is selected to participate in doping control, reports to the doping control station immediately - otherwise the *ratio legis* of Article 9.08(a) ADR and the accuracy and integrity of the testing procedure is undermined. In this sense, the CEDB also emphasises that each association and its staff have to ensure that players are made aware of such obligation and are reporting to the doping control station without delay (cf. Appendix B(8) ADR).
22. Noting that the violation of the ADR by the players and the association have been established, recalling that the association did not provide any arguments which challenge 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 association and the players shall be punished for violating the ADR and their failure to ensure the sample collection in accordance with the ADR.

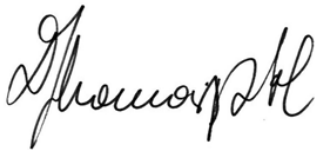
IV. The determination of the appropriate disciplinary measure

23. Based on Article 23 DR, the CEDB determines the type and extent of the disciplinary measures to be imposed according to the objective and subjective elements of the case, taking account of any aggravating and mitigating circumstances.
 24. In the present case, the CEDB notes that the association and the players have no previous record for doping offences within the last three years as per Article 25(1)(d) DR. However, the CEDB also considers that the doping control procedure is of the utmost importance for UEFA's fight against doping.
 25. In the light of the above, the CEDB decides to apply Article 6(5) DR and its Annex A(VI), which provides standard sanctions for said offence. Consequently, the CEDB decides that a warning should be deemed the adequate sanction for the violation of Article 13 DR.
 26. Consequently, the CEDB
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decides

1. To warn the Royal Netherlands Football Association for the doping offence, i.e. for not 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.
2. To warn the Royal Netherlands Football Association player Dumfries Denzel Justus Morris for the doping offence, i.e. for not reporting to the Doping Control Station directly after the end of the match.
3. To warn the Royal Netherlands Football Association player Bizot Marco for the doping offence, i.e. for not reporting to the Doping Control Station directly after the end of the match.
4. The Royal Netherlands Football Association ensures the players are informed personally of this decision.

Thomas Partl
Chairman



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

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