

Issued Decision

UK Anti-Doping and Luc Caines

Disciplinary Proceedings under the Anti-Doping Rules of the Welsh Rugby Union

This is an Issued Decision made by UK Anti-Doping Limited ('UKAD') pursuant to the Anti-Doping Rules ('ADR') of the Welsh Rugby Union ('WRU'). It concerns an Anti-Doping Rule Violation ('ADRV') committed by Mr Luc Caines contrary to the ADR.

Capitalised terms used in this Decision shall have the meaning given to them in the ADR unless otherwise indicated.

Background and Facts

1. The WRU is the national governing body for rugby union in Wales. UKAD is the National Anti-Doping Organisation ('NADO') for sport in the United Kingdom. The WRU has adopted, as its own ADR, the UK ADR which are issued by UKAD and are subject to updates made by UKAD, as necessary and in accordance with the World Anti-Doping Code.
2. Mr Caines is a 24-year-old rugby union player who, at the time of the ADRV, played for Ystalyfera RFC. At all material times in this matter, Mr Caines was subject to the jurisdiction of the WRU and bound to comply with the ADR. Pursuant to ADR Article 7.2, UKAD has results management responsibility in respect of all players that are subject to the jurisdiction of the WRU.
3. On 9 April 2022, UKAD Doping Control Personnel collected a urine Sample from Mr Caines In-Competition at a Championship match between Trebanos RFC and Ystalyfera.
4. Assisted by UKAD Doping Control Personnel in attendance, Mr Caines split the urine Sample into two separate bottles which were given reference numbers A1175514 (the 'A Sample') and B1175514 (the 'B Sample').
5. Both Samples were transported to the World Anti-Doping Agency ('WADA') accredited laboratory in London, the Drug Control Centre, King's College (the 'Laboratory'). The Laboratory analysed the A Sample in accordance with the procedures set out in WADA's International Standard for Laboratories. Analysis of the A Sample returned an Adverse Analytical Finding for benzoylecgonine, a Metabolite of cocaine.

6. Cocaine is listed under section S6.A of the 2022 WADA Prohibited List as a Stimulant. It is a non-Specified Substance that is prohibited In-Competition only. Cocaine is also identified as one of four '*Substances of Abuse*' in the 2021 WADA Prohibited List.
7. Mr Caines does not have a Therapeutic Use Exemption ('TUE') for cocaine.
8. On 26 May 2022, UKAD sent Mr Caines a letter (the 'Notice Letter'). The Notice Letter confirmed the imposition of a Provisional Suspension and formally notified Mr Caines, in accordance with ADR Article 7.8, that he may have committed an ADRV pursuant to ADR Article 2.1 (Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample) and an ADRV pursuant to ADR Article 2.2 (Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method).
9. On 13 June 2022, Mr Caines responded to the Notice Letter and admitted that he had ingested approximately 3 to 3.5 grams of cocaine between 22:00 on 2 April 2022 and 13:00 on 3 April 2022. Mr Caines stated that the ingestion occurred Out-of-Competition within a recreational context and at a time when he did not believe he would be training for the rest of the week until the match on 9 April 2022.
10. UKAD instructed Professor David Cowan OBE, former Director of the Laboratory, to review the account provided by Mr Caines. Professor Cowan provided a written opinion on 8 July 2022, in which he stated: "*It is my opinion that Mr Caines more likely than not administered cocaine during the WADA defined "Out-of-Competition" period, which ended at 11:59 p.m. on Friday 8 April 2022 but likely later than he declared in his statement*".
11. On 19 July 2022, UKAD proceeded to issue Mr Caines with a Charge Letter in accordance with ADR Article 7.11.2. The Charge Letter asserted the commission of an ADRV pursuant to Article 2.1 (Presence of a Prohibited Substance or its Metabolites or Markers in and Athlete's Sample) (the 'Charge')¹

Admission and Consequences

12. ADR Article 2.1 provides that the following is an ADRV:

2.1 *Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample, unless the Athlete establishes that the presence is consistent with a TUE granted in accordance with Article 4.*

13. ADR Article 10.2.4 provides:

10.2.4 Notwithstanding any other provision in Article 10.2, where the Anti-Doping Rule Violation involves a Substance of Abuse:

¹ Mr Caines was not charged with an ADRV pursuant to Article 2.2 (Use of a Prohibited Substance or a Prohibited Method) as cocaine is prohibited In-Competition only and there is no evidence to suggest that he ingested it after 11:59pm on Friday 8 April 2022, i.e. within the In-Competition period.

(a) If the Athlete can establish that any ingestion or Use occurred Out-of-Competition and was unrelated to sport performance, the period of Ineligibility shall be three (3) months; provided that it may be further reduced to one (1) month if the Athlete satisfactorily completes a Substance of Abuse treatment program approved by UKAD. The period of Ineligibility established in this Article 10.2.4(a) is not subject to any reduction pursuant to Article 10.6.

(b) [...]

14. On 28 July 2022, Mr Caines responded to the Charge Letter. Mr Caines accepted the Charge and the asserted period of Ineligibility of three (3) months². Mr Caines indicated that he would undertake a Substance of Abuse programme but that he was not able to do so immediately. He therefore accepts he is not eligible for any further reduction to the period of Ineligibility under ADR Article 10.2.4(a).
15. Consequently, the applicable period of Ineligibility is three (3) months.

Commencement of period of Ineligibility

16. ADR Article 10.13 requires that the period of Ineligibility starts on the date Ineligibility is accepted or otherwise imposed where there is no hearing.
17. However, ADR Article 10.13.2 allows for credit to be given against the total period of Ineligibility to be served where an Athlete has been provisionally suspended and has respected the terms of that Provisional Suspension.
18. Mr Caines has been subject to a Provisional Suspension since the date of the Notice Letter, i.e. since 26 May 2022 and as far as UKAD is aware, has respected the terms of that Provisional Suspension. Therefore, affording Mr Caines credit for the time he has spent provisionally suspended, his period of Ineligibility will expire at midnight on 25 August 2022.

Summary

19. For the reasons given above, UKAD has issued this Decision in accordance with ADR Article 7.12.2, and records that:
- a) Mr Caines has committed an ADRV pursuant to ADR Article 2.1;
 - b) A period of Ineligibility of three (3) months is imposed pursuant to ADR Article 10.2.4(a); and

² UKAD asserted a three (3) month period of Ineligibility within the Charge Letter in view of Mr Caine's earlier responses to the Notice and the written opinion of Professor Cowan, which taken together establish that Mr Caines' ingestion occurred Out-of-Competition and was unrelated to sport performance.

- c) In accordance with ADR Article 10.13.2, affording Mr Caines credit for the time he has spent provisionally suspended, his period of Ineligibility will expire at midnight on 25 August 2022.
- 20. Mr Caines, the WRU, and WADA have a right to appeal against this Decision or any part of it in accordance with ADR Article 13.4.
- 21. This Decision will be publicly announced via UKAD's website in accordance with ADR Article 8.5.3 and ADR Article 10.15.

5 August 2022