



Decision against  
**FARRUGIA EZEKJEL**  
taken by  
**CONTROL, DISCIPLINARY AND ETHICS COMMITTEE**  
at its meeting held on  
Monday 27th June 2022

Chairman: Dr. Stephen Muscat  
Deputy Chairman: Dr. Karl Sammut  
Member: Simon Mifsud Bonnici

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**Charge:** Charge Nr. 269 against Ezekjel Farrugia (Player of Valletta FC) for having failed a doping test wherein he has tested positive for Carboxy-THC, the main metabolite of tetrahydrocannabinol which belongs to Class S8 - Specified Substance and this in breach of article 4 & 6 of the MFA Doping Charter or articles 2 and 10 of the Wada Code 2021;

**The Board:** After having seen the charge brought against Mr. Ezekjel Farrugia ('the Player');

After having seen and considered the relevant medical report issued by the Medical Committee within the Malta Football Association, from which it results that the Player had made use of the prohibited substance in question;

After taking cognizance of the fact that the Player did not make an appearance before the Board at today's sitting, even though he was duly notified with the date and time of today's sitting.

After having taken cognizance of the fact that the Player admitted before the Medical Committee that he had assumed the Prohibited Substance in question;

After having seen and considered all the documentation at the Board's disposal, in particular the report from the Medical Committee;

After having seen the relative sections of the WADA Code 2015 (hereinafter referred as the 'Code') and the Doping Charter of the Malta Football Association (hereinafter referred to as the 'Doping Charter'), applicable at the time of the alleged offense;

*Considers the following:*

Article 2.1 of the Code states that:

*"It is each Athlete's personal duty to ensure that no Prohibited Substance enters his or her body. Athletes are responsible for any Prohibited Substance or its Metabolites or Markers found to be present in their Samples. Accordingly, it is not necessary that intent, Fault, negligence or knowing Use on the Athlete's part be demonstrated in order to establish an anti-doping rule violation under Article 2.1".*

Article 2.1.2 of the Code states that:

*"Sufficient proof of an anti-doping rule violation under Article 2.1 is established by any of the following: presence of a Prohibited Substance or its Metabolites or Markers in the Athlete's A Sample...."*

Therefore, once the Player has been found positive for the metabolite of tetrahydrocannabinol which belongs to Class S8 - Specified Substance, the Player is to be considered in violation of article 2.1 of the Code and it is not necessary that intent, fault or negligence, or knowing use on the Athlete's part be demonstrated to prove such violation.

Therefore, the Board does not have any option other than finding the Player guilty of violating article 2.1 of the Code.

*With regards to the penalty to be inflicted:*

The Player is not contesting the test *per se*, goes as far to admit his responsibility before the Medical Committee and does not appear before the Board after he was duly notified with the date and time of today's sitting.

For the purposes of the penalty to be inflicted, this Board is morally convinced that the Player did **not** intend to enhance his performance in the match in question even when one considers the type of substance that the Player assumed **which is to be considered as a 'Substance of Abuse', in so far as it is specified as such on the *Prohibited List*, being one of those substances which is frequently abused in society outside of the context of sport.**

In accordance with Article 10.2.4, read in conjunction with Article 10.2.4.2, of the Code, *“where the anti-doping rule violation involves a Substance of Abuse: If the ingestion, Used or Possession occurred In-Competition, and the Athlete can establish that the context of the ingestion, Use or Possession was unrelated to sport performance, then the ingestion, Use or Possession shall not be considered intentional for purposes of Article 10.2.1 and shall not provide a basis for a finding of Aggravating Circumstances under Article 10.4.”*

The aforesaid Article lends itself to the interpretation that when an Athlete tests positive in-competition for a Substance of Abuse and the Athlete can prove that the ingestion, Used or Possession occurred out-of-competition, the same Article would not apply. However, no proof was adduced in this regard, even because the Athlete did not turn up for the sitting before the Board and the Board has no other alternative then to presume that the ingestion, Used or Possession occurred in-competition.

On the other hand, it is clear that the assumption of the Prohibited Substance on the part of the Player, while being ‘In-Competition’, was unrelated to sport performance, as evidenced by the report from the Medical Committee. Accordingly, **Article 10.2.2 of the Code applies which prescribes a period of Ineligibility of two (2) years.**, to which none of the ‘Aggravating Circumstances’ under Article 10.4 apply.

However, from a reading of the Code, where Article 10.2.2 of the Code applies, as aforesaid, in default of Article 10.2.1, which prescribes a period of ‘Ineligibility’ of four (4) years, **there is no scaling down of the penalty of two (2) years, a penalty otherwise expressed in mandatory terms under Article 10.2.2.**

**Therefore:**

**After having seen articles 2 and 10 of the Code and the relevant articles from the Doping Charter, the Board finds the Player guilty of a doping offence under the same article 2 of the Code in terms of the charge brought against him and condemns him to a period of ineligibility of two (2) years from all football activities.**

**Any temporary suspensions served by the Player with regards to the above shall be deducted from the said suspension and therefore the period of ineligibility shall commence to run from the 26<sup>th</sup> January 2022 until 25<sup>th</sup> January 2024.**

A handwritten signature in blue ink, which appears to read "R. Pisani".

RODNEY PISANI  
Board Secretary