

Tribunal Arbitral du Sport
Court of Arbitration for Sport

CAS 2020/O/6760 World Athletics v. Russian Athletics Federation & Oksana Kondratyeva

ARBITRAL AWARD

delivered by the

COURT OF ARBITRATION FOR SPORT

sitting in the following composition:

Sole Arbitrator: Hon Franco Frattini, Judge, Rome, Italy

Ad hoc Clerk: Mr Yago Vázquez Moraga, Attorney-at-Law in Barcelona, Spain

in the arbitration between

World Athletics, Monaco

Represented by Mr Ross Wenzel and Mr Nicolas Zbinden, Attorneys-at-Law with Kellerhals Carrard in Lausanne, Switzerland

Claimant

Russian Athletics Federation, Moscow, Russia

First Respondent

Ms Oksana Kondratyeva, Moscow, Russia

Second Respondent

* * *

I. PARTIES

1. World Athletics (the “Claimant” or “WA”) is the international federation governing the sport of Athletics worldwide. WA is recognized as such by the International Olympic Committee (“IOC”). Its seat and headquarters are in Monaco.
2. The Russian Athletics Federation (the “First Respondent” or “RUSAF”) is the national federation governing the sport of Athletics in Russia, with its registered seat in Moscow, Russia. RUSAF is the relevant member federation of WA for Russia, but its membership has been suspended since 26 November 2015.
3. Ms Oksana Kondratyeva (the “Second Respondent”, “Ms Kondratyeva” or the “Athlete”) is a 35-year-old Russian hammer thrower of International-Level. She participated in the 14th IAAF World Championship in Athletics of 2013 that was held in Moscow.

II. BACKGROUND FACTS

4. A summary of the most relevant facts and the background giving rise to the present dispute will be developed below based on the Parties’ written submissions, and the evidence presented in the present case. Additional facts and allegations found in the Parties’ written submissions and the evidence adduced may be set out, where relevant, in connection with the legal discussion that follows. The Sole Arbitrator refers in this Award only to the submissions and evidence he considers necessary to explain his reasoning. However, the Sole Arbitrator has considered all the factual allegations, legal arguments and evidence submitted by the Parties and deemed admissible in the present proceedings.

A. The Russian doping scheme

5. On 19 May 2016, following certain allegations of systemic doping practices in Russia that Dr Grigory Rodchenkov (“Mr Rodchenkov”), the former director of the World Anti-Doping Agency (“WADA”) accredited testing laboratory of Moscow, made to the New York Times on 12 May 2016, WADA announced the appointment of Prof Richard McLaren (“Prof McLaren”) as an Independent Person (the “IP”) to conduct an independent investigation of these allegations.
6. On 18 July 2016, Prof McLaren issued his IP Report (the “First McLaren Report”), in which he concluded that a systemic cover-up and manipulation of the doping control process existed in Russia. Prof McLaren summarized the key findings of his report as follows:

“Key Findings

1. *The Moscow Laboratory operated, for the protection of doped Russian athletes, within a State-dictated failsafe system, described in the report as the Disappearing Positive Methodology.*

2. *The Sochi Laboratory operated a unique sample swapping methodology to enable doped Russian athletes to compete at the Games.*
 3. *The Ministry of Sport directed, controlled and oversaw the manipulation of athlete's analytical results or sample swapping, with the active participation and assistance of the FSB, CSP, and both Moscow and Sochi Laboratories.*"
 7. On 9 December 2016, Prof McLaren issued a Second IP Report (the "Second McLaren Report"), in which he identified many athletes who appeared to have been involved in or benefited from the systematic and centralised cover-up and manipulation of the doping control process. Furthermore, the Second McLaren Report confirmed the findings of the First McLaren Report in the following terms:
 - “1. *An institutional conspiracy existed across summer and winter sports athletes who participated with Russian officials within the Ministry of Sport and its infrastructure, such as the RUSADA, CSP and the Moscow Laboratory, along with the FSB for the purposes of manipulating doping controls. The summer and winter sports athletes were not acting individually but within an organised infrastructure as reported on in the 1st Report.*
 2. *This systematic and centralised cover up and manipulation of the doping control process evolved and was refined over the course of its use at London 2012 Summer Games, Universiade Games 2013, Moscow IAAF World Championships 2013, and the Winter Games in Sochi in 2014. The evolution of the infrastructure was also spawned in response to WADA regulatory changes and surprise interventions.*
 3. *The swapping of Russian athletes' urine samples further confirmed in this 2nd Report as occurring at Sochi, did not stop at the close of the Winter Olympics. The sample swapping technique used at Sochi became a regular monthly practice of the Moscow Laboratory in dealing with elite summer and winter athletes. Further DNA and salt testing confirms the technique, while others relied on DPM.*
 4. *The key findings of the 1st Report remain unchanged. The forensic testing, which is based on immutable facts, is conclusive. The evidence does not depend on verbal testimony to draw a conclusion. Rather, it tests the physical evidence and a conclusion is drawn from those results. The results of the forensic and laboratory analysis initiated by the IP establish that the conspiracy was perpetrated between 2011 and 2015.*"
 8. The First and the Second McLaren Reports (together referred to as the "McLaren Reports") acknowledged several counter-detection methods that the Moscow Laboratory allegedly applied, including *inter alia*:

- The "Disappearing Positives Methodology" ("DPM"):

The DPM was operated from late 2011 to August 2015. Through this method, when an athlete's first analytical screen revealed an Adverse Analytical Finding ("AAF")

on his/her A sample, the details of the athlete would be recorded (the “Athlete Profile”) and communicated to the Russian Minister of Sport through a Liaison Person (i.e. Ms Natalia Zhelanova, Mr Alexey Velikodniy and Dr Avak Abalyan). Once informed, the Deputy Minister would issue an order for that sample that would be transmitted to the Moscow Laboratory through the Liaison Person. The order could consist of the instruction to “SAVE” or to “QUARANTINE” the Athlete in the following terms:

- In the first case (“SAVE”), the Moscow Laboratory would report the sample as negative in the Anti-Doping Administration & Management System (ADAMS). The Laboratory would also manipulate their Laboratory Information Management System (“LIMS”) to reflect this false negative result. After this manipulation of the registries, anyone who reviewed the LIMS or ADAMS systems would not detect this false entry.
 - In the second case (“QUARANTINE”), the results would not be manipulated and the Moscow Laboratory would complete the analysis in accordance with the procedure established by the International Standard for Laboratories (“ISL”), reporting the result in the ordinary manner.
- The “Washout Testing” method:

The Washout Testing method started in 2012 in preparation for the London Olympics. Washout testing was used to establish whether athletes on a doping program were likely to test positive at the Games and to ensure that athletes would not be detected by doping control analysis at the Games. In line with this objective, at that time Dr Rodchenkov had secretly developed a cocktail of drugs with a very short detection period (the so-called “Duchess Cocktail”), mainly composed of oxandrolone, methenolone and trenbolone, to help athletes dope and evade doping control processes. The Duchess Cocktail was taken by athletes who also used other doping protocols and substances.

Through the pre-competition testing, the Moscow Laboratory monitored if a “dirty” athlete would test “clean” at an upcoming competition. Weekly sample collections and testing of those samples were done to monitor whether athletes would likely test positive at the London Games. In case of a positive initial testing procedure (“ITP”) showing the presence of prohibited substances, the Moscow Laboratory would record it on the Washout list but would report the samples as negative in ADAMS. In addition, the Moscow Laboratory developed a schedule to keep track of the athletes who were tested which included their corresponding results (the “London Washout Schedules”). This schedule was updated regularly when new Washout samples arrived in the Laboratory for testing.

Following the London Olympics, the weaknesses of the Washout Testing method became evident due to an unexpected request that WADA made to the Moscow Laboratory. At that time, Russian athletes were providing samples in official doping control Berek kits. WADA requested the Moscow Laboratory provide A and B bottles of 67 samples collected between May and July 2012 across different sporting disciplines and send them to the WADA accredited laboratory in Lausanne. Each of the requested 67 samples had been analysed by the Moscow Laboratory, and those that were positive for prohibited substances in the ITP had been reported negative in ADAMS. Dr Rodchenkov knew that 10 athlete's samples on the list were dirty. Given that the Moscow Laboratory had clean urine stored for only 8 of these athletes, the evening following WADA's request Dr. Rodchenkov swapped the corresponding 8 dirty samples by replacing the urine in the A bottles with the athletes' own clean urine. As the B bottles were sealed, he could not swap out the urine contents in these bottles. For this reason, in order to make both samples look similar, he diluted the urine of the A samples with water, adding salt, sediment or Nescafe granules when needed, in order to match the specific gravity and appearance of the dirty B samples.

This circumstance evidenced the weakness of the DPM, as it would only work in case the testing samples misreported in ADAMS would remain within the control of the Moscow Laboratory and later destroyed. However, given that the Berek Kits were numbered and could be audited, seized and tested, the Moscow Laboratory realised that it was a matter of time before it was uncovered that the contents of samples bottles did not match the ADAMS entries.

In this context, by February 2013 the Russian Federal Security Service (FSB) had developed a sample swapping technique that permitted the removal and replacement of the cap of the sealed B sample bottles, which would allow the replacement of the dirty samples with clean urine that was stored in a "clean urine bank" created in the Moscow Laboratory.

Thereafter, the Washout Testing method was no longer conducted in the official doping control kits (i.e. the Berek bottles) but in non-official collection containers instead (like plastic bottles) where the name of the athlete at stake would be written to identify the particular sample. This "under the table" system consisted of collecting pre-competition Washout samples for testing at regular intervals and subsequently testing those samples for quantities of prohibited substance to determine the rate at which those quantities were declining so that there was certainty the athlete would test "clean" in competition.

The Moscow Laboratory also produced schedules (the "Moscow Washout Schedules"), which Dr Rodchenkov updated on a regular basis to keep track of the athletes who were participating in this washout testing scheme.

9. On 2 December 2017, the IOC Disciplinary Commission issued a report (the “Schmid Report”) confirming the existence of “*systemic manipulation of the anti-doping rules and system in Russia*”. In this regard, “*The IOC DC noted that the system progressed along with the evolution of the anti-doping technologies: initially the DPM was based on cheating in the reporting mechanism ADAMS, subsequently it escalated into a more elaborated method to report into ADAMS by creating false biological profiles; ending with the tampering of the samples by way of swapping “dirty” urine with “clean” urine. This required a methodology to open the BEREK-KIT® bottles, the constitution of a “clean urine bank” and a tampering methodology to reconstitute the gravity of the urine samples.*”
10. On 5 December 2017, the IOC suspended the Russian Olympic Committee with immediate effect.
11. On 13 September 2018, the Russian Ministry of Sport “*fully accepted the decision of the IOC Executive Board of December 5, 2017 that was made based on the findings of the Schmid Report*”.

B. The notification from the Athletics Integrity Unit of WA to the Athlete of an Assertion of an Anti-Doping Rule Violation

12. On 31 May 2019, the Athletics Integrity Unit of WA (the “AIU”) informed the Athlete that it had decided to assert one or more anti-doping rule violations against her, in the context of the investigations conducted by Prof McLaren. In particular, the assertion of the Anti-Doping Rule Violation (“ADRV”) was based on the fact that three samples on the Moscow Washout Schedules were listed as belonging to the Athlete, dating from 2, 18 and 25 July 2013. In this correspondence, the AIU invited the Athlete to provide her explanation regarding the asserted ADRV.
13. On 20 June 2019, the Athlete submitted a brief to the AIU, rejecting the assertion of anti-doping violations against her and submitting a copy of her personal profile in ADAMS.
14. On 17 July 2019, the AIU informed the Athlete that it maintained its assertion that she had committed an ADRV and that her case would be submitted to the Court of Arbitration for Sport (“CAS”). In this correspondence, the AIU also granted the Athlete a deadline to choose whether to proceed under Rule 38.19 of the IAAF Competition Rules 2016-2017 (sole instance before a three-member CAS panel) or Rule 38.3 (first instance procedure before a sole arbitrator, with right to appeal before CAS as well).
15. On 30 July 2019, the Athlete informed the AIU that she preferred her case be heard in a sole instance pursuant to Rule 38.19 of the IAAF Competition Rules 2016-2017.

16. On 21 August 2019, pursuant to Rule 38.19 of the IAAF Competition Rules 2016-2017, the Head of the AIU requested WADA's consent to refer this case to the CAS as sole instance.
17. On 4 December 2019, WADA informed the Head of the AIU that it was unable to agree to the Athlete's request because it wanted to maintain its right of appeal.
18. On 5 December 2019, the AIU informed the Athlete that due to WADA's lack of consent, which was needed as per Rule 38.19 of the IAAF Competition Rules 2016-2017, her case would be referred to the CAS pursuant to Rule 38.3 (Sole CAS Arbitrator sitting as a first instance hearing tribunal).

III. PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT

19. On 7 February 2020, pursuant to Art. R47 of the Code of Sports-related Arbitration (the "CAS Code") and Rule 38.3 of the IAAF Competition Rules 2016-2017, the Claimant filed its Request for Arbitration before the CAS against the Respondents. The Claimant requested that its Request for Arbitration be considered as its Statement of Appeal/Appeal Brief, and that this procedure be referred to a Sole Arbitrator in accordance with IAAF Rule 38.3.
20. In its Request for Arbitration the Claimant submitted the following request for relief:

"WA respectfully seeks the CAS Panel to rule as follows:
 - (i) *CAS has jurisdiction to decide on the subject matter of this dispute;*
 - (ii) *The Request for Arbitration of WA is admissible.*
 - (iii) *The Athlete is found guilty of one or more anti-doping rule violations in accordance with Rule 32.2(b) of the 2013 Rules.*
 - (iv) *A period of ineligibility of two to four years is imposed upon the Athlete, commencing on the date of the (final) CAS Award. Any period of provisional suspension imposed on, or voluntarily accepted, by the Athlete until the date of the (final) CAS Award shall be credited against the total period of ineligibility to be served.*
 - (v) *All competitive results obtained by the Athlete from 2 July 2013 through to the commencement of any period of provisional suspension or ineligibility are disqualified, with all resulting consequences (including forfeiture of any titles, awards, medals, profits, prizes and appearance money).*
 - (vi) *The arbitration costs be borne entirely by the First Respondent or, in the alternative, by the Respondents jointly and severally.*

(vii) The First Respondent, or alternatively both Respondents jointly and severally, shall be ordered to contribute to WA's legal and other costs."

21. On 17 February 2020, the CAS Court Office granted the Respondents thirty days as from the receipt of the CAS correspondence to file their Answers.
22. On 19 March 2020, the CAS Court Office requested the First Respondent to inform if it had forwarded the CAS correspondence of 17 February 2020 to the Athlete. Alternatively, the CAS Court Office also invited the Athlete to confirm if she had received the correspondence of 17 February 2020 and to provide all her contact details and those of her legal representative, if any.
23. On 23 March 2020, the First Respondent sent a correspondence to the CAS informing that, by means of a Decree of the Ministry of Sport of the Russian Federation passed on 31 January 2020, the Ministry "*cancelled the recognition of RusAF as sport organization and transferred this status to the Russian Modern Pentathlon Federation*", and that on 3 February 2020 RUSAF's Executive Committee resigned and "*all rights were transferred to the Task Force of the Russian Olympic Committee*". Furthermore, RUSAF confirmed the CAS Court Office that its correspondence of 17 February 2020 had been served to the Athlete. In addition, in this correspondence RUSAF provided the CAS Court Office with the postal address of the Athlete to which all the CAS correspondence could be sent.
24. On 24 March 2020, the CAS Court Office acknowledged receipt of the First Respondent's letter and of the fact that the Athlete had received the CAS correspondence of 17 February 2020 by courier on 29 February 2020.
25. On 28 March 2020, the First Respondent informed the CAS Court Office that it would not pay its share of the advance of costs in this procedure.
26. On 8 April 2020, the CAS Court Office informed the Parties that the Sole Arbitrator appointed to decide the present dispute was the Hon. Franco Frattini, Judge in Rome, Italy, and that Mr Yago Vázquez Moraga, Attorney-at-Law in Barcelona, Spain, had been appointed as ad hoc clerk in this matter.
27. On 16 April 2020, the CAS Court Office informed the Parties that the First Respondent's deadline to Answer to the Request for Arbitration had expired on 22 March 2020, and the Second Respondent's one on 30 March 2020. Furthermore, in this correspondence the CAS Court Office informed the Parties that, despite not having received any Answer from the Respondents, the Sole Arbitrator nevertheless was going to proceed with the arbitration, hence inviting the Parties to state whether they considered a hearing necessary in this procedure or not.
28. On 21 April 2020, the Claimant informed the CAS Court Office that it did not consider a hearing necessary in this case.

29. On 22 April 2020, the CAS Court Office informed the Parties that it had not received any comment from none of the Respondents on the need for a hearing and that such silence was considered as that no hearing was necessary.
30. On 8 May 2020, the CAS Court Office informed the Parties that considering that both Respondents were duly notified of this procedure and that none of the Respondents had been engaged in this procedure or provided any form of defence, the Sole Arbitrator considered himself sufficiently well informed to render a decision in this procedure without a hearing. Furthermore, with this letter the CAS Court Office sent the Order of Procedure of the present case to the Parties.
31. On 14 May 2020, the CAS Court Office acknowledged receipt of the Claimant's signed copy of the Order of Procedure. In this letter the CAS Court Office also notified the Parties that a reminder of the Order of Procedure was going to be sent by courier to the First Respondent, which was at the same time requested to forward it to the Athlete. None of the Respondents sent the signed Order of Procedure back to the CAS.

IV. SUBMISSIONS OF THE PARTIES

32. The following summary of the Parties' positions is illustrative only and does not necessarily comprise each and every contention put forward by the Parties. The Sole Arbitrator, however, has carefully considered, for the purposes of the legal analysis which follows, all the submissions made by the Parties, even if there is no specific reference to those submissions in the following summary.

A. World Athletics' submissions

33. In essence WA submits that:
 - The Athlete committed one or more ADRVs in 2013. In this regard, WA considers that the Second McLaren Report identified a significant number of Russian athletes (the Identified Athletes), including the Athlete, that would have been involved or benefited from the Russian doping schemes and practices. WA affirms that this submission relies on the evidence publicly disclosed by Prof McLaren, which supports the findings of his reports, thus proving the involvement of the Identified Athletes. Furthermore, the forensic IT expert, Mr Andrew Sheldon, confirmed the authenticity of the metadata of all these documents. In addition, WA affirms that the CAS has confirmed the reliability of this evidence in 13 previous cases, which established that these documents are to be deemed as a reliable evidence for the purposes of establishing an ADRV under the WA Rules.
 - With regard to the Athlete's participation in the Moscow Washout Testing, WA holds that three unofficial samples were listed in the Moscow Washout Schedules as belonging to the Athlete, which would date from 2, 18 and 25 July 2013. In its view,

this would prove that the Athlete was part of a doping programme. In this regard, in accordance with the information contained in these schedules, in the lead-up to the Moscow World Championships, the Athlete would have been using up to three prohibited substances (oxandrolone, boldenone and 4-OH testosterone).

- WA sustains that it has been established through reliable means that the Athlete used prohibited substances and that she committed a violation of Rule 32.2(b) of the anti-doping regulations that were in force at that time (i.e. the IAAF Competition Rules 2012-2013, the “2013 Rules”), which prohibits the “*Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method*”. In this regard, WA holds that the use of a prohibited substance may be established by any reliable means, which would include, but would not be limited to, admissions, evidence of third parties, witness statements, expert reports, documentary evidence, conclusions drawn from longitudinal profiling such as the Athlete Biological Passport, and other analytical information in the terms of the Rule 33.3 of the 2013 Rules.
- WA affirms that, in the present case, the ADRV/s would be demonstrated by the following facts, documents, and circumstances:
 - The Athlete features on the Moscow Washout Schedules, which comprised athletes who were known to be following a doping programme.
 - The Moscow Washout Schedules indicate that the Athlete was using three prohibited substances.
 - The Athlete’s name does not appear one, but multiple times in the Moscow Washout Schedules, and two times with an indication of the presence of prohibited substances.
- WA notes that pursuant to Rule 40.2 of the 2013 Rules, the period of ineligibility for this ADRV shall be two years, except if certain conditions are met that may justify an increase or reduction of such period. In particular, the existence of aggravating circumstances would justify increasing the period of ineligibility up to a maximum of 4 years (Rule 40.6 of the 2013 Rules). In the present case, these aggravating circumstances would concur, and consist of the following:
 - The Athlete used multiple prohibited substances (up to three) in the lead-up to the 2013 Moscow World Championships.
 - The Athlete was part of a sophisticated doping scheme and, in particular, in the Washout Testing programme for the 2013 Moscow World Championship.
- Therefore, WA maintains that, in accordance with Rules 40.6 (i.e. to be part of a doping plan) and 40.7 (i.e. the occurrence of multiple violations) of the 2013 Rules, an

increased sanction up to a maximum of four years of ineligibility should be imposed on the Athlete, starting on the date of the CAS award (Rule 40.10 of 2013 Rules).

- Finally, WA considers that, pursuant to Rule 40.8 of the 2013 Rules, all the results that the Athlete obtained after the first unofficial sample of the Moscow Washout Schedule (i.e. 2 July 2013) and until the commencement of the period of ineligibility should be disqualified. In this regard, WA avers that it is not appropriate to maintain sporting results based on fairness when the ADRV is severe, repeated and sophisticated, just as the present case.

B. The First Respondent

34. Despite having been informed of the present procedure and having been invited by the CAS Court Office to file its Answer, RUSAF did not file any submission.

C. The Second Respondent

35. Even though the Second Respondent was duly notified of this procedure and invited by the CAS Court Office to file her Answer, she did not engage in this procedure and not file any submission or provide any form of defence whatsoever in this arbitration.
36. In this regard, it is worth noting that WA's assertions of the ADRVs were duly served to the Athlete by the AIU, as the Athlete acknowledged in her letter of 20 June 2019 and by the fact that she confirmed her preference for her case being heard in a sole instance pursuant to Rule 38.19 of the IAAF Competition Rules 2016-2017. Furthermore, in her correspondence of 30 July 2019, the Athlete confirmed that she was "*ready to rebut these unfounded allegations and to defend my [her] rights before an independent and impartial CAS Panel*". However, despite being duly notified of these proceedings, the Athlete did not provide any written submissions or evidence for the Sole Arbitrator to consider.

V. JURISDICTION

37. In accordance with Rule 38.1 of the 2016-2017 IAAF Competition Rules (the "2016 Rules"), "*Every Athlete shall have the right to request a hearing before the relevant tribunal of his National Federation before any sanction is determined in accordance with these Anti-Doping Rules*".
38. Furthermore, Rule 38.3 of the 2016 Rules provides:

"3. If a hearing is requested by an Athlete, it shall be convened without delay and the hearing completed within two months of the date of notification of the Athlete's request to the Member. Members shall keep the IAAF fully informed as to the status of all cases pending hearing and of all hearing dates as soon as they are fixed. The IAAF shall have the right to attend all hearings as an observer. However, the IAAF's attendance at a hearing, or any other involvement in a case, shall not affect its right to appeal the

Member's decision to CAS pursuant to Rule 42. if the Member fails to complete a hearing within two months, or, if having completed a hearing, fails to render a decision within a reasonable time period thereafter, the IAAF may impose a deadline for such event. if in either case the deadline is not met, the IAAF may elect, if the Athlete is an international-level Athlete, to have the case referred directly to a single arbitrator appointed by CAS. The case shall be handled in accordance with CAS rules (those applicable to the appeal arbitration procedure without reference to any time limit for appeal). The hearing shall proceed at the responsibility and expense of the Member and the decision of the single arbitrator shall be subject to appeal to CAS in accordance with Rule 42. A failure by a Member to hold a hearing for an Athlete within two months under this Rule may further result in the imposition of a sanction under Rule 45."

39. The Sole Arbitrator notes that in the case at hand, the Athlete was an International-Level athlete and the RUSAF was the National Federation that should have had to entertain this case in first instance, even though its membership from the IAAF has been suspended since 26 November 2015. Therefore, due to such suspension from membership, it was not possible for the First Respondent to hold a hearing “*within two months*”, as set out by Rule 38.3 of the 2016 Rules. In these circumstances, WA was entitled to submit the matter to the CAS for its decision in first instance by a Sole Arbitrator.
40. It then follows that CAS has jurisdiction to entertain the present case, in accordance with Rule 38.3 of the 2016 Rules, acting as first-instance deciding tribunal in the present matter.

VI. ADMISSIBILITY

41. The Rule 38.3 of the 2016 Rules provides that the proceedings shall be governed by the CAS Code and must be handled in accordance with the rules of the appeal arbitration procedures. However, this provision expressly establishes that the time limit for appeal envisaged in the CAS Code does not apply to the proceedings. Therefore, the Sole Arbitrator considers the Request for Arbitration was made in a timely manner.
42. Moreover, the Sole Arbitrator also observes that the Request for Arbitration, to be considered as Statement of Appeal/Appeal Brief, complies with any further procedural requirements that are set out in the CAS Code. Therefore, the Sole Arbitrator considers that the claim admissible.

VII. APPLICABLE LAW

43. Art. R58 of the CAS Code reads as follows:

“The Panel shall decide the dispute according to the applicable regulations and, subsidiarily, to the rules of law chosen by the parties or, in the absence of such a choice, according to the law of the country in which the federation, association or sports-related body which has issued the challenged decision is domiciled or according to the rules of

law that the Panel deems appropriate. In the latter case, the Panel shall give reasons for its decision.”

44. As an affiliated member of the RUSAF who participated in the official competitions that were organized by it and by WA during her career, the Athlete is subject to the WA Anti-Doping Rules (the “WA ADR”) in accordance with its Rule 1.6. With respect to the applicable law, Rule 13.9.4 of the WA ADR, which came into force on 1 November 2019, provides:

“In all CAS appeals involving World Athletics, the CAS Panel shall be bound by the Constitution, Rules and Regulations (including the Anti-Doping Rules and Regulations). In the case of conflict between the CAS rules currently in force and the Constitution, Rules and Regulations, the Constitution, Rules and Regulations shall take precedence.”

45. Likewise, Rule 13.9.5 of the WA ADR establishes:

“In all CAS appeals involving World Athletics, the governing law shall be Monegasque law and the appeal shall be conducted in English, unless the parties agree otherwise.”

46. On the other hand, with regard to the version of the regulations that shall be considered, the Sole Arbitrator notes that Rule 21.3 of WA ADR rules:

“Any case pending prior to the Effective Date, or brought after the Effective Date but based on an Anti-Doping Rule Violation that occurred before the Effective Date, shall be governed, with respect to substantive matters, by the predecessor version of the anti-doping rules in force at the time the Anti-Doping Rule Violation occurred and, with respect to procedural matters by (i) for Anti-Doping Rule Violations committed on or after 3 April 2017, these Anti-Doping Rules and (ii) for Anti-Doping Rule Violations committed prior to 3 April 2017, the 2016-2017 Competition Rules. Notwithstanding the foregoing, (i) Rule 10.7.5 of these Rules shall apply retroactively, (ii) Rule 18 of these Rules shall also apply retroactively, unless the statute of limitations applicable under the predecessor version of the Rules had already expired by the Effective Date; and (iii) the relevant tribunal may decide it appropriate to apply the principle of lex mitior in the circumstances of the case.”

47. The alleged ADRVs occurred in 2013, when the 2013 Rules were still in force. Therefore, considering the above-mentioned regulatory framework and the time at which the alleged ADRV occurred, the Sole Arbitrator concludes that the applicable regulations in the sense of Art. R58 of the CAS Code are the 2013 Rules for substantive matters and, with regard to any procedural issues, the 2016 Rules. In addition, in case these regulations do not rule a specific aspect of the dispute, Monegasque law shall subsidiarily apply.

VIII. MERITS

A. The ADRV asserted by WA

48. WA charges the Athlete with an alleged violation of Rule 32.2(b) of the 2013 Rules, which prohibits the use of Prohibited Substances or Methods in the following terms:

“Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method.

- (i) it is each Athlete’s personal duty to ensure that no Prohibited Substance enters his body. 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 for Use of a Prohibited Substance or a Prohibited Method.*
- (ii) the success or failure of the Use or Attempted Use of a Prohibited Substance or Prohibited Method is not material. It is sufficient that the Prohibited Substance or Prohibited Method was Used, or Attempted to be Used, for an anti-doping rule violation to be committed.”*

49. In this respect, the 2013 Rules define Use as *“The utilisation, application, ingestion, injection or consumption by any means whatsoever of any Prohibited Substance of Method”*. The 2013 Rules identify the Prohibited Substances as those included in the Prohibited List published by WADA listing the Prohibited Substances and Methods (the “WADA Prohibited List”). In this regard, the Sole Arbitrator observes that in accordance with the WADA Prohibited List that was in force at the time of the alleged incidents (i.e. 2013 Edition), oxandrolone, boldenone and 4-OH testosterone (i.e. 4-hydroxytestosterone) were Prohibited Substances.

50. In addition, to establish an ADRV, Rule 33.3 of the 2013 Rules provides:

“Facts related to anti-doping rule violations may be established by any reliable means, including but not limited to admissions, evidence of third Persons, witness statements, experts reports, documentary evidence, conclusions drawn from longitudinal profiling and other analytical information.”

51. On the other hand, pursuant to the 2013 Rules, the burden of proving the commission of an ADRV lies on the Claimant, who shall discharge it to the comfortable satisfaction of the Sole Arbitrator. In particular, Rule 33 para. 1 and 2 of the 2013 Rules establish:

“1. The IAAF, the Member or other prosecuting authority shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether the IAAF, the Member or other prosecuting authority has established an anti-doping rule violation to the comfortable satisfaction of the relevant hearing panel, bearing in mind the seriousness of the allegation which is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt.

2. *Where these Anti-Doping Rules place the burden of proof upon the Athlete or other Person alleged to have committed an anti-doping violation to rebut a presumption or establish specified facts or circumstances, the standard of proof shall be by a balance of probability, except as provided in Rules 40.4 (Specified Substances) and 40.6 (aggravating circumstances) where the Athlete must satisfy a higher burden of proof.”*

52. The CAS jurisprudence has clearly shaped the comfortable satisfaction standard as being lower than the criminal standard of beyond reasonable doubt but higher than other civil standards such as the balance of probabilities. Indeed, the “*comfortable satisfaction standard of proof has been developed by the CAS jurisprudence (i.e. CAS 2009/A/1920, CAS 2013/A/3258, CAS 2010/A/2267, CAS 2010/A/2172) which has defined it by comparison, declaring that it is greater than a mere balance of probability but less than proof beyond a reasonable doubt. In particular, the CAS jurisprudence has clearly established that to reach this comfortable satisfaction, the Panel should have in mind “the seriousness of allegation which is made” (i.e. CAS 2005/A/908, CAS 2009/1920). It follows from the above that this standard of proof is then a kind of sliding scale, based on the allegations at stake: the more serious the allegation and its consequences, the higher certainty (level of proof) the Panel would require to be “comfortable satisfied” (CAS 2014/A/3625, para. 132).*
53. Notwithstanding the foregoing, it shall be noted that this standard of proof “*does not itself change depending on the seriousness of the (purely disciplinary) charges. Rather the more serious the charge, the more cogent the evidence must be in support*” (CAS 2014/A/3630, para. 115). Therefore, when assessing the evidence produced in the present case, the Sole Arbitrator shall apply this substantive and procedural framework.

B. Assessment of the evidence

54. WA grounds the asserted ADRV in several facts and pieces of evidence from which it infers that the use or attempted use by the Athlete of the prohibited substances can be established. First, the Claimant avers that the fact that the Athlete features three times on the Moscow Washout Schedules, in two cases with a reference to the alleged use of prohibited substance/s, is a clear evidence that she was following a doping programme and that she used prohibited substances. In this regard, the Claimant submits that the CAS has already examined the reliability of the EDP documents, including the Moscow Washout Schedules, and has considered them to be reliable evidence for the purposes of establishing an ADRV. Furthermore, the Claimant has produced a witness statement from Dr Rodchenkov to corroborate that the Athlete was engaged in an ADRV.
55. In this respect, by reviewing the original EDP documents produced by the Claimant, the Sole Arbitrator has confirmed that indeed, the Athlete features in eleven different versions/files of the Moscow Washout Schedules, corresponding to the EDP files EDP0028, EDP0029, EDP0030, EDP0031, EDP0032, EDP0033, EDP0034, EDP0035, EDP0036, EDP0037 and EDP0038. By way of example, in the original file EDP0028 of

the Moscow Washout Schedules, the following three entries under the Russian Athlete’s name (“*Кондратьева*”) appear:

Кондратьева 02/07		следы оксандролоне (0.3 нг/мл)
Кондратьева 18/07	прогормоны!!	T/E 22, Болденон 20 нг/мл, 4-ОН Тестостерон много (550 000), остальное плохо видно
Кондратьева 25/07	параллельный зачет	T/E 0.3 вроде чисто..

Its translation into English provided by the Claimant reads as follows:

Kondratyeva 02/07		traces of oxandrolone (0.3 ng/ml)
Kondratyeva 18/07	prohormones!!	T/E 22, Boldenone 20 ng/ml, 4-OH Testosterone a lot (550 000), the rest is not clearly visible
Kondratyeva 25/07	parallel representation	T/E 0.3 appears clear..

56. As it can be seen, two of the three entries of the Athlete indicate the evidence of the prohibited substances oxandrolone, boldenone and 4-OH testosterone in the Athlete’s alleged unofficial samples. Furthermore, the last entry does not indicate the evidence of any prohibited substance. In the Sole Arbitrator’s view, this fact in conjunction with the reference that is made in that entry to a “parallel representation” (“*параллельный зачет*”), would be consistent with the eventual follow-up of a washout doping protocol. In particular because, as Dr Rodchenkov explains in his written statement, the reference “parallel representation” was precisely made when in view of the results of an unofficial sample testing, it was expected that an athlete under a washout programme would not test positive in a doping control, in which case he or she was sent to RUSADA to provide an official out-of-competition sample.
57. In line with this, the Sole Arbitrator has noted that pursuant to the Athlete’s profile in ADAMS, on 28 and 31 July 2013 the Athlete submitted to two official doping controls and tested negative to any prohibited substance. In the Sole Arbitrator’s opinion, this circumstance is consistent with the fact that in accordance with the Moscow Washout Schedules, on 25 July 2013 the Athlete had completed her washout program (as the “parallel representation” reference indicates) and was ready to undergo official doping controls, as Dr Rodchenkov explains in his witness statement.
58. Notwithstanding this, with regard to the evidentiary weight of the Moscow Washout Schedules, the Sole Arbitrator deems it convenient to remark that, in his view, despite the fact that the McLaren Reports’ findings would prove that a general doping scheme in Russia existed, and that this would have somehow been confirmed by the Russian Ministry of Sport on 13 September 2018, the mere reference of an athlete’s name in the McLaren Reports or his/her inclusion in the different Washout Schedules may not be sufficient to establish an ADRV. Of course, the existence of systemic doping practices in Russian sport is a relevant fact and part of the background to be considered when assessing the potential commission by an athlete of an ADRV in that context. However, in the Sole Arbitrator’s opinion, to impose a sanction on an athlete for an ADRV, it is necessary that the prosecuting body discharges its burden of proof and produces to the

comfortable satisfaction of the adjudicating body the necessary evidence to establish the commission of that ADRV in that specific case.

59. In the present case, the Sole Arbitrator has been provided with the native files of the Moscow Washout Schedules as well as with the expert report of the IT expert Mr Sheldon, and confirms that this evidence is reliable. In this regard, when reviewing these original files, the Sole Arbitrator has observed that the Athlete's name indeed appears in eleven different versions/files of the Moscow Washout Schedules that were created or saved on different dates. In particular, these versions correspond to the following Excel files:

- EDP0028 – Tim_Nag_01Aug2013((Autosaved-303181620679261141))
- EDP0029 – Tim_Nag_01Aug2013
- EDP0030 – Tim_Nag_04July2013
- EDP0031 – Tim_Nag_19July2013
- EDP0032 – Tim_Nag_21Aug2013
- EDP0033 – Tim_Nag_26July2013
- EDP0034 – Tim_Nag_30July2013
- EDP0035 – Tim_Nag_04July2013
- EDP0036 – Tim_Nag_19July2013
- EDP0037 – Tim_Nag_26July2013
- EDP0038 – Tim_Nag_30July2013

60. The Sole Arbitrator has also examined the internal metadata of each native file (the file Properties) and has observed that the person referred to as the author of these documents is “Tim Sobolevsky”, i.e. the former Deputy Director of the Moscow Laboratory. In addition, the properties of the file referred to the “Moscow Antidoping Lab”. On the other hand, as it is also confirmed by Mr Sheldon's expert report, the dates of creation and modification of the document correspond to the time of the facts at stake. Furthermore, it must be noted that the IT expert analyzed each of these files in pages 47 to 59 of his forensic expert report, which examined the contents of each file, the raw filesystem and the internal metadata associated with each file, to determine their characteristics and its authenticity.

61. In line with this, the Sole Arbitrator has also noticed that in previous cases, other CAS Panels have reached the conclusion that the McLaren Reports and the Moscow Washout Schedules are reliable evidence. Among others in case CAS 2018/O/5667, after a thorough analysis of the EDP documents, the Sole Arbitrator reached the same conclusion that they are reliable. In particular, as regards of the Moscow Washout Schedules, the

Sole Arbitrator of that case found “*that the contents of the Moscow Washout Schedules support the finding that they are reliable in general*”.

62. In addition, the Sole Arbitrator considers that the fact that the Athlete’s name is included in three different entries of the Moscow Washout Schedules referred to a short period of time, and that she appears in eleven different versions of these Schedules, makes the possibility that her name might have been mistakenly included in the Moscow Washout Schedules extremely unlikely. Therefore, the Sole Arbitrator considers that in the present case, the Moscow Washout Schedules are reliable evidence in the sense of Rule 33.3 of the 2013 Rules.
63. However, as indicated before, depending on the circumstances of the case and the rest of the evidence available, the mere presence of an athlete’ name on the Moscow Washout Schedules may not be sufficient to establish that he/she used a prohibited substance. Nevertheless, in the present case the Moscow Washout Schedules are not the sole evidence produced by the Claimant to establish the asserted ADRV. Actually, the Claimant has produced a witness statement of Dr Rodchenkov as circumstantial evidence intended to corroborate that the Moscow Washout Schedules that the Claimant has produced are authentic, offering also his testimony in case a hearing was to be held.
64. It is true that in this case the witness has not been cross-examined by the Parties. However, this circumstance is exclusively attributable to the Respondents, that decided not to participate in these proceedings. Furthermore, even though CAS precedents are not binding and cannot have any direct effect in this procedure, the Sole Arbitrator is satisfied with the fact that the credibility of Dr Rodchenkov has been established in previous cases related with the Russian Doping Scheme, in which the different Panels have given objective reasons to deduct the plausibility of his testimony (i.a. CAS 2018/O/5704). Therefore, taking into account the circumstances at stake, in the present case the Sole Arbitrator considers Dr Rodchenkov’s witness statement credible and valid piece of evidence to take into account.
65. Finally, the Sole Arbitrator finds the Athlete’s procedural attitude enlightening. In particular, since she became aware of the ADRV asserted by WA against her on 31 May 2019, she has maintained a passive attitude and she simply stated that she was “*ready to rebut these unfounded allegations and to defend [her] rights before an independent and impartial CAS Panel*”. However, after being notified of this CAS procedure, she did not even appear in the proceedings and maintained a complete passive attitude with regard to the proceedings that the Claimant had brought against her. In the Sole Arbitrator’s view, this passive attitude (so reinforcing the just made evaluation of the facts) could mean that, despite the mere proclaiming as “unfounded” of the allegations, the Athlete did not find any concrete element to prove that she was not engaged in a doping program within the framework of Moscow Washout testing scheme.

66. Taking into account all the foregoing, the Sole Arbitrator finds that there is no plausible explanation for the undisputed fact that the Athlete featured in the Moscow Washout Schedules, other than that she was indeed engaged in a doping programme and that in summer 2013 she was using the following prohibited substances, as the Athlete's unofficial testing samples of 2 and 18 July 2013 reveal:
- Oxandrolone, which is an exogenous anabolic androgenic steroid prohibited under S1.1.a of the 2013 WADA Prohibited List.
 - Boldenone, which is an exogenous anabolic androgenic steroid prohibited under S1.1.a of the 2013 WADA Prohibited List.
 - 4-OH Testosterone (i.e. 4-hydroxytestosterone), which is an exogenous anabolic androgenic steroid prohibited under S1.1.a of the 2013 WADA Prohibited List.
67. As a result, the Sole Arbitrator is comfortably satisfied that the Athlete committed a violation of Rule 32.2(b) of the 2013 Rules.

C. The sanction

68. Rule 40.2 of the 2013 Rules provides:

“The period of Ineligibility imposed for a violation of Rules 32.2(a) (Presence of a Prohibited Substance or its Metabolites or Markers), 32.2(b) (Use or Attempted Use of a Prohibited Substance or Prohibited Method) or 32.2(f) (Possession of Prohibited Substances and Prohibited Methods), unless the conditions for eliminating or reducing the period of Ineligibility as provided in Rules 40.4 and 40.5, or the conditions for increasing the period of Ineligibility as provided in Rule 40.6 are met, shall be as follows:

First Violation: Two (2) years' Ineligibility.”

69. Furthermore, Rule 40.6 of the 2013 Rules establishes the following aggravating circumstances which may increase the period of ineligibility:

“If it is established in an individual case involving an anti-doping rule violation other than violations under Rule 32.2(g) (Trafficking or Attempted Trafficking) and Rule 32.2(h) (Administration or Attempted Administration) that aggravating circumstances are present which justify the imposition of a period of Ineligibility greater than the standard sanction, then the period of Ineligibility otherwise applicable shall be increased up to a maximum of four (4) years unless the Athlete or other Person can prove to the comfortable satisfaction of the hearing panel that he did not knowingly commit the anti-doping rule violation.

- (a) *Examples of aggravating circumstances which may justify the imposition of a period of Ineligibility greater than the standard sanction are: the Athlete or other Person committed the anti-doping rule violation as part of a doping plan or scheme, either individually or involving a conspiracy or common enterprise to*

commit anti-doping rule violations; the Athlete or other Person used or possessed multiple Prohibited Substances or Prohibited Methods or used or possessed a Prohibited Substance or Prohibited Method on multiple occasions; a normal individual would be likely to enjoy performance-enhancing effects of the anti-doping rule violation(s) beyond the otherwise applicable period of Ineligibility; the Athlete or other Person engaged in deceptive or obstructing conduct to avoid the detection or adjudication of an anti-doping rule violation. For the avoidance of doubt, the examples of aggravating circumstances referred to above are not exclusive and other aggravating factors may also justify the imposition of a longer period of Ineligibility.”

70. In addition, Rule 40.7(d)(i) of the 2013 Rules provides that “*the occurrence of multiple violations may be considered as a factor in determining aggravating circumstances (Rule 40.6)*”.
71. Taking into account the circumstances of the present case, where it has been established (i) that the Athlete was engaged in the Washout Testing programme, hence forming “*part of a doping plan or scheme*” in the sense of Rule 40.6 of the 2013 Rules, (ii) that the Athlete used at least three Prohibited Substances to enhance her performance for the 2013 Moscow World Championship, the Sole Arbitrator considers that in the case at hand several aggravating circumstances concur to justify the imposition of the maximum sanction allowed: a period of ineligibility of four years that shall start on the date of this award.
72. On the other hand, in accordance with Rule 40.8 of the 2013 Rules, the ADRV also entails the disqualification of the Athlete’s results in competitions after the commission of the ADRV in the following terms:

“In addition to the automatic disqualification of the results in the Competition which produced the positive sample under Rules 39 and 40, all other competitive results obtained from the date the positive Sample was collected (whether In-Competition or Out-of-Competition) or other anti-doping rule violation occurred through to the commencement of any Provisional Suspension or Ineligibility period shall be Disqualified with all of the resulting Consequences for the Athlete including the forfeiture of any titles, awards, medals, points and prize and appearance money.”

73. Therefore, the general rule is that, in addition to the automatic disqualification of the results in the competition where the Adverse Analytical Finding has been produced, all the Athlete's competitive results obtained from the date of the commission of the ADRV through the start of any provisional suspension or ineligibility period shall be disqualified. In this regard, the Sole Arbitrator notes that the retroactive disqualification of the competitive results of an athlete that has committed an ADRV is fair and necessary to restore the integrity of all the sporting competitions in which he or she competed, rectifying the record books in the interest of sport. Deciding otherwise would be

tantamount to reward the deceiver and would not be fair at all vis-à-vis the rest of the athletes that did not use Prohibited Substances.

74. Notwithstanding this, it is also important not to forget that the primary reason behind this measure (i.e. the disqualification of the sporting results of an athlete that cheated) is not to sanction him or her, but to ensure fair play and equal opportunities for all athletes, annulling those results achieved by those who acted or is reasonable to believe that have acted dishonestly vis-à-vis their competitors, being involved in any kind of ADRV, which is one of the most despicable breaches of the fundamental principles of sport. But, at the same time, it should be taken into account that, in certain exceptional circumstances, the strict application of the disqualification rule can produce an unjust result. In particular, this may be the case when the potential disqualification period covers a very long term, which is normally the case when the facts leading to the ADRV took place long before the adjudicating proceedings started which usually occurs when they are opened as a result of the re-testing of a sample or of the uncover of a sophisticated doping scheme. In addition, in this type of cases it may be difficult to prove that the athlete at stake used prohibited substances or methods during such a long period of time.
75. The Sole Arbitrator notes that this exception based on fairness has been acknowledged by the CAS jurisprudence and applied in order to adjust to the specific circumstances of the case the period of time in which the sporting results are to be disqualified. In this regard, *“the CAS panels have frequently applied the fairness exception and let results remain partly in force when the potential disqualification period extends over many years and there is no evidence that the athlete has committed ADRVs over the whole period from the ADRV to the commencement of the provisional suspension or the ineligibility period (see e.g. CAS 2016/O/4481, CAS 2017/O/4980, CAS 2017/O/5039 and CAS 2017/A5045). The CAS case law confirms that the panels have broad discretion in adjusting the disqualification period to the circumstances of the case”*.
76. In circumstances of this kind, for fairness reasons it may be necessary to adjust the period of disqualification, accommodating it to the particularities of the case in pursuit of a fair and reasonable result. Notwithstanding this, in the present case the Sole Arbitrator finds no reason to reduce on the grounds of fairness the ordinary disqualification period that would correspond in application of Rule 40.8 of the 2013 Rules. On the contrary, the Sole Arbitrator considers that in the case at hand, the retroactive disqualification of the Athlete’s competitive results is fair and necessary to restore the integrity of all the sporting competitions in which the Athlete competed. Deciding otherwise would not be fair at all vis-à-vis the rest of the athletes that did not use Prohibited Substances.
77. In the Sole Arbitrator's view, this would only make sense in case the delay in establishing the ADRV was attributable to the prosecuting body or if any other exceptional circumstance may justify it. However, as explained before, given the complexity of the Russian doping programme, no delay is attributable to the Claimant in this regard.

Furthermore, bearing in mind the seriousness of the ADRV and that the Athlete was part of a doping scheme, the Sole Arbitrator considers that in the case at hand the retroactive disqualification of the Athlete's competitive results is fair and necessary to restore the integrity of all the sporting competitions in which the Athlete competed and to protect the interest of the sport and of the rest of athletes. In conclusion, given that the first evidence of the ADRV dates from 2 July 2013 (i.e. the date of collection of the first unofficial sample testing), the Sole Arbitrator considers that all the Athlete's sporting results from this date through the commencement of the period of ineligibility must be disqualified.

IX. COSTS

78. Art. R64.4 of the CAS Code provides:

“At the end of the proceedings, the CAS Court Office shall determine the final amount of the cost of arbitration, which shall include:

- the CAS Court Office fee,*
- the administrative costs of the CAS calculated in accordance with the CAS scale,*
- the costs and fees of the arbitrators,*
- the fees of the ad hoc clerk, if any, calculated in accordance with the CAS fee scale,*
- a contribution towards the expenses of the CAS, and*
- the costs of witnesses, experts and interpreters.*

The final account of the arbitration costs may either be included in the award or communicated separately to the parties. The advance of costs already paid by the parties are not reimbursed by the CAS with the exception of the portion which exceeds the total amount of the arbitration costs.

79. Furthermore, Art. R64.5 of the CAS Code establishes:

“In the arbitral award, the Panel shall determine which party shall bear the arbitration costs or in which proportion the parties shall share them. As a general rule and without any specific request from the parties, the Panel has discretion to grant the prevailing party a contribution towards its legal fees and other expenses incurred in connection with the proceedings and, in particular, the costs of witnesses and interpreters. When granting such contribution, the Panel shall take into account the complexity and outcome of the proceedings, as well as the conduct and the financial resources of the parties.”

80. Having taken into account the outcome of the arbitration, in particular that the Claimant's request for arbitration has been totally upheld and considering the financial resources of the parties as well as their conduct within this proceedings, the Sole Arbitrator deems it fair and reasonable that the costs of the arbitration, in the amount that will be established

and served to the Parties by the CAS Court Office, are borne in full by the First Respondent, as requested by the Claimant.

81. In addition, bearing in mind the conduct and the financial resources of the Parties, and the discretion that he has pursuant to Art. R64.5 of the CAS Code, the Sole Arbitrator decides that each Party bears their own legal fees and other expenses incurred in connection with this proceeding.
82. The present award may be appealed to CAS pursuant to Rule 42 of the IAAF Rules.

* * *

ON THESE GROUNDS

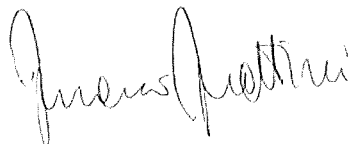
The Court of Arbitration for Sport rules that:

1. The request for arbitration filed by World Athletics against the Russian Athletics Federation and Oksana Kondratyeva is upheld.
2. Oksana Kondratyeva is found guilty of an anti-doping rule violation under Rule 32.2 (b) of the IAAF Competition Rules 2012-2013.
3. Oksana Kondratyeva is sanctioned with a period of ineligibility of four (4) years starting from the date of this award.
4. All competitive results achieved by Oksana Kondratyeva from 2 July 2013 through the commencement of the period of ineligibility are disqualified with all of the resulting consequences, including the forfeiture of any titles, awards, medals, points and prize and appearance money.
5. The cost of the arbitration, to be determined and served to the Parties by the CAS Court Office, shall be borne by the Russian Athletics Federation.
6. Each party shall bear its own costs and other expenses incurred in connection with this arbitration.
7. All other motions or prayers for relief are dismissed.

Seat of arbitration: Lausanne, Switzerland

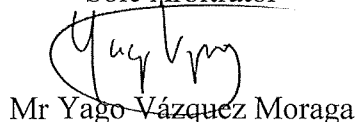
Date: 7 April 2021

THE COURT OF ARBITRATION FOR SPORT



Hon Franco Frattini

Sole Arbitrator



Mr Yago Vázquez Moraga

Ad hoc Clerk