

**Sent to**

GNK Dinamo  
Maksimirska Cesta 128  
10000 ZAGREB  
Croatia

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

Chairman: Partl Thomas (AUT)

Vice-Chairman: Hansen Jim Stjerne (DEN)

Members: Antenen Jacques (SUI)  
García Caba Miguel María (ESP)  
Leal João (POR)  
Lorenz Hans (GER)  
Řepka Rudolf (CZE)

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**Disciplinary Case:** 32917 - UCL - 2019/20

**Incidents:** Not ensuring player selected for sample collection report straight to the doping control station - Appendix B, B (8) ADR  
Not directly reporting to the doping control station (Mr. Mislav Orsic) – Art. 9.08 (a) ADR

**Competition:** 2019/2020 UEFA Champions League

**Match:** Rosenborg BK vs. GNK Dinamo, 27.08.2019

**Referee:** Ovidiu Alin Hategan (ROU)

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## 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 GNK Dinamo (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 Champions League match between Rosenborg BK and the club, played on 27 August 2019 (the "match"), are as follows:

### DCO's report

*"No. 99 Mislav Orsic of GNK Dinamo went to the dressing room before coming to DCS.*

*Did the DCO/chaperone tell the player that he/she was selected to undergo a doping control?*

*Yes, the doctor of Dinamo told me he informed the player on the field that he has been selected for antidoping test. However, the team had no representative to escort him to the DCS immediately.*

*Did the player go to the dressing room despite the DCO/chaperone telling him not to?*

*I saw the player passing by in the pitch and going into the dressing room. He was together with many other players. Immediately I went after him and told him in the dressing room to come with me straight away. It was surprising for me to get him out of the dressing room, while I expected the team to escort him right from the pitch to the DCS, as I told the representatives (doctors) at the briefing before the match. The doctor of Dinamo confirmed he was aware of the rule, while there had been a control in Zagreb last week and he was informed. It is unclear if the doctor told the player to go to the DCS immediately.*

*Did the player stay in the dressing room without supervision of a DCO/chaperone? If this is the case how long?*

*No, I went to the dressing room immediately and player came with me directly to the DCS (within any seconds). He wanted to take his phone (he told me) and admitted he had been informed by the doctor to be subject of an anti-doping test. Unclear to me is if the doctor ordered him to go to the DCS without [previously going to the] dressing room".*

## II. The club's statements

3. The club in its statement dated 7 September 2019, essentially stated the following:
    - Mislav Orsic (the "player") was overwhelmed by the atmosphere of victory and had no intention to avoid the doping control, but he only wanted to take his phone from
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the dressing room. In this sense, the club points out that the player only stayed a few seconds in the dressing room.

- The club and the player apologise for the misunderstanding caused.
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, *"<sup>1</sup> [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*
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*circumstances. [...] <sup>3</sup> 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, "<sup>1</sup> [r]ecidivism occurs if another offence of a similar nature is committed within: (a) one year of the previous offence if that offence was punished with a suspension of up to two matches; (b) ten years of the previous offence if that offence was related to match-fixing or corruption; (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. <sup>2</sup> 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 some seconds 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 those 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 to pick up his mobile phone before reporting to the DCS, without a team representative accompanying the player.
  20. The CEDB recalls the arguments of the club explaining that the player was excited for the qualification of the club, remarking that there was no deliberate intention of the player to act contrary to the ADR. However, the club did not provide any explanation as to why no representative of the team ensured that the player went directly to the DCS.
  21. The CEDB emphasises that each club and its staff have to ensure that players are made aware of their 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
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of UEFA (as published on the UEFA website). Particularly, 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 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 club and the player shall be punished for the violation of 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**

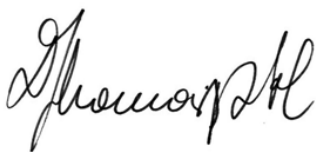
24. Based on Article 23 DR, the CEDB determines the type and extent of the disciplinary measures to be imposed in accordance with the objective and subjective elements of the case, taking account of any aggravating and mitigating circumstances.
25. The CEDB notes that the club and the player have no previous record for doping offences within the last three years (cf. Article 25(1)(d) DR).
26. The CEDB understands the important moment of the club and the player, having qualified for the next UEFA Champions League round. However, the CEDB also considers that the doping control procedure is of the utmost importance for UEFA's fight against doping, so that, the CEDB must be strict in its application of the ADR. In the present case, the player recognised that he was aware of his selection but instead to go directly to the DCS, as it is established in Article 9.08(a) ADR, he went directly to the dressing room, with the consequence that the DCO had to look for, and pick up, 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.
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29. Consequently, the CEDB

## decides

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

Thomas Partl  
Chairman



☞ Croatian Football Federation

### **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.**