



Tribunal Arbitral du Sport
Court of Arbitration for Sport

CAS 2007/A/1364 WADA v/FAW and James

ARBITRAL AWARD

delivered by the

COURT OF ARBITRATION FOR SPORT

sitting in the following composition:

President: Mr David W. Rivkin, Attorney-at-law in New York, United States of America

Arbitrators: Mr Peter Leaver QC, Barrister in London, United Kingdom

The Hon. Michael Beloff QC, Barrister in London, United Kingdom

in the arbitration between

WORLD ANTI-DOPING AGENCY ("WADA"), Montreal, Quebec, Canada

Represented by Dr. Francois Kaiser, Attorney-at-law in Lausanne, Switzerland

- the Appellant -

and

FOOTBALL ASSOCIATION OF WALES ("FAW"), Cardiff, United Kingdom

Represented by Mr Michael Cully, Solicitor in Cardiff, United Kingdom

- the First Respondent -

CERI JAMES, Ruthin, United Kingdom

- the Second Respondent -

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1. PARTIES

1.1 The Appellant World Anti-Doping Agency (hereinafter referred to as "WADA" or "Appellant"), is an independent international anti-doping agency, whose aim is to promote, coordinate, and monitor, at the international level, the fight against doping in sports in all its forms.

1.2 The First Respondent, Football Association of Wales (hereinafter referred to as "FAW"), a member of International Federation of Association Football (hereinafter "FIFA"), administers football in Wales and runs six international teams.

1.3 The Second Respondent, Mr. Ceri James, is a citizen of the United Kingdom who was a football player with the English team Welshpool Town Football Club (hereinafter "WTFC") before he was suspended for a doping violation. WTFC is affiliated with the FAW, the governing body for football in Wales.

2. BACKGROUND FACTS

2.1 On March 24, 2007, Mr. James was selected for an in-competition urine test on the occasion of the Welsh Premier Football League match between Haverfordwest County and WTFC. The urine sample was collected in conformity with the applicable regulations by UK Sport, the National Anti-Doping Organization for the United Kingdom, and FIFA Doping Control Regulations. The sample was sent to the Drug Control Centre of King's College (London), a laboratory accredited by WADA.

2.2 With a letter of 13 April 2007, UK Sport notified the FAW that the Drug Control Centre had found the "A" urine sample collected from Mr. James (sample No. A1071966) positive for

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Benzoyllecgonine, which is classified as a stimulant on the WADA Prohibited List.

2.3 With a letter of 17 April 2007, the FAW notified Mr. James that his urine sample was found positive for Benzoyllecgonine, and that he had the right to have the "B" sample analysed. The FAW also informed Mr. James that it would convene a Review Panel to decide whether a doping offence has been committed and whether an interim suspension should be put in place until the matter was concluded.

2.4 With a letter of 19 April 2007, Mr. James notified Mr. Paul Evans, the Head of Discipline and Welfare at the FAW, that he "[could] not argue with the result of the sample." Mr. James followed up with a letter on 20 April 2007, stating that he "will not be needing the B Sample."

2.5 At the FAW Review Panel meeting on 20 April 2007, the panel concluded that there was *prima facie* evidence that a doping offence has been committed. Furthermore, the panel decided that an interim suspension was appropriate. With a letter of 24 April 2007, Mr. James was notified of the Review Panel's decision and told that he must not participate in any football activity until all disciplinary proceedings had been completed.

2.6 On 22 May 2007, an Appeals Panel of the FAW found that the presence of a prohibited substance in Mr. James's body was clear and unchallenged, but took note of the good character evidence submitted by Mr. James and the fact that this was Mr. James's first offence. The Appeals Panel noted that the FAW Regulation 11.2.1 specifies a minimum suspension of 6 months and a fine for a first offence.

2.7 As a result, the Appeals Panel decided to suspend Mr. James from all participation in football for 6 months and 10 days, from 21 April 2007 until 31 October 2007. Mr. James was ordered to pay a fine of £250,00, suspended for two years from 24 March 2007 and payable only if