

Issued Decision

UK Anti-Doping and Maredydd Francis

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 Welsh Rugby Union's Anti-Doping Rules (the 'ADR'). It concerns a violation of the ADR committed by Mr Maredydd Francis and records the applicable Consequences.

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

Background and Facts

1. The Welsh Rugby Union ('WRU') is the governing body for the sport of rugby union in Wales. UKAD is the National Anti-Doping Organisation for the United Kingdom.
2. Mr Francis is a 24-year-old rugby union player. He plays in the Welsh Principality Premiership (West) and has made over 100 appearances for Rygbi Gogledd Cymru 1404 RFC ('RGC 1404'). At all material times Mr Francis was subject to the jurisdiction of the WRU and bound to comply with the ADR. Pursuant to the ADR, UKAD has results management responsibility in respect of all players subject to the jurisdiction of the WRU.
3. On 10 March 2018, UKAD collected a urine Sample from Mr Francis In-Competition, following a match between Aberavon RFC and RGC 1404 at the Talbot Athletic Ground, Port Talbot. The Sample was separated into two bottles which were given reference numbers A1140555 ('the A Sample') and B1140555 ('the B Sample').
4. The Sample was submitted for analysis at the Drug Control Centre, King's College London, a World Anti-Doping Agency ('WADA') accredited laboratory ('the Laboratory'). The Laboratory analysed the A Sample in accordance with the procedures set out in WADA's International Standard for Laboratories.
5. This analysis returned an Adverse Analytical Finding ('AAF') for 17 α -epitrenbolone (a metabolite of trenbolone) and nandrolone.
6. The analysis also determined a preliminary testosterone to epitestosterone ratio (T/E ratio) of 22.31. In accordance with WADA Technical Document TD2016IRMS it was necessary to further analyse the Sample by way of Isotope-Ratio Mass Spectrometry ('IRMS') to determine whether the testosterone detected was exogenous in origin.
7. The IRMS analysis indicated that the testosterone detected, and the following metabolites and/ or isomers of testosterone: (i) androsterone, (ii) etiocholanone, (iii)

5 α -androstane-3 α ,17 β -diol (5 α Adiol) and (iv) 5 β -androstane-3 α ,17 β -diol (5 β Adiol)), were consistent with an exogenous origin and therefore amounted to an AAF.

8. Under section S1.1(a) of the WADA 2018 Prohibited List, trenbolone is classed as an Exogenous Anabolic Androgenic Steroid. It is a non-Specified Substance and is prohibited at all times.
9. Under section S1.1(b) of the WADA 2018 Prohibited List, nandrolone and testosterone (and testosterone's metabolites and isomers) are classed as Endogenous Anabolic Androgenic Steroids. They are non-Specified Substances that are prohibited at all times when administered exogenously.
10. Mr Francis did not have a relevant Therapeutic Use Exemption.
11. On 13 April 2018, UKAD issued Mr Francis with a Notice of Charge ('the First Charge') and provisionally suspended him. The First Charge alleged the commission of an Anti-Doping Rule Violation ('ADRV') pursuant to ADR Article 2.1 (Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample) in relation to the presence of 17 α -epitrenbolone and nandrolone in the A Sample.
12. On 8 June 2018, following the IRMS analysis, Mr Francis was issued with a second Notice of Charge ('the Second Charge') in relation to the presence of exogenous testosterone and its metabolites and isomers in the A Sample. The Second Charge again alleged the commission of an ADRV pursuant to ADR Article 2.1 (Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample).

Admission and Consequences

13. On 16 April 2018 Mr Francis admitted the First Charge, and on 8 June 2018 he admitted the Second Charge.
14. Both ADRVs resulted from the same Sample and as such are considered together as a single ADRV for the purposes of imposing sanction, in accordance with ADR Article 10.7.4(a).
15. ADR Article 2.1 states as follows:

The following constitute Anti-Doping Rule Violations:

- 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***

16. ADR Article 10.2 provides as follows:

10.2 Imposition of a Period of Ineligibility for the Presence, Use or Attempted Use, or Possession of a Prohibited Substance and/or a Prohibited Method

The period of Ineligibility for an Anti-Doping Rule Violation under Article 2.1... that is the Athlete's ... first anti-doping offence shall be as follows, subject to potential reduction or suspension pursuant to Article 10.4, 10.5 or 10.6:

10.2.1 The period of Ineligibility shall be four years where:

(a) The Anti-Doping Rule Violation does not involve a Specified Substance, unless the Athlete ... can establish that the Anti-Doping Rule Violation was not intentional.

...

10.2.2 If Article 10.2.1 does not apply, the period of Ineligibility shall be two years.

17. The meaning of 'intentional' for these purposes is set out in ADR Article 10.2.3 as follows:

10.2.3 As used in Articles 10.2 and 10.3, the term "intentional" is meant to identify those Athletes ... who cheat. The term, therefore, requires that the Athlete ... engaged in conduct which he ... knew constituted an Anti-Doping Rule Violation or knew that there was a significant risk that the conduct might constitute or result in an Anti-Doping Rule Violation and manifestly disregarded that risk...

In admitting the First and Second Charges, Mr Francis has not sought to establish that his ADRV was not intentional. He has stated that he knowingly took the Prohibited Substances detected in his A Sample for four weeks in July 2017, after having an operation at the end of the 2016/17 season. He stated that he used those substances to increase the rate of his recovery after the operation.

18. UKAD's Science and Medicine team has reviewed the account provided by Mr Francis. UKAD does not accept this account to the extent that it considers the claimed timing of the last administration of the Prohibited Substances to be implausible.
19. UKAD would not expect nandrolone (in parent drug form) to be detected in, or a conclusive IRMS result for exogenous steroids to be obtained from, a Sample collected seven months after the administration of those substances. The evidence is consistent with Mr Francis having taken the Prohibited Substances more recently than he has admitted.

20. Whatever the precise circumstances of Mr Francis' ingestion of the Prohibited Substances, as he has admitted the First and Second Charges and has not sought to establish that the ADRV was not intentional as defined in the ADR, the period of Ineligibility to be applied is four (4) years.

Prompt Admission

21. Mr Francis has not sought to eliminate or reduce any part of his period of Ineligibility.
22. Notwithstanding this, UKAD has considered whether it is appropriate to apply ADR Article 10.6.3 (Prompt Admission) to Mr Francis' case:

10.6.3 An Athlete ... potentially subject to a four-year sanction under Article 10.2.1... may receive a reduction in the period of Ineligibility down to a minimum of two years, depending on the seriousness of the violation and the Athlete's ... degree of Fault by promptly admitting the asserted Anti-Doping Rule Violation after being confronted with it, upon the approval and at the discretion of WADA and UKAD.

23. UKAD considers that the matter has been admitted promptly by Mr Francis, and so has gone on to assess the seriousness of the violation and Mr Francis' degree of Fault.

Seriousness of the ADRV

24. As regards the first criterion, Mr Francis' use of three steroids to gain a sporting benefit (whether by increasing the rate of his recovery from injury or otherwise) is too serious to warrant a reduction under ADR Article 10.6.3.

Level of Fault

25. As regards the second criterion, Fault is defined within the ADR in the following terms:

Fault is any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing an Athlete[s] ... degree of Fault include, for example, the Athlete's ... experience, whether the Athlete ... is a Minor, special considerations such as impairment, the degree of risk that should have been perceived by the Athlete and the level of care and investigation exercised by the Athlete in relation to what should have been the perceived level of risk. In assessing the Athlete's ... degree of Fault, the circumstances considered must be specific and relevant to explain the Athlete's ... departure from the expected standard of behaviour. Thus, for example, the fact that an Athlete would lose the opportunity to earn large sums of money during a period of Ineligibility, or the fact that the Athlete only has a short time left in his or her career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of Ineligibility under Article 10.5.1 or 10.5.2.

26. ADR Article 1.3.1 provides an Athlete's core responsibilities:

1.3.1 *It is the personal responsibility of each Athlete:*

- (a) *to acquaint him/herself ... with all of the requirements of these Rules ...;*
- (b) *to comply with these Rules in all respects;*
- (c) *to take full responsibility for what he/she ingests and uses;*
- (d) *...*
- (e) *to ensure that any medical treatment he/she receives does not infringe these Rules; ...*

27. UKAD notes that Mr Francis is an experienced player who has deliberately consumed three steroids to gain a sporting advantage. Mr Francis had the benefit of anti-doping education sessions provided by the WRU in October 2015 and July 2016. As such, there are no specific or relevant circumstances to consider that mean that Mr Francis' degree of Fault should be regarded as anything other than high.

28. Therefore, UKAD considers that it would not be appropriate to reduce the applicable period of Ineligibility pursuant to ADR Article 10.6.3.

29. Pursuant to ADR Article 10.2.1(a), a period of Ineligibility of four (4) years is therefore imposed.

30. UKAD issues this Decision pursuant to ADR Article 7.7.4, which provides:

7.7.4 *In the event that UKAD withdraws the Notice of Charge, or the Athlete ... admits the Anti-Doping Rule Violation(s) charged and accedes to the Consequences specified by UKAD (or is deemed to have done so in accordance with Article 7.7.1), neither B Sample analysis nor a hearing is required. Instead, UKAD shall promptly issue a reasoned decision confirming the commission of the Anti-Doping Rule Violation(s) and the imposition of the specified Consequences, shall send notice of the decision to the Athlete ... and to each Interested Party, and shall Publicly Disclose the decision in accordance with Article 8.4.*

Period of Ineligibility

31. ADR Article 10.11.2 provides as follows:

10.11.2 *Timely Admission:*

Where the Athlete ... promptly (which means, in any event, before he/she competes again) admits the Anti-Doping Rule Violation after being confronted with it by UKAD, the period of Ineligibility may start as early as the date of Sample collection or the date on

which another Anti-Doping Rule Violation last occurred. In each case, however, where this Article is applied, the Athlete ... shall serve at least one-half of the period of Ineligibility going forward from the date the Athlete ... accepted the imposition of a sanction, the date of a hearing decision imposing a sanction, or the date the sanction is otherwise imposed. This Article shall not apply where the period of Ineligibility has already been reduced under Article 10.6.3.

32. Mr Francis has made a timely admission for the purposes of ADR Article 10.11.2 by admitting the two charges promptly. Therefore, the period of Ineligibility to be imposed shall be deemed to have started on 10 March 2018 and will expire at midnight on 9 March 2022. Mr Francis will be eligible to compete again on 10 March 2022.
33. During the period of Ineligibility, in accordance with ADR Article 10.12.1, Mr Francis shall not be permitted to participate in any capacity in any Competition, Event or other activity (other than authorised anti-doping education or rehabilitation programmes) organised, convened, authorised or recognised by:
- the WRU or any body that is a member of, or affiliated to, or licensed by the WRU;
 - any Signatory;
 - any club or other body that is a member of, or affiliated to, or licensed by, a Signatory or a Signatory's member organisation;
 - any professional league or any international or national-level Event organisation;
or
 - any elite or national-level sporting activity funded by a governmental agency.
34. Mr Francis may return to train with a team or to use the facilities of a club or other member organisation of the WRU or a Signatory's member organisation during the last two months of his period of Ineligibility (i.e. from midnight on 9 January 2022) pursuant to ADR Article 10.12.4(b).
35. Mr Francis, the WRU, World Rugby and WADA have a right of appeal against this decision or any part of it in accordance with ADR Article 13.4.
36. The disposition of these proceedings on the terms set out above will be publicly announced via UKAD's website in accordance with ADR Articles 8.4.3 and 14.1.2.

Commencement of period of Ineligibility

37. For the reasons given above, UKAD has issued this Decision, which records that:
- 37.1 Mr Francis has committed an ADRV pursuant to ADR Article 2.1;

- 37.2 a period of Ineligibility of four (4) years is imposed pursuant to ADR Article 10.2.1(a);
- 37.3 the period of Ineligibility is deemed to have commenced on 10 March 2018 and will expire at midnight on 9 March 2022; and
- 37.4 Mr Francis' status during the period of Ineligibility shall be as detailed in ADR Article 10.12.

26 September 2018