



Arbitration CAS 2015/A/4049 Romela Aleksander Begaj v. International Weightlifting Federation (IWF), award of 5 October 2015

Panel: Mr John Faylor (USA), President; Mr Sofoklis Pilavios (Greece); Mr Michele Bernasconi (Switzerland)

Weightlifting

Doping (stanozolol)

Principle of strict liability under Article 2.1.1 IWF ADP applying to experienced, international-level athletes

Level of technical performance expected from WADA-accredited laboratories regarding non-threshold substances

Advanced testing method applied by specific laboratories and equal treatment of athletes

- 1. An experienced, international-level athlete who has undergone numerous doping controls should be knowledgeable of the principle of strict liability imposed by Article 2.1.1 IWF Anti-Doping Policy (ADP).**
- 2. Any concentration of non-threshold substances which is detected in the samples must be reported as an Adverse Analytical Finding resulting in the strict liability set down in Article 2.1 IWF ADP. WADA Technical Document TD2014MRPL (“MRLP”) sets out analytical parameters of technical performance with which WADA-accredited laboratories must comply when testing for the presence of a particular Prohibited Substance, its Metabolite(s) or Marker(s). It is that concentration of a Prohibited Substance which laboratories must be able to routinely detect and identify in order to function as a WADA-accredited laboratory.**
- 3. The advanced testing method applied by a specific laboratory does not violate the equal treatment of athletes when the method applied is not a quantitative test and the prohibited substance found is a non-threshold substance. WADA recognizes in the introductory paragraph to Technical Document TD2014MRPL that “*some Laboratories will be able to identify a wider range or lower concentrations of Prohibited Substances than other Laboratories*”. The Technical Document also states specifically that “*individual capabilities in laboratories are encouraged by WADA in order to improve the overall system*”.**

I. PARTIES

1. The Appellant, Romela Aleksander Begaj, is an international-level athlete and member of the Albanian national weightlifting team. She has competed internationally since 2006, having participated in the 2008 and 2012 Olympic Games, the European Championships,

Mediterranean Games and most recently in the 2014 IWF World Championships in Almaty, Kazakhstan.

2. The Respondent, the International Weightlifting Federation (“IWF”), is a registered association under Swiss law. It was founded in 1905 and has 188 affiliated National Federations worldwide. It is recognized by the International Olympic Committee as the sole controlling body at worldwide level for international weightlifting.

II. FACTUAL BACKGROUND

A. Background Facts

3. While participating in the 2014 World Championships in Almaty, Kazakhstan, the Appellant submitted to a doping test on 13 November 2014. On the Doping Control Form, she listed “B1, B2, B6, Protein, Creatin, Alfafiol 780, Animal, Animal Pak and Mishulit” as the prescription/non-prescription medications and nutritional supplements which she had taken over the previous seven days.
4. Both the Appellant and her trainer confirmed on the Doping Control Form that the sample collection was conducted in accordance with the applicable procedure and that the information on the Doping Control Form was complete and accurate.
5. The testing sample was analyzed by the Institut für Biochemie of the Deutsche Sporthochschule in Cologne, Germany, which is a WADA-accredited laboratory (“Cologne Laboratory”). It was determined by the Cologne Laboratory that the sample contained the metabolite 3'-hydroxy-stanozolol glucuronide.
6. The Cologne Laboratory reported the Adverse Analytical Finding (“AAF”) to the Respondent on 1 December 2014 as being “*consistent with the administration of the prohibited substance stanozolol*”. The latter is a S1.1a Anabolic Androgenic Steroid listed on the 2014 WADA Prohibited List which became effective on 1 September 2014.
7. The Respondent notified the Appellant on the same day of the AAF and imposed immediately a provisional suspension from all weightlifting competitions. The Respondent also informed the Appellant that she had the right to request the analysis of the B-sample and a hearing before the IWF Hearing Panel.
8. The opening and analysis of the B-sample took place on 16 December 2014 in the presence of the Appellant, her trainer and her expert advisor, Prof. Aristidis M. Tsatsakis, President of European Societies of Toxicology EUROTOX and Director of the Laboratory of Toxicology and Forensic Chemistry at the University of the Crete Medical School. The result of the B-sample analysis confirmed the AAF established upon completion of the A-sample analysis several weeks earlier.

9. The Appellant requested a hearing before the IWF Hearing Panel which was held in Lausanne on 29 March 2015.

B. Proceedings before the IWF Hearing Panel; Decision of 29 March 2015

10. The IWF Hearing Panel held that the Appellant had committed a violation of Article 2.1 of the IWF Anti-Doping Policy in its 2013 version (“IWF ADP”). The analysis of the A- and B-samples had confirmed the presence of stanozolol, a prohibited substance listed under S1.1 of the 2014 WADA Prohibited List.
11. The Appellant confirmed before the IWF Hearing Panel that the sample collection was conducted in accordance with relevant procedure and that the information on her Doping Control Form was true and accurate. The Appellant raised no objection to the custodial and sample analysis procedures as set out in the International Standard for Laboratories.
12. Because stanozolol is not a Specified Substance within the meaning of Article 4.2.2 IWF ADP, the IWF Hearing Panel held that it was not possible to eliminate or reduce the 2-year ineligibility sanction pursuant to Article 10.4 IWF ADP. An elimination or reduction could occur only on the basis of the “Exceptional Circumstances” provisions of Articles 10.5.1 and 10.5.2 IWF ADP.
13. The elimination or reduction of the sanction under these Articles requires, however, that the Appellant establish, based on the standard of the “*balance of probabilities*” (Article 3.1 IWF ADP), how the prohibited substance entered her system.
14. The IWF Hearing Panel rejected the Appellant’s submission that scientific evidence showed that meat marketed in Albania was contaminated with stanozolol. The Panel stated that

Data exists as for clenbuterol found in meat in Mexico and China, but – as the athlete’s witness (Prof. Tsatsakis) admitted – nothing was ever evidenced regarding stanozolol in meat ...

15. The IWF Hearing Panel further cited doping statistics for Albania and pointed out the following:

From the more than 70 Albanian athletes tested within the last three years, only four tested positive with stanozolol; this would most probably have been very different if meat in Albania was often or even regularly contaminated with this substance. Therefore, it is clearly more probable than not that the stanozolol found in the athlete’s system did not enter her body through the consumption of contaminated meat.

16. Citing also the Appellant’s defense that the concentrations of stanozolol found in her body were so minimal as to exclude any possibility of performance enhancement, the IWF Hearing Panel held:

As for the concentration of stanozolol in the athlete’s samples, the Panel admits it is very low, but this cannot be considered as sufficient evidence that the athlete didn’t ingest the substance in any other way than

contaminated meat. It is common knowledge that the concentration of a substance in a human body decreases with time and one might not exclude that the athlete took stanozolol during a short period straight after the June 2014 test to increase her muscular power, and that the concentration decreased with time, to finally reach the 45-50 pg/ml (Dr. Geyer) or 20 pg/ml (Prof. Tsatsakis) detected in the urine sample.

17. Based upon the above considerations, the IWF Hearing Panel concluded that, although the athlete may not have intentionally submitted herself to stanozolol doping, she had – on the balance of probabilities test – not proved how the substance entered her body.
18. Accordingly, the IWF Hearing Panel imposed the full 2-year ineligibility sanction and rejected her challenge that this sanction violated the principle of proportionality (“*the sanction prescribed by Article 10.2 IWF ADP remains within the range of what a sanction should be in similar cases*”).
19. Applying Article 9 IWF ADP, the IWF Hearing Panel declared an automatic disqualification of the Appellant’s individual results achieved at the 2014 World Championships and the forfeiture of any medals, points and prizes. After crediting the period of her provisional suspension which began on 1 December 2014 to the ineligibility sanction, the IWF Hearing Panel confirmed that the Appellant could return to competition as of 1 December 2016.

III. PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT

20. On 21 April 2015, the Appellant filed her Statement of Appeal with the CAS in accordance with Article R47 *et seq.* of the Code of Sports-related Arbitration (the “Code”). Within such statement of appeal, the Appellant nominated Mr. Sofoklis Pilavios as arbitrator in accordance with Article R48 of the Code.
21. On 4 May 2015, the Appellant filed her Appeal Brief in accordance with R51 of the Code, submitting that she had never knowingly ingested stanozolol or any other prohibited substance.
22. On 8 May 2015, the Respondent informed the CAS Court Office that it nominated Mr. Michele A.R. Bernasconi as arbitrator.
23. On 22 May 2015, the Respondent filed its answer in accordance with Article R55 of the Code.
24. On 11 June 2015, the CAS Court Office confirmed that the Panel appointed to decide this appeal was as follows:

President: Mr. John A. Faylor, attorney-at-law in Frankfurt am Main, Germany
Arbitrators: Mr. Sofoklis Pilavios, attorney-at-law in Athens, Greece
Mr. Michele A.R. Bernasconi, attorney-at-law in Zurich, Switzerland
25. On 20 July 2015, the parties were asked whether they preferred that a hearing be held in this appeal, or alternatively, whether they preferred the Panel to render a decision based solely on the written submissions. Neither party affirmatively responded that they wanted a hearing to be

held. Therefore, on 7 August 2015, the CAS Court Office, on behalf of the Panel, informed the parties that the Panel was sufficiently well informed to render a decision without a hearing in accordance with Article R57 of the Code.

26. On 24 and 26 August 2015, the Appellant and Respondent, respectively, signed and returned the Order of Procedure in this appeal.

IV. THE PARTIES' SUBMISSIONS

A. The Appellant's Submission

27. Citing the fact that the Cologne Laboratory had applied, as of 2013, "*a new state-of-the-art method*", the Appellant asserted that the enhanced sensitivity of the method far exceeded the parameters set out in "*WADA Technical Document TD2010MRPL*". The latter set a minimum required performance level (MRPL) for 3'-hydroxystanozolol of 2 ng/ml, meaning that "*it is up to this limit a sample is clear and not adverse*".
28. With regard to this new analysis method, the detected result falls not only under the limit of 2ng/ml, "*it analyzed the sample 100 times lower than the limit of 2ng/ml*". This level of sensitivity, in the opinion of the Appellant, "*jeopardize(s) the credibility of the result*".
29. Indeed, in the view of the Appellant, the Cologne Laboratory's new method for the detection of stanozolol constitutes an "*isolated practice*" which violates "*all principles of sport and the equal treatment of all athletes*". Other competitors may have been using an AAS other than stanozolol and have gained a performance enhancement against her, but not have tested positive due to less developed analysis methods.
30. The Appellant further asserts that the excretion level of a few pg/ml in her urine does not correspond "*to the intentional intake of stanozolol for the purpose of enhancing performance or indicate any kind of intentional therapy with stanozolol drugs*". The extremely low concentration and the level of a few pg/ml rather indicate passive exposure from steroid contaminated food.
31. In support of her defense, the Appellant has submitted the statement of Prof. Aristidis Tsatsakis dated 12 March 2015 in which the following finding is contained:

In the WADA technical document TD2010MRPL, minimum required performance level (MRPL) for 3'-hydroxystanozolol is set to 2 ng/ml. This means that in order for a WADA accredited laboratory to perform its tasks properly, 3'-hydroxystanozolol has to be detected at 2 ng/ml and less, because this is the area of concentrations in athletes' urine samples that stanozolol metabolites vary, when stanozolol is administered to enhance performance. In the case of Romela Begaj, 3'-hydroxystanozolol was found to be 100 times less. Such low levels of stanozolol metabolites could not correspond to recent administration of the recommended doses of stanozolol in order to achieve the effects of doping (> 2 mg/day/Kg-1-), as the time duration period for lowering such administered doses to the levels of pg/ml of excretion levels, which are detected for Romela Begaj, could be over six months.

(Note of the CAS Panel: The Appellant notes in the above quotation that Prof. Tsatsikis refers to “*WADA Technical Document TD2010MRPL*”. In addition, the Appeal Brief refers in several places to “*TD2010MRPL*”. Appellant’s legal counsel has submitted to this CAS Panel, however, only “*WADA Technical Document TD2014MRPL*” as Annex No. 6 to the Appeal Brief. The Panel has concluded, therefore, that the Appellant and her expert witness correctly mean the “*WADA Technical Document TD2014MRPL*” and that reference to “*TD2010*” both in Prof. Tsatsikis’s written statement of 12 March 2015 and in the Appeal Brief represent typing errors.)

32. In his expert statement, Prof. Tsatsikis cites several sources from scientific literature, among them the findings of an investigation published by Balkan Insight on 5 February 2013 and an audit from DG Sanco conducted in Albania in 2012 which evaluated residues and contaminants in live animals and animal products.
33. On the basis of these findings, Prof. Tsatsikis concludes that the Appellant should be acquitted. The source of the 3-hydroxystanozolol detected in her urine sample are associated with the consumption of meat, whose origin is from animals treated with steroids.
34. In support of her defense, the Appellant asserts that she had tested negative on 18 June 2014 in a previous doping control less than 6 months prior to the positive test on 13 November 2014. This fact underscores her submission that the minimal concentration and the source of the contamination resulted not from a conscious intent to enhance her performance by ingesting stanozolol, but rather from the inadvertent contamination of meat.
35. In her appeal brief, the Appellant makes the following request for relief:

A.1.1). To fully accept the present appeal against the decision of the International Weightlifting Federation, particularly the one rendered by its hearing panel on the 29 of March 2015 which imposed to the Appellant sanction of ineligibility for (two) years from the date of this decision (until December 1st 2016) and also disqualified the Appellant of all individual results and the forfeiture of all medals, points and prizes achieved in the 2014 World Championship held in Almaty/Kazakhstan.

A.1.2). As consequence, to adapt an award declaring that the decision taken is set aside, and is replaced by the following:

- a. The Athlete should be eligible to participate in any weightlifting events*
- b. The IWF shall acknowledge all individual results and the forfeiture of all medals, points and prizes achieved by the athlete in the 2014 World Championships, in Almaty/Kazakhstan as valid and in force*
- c. The IWF is ordered to pay an amount of compensation in an amount not lower than 15,000.00 CHF.*

A.2.1). To fully accept the present appeal against the decision of the International Weightlifting Federation, particularly the one rendered by its hearing panel on the 29 of March 2015.

As consequence, to adopt an award annulling said decision and to send the case back to the Appeal Board of the International Weightlifting Federation, pursuant to Article R57 of the CAS Code.

- B) *To fix a sum of 10,000 CHF to be paid by the Respondent to the Appellant, to help the payment of its legal fees and costs.*
- C) *To condemn the Respondent to the payment of the whole CAS administration costs and the Arbitrator(s) fees.*
- D) *Awarding any such other relief as the Panel may deem necessary or appropriate.*

B. The Respondent's Submission

- 36. The Respondent acknowledges that the Appellant underwent a doping test – apparently out-of-competition – on 18 June 2014. Although the Appellant did not submit a laboratory report regarding this test, the Respondent accepts that there was a test and that the result was negative, according to the statement of the Appellant.
- 37. The Respondent further accepts the statement of the Appellant that laboratory tests performed by Prof. Tsatsakis on the supplements which she had taken in the seven days prior to the 2014 IWF World Championships and which she had listed in the Doping Control Form (see marg. note 3 above) did not reveal the presence of anabolic substances.
- 38. The Respondent avers that the IWF Hearing Panel properly held that an anti-doping rule violation under Article 2.1.1 and 2.1.2 IWF ADP had been committed. It is uncontested, even by the Appellant, that the A- and B-sample tested positive for the prohibited substance stanozolol.
- 39. In response to the Appellant's defense that the isolated practice conducted in the Cologne Laboratory "*for setting such particularly and unusually low levels ONLY for stanozolol metabolite in doping control*" is against all principles of sport and the equal treatment of all athletes, the Respondent cites Article 2.1.3 IWF ADP:

Art. 2.1.3: Excepting those substances for which a quantitative threshold is specifically identified in the Prohibited List, the presence of any quantity of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample shall constitute anti-doping rule violation.
- 40. The Respondent concludes from Article 2.1.3 IWF ADP that, in the case at hand, the – undisputed – presence of stanozolol (i.e. one of its metabolites) in the Appellant's samples constitutes an anti-doping rule violation, regardless of what the concentration of the prohibited substance in these samples may be.
- 41. Accordingly, the statement submitted by Dr. Geyer of the Cologne Laboratory that the "*roughly estimated concentration of the stanozolol metabolite 3'-hydroxystanozolol glucuronide ... is between 45 and 40 pg/ml*" or the Appellant's claim, based on this estimate, that such a concentration is equivalent to a 20 pg/ml of 3'OH-stanozolol" are really irrelevant. Dr. Geyer correctly pointed out that

stanozolol *“is a non-threshold substance and therefore the stanozolol method is a qualitative and not a quantitative method”*.

42. The Respondent dismisses Prof. Tsatsakis’s further submission that *“the recommended dose for the performance enhancement”* would have to be 0.05-0.2 mg/kg/Day in order to achieve a doping effect on the grounds that Prof. Tsatsakis cites no scientific basis for the statement.
43. Apart from the failure to cite scientific or other evidence regarding such recommended dose for performance enhancement, the inference suggested by Prof. Tsatsakis that, given the Appellant’s negative test on 18 June 2014, she could not have achieved a performance enhancing effect with such minimal concentration detected at the World Championships only five months later, is wrong.
44. In this regard, and citing Dr. Geyer, the Respondent points out that with regard to the detection of the stanozolol metabolite 3’ hydroxystanozolol glucuronide and other glucuronidated stanozolol metabolites in a urine sample ...

“... it is neither possible to estimate the origin of stanozolol nor the administered amount nor the time of the stanozolol administration. That means that a low concentration of the stanozolol metabolites may result e.g. from an oral or intra-muscular application of high amounts of stanozolol several weeks before the doping control or by an oral application of a small amount of stanozolol a short time before the doping control”.
45. Stated differently, a certain level of the prohibited substance in the urine of the Appellant can be caused by a recent application of a small dose or the earlier application of a larger dose, or anything in between, including repeated application within the period.
46. The Respondent further submits that the Appellant’s claim that only the Cologne Laboratory, and only for stanozolol, is able to detect concentrations lower than the MRPL is *“obviously wrong and not sustained by any evidence provided by the athlete”*.
47. Accordingly, it cannot be said that the procedures of one laboratory in comparison with other laboratories are inherently unfair and deprive all athletes of equal treatment in testing. As stanozolol is rapidly metabolized and eliminated, the need for detection of low levels in the athletes’ samples is increased, compared to what it may be with some other substances.
48. Lastly, the Respondent asserts that the Appellant has not established on the balance of probability how the 3’hydroxystanozolol entered her body. If entry was not through the ingestion of contaminated substances – she avers that all of the supplements which she had taken were tested negative by Prof. Tsatsakis – then she has not borne the standard of proof that her consumption of meat is the culprit.
49. The Respondent cites in this regard, *inter alia*, Dr. Geyer’s statement in his *“Answers to the Questions of Prof. Aristidis Tsatsakis”* dated 12 March 2015 which was submitted to the IWF Hearing Panel:

“According to our knowledge there is no indication of a current problem of inadvertent doping cases with stanozolol via contaminated meat, attributed to certain risk countries or regions. Such a problem is for instance known for clenbuterol with the risk countries Mexico and China”.

50. Moreover, the Appellant did not provide the Respondent or the CAS with the scientific articles to which she has referred in her various briefs either to the IWF Hearing Panel or to CAS. Dr. Geyer has, however, reviewed the literature cited in those briefs only to find that *“in none of the used publications it was reported that stanozolol was ever detected in meat”*.
51. In conclusion, the Respondent submits that, if stanozolol was often or even regularly present in meat for human consumption in Albania, cases of positive doping tests with Albanian athletes *“would be kind of a standard”*. Lacking such statistic, the possibility of meat contamination with stanozolol in Albania or elsewhere is therefore *“purely hypothetical”*. The probability that the Appellant’s body was contaminated by meat consumption is therefore *“near zero, at best”*.
52. In its answer, the Respondent requests the following relief:
1. *The appeal filed by Ms Romela Aleksander Begaj is dismissed.*
 2. *The International Weightlifting Federation is granted a contribution for expenses, at the discretion of the Panel and to be paid by the Appellant.*

V. JURISDICTION

53. Article 13.2.1 IWF ADP provides that in cases arising from participation in an International Event or in cases involving International-Level Athletes, the decision of the IWF Hearing Panel shall be appealed exclusively to CAS in accordance with the provisions applicable before the CAS.
54. The Appellant is an International-Level Athlete within the meaning of the IWF ADP and this case arises from the 2014 World Championships in Almaty, Kazakhstan which was an International Event organized by the IWF as the ruling body for this competition.
55. Moreover, Article R57 of the CAS Code provides:
- An appeal against the decision of a federation, association or sport-related body may be filed with CAS if the statutes or regulations of the said body so provide or if the parties have concluded a specific arbitration agreement and if the Appellant has exhausted the legal remedies available to him prior to the appeal, in accordance with the statutes or regulations of that body.*
56. The Parties have expressly accepted the jurisdiction of CAS in the Appellant’s Statement of Appeal and in the Respondent’s Answer. Both parties have re-confirmed the jurisdiction of CAS both in their written submissions and in their respective Order of Procedure.

VI. ADMISSIBILITY

57. Article 13.6 IWF ADP provides that the time to file an appeal to CAS shall be twenty-one (21) days from the date of receipt of the decision by the appealing party. The decision of the IWF Hearing Panel was rendered on 29 March 2015.
58. The Respondent points out in its Answer to the Appeal Brief in Marg. Note 22 that the notification of the appealed decision occurred on 1 April 2014 (not on 30 March 2015). Hence, the Appellant filed her Statement of Appeal on 21 April 2015, i.e., within the 21 days following the date of notification.
59. Having not disputed the timeliness of the Statement of Appeal, the Panel holds that the Appellant's Appeal is admissible.

VII. APPLICABLE LAW

60. In accordance with Article R58 of the CAS Code,

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 sport-related body which has issued the challenged decision is domiciled or according to the rules of law of the Panel deems appropriate. In the latter case the Panel shall give reasons for its decision.

61. Although it maintains its administrative seat in Hungary, the Respondent is a registered Swiss association with its legal domicile in Switzerland. Moreover, both Parties have confirmed the application of Swiss law to this dispute in their respective submissions.
62. The Panel will therefore be bound by the provisions of the IWF ADP in the version applicable in 2014. Subsidiarily, Swiss law shall apply.

VIII. STANDARD OF REVIEW

63. Article R57 of the CAS Code provides that

The Panel has full power to review the facts and the law. It may issue a new decision which replaces the decision challenged or annul the decision and refer the case back to the previous instance.

64. Citing past CAS jurisprudence (CAS 2011/A/2612, Liao Hui v. IWF), the Respondent points out that *"the Panel should not go beyond addressing the arguments addressed in the Appeal Brief"*. In the dispute at hand, the Panel will address all issues and/or arguments that have been raised by the Parties in their respective pleadings.

IX. MERITS

65. The Appellant has participated in international competition since 2006. She is an experienced, international-level athlete who has undergone numerous doping controls in past years. She is certainly knowledgeable of the principle of strict liability imposed by Article 2.1.1 IWF ADP, which provides as follows:

2.2.1 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 violation under Article 2.1

66. The Appellant has not disputed the presence of the 3'-hydroxystanozolol glucuronide, a metabolite of the anabolic agent stanozolol, in her A-sample analyzed by the Cologne Laboratory following the 2014 World Championships. She personally attended together with her trainer and Prof. Tsatsakis the analysis of the B-Sample at the Cologne Laboratory and its confirmation of the A-Sample on 16 December 2014.

67. It is fair to assume that the consequences of an anti-doping violation, i.e. a violation of Article 2.1 IWF ADP, are also known to the Appellant. These are set forth in Articles 10.1 and 10.2 IWF ADP:

10.1 An anti-doping rule violation occurring during or in connection with an Event may, upon the decision of the ruling body of the Event, lead to Disqualification of all of the Athlete's individual results obtained in that Event with all consequences, including forfeiture of all medals, points and prizes, except as provided in Article 10.1.1.

10.2 The period of Ineligibility imposed for a violation of Article 2.1 (Presence of Prohibited Substance or its Metabolites or Markers), Article 2.2 (Use or Attempted Use of Prohibited Substance or Prohibited Method) or Article 2.6 Possession of Prohibited Substances and Prohibited Methods), shall be as follows. Unless the conditions for eliminating or reducing the period of Ineligibility, as provided in Articles 10.4 and 10.5, or the conditions for increasing the period of Ineligibility, as provided in Article 10.6, are met:

First violation: Two (2) years' Ineligibility

68. Being an anabolic agent listed in the WADA 2014 Prohibited List, stanozolol is expressly excluded as a Specified Substance in Article 4.2.2 IWF ADP. An Elimination or a Reduction of the Period of Ineligibility for Specified Substances under Specific Circumstances pursuant to Article 10.4 does not come into question.

69. Stanozolol is also a non-threshold substance. Article 2.1.3 IWF ADP states as follows:

2.1.3 Excepting those substances for which a quantitative threshold is specifically identified in the Prohibited List, the presence of any quantity of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample shall constitute an anti-doping rule violation.

70. The WADA 2014 Prohibited List states clearly under S1 that “*Anabolic Agents are prohibited*”.
71. Any concentration which is detected in the samples must be reported as an Adverse Analytical Finding resulting in the strict liability set down in Article 2.1 IWF ADP.
72. Contrary to the Appellant’s argumentation and that of her expert witness, Prof. Tsatsakis, WADA Technical Document TD2014MRPL does not establish threshold values for non-threshold substances nor does it set down limits of detection.
73. Correctly speaking, WADA Technical Document TD2014MRPL (“MRLP”) sets out analytical parameters of technical performance with which WADA-accredited laboratories must comply when testing for the presence of a particular Prohibited Substance, its Metabolite(s) or Marker(s). It is that concentration of a Prohibited Substance which laboratories must be able to routinely detect and identify in order to function as a WADA-accredited laboratory.
74. The MRPL specifically states that “*Adverse Analytical Finding may result from concentrations below the established MRPL values*”. TD2014MRPL sets the MRPL for stanozolol at precisely 2 ng/mL. As its title clearly states, the technical document sets out Minimum Required Performance Levels for Detection and Identification of Non-Threshold Substances.
75. Consequently, the capability of the Cologne Laboratory to establish concentrations of the stanozolol metabolite below 2 ng/mL, even “*100 times below*” that value, does not in any manner affect the validity or the integrity of the Adverse Analytical Finding nor does it address the level of the athlete’s fault or intent.
76. In order to eliminate any further doubt or confusion, the MRPL states in Pt. 4 that “*a confirmed identification of a Non-Threshold Substance at any concentration shall be reported as an Adverse Analytical Finding*”. The exceptions to this rule which are listed in Pt. 4 do not include the S1 class of Anabolic Androgenic Steroids which specifically names stanozolol as an anabolic agent.
77. On these grounds, the Panel is compelled to discount Prof. Tsatsakis’ argumentation that, based on the concentration of 45-50 pg/mL estimated by Prof. Geyer of the Cologne Laboratory, the Appellant’s 3’-hydroxystanozolol concentration level must have been less than 20 pg/mL (0.02 ng/mL). Prof. Tsatsakis overlooks that the presence of any concentration of the Prohibited Substance results in the Adverse Analytical Finding.
78. Having determined that a violation of Article 2.1 IWF ADP has been committed by the presence of a S1.1a anabolic agent in her samples, regardless of the low level of concentration, it is understandable that the Appellant will look for facts and indicia which might justify an elimination or reduction of the 2-year sanction on the grounds of no fault or no significant fault.
79. Article 10.5.1 and Article 10.5.2 IWF ADP permit elimination or reduction of the 2-year period of ineligibility based on Exceptional Circumstances. These provisions provide as follows:

10.5.1 *No Fault or Negligence*

If an Athlete establishes in an individual case that he or she bears No Fault or Negligence, the otherwise applicable period of Ineligibility shall be eliminated. When a Prohibited Substance or its Markers or Metabolites is detected in an Athlete's Sample in violation of Article 2.1 (Presence of Prohibited Substance), the Athlete must also establish how the Prohibited Substance entered his or her system in order to have the period of Ineligibility eliminated. In the event this Article is applied and the period of Ineligibility otherwise applicable is eliminated, the anti-doping rule violation shall not be considered a violation for the limited purpose of determining the period of Ineligibility for multiple violations under Article 10.7.

10.5.2 *No Significant Fault or Negligence*

If an Athlete or other Person establishes in an individual case that he or she bears No Significant Fault or Negligence, then the otherwise applicable period of Ineligibility may be reduced, but the reduced period of Ineligibility may not be less than one-half of the period of Ineligibility otherwise applicable. If the otherwise applicable period of Ineligibility is a lifetime, the reduced period under this Article may be no less than eight (8) years. When a Prohibited Substance or its Markers or Metabolites is detected in an Athlete's Sample in violation of Article 2.1 (Presence of a Prohibited Substance or its Metabolites or Markers), the Athlete must also establish how the Prohibited Substance entered his or her system in order to have the period of Ineligibility reduced.

80. In the case at hand and on the grounds stated above, the Panel rejects the notion that the small concentration detected in the Appellant's urine sample justifies by itself consideration of the "no fault" or "no significant fault" reduction in the sanction. The Appellant has not satisfied the Panel, on the basis of the applicable standard of proof, namely on the balance of probability, that the Prohibited Substance stanozolol entered her body by the inadvertent contamination from an external sources.
81. The Appellant, supported by Prof. Tsatsakis, argues in this regard that, because her sample on 18 June 2015 proved *tabula rasa*, she would have had to administer far higher concentrations of this anabolic agent leading up to the competition on 13 November 2014, at least in the recommended doses of 2 mg/day/Kg-1, in order to achieve enhanced performance. The extremely low concentration and the excretion level of 45-50 pg/mL detected in the 13 November sample can only indicate passive (inadvertent) contamination from steroid contaminated food, in particular, from contaminated meat.
82. The Panel does not follow this reasoning and is not persuaded that, considering the extremely low level of the anabolic agent in her sample, the possibility of her having intentionally ingested higher concentrations of stanozolol during the five-month period prior to the 2014 World Championships for the purposes of performance enhancement must be excluded.
83. Firstly, Prof. Tsatsakis does not cite the scientific source of his statement that, in order to achieve performance enhancement ("*the effects of doping*"), the Appellant would have had to ingest the "*recommended doses*" of 2 mg/day/Kg-1. The value which he quotes, namely 2 ng/mL, in the

absence of scientific evidence, appears to be purely theoretical. Moreover, Prof. Tsatsakis does not say how long the doses would have had to be taken in order to achieve the doping effect.

84. Secondly, Prof. Tsatsakis himself concurs with Dr. Geyer that stanozolol induces “*rapid metabolism leading to low concentration levels of the parent compound in urine*”. The Appellant could, therefore, have taken a high doses of the agent at a point in time at which she anticipated that residues would have washed through her body prior to the competition.

85. In this regard, the Panel accepts the opinion stated by Dr. Geyer in his “*Answers to the questions of Prof. Tsatsakis*” which the Respondent submitted as Exhibit 11/1 to the Answer to the Appeal Brief:

By the detection of the stanozolol metabolite 3'-hydroxystanozolol glucuronide and other glucuronidated stanozolol metabolites in a urine sample it is neither possible to estimate the origin of stanozolol nor the administered amount nor the time of the stanozolol administration. That means that a low concentration of the stanozolol metabolites may result e.g. from an oral or intra-muscular application of high amounts of stanozolol several weeks before the doping control or by an oral application of a small amount of stanozolol a short time before the doping control. It is however ascertained that stanozolol has passed the body of the athlete, because phase I and II metabolites were detected.

86. In conclusion, the Panel is not convinced, that the low concentration of the anabolic agent stanozolol detected in the samples of the Appellant indicates that it would have been impossible for her to consume intentionally a higher quantity of the Prohibited Substance during the five months leading up to the control on 13 November 2014.

87. On the same grounds, the Panel is not convinced that the stanozolol contamination, regardless of the level of concentration, could have resulted from the consumption of meat. The Appellant suggests meat as the source of the contamination, because the supplements which she submitted to Prof. Tsatsakis for analysis all tested negative.

88. The Panel notes that the Appellant has been unable to show that low levels of stanozolol can be detected in the general public. The possibility that she, as a member of the general public, shares in this contamination are merely speculative, to say the least.

89. Interestingly, however, the statistics available from the Respondent in its “*Annual Report on Anti-Doping Activities*” tend to disprove the Appellant’s speculation. With regard to weightlifting athletes worldwide, a total of 1827 doping controls were administered. Of this number, only 14 cases of stanozolol doping were reported, 3 of which involved Albanian athletes.

90. IWF testing statistics submitted as Exhibit 17 of the Respondent’s Answer to the Appeal Brief disclose that during the three-year period between 2012 and 2014 a total of 70 controls were conducted of Albanian weightlifters. Of these 70 doping controls, 8 controls resulted in AAFs. One case involving stanozolol was reported in 2012 and three cases in 2014. The stanozolol violation of the Appellant is one of the three stanozolol cases reported in 2014 in Albania.

91. The Panel shares the view of the Respondent, that the relatively low number of stanozolol cases, only 5.7% of the total number of doping controls performed on Albanian weightlifters over a three year period, does not support the contention that the Albanian population has been contaminated by stanozolol in Albanian meat.
92. The Panel accepts that meat contamination may indeed be a risk for athletes not only in Albania, but in other countries of the world. It accepts that Boldenone used for cattle-fattening may be present in Albanian meat and that clenbuterol meat contamination may be present in Mexico and China.
93. These cases, however, do not specifically support the Appellant's contention that specifically stanozolol contamination is present in Albanian meat. The Panel also notes that the Cologne Laboratory has stated, "*according to our knowledge, there is no indication of a current problem of inadvertent doping cases with stanozolol via contaminated meat, attributed to certain risk countries or regions*".
94. The above conclusions have also taken into consideration the European Commission's "*Final Report*" regarding an audit conducted in Albania between 15 and 19 October 2012, also known as DG SANCO 2012-6535. The Panel finds that the conclusions drawn from that report, that namely the system of residue and contaminant controls in live animals and animal products in Albania provide no guarantees "*with an effect equivalent to that provided for by the EU legislation*", find little relevance in evaluating the risk of stanozolol contamination in Albanian meat.
95. Lastly, the Panel finds no support for the Appellant's defense that the advanced testing method applied by the Cologne Laboratory denies her "*equality before the law*" and "*equal treatment of athletes*".
96. WADA recognizes in the introductory paragraph to Technical Document TD2014MRPL that "*some Laboratories will be able to identify a wider range or lower concentrations of Prohibited Substances than other Laboratories*". The Technical Document also states specifically that "*individual capabilities in laboratories are encouraged by WADA in order to improve the overall system*".
97. In raising these allegations, the Appellant ignores the established fact that the method applied by the Cologne Laboratory in analyzing her samples was not a quantitative test. Stanozolol, as explained above, is a Non-Threshold substance. The method applied is a qualitative test to determine the presence, and only the presence, of the Prohibited Substance.
98. Neither the Appellant nor her expert witness question whether this method meets the requirements of WADA TD 2014MRPL. They have accepted the finding that the anabolic agent Stanozolol was found to be present in her body. The quantities reported by Dr. Geyer, namely between 45 and 50 pg/mL, are merely estimates. Being only a qualitative and not a quantitative test, the concentrations detected by use of the method are not reported.
99. After all of the above, the Panel concludes that the decision of the IWF Hearing Panel of 29 March 2015 and the sanctions imposed in that decision are to be affirmed. The Panel has not

been persuaded, based on the applicable standard of proof and the evidence submitted by the Appellant, that an elimination or reduction of the ineligibility sanction is fair and appropriate.

ON THESE GROUNDS

The Court of Arbitration for Sport rules:

1. The Appeal filed by Romela Aleksander Begaj against the decision of the IWF Hearing Panel of 29 March 2015 is dismissed.
2. The decision of the IWF Hearing Panel of 29 March 2015 is confirmed.
3. (...).
4. All other motions or prayers for relief are dismissed.