



Arbitration CAS 2021/ADD/37 International Weightlifting Federation (IWF) v. Ekaterina Katina, award of 13 June 2022

Panel: Mrs Raphaëlle Favre Schnyder (Switzerland), Sole Arbitrator

Weightlifting

Doping (DHCMT)

Evidence of the Anti-Doping Rule Violation

Aggravating circumstances warranting an increase of the period of ineligibility

Disqualification of result and fairness exception

1. To establish an Anti-Doping Rule Violation (ADRV) under Article 2.2. of the 2012 IWF Anti-Doping Policy (ADP), the IWF may base itself on any reliable means of evidence. This comprises a statement from the World Anti-Doping Agency (WADA) including evidence such as among other the national Laboratory Information Management System (LIMS) data secured by WADA Intelligence & Investigations Department (WADA I&I). Moreover, the uncontested detection of a prohibited substance in an athlete's sample establishes the use of a prohibited substance.
2. Pursuant to Article 10.2. of the 2012 IWF ADP, the standard period of ineligibility for the use of a prohibited substance is two years unless as provided by Article 10.6 of the 2012 IWF ADP, there are aggravating circumstances warranting an increase of the ineligibility period up to four years. The fact for an athlete to test positive for a substance which appears on the prohibited list under class S1 "Anabolic Agents", to commit multiple ADRVs over the course of several years and to be part of a national anti-detection scheme are aggravating circumstances.
3. Pursuant to the applicable IWF ADP, the disqualification of results is the main rule and the "fairness exception" is only an exception. However, results may remain valid if fairness so requires in the circumstances of each case. Among the factors assessed in the application of the fairness test are the athlete's degree of fault, the affected sporting results, significant consequences of disqualification of results, Athlete's Biological Passport (ABP), specific issues, additional ineligibility period in the second instance, delays in results management, the overall length of the disqualification and longer periods of disqualification specifically associated with re-testing.

I. PARTIES

1. The International Weightlifting Federation (the “IWF”) is the world governing body of weightlifting having its registered offices in Lausanne, Switzerland.
2. Ms. Ekaterina Katina (the “Athlete”) is a Russian weightlifter who competed in the IWF World Championships in 2019.

II. FACTUAL BACKGROUND

3. Professor Richard McLaren’s investigation as an independent person (“IP”) into the allegations of systematic doping practices in Russian sport gave rise to two reports (the “McLaren Reports”). The first report was issued on 16 July 2016 (the “First McLaren Report”) and the second on 9 December 2016 (the “Second McLaren Report”).
4. The First McLaren Report’s key findings that *“the Ministry of Sport directed, controlled and oversaw the manipulation of athletes’ analytical results or sample swapping, with the active participation and assistance of the FSB, CSP, and both the Moscow and Sochi laboratories”* were confirmed by the Second McLaren Report.
5. The McLaren Reports in particular uncovered and described three counter-detection methodologies:
 - (a) Disappearing Positives Methodology: If a sample’s initial screen revealed an adverse analytical finding (“AAF”) and after identification of the concerned athlete, the Russian Ministry of Sport would through a liaison person decide to either “SAVE” or “QUARANTINE” the athlete in question. If “SAVED” the Moscow laboratory reported the sample as negative in ADAMS. Conversely if “QUARANTINED”, the analytical bench work continued and the AAF was reported in an ordinary manner.
 - (b) Sample Swapping Methodology: This method involved the replacement of “dirty” with “clean” urine which necessitated the removal and replacement of the cap on sealed B sample bottles through a technique developed and implemented by an FSB team known as the “magicians”.

This method was deployed on one specific occasion prior to a visit by WADA to the Moscow laboratory in December 2014. Since the Moscow laboratory had been notified by WADA on 9 December 2014 to retain in storage all samples as of 10 September 2014 onwards and had received an advance notice of an imminent visit by a WADA audit team, the director of the Moscow laboratory realized that WADA was likely to confiscate and analyse the relevant samples. As 37 samples were known to be dirty despite being reported negative, the director of the Moscow laboratory compiled an according list (the “List of 37”). After removing some samples, a final list of 21 samples (the “List of 21”) was produced and the “magicians” were called to the Moscow laboratory on 12 December 2014 to remove the caps of the B samples

concerned. Said samples were amongst the 3571 confiscated by WADA during their visit to the Moscow laboratory on 17 December 2014.

- (c) Washout Testing: A secret cocktail called the “duchess cocktail” was developed in order to determine if the athletes on a doping program were likely to test positive at the 2012 London Olympics. At the time the relevant athletes were providing samples in official control “Bereg” kits. Even when screened positive, they were automatically reported as negative in ADAMS.
6. On 30 October 2017, the WADA Intelligence & Investigations Department (“WADA I&I”) secured a copy of the laboratory information management system (“LIMS”) data of the Moscow laboratory for the years 2011 to August 2015 (the “2015 LIMS”). Subsequently, as part of the reinstatement process of the Russian anti-doping agency, WADA was allowed to remove data from the Moscow laboratory including another copy of the LIMS data (the “2019 LIMS”) as well as the underlying analytical PDFs of the analyses reported in the LIMS (the “Analytical PDFs”).
7. The McLaren Reports are based on one hand on the evidence from the IP investigations (the “EDP” evidence) retrieved from the hard-drive of whistle-blowers, which had been made available to the IP, and on the other hand on the LIMS and related analytical data.
8. In the McLaren Reports reference is made to samples 2689397, 2747641 and 2992632.
9. On 22 June 2012, the Athlete was subject to an in-competition doping control in Vladimir, Russia. According to the 2015 and 2019 LIMS data and confirmed by the Analytical PDFs the according sample, i.e., 2689397, although reported as negative in ADAMS was found to contain a metabolite of Dehydrochlormethyltestosterone (“DHCMT” or “Oral turinabol”) which is an Exogenous Androgenic Anabolic Steroid prohibited under S1.1.a of the 2012 WADA Prohibited List.
10. On 13 October 2012, the Athlete was subject to an in-competition doping control in Saint-Petersburg, Russia. According to the 2015 and 2019 LIMS data and confirmed by the Analytical PDFs the corresponding sample, i.e., 2747641 although reported as negative in ADAMS was found to contain a metabolite of DHCMT.
11. On 1 December 2014, the Athlete underwent an out-of-competition doping control in Moscow Russia. According to the 2015 and 2019 LIMS data and confirmed by the Analytical PDFs the corresponding sample, i.e., 2992632 was found to contain a metabolite of DHCMT.
12. Sample 2992632 was the subject of a “save” email by the liaison person and was reported as negative in ADAMS. As this sample belonged to the number of samples which had to be stored by the Moscow laboratory in December 2014 and since the laboratory knew about the sample being dirty, it was included in the List of 37 as well as the List of 21.

13. The List of 21 refers to a sample with the internal code 7703, the urine of which was supposed to have been swapped with the Athlete's sample 2992632. It is indicated that the SG of the earlier was 1.02. As noted by the WADA I&I the internal code 7703 belongs to sample 2920304 the specific gravity of which was reported into ADAMS as 1.02.
14. The Athlete's sample 2992632 was the subject of a DNA analysis and the thereof resulting DNA profile was compared with the DNA profile of the Athlete's sample 642280 collected on 13 August 2020. There was no match. However, the DNA profile of sample 642280 matched with the profile of another of the Athlete samples, namely sample 2992812.
15. A reanalysis of sample 2992632 upon having been retrieved by WADA was negative which corroborates that the samples had been swapped.

III. PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT

16. On 5 October 2021, the IWF filed its Request for Arbitration with the Anti-Doping Division of the Court of Arbitration for Sport (the "CAS ADD") in accordance with Article A13 of the CAS ADD Rules (the "ADD Rules").
17. In its Request for Arbitration, and in accordance with Article A16 of the ADD Rules, the IWF waived its right to participate in the joint nomination of the Sole Arbitrator and requested that this procedure be referred to a Sole Arbitrator appointed by the President of the CAS ADD.
18. On 6 October 2021, the CAS ADD Office invited the Athlete to file an Answer to the Request for Arbitration pursuant to Article A14 of the ADD Rules and invited the Parties despite the fact that IWF had waived its right under Article A16 of the ADD Rules to mutually agree on a Sole Arbitrator from the special list of CAS ADD arbitrators published on the CAS website.
19. On 3 November 2021, the CAS ADD Office informed the Parties that in accordance with Articles A16 and A17 of the ADD Rules and on behalf of the Division President, Ms. Raphaëlle Favre Schnyder, Attorney-at-law in Zurich, Switzerland, had been appointed to act as Sole Arbitrator in this procedure.
20. On 16 November 2021, the CAS Court Office took note that, further to its letter of 6 October 2021 to which the Request for Arbitration had been enclosed, the Athlete had failed to timely file her Answer to the Request for Arbitration. Furthermore, the Parties were invited to state if they deemed a hearing necessary in accordance with Article A19.3 of the ADD Rules.
21. On 18 November 2021, the Claimant confirmed that it did not consider a hearing necessary in the present case but remained available if required.
22. On 6 December 2021, the CAS Court Office took note of the Athlete's silence in relation to whether a hearing was necessary in this matter and informed the Parties that the Sole

Arbitrator would proceed with the issuance of the award based on the written file materials without holding a hearing.

23. On 15 December 2021, the Claimant signed and returned the Order of Procedure.
24. On 13 January 2022, the CAS Court Office noted that the Athlete had not returned the signed Order of Procedure within the prescribed deadline.

IV. SUBMISSIONS OF THE PARTIES

A. The Claimant

25. The Claimant's submission on the merits, in essence, may be summarized as follows:
26. Pursuant to Article 2.2 of the 2012 IWF Anti-Doping Policy (the "2012 IWF ADP"), "Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method" is prohibited. Article 2.2.1 of the 2012 IWF ADP adds that "[i]t is each Athlete's personal duty to ensure that no Prohibited Substance enters his or her 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".
27. As per comment to Article 2.2 of the 2012 IWF ADP [sic, correctly 2021 IWF ADR], "Use or Attempted Use may also be established by other reliable means such as admissions by the Athlete, witness statements, documentary evidence, conclusions drawn from longitudinal profiling, including data collected as part of the Athlete Biological Passport, or other analytical information which does not otherwise satisfy all the requirements to establish "Presence" of a Prohibited Substance under Article 2.1".
28. Based on the McLaren Reports it is established that the Athlete committed Use violations. The relevant evidence shows that three of the Athlete's samples from 2012 and 2014 were found to contain a Prohibited Substance. The three positive results are clear on the face of both the 2015 and 2019 LIMS data. In addition, they are backed-up by contemporaneous EDP documents (including a "save" email) and the Analytical PDFs.
29. Since the Athlete was a "protected" athlete, all the mentioned samples were reported as negative and the sample 2992632 was the subject of urine swapping.
30. Accordingly, it is clearly established that the Athlete has breached Article 2.2 of the 2012 IWF ADP.
31. In the Request for Arbitration, the Claimant requested the following relief:

"The International Weightlifting Federation hereby respectfully asks the Court of Arbitration for Sport to rule that:

- 1) *The International Weightlifting Federation's request for arbitration is admissible.*

- 2) *Ekaterina Katina is found to have committed anti-doping rule violations under art. 2.1 and/or art. 2.2 of the IWF ADP.*
- 3) *Ekaterina Katina is sanctioned with a period of ineligibility of up to four years starting on the date on which the CAS award enters into force. Any period of provisional suspension or ineligibility effectively served by Ekaterina Katina before the entry into force of the CAS award shall be credited against the total period of ineligibility to be served.*
- 4) *All competitive results obtained by Ekaterina Katina from and including 22 June 2012 are disqualified, with all resulting consequences (including forfeiture of medals, points and prizes).*
- 5) *The costs of the proceedings (if any) shall be borne by Ekaterina Katina.*
- 6) *The IWF is granted an award for its legal and other costs”.*

B. The Athlete

32. Despite having been invited to do so, the Athlete has not submitted any statement of defense.

V. JURISDICTION

33. The jurisdiction of the CAS ADD derives from Article A2 of the ADD Rules which provides that:

“CAS ADD shall be the first-instance authority to conduct proceedings and issue decisions when an alleged anti-doping rule violation has been filed with it and for imposition of any sanctions resulting from a finding that an anti-doping rule violation has occurred. CAS ADD has jurisdiction to rule as a first-instance authority on behalf of any WADC signatory which has formally delegated its powers to CAS ADD to conduct anti-doping proceedings and impose applicable sanctions.

These Rules apply whenever a case is filed with CAS ADD. Such filing may arise by reason of an arbitration clause in the Anti-Doping Rules of a WADC signatory, by contract or by specific agreement[t]”.

and Article 8.1.1 of the 2021 IWF Anti-Doping Rules (the “2021 IWF ADR”) according to which:

“IWF has delegated its Article 8 responsibilities (first instance hearings, waiver of hearings and decisions) to the CAS ADD as an appropriate independent arbitration forum. The procedural rules of the arbitration shall be governed by the rules of the CAS ADD. CAS ADD will always ensure that the Athlete or other Person is provided with a fair hearing within a reasonable time by a fair, impartial and Operationally Independent hearing panel in compliance with the Code and the International Standard for Results Management”.

34. Although duly being invited to do so, the Athlete did not participate in these arbitral proceedings and, therefore, did not challenge the jurisdiction of the CAS ADD.
35. Therefore, it follows that the CAS ADD has jurisdiction to adjudicate and decide the present dispute.

VI. APPLICABLE LAW

36. Article A20 of the ADD Rules provides as follows:

“The Panel shall decide the dispute according to the applicable ADR or the laws of a particular jurisdiction chosen by agreement of the parties or, in the absence of such a choice, according to Swiss law”.

37. It is undisputed between the Parties that the alleged anti-doping rule violations occurred in 2012 and 2014 and that the potential existence of an anti-doping rule violation (“ADRV”) shall be determined according to the rules in force at that time, namely the 2012 IWF ADP.
38. Hence, the IWF Rules and Regulations, particularly the 2012 IWF ADP, the 2021 IWF ADR, and subsidiarily Swiss law are applicable to this arbitration.

VII. MERITS

A. The Anti-Doping Rule Violation

39. Under Article 2.2.1 of the 2012 IWF ADP, *“It is each Athlete’s personal duty to ensure that no Prohibited Substance enters his or her 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 violation for Use of a Prohibited Substance or a Prohibited Method”.*
40. Under Article 3.1 of the 2012 IWF ADP, the IWF has the burden of establishing to the comfortable satisfaction of the Sole Arbitrator that an ADRV has occurred. This *“standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt”.*
41. To establish an ADRV under Article 2.2. of the 2012 IWF ADP, the IWF may base itself on any reliable means of evidence, including *“the Athlete’s admissions, the credible testimony of third Persons, reliable documentary evidence, reliable analytical data from either an A or B Sample”* as provided in the comments to Article 2.2 of the 2012 IWF ADP and Article 3.2 of the 2012 IWF ADP.
42. Based on the evidence adduced, in particularly also the joint statement issued on 10 September 2021 by Mr. Aaron R. Walker and Dr. Julian Broséus on behalf of WADA including all attached evidence, the Sole Arbitrator notes that:
 - As part of the operation LIMS investigation, WADA recovered data and files from the Moscow laboratory (“Data Sources”) relating to Russian athletes that had been part of the protection scheme in Russia.

- The data recorded in the 2015 LIMS copy for samples collected from the Athlete matches completely with the respective data recorded in the 2019 LIMS directory. In particular, the Samples 2689397, 2747641 and 2992632 are identical across the Data Sources and therefore reliable evidence.
- The Athlete's name appeared in the general comments' fields of the LIMS for the sample 2689397.
- On 25 June 2012, the Moscow laboratory conducted an Initial Testing Procedure ("ITP") analysis for anabolic steroids ("P1.004") of sample 2689397 to detect the presumptive presence of substances like DHCMT. On 26 June 2012, the Data Sources report reported a presumptive AAF for DHCMT, but the sample was reported in ADAMS as negative. The presumptive presence of DHCMT in sample 2689397 is evidenced by three valid RAW files and their associated PDFs found in the Moscow laboratory's fileserver ("Fileserver").
- On 16 October 2012, the Moscow laboratory conducted an ITP analysis for anabolic steroids ("P1.004") of sample 2747641 to detect the presumptive presence of substances like DHCMT. On 16 October 2012, the Data Sources report reported a presumptive AAF for DHCMT, but the sample was reported in ADAMS as negative. The presumptive presence of DHCMT in sample 2747641 is evidenced by four valid RAW files and their associated PDFs found in the Fileserver, wherefrom two in particular evidence the presumptive presence of DHCMT.
- On 1 December 2014, the Moscow laboratory conducted an ITP analysis on sample 2992632 to detect the presumptive presence of substances like DHCMT. On 2 December 2014 the Data Sources report reported a presumptive AAF for the DHCMT metabolite "18-nor-17b-hydroxymethyl-17a-methyl-4-chloro-5b-androst-13-en-3a-ol", but the sample was falsely reported in ADAMS as negative. The presumptive presence of DHCMT in sample 2992632 is evidenced by four valid RAW files and their associated PDFs found in the Fileserver, wherefrom two in particular evidence the presumptive presence of DHCMT.
- Sample 2992632 was swapped and replaced by another athlete's clean sample 2920304 to ensure that neither the Athlete's use of DHCMT nor the protection scheme would be discovered following the German broadcaster ARD's documentary on the secret doping scheme in Russia aired in early December 2014 and WADA's instruction to the Moscow laboratory to retain all A and B samples frozen as well as under a strict chain of custody stored at the time within the facility.
- The Athlete's sample 2992632 was one of the 4'144 samples removed by WADA from the Moscow laboratory between December 2014 and February 2015.
- Sample 2920304 was collected out-of-competition from athlete X on 21 June 2014, delivered to the Moscow laboratory on 23 June 2014 and assigned the laboratory code 7703. Following four analytical procedures on the sample, the ITP analysis was

completed and as no Prohibited Substances were detected, the sample was reported in ADAMS as clean. The successful swapping of this clean sample with the Athlete's sample 2992632 was confirmed by DNA analysis and the contemporaneous correspondence found in the Data Sources evidencing the swapping and destroying of the evidence.

- The totality of the evidence submitted establishes therefore that the Athlete's urine sample 2992632 was swapped with the clean urine sample 2920304 of athlete X.
43. Since the Prohibited Substance was detected in the Athlete's samples and no explanation for its presence was demonstrated or evidenced by the Athlete, the commission of an ADRV is consequently also established based on Article 2.2.1 of the 2012 IWF ADP.
 44. Consequently, the Sole Arbitrator finds that the Athlete committed an ADRV under Article 2.2 and 2.2.1 of the 2012 IWF ADP.

B. The Applicable Sanction

a. Period of Ineligibility

45. Pursuant to Article 10.2. of the 2012 IWF ADP, the standard period of ineligibility imposed for a violation of Article 2.2 of the 2012 IWF ADP is two years.
46. The Claimant contends that aggravating circumstances are present which in application of Article 10.6 of the 2012 IWF ADP justify an increase of the ineligibility period up to four years. In particular, pursuant to the comments to Article 10.6 of the 2012 IWF ADP, if an athlete tested positive for a substance which appears on the prohibited list under class S1. "Anabolic Agents", as the intake of anabolic agents is widely spread in the sport of weightlifting and has long term effects, this justifies an increased sanction. Also, the IWF submits that the Athlete committed multiple ADRVs over the course of several years, all involving DHCMT and as part of the Russian anti-detection scheme.
47. Article 10.6 of the 2012 IWF ADP allows the Panel, where aggravating circumstances are present, to increase the period of ineligibility up to four years unless the athlete can prove to the comfortable satisfaction of the Panel that he or she did not knowingly commit the ADRV.
48. The Sole Arbitrator is comfortably satisfied that the Athlete used the Prohibited Substance on multiple occasions between 2012 and 2014 as all three samples 2689397, 2747641 and 2992632 were found to contain DHCMT. Also, the Sole Arbitrator notes that the substance DHCMT that was used on at least three occasions, is a substance that qualifies as anabolic agent and is frequently used in weightlifting.
49. Therefore, the Sole Arbitrator finds that based on Articles 10.2. and 10.6 of the 2012 IWF ADP, an increased period of ineligibility of four years shall be imposed on the Athlete.

50. The Athlete has been subject to a provisional suspension since 14 April 2021, date on which she was also informed about the assertion of an ADRV by the IWF. The IWF neither alleged, nor evidenced, that the Athlete has not complied with the terms of that provisional suspension.
51. The Sole Arbitrator concludes that the period of ineligibility imposed on the Athlete shall thus begin on the date of this Award, but the Athlete shall receive credit for the period from 14 April 2021 against the total period of ineligibility imposed.

b. *Disqualification of Results*

52. Pursuant to Article 10.8 of the 2012 IWF ADP, “[all] other competitive results obtained from the date of a positive Sample was collected (whether In-Competition or Out-of-Competition), or other anti-doping rule violation occurred, through the commencement of any Provisional Suspension or Ineligibility period, shall, unless fairness requires otherwise, be Disqualified with all the resulting Consequences including forfeiture of any medals, points and prizes”.
53. The rationale behind this rule was explained in the article “*Unless Fairness Requires Otherwise*” - *A Review of Exceptions to Retroactive Disqualification of Competitive Results for Doping Offenses*, by NOWICKI/MANNINEN, CAS Bulletin 2/2017 at p. 7: “*Retroactive disqualification of competitive results is a vital part of a credible anti-doping regime for various reasons. It has a deterrent effect on doping, particularly when combined with increased use of Athlete Biological Passports (“ABP”) and re-testing of samples. Moreover, from the clean athletes’ point of view, retroactive rerankings and re-allocation of medals may have intangible significance and considerable economic effects as successful athletes are awarded substantial amounts of monetary compensation based on their results*”.
54. The first of the three samples, Sample 2689397 which was subsequently found to have contained DHCMT, was collected on 22 June 2012. The provisional suspension was imposed on 12 April 2021.
55. The IWF submits, in view of the severity and multiplicity of the ADRVs, that there is no reason not to disqualify any results based on the fairness exception in this case. The Athlete has not sought to demonstrate, although the burden to do so is on her, why results should be saved. At the very least, the IWF considers that the period of disqualification shall be of the same duration as the period of ineligibility to be imposed on the Athlete, i.e. four years.
56. There are no quantitative or temporal limitations to the disqualification. Therefore, in an individual case, the rule could invalidate a significant number of results covering a considerable period of time. There is, however, one important exception to this rule, according to which the results may remain untouched if “*fairness requires otherwise*”.
57. The burden of establishing that “*fairness requires otherwise*” is on the athlete. Article 10.8 of the 2012 IWF ADP establishes that – as a principle matter – all results obtained from the date a positive sample was collected through the commencement of any provisional suspension or ineligibility period shall be disqualified. This is, in essence, the rule (i.e., the disqualification). To negate the rule (i.e., establish that fairness requires otherwise such that the results should

be maintained), the party seeking to dislodge this rule (i.e., the athlete) should carry the burden of prove otherwise on the balance of probabilities. After all, it is in the athlete's interest to maintain the results which the rule otherwise requires to be disqualified. The Sole Arbitrator concurs with the approach in CAS Bulletin 2017/2 p. 11 that to interpret differently would, in essence, rewrite Art. 10.8 of the WADC to require the anti-doping authority to not only establish the ADRV but also establish that fairness requires the remaining results not be maintained. This would up-end the intent of the article.

58. However, the Sole Arbitrator concurs with the Sole Arbitrator in CAS 2019/O/6153 and finds that in line with the therein cited CAS cases she should consider the proportionality of the sought period of disqualification and whether it would be fair to disqualify the Athlete's results for a period of almost nine years, on top of the four (4) years' period on Ineligibility. While the burden of proof in this regard is on the Athlete and, in the absence of the Athlete's position some circumstances which may have assisted the Athlete's case cannot and should not be assumed, there may still be relevant criteria enabling the Sole Arbitrator to decide whether the requested period of disqualification is fair or whether it should be limited.
59. The Sole Arbitrator accepts that pursuant to the applicable IWF ADP, the disqualification of results is the main rule and that the "fairness exception" is indeed only an exception.
60. Therefore, in principle, all the Athlete's results from the 2012 ADRV to the commencement of her provisional suspension should be disqualified.
61. However, results may remain valid if fairness so requires in the circumstances of each case. Among factors summarized by the Sole Arbitrator in CAS 2019/O/6153, CAS panels assessed in the application of the fairness test are the athlete's degree of fault (evidenced by, among others, the athlete's intent, the number and period of violations, the substances involved, being part of an evidenced doping scheme and more), the affected sporting results (the athlete being able to establish that results which may be disqualified are not affected such as by evidencing a negative test result during the period; although as this case evidences negative results may later be found positive), significant consequences of disqualification of results (such as a substantial financial impact), Athlete's Biological Passport ("ABP"), specific issues, additional ineligibility period in the second instance, delays in results management, the overall length of the disqualification and longer periods of disqualification specifically associated with re-testing.
62. In the absence of evidence by the Athlete, who carries the burden of proof in regard to the "fairness exception", the Sole Arbitrator cannot assess or assume factors such as unaffected results or financial hardship stemming from the disqualification. The Sole Arbitrator is able, however, to review the Athlete's degree of fault and issues such as delays in results management and the overall length of the disqualification relevant in particular to a re-testing situation.
63. Applying the reasoning held by the Panel in CAS 2019/O/6156 and, as also taken into consideration by the IWF, the Sole Arbitrator considers that the period of disqualification

shall be of the same duration as the period of Ineligibility of four years imposed on the Athlete.

64. Considering that the first Sample collection was on 22 June 2012 and the last was on 1 December 2014, the Sole Arbitrator finds that based on Article 10.8 of the 2012 IWF ADP, all competitive results from 22 June 2012 until 1 December 2018 shall be disqualified.

VIII. COSTS

(...).

IX. APPEAL

68. Pursuant to Article A21 of the ADD Rules, this award may be appealed to the CAS Appeals Arbitration Division within 21 days from receipt of the notification of the final award with reasons by mail or courier in accordance with Articles R47 *et seq.* of the CAS Code of Sports-Related Arbitration, applicable to appeals procedures.

ON THESE GROUNDS

The Court of Arbitration for Sport rules that:

1. The request for arbitration filed by the International Weightlifting Federation on 21 October 2021 is upheld.
2. Ekaterina Katina is found to have committed anti-doping rule violations under Article 2.2 and Article 2.2.1 of the 2012 IWF ADP.
3. Ekaterina Katina is sanctioned with a period of ineligibility of four years starting on the date on which the CAS award enters into force. The period of ineligibility served during the period of provisional suspension imposed on Ms Ekaterina Katina from 14 April 2021 through the date of the present Award shall be credited against the total period of ineligibility.
4. All competitive results obtained by Ekaterina Katina from and including 22 June 2012 until 1 December 2018 are disqualified, with all resulting consequences (including forfeiture of medals, points and prizes).

(...)

7. All other motions or prayers for relief are dismissed.