

WORLD RUGBY

IN THE MATTER OF ANTI-DOPING RULE VIOLATIONS BY JOAQUIN HUICI ESPINOSA (CHILE) (THE "PLAYER") CONTRARY TO REGULATION 21 OF THE WORLD RUGBY ANTI-DOPING REGULATIONS (THE "REGULATIONS")

Reasoned Decision¹

- [1] The Player underwent an In Competition² Doping Control on 11 September 2022 as part of his involvement in the Rugby World Cup Sevens 2022 in Cape Town, South Africa conducted under the Testing Authority of World Rugby.
- [2] The Player's urine sample was sent to the WADA Accredited Laboratory in Bloemfontein, South Africa for analysis and on 11 January 2023 returned an Adverse Analytical Finding ("AAF") for Nandrolone (19-Nortestosterone) with its metabolites, 19-Noretiocholanolone and 19-Norandrosterone, also being present.
- [3] Nandrolone (19-Nortestosterone) is classified as a Non-Specified Substance under S1.1 Anabolic Androgenic Steroids of the WADA 2022 Prohibited List.
- [4] The Player did not have a Therapeutic Use Exemption approving the use of the Prohibited Substance to treat a legitimate medical condition.
- [5] The Player was notified by World Rugby, the Anti-Doping Organisation with Results Management Authority, of the AAF and his Provisional Suspension by letter on 13 January 2023.
- [6] The Player did not request an analysis of his B Sample nor any extension of time to provide a response.
- [7] On 19 January 2023 the Player informed World Rugby that he had been notified of an adverse analytical finding for Nandrolone (19-Nortestosterone) on 25 October 2022 by Organización Deportiva Suramericana ("ODESUR") based on a sample taking during the Player's participation in the ODESUR Games in Asunción, Paraguay in October 2022 (the "ODESUR Proceedings"). The Player was provisionally suspended by ODESUR on 25 October 2022.
- [8] On 13 February 2023, the Player provided all documentary evidence relating to the ODESUR Proceedings, including a written explanation dated 14 November 2022 in which the Player admitted to intentionally ingesting Nandrolone to aid his recovery from a shoulder injury.
- [9] On 30 March 2023, ODEUSR produced a written decision in which the Player was found liable for the presence of Nandrolone in his system as regards the ODESUR Proceedings.
- [10] World Rugby considered it appropriate under the Regulations and the WADA International Standard for Results Management to commence its own separate proceedings against the Player. There was no departure from any WADA International Standard in the analysis of the Player's Sample.
- [11] By letter dated 30 June 2023, the Player was given formal notice that he was being charged with two anti-doping rule violations, namely a breach of Regulation 21.2.1.1 and a breach of Regulation

¹ This reasoned decision has been prepared in accordance with the Regulations and the WADA International Standard for Results Management.

² Capitalised terms that are not otherwise defined bear meaning attributed to them in the Regulations or the relevant WADA International Standard.

21.2.2.1 on the basis that Nandrolone (19-Nortestosterone) was present in the Player's sample and Used (together with the presence of the two metabolites) (the "ADRVs").

[12] The Player was notified that it was World Rugby's position that the ADRVs were intentional under Regulations 21.10.2.1.1 and 21.10.2.1.2 and that World Rugby would be seeking a four-year period of Ineligibility.

[13] The Player was also informed that if, within 20 days of the formal Notice of Charge, the Player accepted the occurrence of the ADRVs and the consequences of the ADRVs, then the four-year period of Ineligibility would be reduced to three years under Regulation 21.10.8.1.

[14] Regulation 21.10.8.1 provides that: *"One (1) Year Reduction for Certain Anti-Doping Rule Violations Based on Early Admission and Acceptance of Sanction."*

Where a Player or other Person, after being notified by World Rugby of a potential anti-doping rule violation that carries an asserted period of Ineligibility of four (4) or more years (including any period of Ineligibility asserted under Regulation 21.10.4), admits the violation and accepts the asserted period of Ineligibility no later than twenty (20) days after receiving notice of an anti-doping rule violation charge, the Player or other Person may receive a one (1) year reduction in the period of Ineligibility asserted by World Rugby. Where the Player or other Person receives the one (1) year reduction in the asserted period of Ineligibility under this Regulation 21.10.8.1, no further reduction in the asserted period of Ineligibility shall be allowed under any other Regulation.

[15] On 6 July 2023, the Player admitted the ADRVs and waived his right to a hearing. The Player also accepted the associated sanction of a period of Ineligibility of four years from all rugby activity at all levels, pursuant to Regulation 21.10.2.1, but with the four-year period of Ineligibility being reduced by one year pursuant to Regulation 21.10.8.1. The Player also acknowledged that under Regulation 21.10.8.1, no further reduction in the period of Ineligibility shall be allowed under any other Regulation.

[16] Consequently, the Player is sanctioned to a period of Ineligibility of three years. In accordance with Regulation 21.10.13.2.1, the period of Ineligibility runs from the date of the Player's Provisional Suspension imposed by ODESUR on 25 October 2022, ending at midnight 24 October 2025.

[17] Any results of the Player between 11 September 2022, being the date of the World Rugby AAF, and 25 October 2022 when the Provisional Suspension was imposed by ODESUR have been Disqualified in accordance with Regulation 21.10.10.

[18] The Player's attention is drawn to the following extracts of Regulation 21.10.14 which address the status of a Player during their Period of Ineligibility:

"21.10.14.1 Prohibition Against Participation During Ineligibility or Provisional Suspension"

No Player or other Person who has been declared Ineligible or is subject to a Provisional Suspension may, during a period of Ineligibility or Provisional Suspension, participate in any capacity in a Competition or activity (other than authorised anti-doping Education or rehabilitation programmes) authorised or organised by any Signatory, Signatory's member organisation, or a club or other member organisation of a Signatory's member organisation, or in Competitions authorised or organised by any professional league or any international- or national-level Event organisation or any elite or national-level sporting activity funded by a governmental agency.

...

A Player or other Person subject to a period of Ineligibility shall remain subject to Testing and any requirement by World Rugby to provide whereabouts information.

21.10.14.2 Return to Training

As an exception to Regulation 21.10.14.1, a Player may return to train with a team or to use the facilities of a Union, Club, Rugby Body or other member organisation of World Rugby, an Association or a Union during the shorter of: (1) the last two months of the Player's period of Ineligibility, or (2) the last one-quarter of the period of Ineligibility imposed."

[19]The Player remains subject to Testing by World Rugby during his period of Ineligibility.

[20]This decision is final, subject to an appeal to the Court of Arbitration for Sport (Regulation 21.13.2).

[21]As regards an appeal to CAS, the Player has 21 days to appeal in accordance with Regulation 21.13.6. The Player is considered an International-Level Athlete for the purposes of any appeal. CAS can be contacted using the email address procedures@tas-cas.org and the CAS Rules are available here: https://www.tas-cas.org/fileadmin/user_upload/CAS_Code_2021_EN.pdf.



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