



TAS / CAS

TRIBUNAL ARBITRAL DU SPORT
COURT OF ARBITRATION FOR SPORT
TRIBUNAL ARBITRAL DEL DEPORTE

CAS 2024/A/0000 World Anti-Doping Agency (WADA) v. Mr Leslie Young

ARBITRAL AWARD

delivered by the

COURT OF ARBITRATION FOR SPORT

sitting in the following composition:

President: Dominique **Leroux-Lacroix**, Head of the Legal Department at the International Testing Agency (ITA), Lausanne, Switzerland

Arbitrators: Michele **Bernasconi**, Attorney-at-Law in Zurich, Switzerland
Emilio **García Silvero**, General Counsel at FIFA, Zurich, Switzerland

in the arbitration between

World Anti-Doping Agency (WADA), Montreal, Canada

Represented by Mr. Cheng Fengyao & Mr. Wang Zhiheng, Wuhan University, P.R. of China

- Appellant -

and

Mr. Leslie Young, Pelargir, Irodonia

Represented by Mr. Christian Thomassen & Fabian Laurenz Heß, IE University, Spain

- Respondent -

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I. THE PARTIES

1. The World Anti-Doping Agency (“**WADA**” or the “**Appellant**”) is a foundation under Swiss law. It was established in 1999 to promote and coordinate at international level the fight against doping in sport. WADA has its registered seat in Lausanne, Switzerland, and its headquarters in Montreal, Canada.
2. Mr. Leslie Young (the “**Respondent**” or “**Player**”) is a professional football player of Irodanian nationality who has been playing in the Men’s National Football League (the “**League**”) for the Republic of Iridonia (“**Iridonia**”) since 2022 and its National Team since 2023.
3. WADA and Mr. Young will hereinafter be referred collectively as the “**Parties**”.

II. INTRODUCTION

4. The present appeal arbitration proceeding concern an appeal lodged by WADA to the Court of Arbitration for Sport (“**CAS**”) pursuant to the Code of Sports-related Arbitration (2023 edition) (the “**CAS Code**”) against a decision of FIFA’s Disciplinary Committee (the “**FIFA DC**”) dated 5 March 2024 (Decision FDD-29382) (the “**Appealed Decision**”).
5. In its Decision, the FIFA DC did not impose any suspension on the Player, despite the presence of the prohibited substance Tramadol in the Player’s urine sample. This resulted in an Adverse Analytical Finding (“**AAF**”) and led FIFA to conclude that Mr. Young infringed Articles 6 and 7 of its Anti-Doping Regulations (“**FIFA ADR**”). However, the FIFA DC concluded that Mr Young bore “no fault or negligence”.
6. WADA argues that the Appealed Decision violates the terms of the World Anti-Doping Code (“**WADC**”), as the Player should have been given a four-year period of Ineligibility for his Anti-Doping Rule Violation (“**ADRV**”).
7. Tramadol is, according to the WADA 2024 Prohibited List, a “**Prohibited Substance**”. Tramadol is an opioid analgesic that alleviates pain by modulating pain signals in the brain and nervous system. By binding to specific receptors and inhibiting neurotransmitter reuptake, it effectively reduces pain perception, enhancing patient comfort and daily functioning.

III. FACTUAL BACKGROUND

A. General

8. Set out below is a summary of the relevant facts and allegations based on the Parties' submissions, pleadings and evidence in these proceedings. While the Panel has considered all matters put forward by the Parties, reference is made in this Award only to those matters necessary to explain the Panel's reasoning and its decision.
9. The 2024 FIFA World Cup took place from 1 January to 29 January 2024 in Tulip, Tulipania. The Player was 17 years old when he competed in one of the official matches of the World Cup.
10. On 3 January 2024, prior to the World Cup match, at 9:30am, Mr Young was subject to an anti-doping test conducted by the Iridonian Anti-Doping Agency ("**IADA**"). The Player provided a urine sample (sample no. 329348) in the presence of the FIFA Doping Control Officer, which was divided into two bottles: an 'A' sample ("**A Sample**") and a 'B' sample ("**B Sample**") (collectively, the "**Sample**"). The Sample was sent for analysis to the doping control laboratory in Iris, Iridonia (the "**Iris Laboratory**"), a WADA-accredited laboratory.
11. On 12 January 2024, the Iris laboratory in Tulipania reported the analysis results via the Anti-Doping Administration and Management System ("**ADAMS**"). According to the report, the Player's Sample had returned an AAF for the narcotic *Tramadol Hydrochloride*, classified as a Specified Substance prohibited under Section S7 of the WADC International Standard Prohibited List 2024 ("**Prohibited List**").
12. On the same day, the AAF was reported to the FIFA Anti-Doping Unit, in compliance with Section 5.3.8.4 of WADA's International Standard for Laboratories 2021 ("**ISL**") and WADA's applicable Technical Document on Minimum Reporting Levels ('WADA Technical Letter – TL25 Tramadol').
13. The FIFA Anti-Doping Unit subsequently undertook an initial review as required by Article 53 (1) FIFA ADR, which did not yield a justification for the Player's AAF.
14. On 13 January 2024, the FIFA Anti-Doping Unit, in collaboration with the Iridonian Football Federation ("**IFF**") notified the Player of the presumptive AAF in respect of the doping control that had been conducted on 3 January 2024 and of the provisional

suspension as from the date of the notice. The Player was also informed that his case would be referred to the FIFA DC.

15. On the same day, the Player requested the opening and analysis of his B Sample.
16. On 19 January 2024, the FIFA Anti-Doping Unit informed the Player that the analysis of the B Sample confirmed the presence of Tramadol.
17. On 30 January 2024, the Secretariat of the FIFA DC (“**Secretariat**”) issued the formal Letter of Charge, inviting the Player to inform the FIFA DC within twenty (20) days whether he wished:
 - a. *to admit the alleged ADRVs and accept the sanction of a 4-year period of Ineligibility; or*
 - b. *to contest in writing the aforementioned allegations and/or the proposed consequences and/or to request in writing a hearing before the FIFA Disciplinary Committee.*

B. The proceedings before the FIFA DC

18. On 7 February 2024, the Player invoked his right to request a hearing before the FIFA DC, contesting the alleged ADRVs and proposed consequences.
19. On 10 February 2024, the Secretariat informed the Player that the hearing was scheduled for 1 March 2024 (the “**Hearing**”).
20. On 1 March 2024, a hearing was held before the FIFA DC in Zurich, Switzerland (by videoconference).
21. The FIFA DC decided that the Player committed the alleged ADRVs but on application of a standard of proof, “*all of the evidence filed by the Player suggests that the ADRVs were not intentional (...) FIFA had failed to establish that the Player had intentionally committed the ADRVs.*”
22. In particular, the FIFA DC concluded as follows:
 - “1. *The sanction against the Player, Leslie Young is eliminated on the basis that he bore no fault or negligence for the ADRVs as per the FIFA Disciplinary Code related to Doping as well as the relevant provisions of the FIFA Anti-Doping Regulations sanctioning the Presence, Use or Attempted Use of a Prohibited Substance or its Metabolites or Markers in a Player’s Sample.*
 2. *The provisional suspension is lifted effective immediately.*”

23. On 5 March 2024, the Player received notice that the provisional suspension had been lifted effective immediately.
24. On 20 March 2024, the formal decision was issued by the FIFA DC. The grounds of the decision were communicated to the Parties as well as to IADA and WADA.
25. On 25 March 2024, WADA requested to be sent the full case file from the FIFA DC.
26. On 29 March 2024, the FIFA DC sent the case file in relation to the FIFA proceedings to WADA and the Parties.
27. On 30 March 2024, IADA requested to be sent the full case file by the FIFA DC.
28. On the following day, 31 March 2024, FIFA sent the full case file to IADA.
29. On 8 April 2024, WADA noted that the Player's witness statement was missing from the case file and requested a copy of it from FIFA.
30. On 11 April 2024, FIFA sent the missing document to WADA.

IV. PROCEEDINGS BEFORE THE CAS

31. On 2 May 2024, WADA filed a Statement of Appeal with the CAS against the Player and paid the filing fee of CHF 1,000.
32. On 10 May 2024, WADA filed its appeal brief pursuant to Article R51 of the CAS Code.
33. On 15 May 2024, the Player filed his answer to the appeal brief.

A. THE CONSTITUTION OF THE PANEL AND THE HEARING

34. On 2 May 2024, WADA designated Mr Michele Bernasconi as its party-appointed arbitrator.
35. On 6 May 2024, the Player designated Mr Emilio García Silvero as his appointed arbitrator.
36. On 7 May 2024, the President of the Division appointed Mrs Dominique Leroux-Lacroix as the president of the Panel.
37. On 16 May 2024, the Panel fixed the date of the hearing.

38. On 24 May 2024, the hearing was held at the Centro Internacional de Arbitraje de Madrid in Madrid, Spain.
39. The hearing included the following participants:
- A. The Panel:**
 - a) Dominique Leroux-Lacroix, President
 - b) Michele Bernasconi
 - c) Emilio García Silvero
 - B. For WADA:**
 - a) Cheng Fengyao
 - b) Wang Zhiheng
 - C. For the Player:**
 - a) Christian Thomassen
 - b) Fabian Laurenz Heß
40. There were no witnesses or experts providing evidence or opinions at the hearing.
41. At the outset of the hearing, the Parties confirmed that they had no objection to the jurisdiction of CAS in this appeal and to the composition of the Panel.
42. The Parties were given the opportunity to present their cases, submit their arguments and to answer the questions posed by the Panel. A summary of their submissions is detailed below. After the Parties' closing submissions, the President closed the hearing and the Parties expressly stated that they had no objections in relation to their right to be heard and to have been treated equally in these arbitration proceedings.

B. THE FACTUAL EVIDENCE

43. The Respondent adduced factual evidence in support in the form of witness statements, WhatsApp messages and documentary evidence limited to the Tramadol prescription of the Respondent's mother as follows:
- a. Ms Susan Garcia, the Player's mother ("**Ms Garcia**"), who provided a witness statement dated 13 May 2024;
 - b. Dr Thomas O'Neill ("**Dr. O'Neill**", doctor's license: 23049284528) written,

Tramadol prescription for Ms Garcia dated 18 December 2023;

- c. Mr Eugene Deloscampos, Head coach of Irodonia’s national team for the 2024 FIFA World Cup, Tulipania (“**Mr Deloscampos**”), who provided a witness statement dated 12 May 2024;
- d. The Player’s own witness statement, dated 14 May 2024;
- e. WhatsApp messages exchanged between the Player and Mr John McGuinness, team doctor of Irodonia’s national team for the 2024 FIFA World Cup, Tulipania (“**Mr McGuinness**”), on 4 February and 23 July 2023.

C. THE EXPERT EVIDENCE

44. The Parties also adduced expert evidence in the form of expert reports as follows:

For WADA:

- a. Mr Brandon Smith (“**Mr Smith**”), owner of *Smith Science* in Gondor, GR, a laboratory specialized in medicine methods to control doping, who provided a witness statement dated 9 May 2024.

For the Player:

- b. Mr Javier Herrera (“**Mr Herrera**”), owner of *Herrera – Science made easy* in Pelargir, Irodonia, specialized in Sports Laboratory Medicine, who provided a witness statement dated 14 May 2024.

V. SUBMISSIONS OF THE PARTIES

45. The following summary refers to the allegations and arguments put forward by the Parties without listing them exhaustively. The Panel has nevertheless examined and considered all of the allegations, arguments, and evidence, whether or not expressly referred to in this award.

A. The Appellant: WADA

46. The Appellant submitted as follows:
47. The doping test which revealed the presence of Tramadol took place ‘*In-Competition*’, based on the definition contained in the FIFA ADR.

48. Since Tramadol is strictly prohibited In-Competition, Mr Young committed an ADRV under Article 6 FIFA ADR- Presence of a Prohibited Substance in a Player's Sample.
49. The Appellant emphasized the principle of '*strict liability*' under Article 6(1) FIFA ADR, which does not require proof of intent, fault, negligence, or any other subjective element on the part of the Player.
50. It is sufficient to establish an ADRV by demonstrating the objective presence of Tramadol, where the analysis of the Sample confirmed the presence of the Prohibited Substance pursuant to Article 6(2) FIFA ADR.
51. As regards the violation under Article 7 FIFA ADR – Use by a Player of a Prohibited Substance, in order to prove such ADRV, facts may be established by any reliable means, including the Player's own witness statement and the submitted expert report.
52. On this basis, WADA submitted that the Respondent failed to prove how Tramadol entered his body on a 'balance of probability'.
53. WADA submitted that it is not sufficient for athletes to merely deny their wrongdoing and plead innocent. Rather, specific objective and persuasive evidence should be provided according to CAS jurisprudence (CAS 2006/A/1067).
54. WADA noted that the Player failed to provide compelling expert evidence to substantiate his claim that the ingestion of Tramadol resulted from a contaminated cup of tea. Specifically, WADA challenged the reliability of Mr. Herrera's expert report and contends that the witness statements of the Player and his mother are not credible, as they were prepared with the assistance of legal counsel.
55. According to CAS jurisprudence, when reviewing expert reports, the Panel should consider impartiality, authority and experience of the expert (CAS 2016/A/4804). Therefore, the Appellant urged the Panel to accept Mr. Smith's expert report, which is more objective and authoritative.
56. WADA dismissed the possibility of unintentional contamination from tea containing only traces of Tramadol. Based on Mr. Smith's report and the Tramadol fact sheet, it is unlikely for a test to yield a positive result if Tramadol was consumed more than 24 hours before the In-Competition period. However, since Mr. Young's test did return a positive

result, WADA contends that the Player must have intentionally ingested Tramadol within six hours prior to the sample collection.

57. Consequently, the Appellant argued that it is highly likely Mr. Young consumed a standard 50mg dose of Tramadol just hours before providing the sample.
58. In light of the foregoing, WADA submitted two motions for relief regarding the sanctions to be imposed on the Player under Article 20 FIFA ADR:
 - 1) a four-year period of Ineligibility since Mr. Young was aware of the significant risk that ingesting Tramadol would result in an ADRV, and manifestly disregarded that risk;
 - 2) if the Player can establish that the ADRV was not intentional; a two-year period of Ineligibility.
59. In any case, WADA disagrees with a "no fault or negligence" finding, eliminating a possible sanction because the Player failed to meet two key thresholds: (1) establishing the source of the Tramadol and (2) exercising the utmost caution, as required by CAS jurisprudence (CAS 2016/A/4804, CAS 2005/C/976 & 986, CAS 2007/A/1395, CAS 2006/A/1025).
60. The Appellant further asserted that Mr. Young's failure to inquire about the herbal tea or to ensure that his glass was clean demonstrates a lack of the necessary diligence expected of athletes, citing CAS jurisprudence (CAS 2007/A/1395; CAS 2006/A/1025).
61. WADA contended that Mr. Young's claim of being unaware of Tramadol until 13 January 2024, is undermined by his failure to take precautions before consuming the herbal tea. Considering Mr. Young's close relationship with his mother, who allegedly used Tramadol for her injury, WADA argues that the Player should have been aware of the potential risk of contamination and taken steps to prevent it since athletes must take their anti-doping obligations seriously.
62. WADA submitted that the Player's fault is indeed significant, considering both objective (taking reasonable steps) and subjective (experience, level of anti-doping education, stress) elements, as laid out in previous CAS case law (CAS 2013/A/3327).

WADA asserts:

- i. Mr. Young did not take any steps to avoid the ingestion of Tramadol and he should be personally at fault because athletes are expected to familiarize themselves with the Prohibited List;
 - ii. His mother's fault should be attributed to the Player;
63. Based on its submissions, WADA requested the following relief:
 1. The Appeal of WADA is admissible.
 2. The decision of the FIFA Disciplinary Committee of 5 March 2024 is set aside.
 3. Leslie Young is sanctioned with a four-year period of Ineligibility according to Article 20(1)(b) FIFA ADR.
 4. Alternatively, to sanction Leslie Young with a two-year period of Ineligibility pursuant to Article 20(2) FIFA ADR.

B. The Respondent's submissions and requests for relief

64. The Player submitted as follows:
65. As to WADA's first allegation, i.e. the test being taken In-Competition, the Player submitted that Article 41 FIFA ADR should be considered, stating: "*Under these Regulations, every Player may be subject to In-Competition Testing at the Matches in which he competes and to Out-of-Competition Testing at any time and place (...)*"
66. The Player disputed the Respondent's interpretation of the In-Competition period, asserting that he did not commit an ADRV. He argued that Tramadol is only prohibited during the In-Competition period, which specifically refers to the location of the match. Since the test was conducted before his travel to Tulipania, he contended that it fell outside the In-Competition period.
67. In response to the allegation of a violation under Article 7 FIFA ADR, the Respondent argued that WADA lacks sufficient evidence to determine when the alleged ingestion of Tramadol occurred.
68. The Player maintained that the source of the Tramadol was a contaminated glass of tea consumed on December 31, 2023, a date before Tramadol was even added to WADA's Prohibited List for 2024.
69. The Respondent provided both scientific and testimonial evidence to support his claim

that the Tramadol detected in his Sample resulted from a contaminated glass of tea. The tea was prepared by his mother, who inadvertently used the same glass in which she had previously dissolved Tramadol, confirmed by her witness statement.

70. The Player further noted that at the time of testing positive for Tramadol, he was unfamiliar with the substance. After receiving the test result, he contacted his mother, who revealed that she had been taking Tramadol for post-surgery pain and had been dissolving the capsules in water.
71. According to the Player's expert testimony, Mr Young's test results suggest contamination as the source. The Respondent further questioned the independence and correctness of the Appellant's expert statement, since he did not consider individual factors such as Mr. Young's age, weight, and physical conditions and has previously provided numerous expert reports for WADA. Additionally, the Player noted inconsistencies of Mr Smith's report.
72. Based on the foregoing, the Player denies the allegation of intentional ingestion of Tramadol.
73. Addressing the potential sanction for a violation under Articles 6 and 7 FIFA ADR, the Respondent argued that, according to Article 20(3) FIFA ADR, an ADRV involving a substance prohibited only In-Competition is presumed to be non-intentional if the substance was used out-of-competition.
74. The Respondent argued that he bears no fault or negligence, as he neither knew nor suspected, nor could he have reasonably known or suspected, that the tea made by his mother contained Tramadol and would lead to an AAF. He maintained that he exercised 'utmost caution' to prevent any contamination.
75. Alternatively, the Respondent argued for a finding of NSF. The Respondent referenced the same objective and subjective criteria for assessing fault as the Appellant but also highlighted his previous clean record, the small amount of Tramadol found in his sample, and the absence of any performance-enhancing effect as additional mitigating factors that should be considered in evaluating his level of fault.
76. Furthermore, the Respondent argued that Mr. Young could not have been expected to read the label of a product he did not know existed. Without knowledge of the product's presence, he had no opportunity to cross-check ingredients, conduct an internet search,

or consult experts about the substance. This position aligns with CAS jurisprudence (CAS 2013/A/3327), which emphasizes that an athlete cannot be held to a standard of care requiring them to guard against risks they are entirely unaware of.

77. It was further maintained that Mr. Young's trust in his mother was reasonable given the circumstances, and that his actions demonstrate, at most, a light degree of fault.

78. Based on the above, the Player requested the following relief:

1. The decision of the FIFA Disciplinary Committee of 5 March 2024 is upheld;
2. Alternatively, to reduce the period of Ineligibility based on NSF or Negligence to a reprimand and no period of Ineligibility pursuant to Article 23(1)(a) FIFA ADR;
3. Alternatively, if a period of Ineligibility is imposed, to credit the provisional suspension against that period pursuant to Article 29(2) FIFA ADR.

VI. JURISDICTION OF CAS

79. The jurisdiction of the CAS was not contested by the Respondent. In accordance with Article R39 of the CAS Code, the CAS has the power to decide upon its own jurisdiction.

80. R47 of the CAS Code provides as follows:

“An appeal against the decision of a federation, association or sports-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 Player has exhausted the legal remedies available to it prior to the appeal, in accordance with the statutes or regulations of that body.”

81. The Appealed Decision contains the following notice:

“According to art. 57 (1) of the FIFA Statutes as read together with art. 49 of the FDC and art. 77 (1) of the FIFA ADR, this decision may be appealed before the Court of Arbitration for Sport (CAS). The statement of appeal must be sent to the CAS directly within 21 days of receipt of notification of this decision. Within another 10 days following the expiry of the time limit for filing the statement of appeal, the appellant shall file a brief stating the facts and legal arguments giving rise to the appeal with the CAS.”

82. Article 77(1) FIFA ADR provides as follows :

“In cases arising from participation in International Competition or in cases involving International-Level Players, the decision may be appealed exclusively to CAS.”

83. It is not disputed that the Player is an “*International-Level Athlete*” as that term is used in the WADC, since he competed in several international events.

84. The Parties did not dispute CAS jurisdiction and the Parties participated fully in the proceedings.
85. It follows that the CAS Appeals Arbitration Division has exclusive jurisdiction to adjudicate and decide on the appeal filed against the Appealed Decision.

VII. ADMISSIBILITY

86. Article R49 CAS Code provides as follows :
- “In the absence of a time limit set in the statutes or regulations of the federation, association or sports-related body concerned, or in a previous agreement, the time limit for appeal shall be twenty-one days from the receipt of the decision appealed against.”*
87. Article 82(1)(a) FIFA ADR stipulates a 21-day deadline for filing an appeal. Since the jurisdiction of CAS is based, among other things, on the FIFA ADR, the Panel concludes that the 21-day appeal period applies. Additionally, the Parties have not contested the admissibility of the appeal filed.
88. Pursuant to Article 82(1)(b) FIFFA ADR, WADA’s time limit to appeal is the later of i) 21 days after the last day on which another party entitled to lodge an appeal could have lodged an appeal; or ii) 21 days after WADA received the full case file relating to the decision.
89. The Panel notes that, according to Article 77(3)(d) FIFA ADR, IADA was also entitled to appeal. IADA received the case file related to the present matter on 31 March 2024. Therefore, IADA’s time limit to file an appeal to CAS expired on 21 April 2024. Consequently, WADA’s time limit to file its Statement of Appeal expired on 12 May 2024.
90. The Panel acknowledges that WADA filed the Statement of Appeal on 2 May 2024, and thus timely.
91. It follows that WADA’s appeal is admissible.

VIII. APPLICABLE LAW

92. Article R58 of the CAS Code provides as follows:
- “The Panel shall decide the dispute according to the applicable regulations and, subsidiarily, to the rules of law chosen by the parties or, in the absence of such a choice, according to the law of the country in which the federation, association or sports-related body which has issued the challenged decision is domiciled or according to the rules of*

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

93. It is agreed between the Parties that the present dispute is to be decided primarily according to the FIFA ADR - 2021 ed. and, subsidiarily, by Swiss law pursuant to Article 23(1) FIFA Disciplinary Code – 2023 ed.. In this regard, it is to be noted that the Appealed Decision was rendered on the basis of the FIFA ADR.
94. Consequently, the 2021 edition of the FIFA ADR (which came into force on 1 January 2021) should apply to the present proceedings.

IX. MERITS

A. The Main Issues

95. The main issues to be resolved by the Panel in deciding this dispute are the following:
- 1. Is the doping test to which the Player was subjected to and the urine sample taken as a result a case of In-Competition or Out-of-Competition testing?**
96. Pursuant to Definition 34 FIFA ADR, In-Competition refers to: *“the period commencing at 23:59 on the day before a Match in which the Player is scheduled to participate through to the end of said Match and including the Sample collection process relating to said Match”*.
97. This definition corresponds to the definition of In-Competition in the WADC 2021. The comment to it provides that *“[h]aving a universally accepted definition for In-Competition provides greater harmonization among Athletes across all sports [and] eliminates or reduces confusion amount Athletes about the relevant timeframe for In-Competition testing [...]”*.
98. Therefore, the Panel concludes that definition 34 FIFA ADR is the only relevant provision with regard to the In-Competition testing period.
99. The Panel notes that the official FIFA World Cup 2024 match in Tilupania was on 3 January 2024, with the In-Competition period commencing on 2 January 2024, at 11:59 PM. Mr Young was tested on 3 January 2024 at 9:30 AM placing him within the In-Competition period for the doping test.

2. Did the Player commit an ADRV?

100. As mentioned above, the Prohibited Substance Tramadol, a Specified Substance belonging to Section S7 of the WADC Prohibited List 2024 and prohibited In-Competition, was found in the Player's Sample.

a) Regulatory Framework

101. The Appellant alleged that the Respondent's ADRV occurred by the violations of Articles 6 and 7 FIFA ADR 2021.

102. The Panel observes that the following general regulatory framework is relevant as to the merits.

103. Article 5(2) FIFA ADR (Definition of Doping) provides as follows:

"Doping is defined as the occurrence of one or more of the anti-doping rule violations set forth in these Regulations"

104. Article 6 FIFA ADR provides the following:

"Presence of a Prohibited Substance or its Metabolites

1. It is the Player's personal duty to ensure that no Prohibited Substance enters his body. Players 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 Player's part be demonstrated in order to establish an anti-doping rule violation under art. 6.

2. Sufficient proof of an anti-doping rule violation under art. 6 is established by any of the following: presence of a Prohibited Substance or its Metabolites or Markers in the Player's "A" Sample where the Player waives analysis of the "B" Sample and the "B" Sample is not analysed; or where the Player's "B" Sample is analysed and the analysis of the Player's "B" Sample confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the Player's "A" Sample; or where the Player's "A" or "B" Sample is split into two parts and the analysis of the confirmation part of the split Sample confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the first part of the split Sample or the Player waives analysis of the confirmation part of the split Sample.

[...]."

105. Article 7 FIFA ADR provides as follows:

"Use or Attempted Use by a Player of a Prohibited Substance

1. It is the Player's personal duty to ensure that no Prohibited Substance enters his body and that no Prohibited Method is Used. Accordingly, it is not necessary that intent, Fault, negligence or knowing Use on the Player's part be demonstrated in order to establish an anti-doping rule violation for Use of a Prohibited Substance or a Prohibited Method.

[...]."

(i) *Presence of a Prohibited Substance*

106. With regard to Article 6 FIFA ADR, the Panel observes: (i) that the Player underwent an In-Competition doping control test on 3 January 2024; (ii) that the analysis of the confirmation part of the split Sample confirmed the presence of Tramadol in the first part of the split Sample; (iii) that Tramadol is a Specified Substance and prohibited only In-Competition.

107. Considering that the Player did not dispute the Iris Laboratory's finding, the Panel is comfortably satisfied that the Athlete has violated Article 6 FIFA ADR and thus committed an ADRV.

(ii) *Use of a Prohibited Substance*

108. The range of evidence the Panel may examine for the purposes of considering whether the Player committed an ADRV under Article 7 FIFA ADR is wider than for Article 6. This was explained in CAS 2017/A/5379 at para. 734:

“Whereas the presence of a prohibited substance can and must be established exclusively by laboratory analysis, the use of a prohibited substance may be established by any reliable means, including, but not limited to witness evidence, documentary evidence and conclusions drawn from analytical information other than proving the actual presence of prohibited substance”.

109. This is consistent with Article 69(1) FIFA ADR, which states:

“Facts related to anti-doping rule violations may be established by any reliable means, including admissions”.

110. Article 68 FIFA ADR provides for the burdens and standards of proof and reads as follows:

“1. FIFA shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether FIFA has established an anti-doping rule violation to the comfortable satisfaction of the FIFA Disciplinary Committee, bearing in mind the seriousness of the allegation which is made. In all cases, this standard of proof is greater than a mere balance of probability but less than proof beyond a reasonable doubt.

2. Where the Code or these Regulations place the burden of proof upon the Player or other Person alleged to have committed an anti-doping rule violation to rebut a presumption or establish specified facts or circumstances, except as provided in art. 69 par. 2 b) and c), the standard of proof shall be by a balance of probability”.

111. Generally, the responsibility to prove an alleged fact rests with the party asserting its existence: *actori incumbit onus probandi*. Accordingly, in these proceedings, WADA

bears the burden of proving, to the Panel's comfortable satisfaction, that the Player used the Prohibited Substance Tramadol.

b) Assessment of the Evidence

112. It is a matter for the Panel to assess the evidence and form a view as to whether the Parties have discharged their burden to the required standard. The issue therefore is whether, based on the material before the Panel, the Panel is comfortably satisfied that the Player has used – i.e., utilised, applied, ingested, injected, or consumed by any means whatsoever – Tramadol during the World Cup match on 3 January 2024.
113. The Athlete has the burden of proof to offer compelling and persuasive evidence on how the unintentional ingestion of the Prohibited Substance occurred. The standard of proof applicable to the Player's discharge of his burden in this respect is a balance of probability.
114. In this case there is no direct evidence of use by the Athlete, all the evidence being circumstantial. Both Parties relied on expert evidence as corroborative evidence of the alleged ADRV. Both parties further submitted that the expert evidence provided by the other side was unreliable and inconclusive in several respects.
115. Both experts considered that the amounts (0.8 ng/mL) of the prohibited substance found in Mr Young's Sample were consistent with either scenario; the ingestion of the tea 1-4 days before the test and 6-12 hours before Sample provision.
116. Overall, the Panel observes that the Respondent's expert provided an explanation based on specific individual factors that influence the detection duration of traces. Additionally, the Appellant's expert addressed the ingestion of a standard dose, specifically a 50mg Tramadol capsule, and noted that the slow-release process of Tramadol can be compromised if the capsules are broken, crushed, or chewed.
117. Based on the expert and witness statements provided, the Panel is willing to accept the Appellant's explanation that on the night of 31 December 2023, he consumed tea prepared by his mother, which was inadvertently contaminated with traces of Tramadol.
118. The Panel notes that on 31 December 2023, Tramadol was not yet listed as a Prohibited Substance on WADA's Prohibited List 2023. Pursuant to Article 88(5)(f) FIFA ADR, changes to the Prohibited List shall not be applied retroactively.

119. Consequently, the Player did not commit an ADRV under Article 7 FIFA ADR.

3. The Sanction

120. In light of the determination on liability, it is necessary to consider appropriate sanctions. This includes evaluating the period of Ineligibility and determining whether Mr. Young bears any fault for his ADRV under Article 6 FIFA ADR.

a) The standard period of Ineligibility

121. Tramadol is a Specified Substance, as a consequence of which Article 20(1)(b) FIFA ADR is applicable, providing for a four-year period of Ineligibility, unless the Player can prove that the ADRV was not intentional.

122. According to Article 20(3) FIFA ADR, an “*ADRV resulting from an AAF for a substance which is only prohibited In-Competition shall be rebuttably presumed to be not intentional if the substance is a Specified Substance and the Player can establish that the Prohibited Substance was Used Out-of-Competition*”.

123. Since the Panel was satisfied with the Player’s explanation and expert evidence, the starting point for the sanction to be applied is a period of Ineligibility of two years pursuant to Article 20(2) FIFA ADR.

b) Is the period of Ineligibility to be eliminated or further reduced?

124. The two-year period of Ineligibility can only be eliminated if the Respondent establishes No Fault or Negligence (“**NFN**”) pursuant to Article 22 FIFA ADR, or if the Respondent establishes No Significant Fault or Negligence (“**NSFN**”) in accordance with Article 23 FIFA ADR.

125. According to Definition 55 FIFA ADR, for NFN, a Player must establish that he did not know or suspect, and could not reasonably have known or suspected, even with the exercise of utmost caution, that he had used the Prohibited Substance.

126. According to Definition 56 FIFA ADR, NSFN refers to situations where, considering all circumstances and the criteria for NFN, the Player's level of fault or negligence was not substantial in relation to the ADRV.

127. The burden is on the Player to prove that his explanations are more likely than not to have occurred. The Player pointed to the following matters: he is a minor, with a clean

record who has always been diligent in complying with anti-doping rules. He did not know about his mother's Tramadol prescription and could not have reasonably assumed the presence of Tramadol traces in the tea.

128. A NFN plea can only be accepted in “*exceptional circumstances*”, an approach confirmed in CAS 2017/A/5015 & CAS 2017/A/5110. In order to have acted with No Fault, the Player must have exercised the ‘utmost caution’ in avoiding doping.
129. The Panel is not convinced by the Player’s assertion, as generally, athletes are responsible for what they ingest (see Article 3(2) FIFA ADR). The strict liability principle imposed on athletes is a fundamental cornerstone of anti-doping regulations. It cannot be accepted that Mr. Young did not notice the package in the kitchen nor his mother’s regular intake of the Prohibited Substance.
130. Considering the obligation of athletes to exercise utmost caution, Mr Young should have been aware of the risks of storing medication near food and beverages. Therefore, the Panel cannot accept the Player’s NFN plea and will move on to an assessment of NSFN.
131. The first issue concerns whether the Player’s duty of care should extend to actions taken by family members living in the same household, particularly those entrusted with the preparation of food and drinks, as emphasized by CAS jurisprudence (CAS 2017/A/5301). Given that the Player delegated significant aspects of his anti-doping responsibilities to his mother, the Panel must determine whether this delegation should be considered in the evaluation of the Player’s level of fault.
132. In light of the Player’s situation and particular capacities, namely being only 17 years of age, and suffering from stress and insomnia, the Panel concludes that it was legitimate for him to rely on his mother to prepare him tea.
133. Nonetheless, a reasonable standard of care could still have been expected from him, given his extensive anti-doping education. He was responsible for ensuring that those living with him in the same household were also informed about the anti-doping obligations required of professional athletes.
134. Therefore, the Panel concludes that the Player must be sanctioned for committing an ADRV under Article 6 FIFA ADR with the finding of NSFN.
135. Pursuant to Article 23(1)(a) FIFA ADR, the period of Ineligibility shall be, at a minimum, a reprimand and no period of Ineligibility, and at a maximum, two years of Ineligibility,

depending on the Player's or other Person's degree of Fault.

136. In light of the foregoing, the Panel, subject to considerations of proportionality and the fact that it is a strict liability offence, reduces the period of Ineligibility to three months.
137. As to when that period of three months should commence, the applicable rule is Article 29 FIFA ADR, which provides (in relevant part) as follows:
- “except as provided below, the period of Ineligibility shall start on the date of the final hearing decision providing for Ineligibility*
- 2. Credit for Provisional Suspension or period of Ineligibility served*
- a) If a Provisional Suspension is respected by the Player or other Person, then the Player or other Person shall receive a credit for such period of Provisional Suspension against any period of Ineligibility which may ultimately be imposed”.*
138. Upon the application of that provision, the Panel decided that the three-month period of Ineligibility was to commence from the date of provisional suspension imposed on the Player, i.e. 13 January 2024.

B. CONCLUSION

139. Based on the foregoing, and after having taken into due consideration both the regulations applicable and all the evidence produced and all arguments submitted, the Panel finds that:
- (i) The Player committed an ADRV pursuant to Article 6 FIFA ADR.
 - (ii) The Player is sanctioned with a period of Ineligibility of three (3) months starting from the date of final hearing decision, namely 2 September 2024, but with credit for his period of provisional suspension from 13 January 2024 to 5 March 2024
 - (iii) All other and further motions or prayers for relief are dismissed.

X. COSTS

140. Article R64.5 CAS Code provides as follows :

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

of the proceedings, as well as the conduct and the financial resources of the parties.”

141. This appeal was brought by WADA in its responsibility to monitor and regulate athletes subscribing to the WADC. In view of the above considerations, the Panel considers it reasonable and fair that the costs of the arbitration, in an amount that will be determined and notified to the Parties by the CAS Court Office, shall be shared as follows:

- a) 25% by the Player
- b) 75% by WADA.

142. As a general rule, the CAS grants the prevailing party a contribution toward its legal fees and other expenses incurred in connection with the proceedings pursuant to Article R64.5 CAS Code. However, in light of the financial resources of the Parties, in particular that the financial resources of WADA are presumably superior to those of the Player, the Panel rules that it is reasonable for the Parties to bear their own legal costs and other expenses incurred in connection with this arbitration.

ON THESE GROUNDS

The Court of Arbitration for Sport rules that:

1. The Appeal filed on May 11, 2017 by the World Anti-Doping Agency, is upheld.
2. The Decision rendered by the FIFA Disciplinary Committee on March 5, 2024 is set aside.
3. Mr Leslie Young is sanctioned with a period of Ineligibility of three (3) months commencing on the date of this Award.
4. (...).
5. (...).
6. All other motions or prayers for relief are rejected.

Seat of arbitration: Lausanne, Switzerland

Date: 02 September 2024

THE COURT OF ARBITRATION FOR SPORT

Dominique Leroux-Lacroix

President of the Panel

Michele Bernasconi

Arbitrator

Emilio García Silvero

Arbitrator