

**IWF INDEPENDENT MEMBER FEDERATIONS SANCTIONING PANEL**

in the matter

**Egyptian Weightlifting Federation (“EWF”)**

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**Final Decision**

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## **I. INTRODUCTION**

1. The present Decision is issued by the International Weightlifting Federation (the “IWF”)’s Independent Member Federations Sanctioning Panel (the “IWF Panel” or the “Panel”) in order to decide upon whether the Egyptian Weightlifting Federation (the “EWF”) has committed a breach of Article 12.5 of the 2019 IWF Anti-Doping Policy (“IWF ADP” or “2019 IWF ADP”) and, if so, the consequences of such breach.

## **II. PARTIES**

### **A. THE INTERNATIONAL WEIGHTLIFTING FEDERATION**

2. The IWF is the international governing body for the Olympic sport of weightlifting. Its headquarters are located in Budapest, Hungary and its registered seat is in Lausanne, Switzerland.

### **B. THE EGYPTIAN WEIGHTLIFTING FEDERATION**

3. The EWF is the national governing body for the Olympic sport of weightlifting in Egypt. The EWF is a Member Federation of the IWF.

## **III. FACTS AND PROCEDURAL BACKGROUND**

4. Below is a summary of the relevant facts and allegations based on the Parties’ written submissions, pleadings and evidence adduced during the proceedings. Additional facts and allegations found in the Parties’ written submissions and evidence may be set out, where relevant, in connection with the legal discussion that follows. While the Panel has considered all the facts, allegations, legal arguments and evidence submitted by the Parties in the present proceedings, it refers in its Decision only to the submissions and evidence it considers necessary to explain its reasoning. The capitalised terms that are not defined in this Decision refer to the definitions provided under the IWF ADP.

### **A. FACTUAL BACKGROUND**

5. Between 27 and 30 August 2019, six Athletes from the EWF committed Anti-Doping Rule Violations (“ADRVs”) under Article 2.1 of the IWF ADP (and equivalent provisions of the 2021 IWF ADR), during the 2019 African Games in Rabat, Morocco.
6. Following the conclusion of the proceedings before the Organising Committee of the African Games (“COJAR”), the case files were referred to the IWF for imposition of the appropriate sanction under the applicable IWF ADP.

7. In summary, the relevant ADRVs (and the Consequences imposed for the same) were as follows:

- **Ms. Samar Habashy** provided an In-Competition sample on 30 August 2019, which revealed the presence of the Prohibited Substance 5-methylhexan-2-amine (1,4-dimethylpentylamine) (“DMAA”). DMAA is a Specified Substance listed under Section S6 (stimulants) of the WADA Prohibited List.

On 20 February 2022,<sup>1</sup> the athlete agreed to resolve the case via an Agreement on Consequences, according to which she was sanctioned with a period of ineligibility of 24 months and her competitive results were disqualified. In view of the delays in the Results Management process that were not attributable to the athlete, the ITA applied Article 10.10.1 of the IWF ADP such that the period of Ineligibility started on 22 January 2020 (and remained in effect until 21 January 2022).

- **Mr. Mohamed Abdelrahman Elsayed** provided an In-Competition sample on 30 August 2019, which revealed the presence of the Prohibited Substance DMAA.

On 22 February 2022,<sup>2</sup> the athlete agreed to resolve the case via an Agreement on Consequences, according to which he was sanctioned with a period of ineligibility of 24 months and his competitive results were disqualified. In view of the delays in the Results Management process that were not attributable to the athlete, the ITA applied Article 10.10.1 of the IWF ADP such that the period of Ineligibility started on 22 January 2020 (and remained in effect until 21 January 2022).

- **Mr. Ibrahim Moustafa Wahid Shaaban** provided an In-Competition sample on 27 August 2019, which revealed the presence of the Prohibited Substance DMAA.

In February 2022,<sup>3</sup> the athlete agreed to resolve the case via an Agreement on Consequences, according to which he was sanctioned with a period of ineligibility of 24 months and his competitive results were disqualified. In view of the delays in the Results Management process that were not attributable to the athlete, the ITA applied Article 10.10.1 of the IWF ADP such that the period of

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<sup>1</sup> The athlete signed the Agreement on Consequences on 20 February 2022, the ITA signed on 23 February 2022.

<sup>2</sup> The athlete signed the Agreement on Consequences on 22 February 2022, the ITA signed on 23 February 2022.

<sup>3</sup> The athlete signed the Agreement on Consequences in February 2022, the ITA signed on 23 February 2022.

Ineligibility started on 22 January 2020 (and remained in effect until 21 January 2022).

- **Ms. Sara Samir Elsayed Mohamed Ahmed** provided an In-Competition sample on 29 August 2019, which revealed the presence of the Prohibited Substance DMAA.

On 20 February 2022,<sup>4</sup> the athlete agreed to resolve the case via an Agreement on Consequences, according to which she was sanctioned with a period of ineligibility of 24 months and her competitive results were disqualified. In view of the delays in the Results Management process that were not attributable to the athlete, the ITA applied Article 10.10.1 of the IWF ADP such that the period of Ineligibility started on 22 January 2020 (and remained in effect until 21 January 2022).

- **Ms. Farag Salma Ahmed Mahmoud Awad** provided an In-Competition sample on 29 August 2019, which revealed the presence of the Prohibited Substance DMAA.

On 20 February 2022,<sup>5</sup> the athlete agreed to resolve the case via an Agreement on Consequences, according to which she was sanctioned with a period of ineligibility of 24 months and her competitive results were disqualified. In view of the delays in the Results Management process that were not attributable to the athlete, the ITA applied Article 10.10.1 of the IWF ADP such that the period of Ineligibility started on 22 January 2020 (and remained in effect until 21 January 2022).

- **Mr. Abdelalim Mahmoud Selim** provided an In-Competition sample on 29 August 2019, which revealed the presence of the Prohibited Substance DMAA.

On 20 February 2022,<sup>6</sup> the athlete agreed to resolve the case via an Agreement on Consequences, according to which he was sanctioned with a period of ineligibility of 24 months and his competitive results were disqualified. In view of the delays in the Results Management process that were not attributable to the athlete, the ITA applied Article 10.10.1 of the IWF ADP such that the period of Ineligibility started on 22 January 2020 (and remained in effect until 21 January 2022).

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<sup>4</sup> The athlete signed the Agreement on Consequences on 20 February 2022, the ITA signed on 23 February 2022.

<sup>5</sup> The athlete signed the Agreement on Consequences on 20 February 2022, the ITA signed on 23 February 2022.

<sup>6</sup> The athlete signed the Agreement on Consequences on 20 February 2022, the ITA signed on 23 February 2022.

8. For the purposes of the present decision, it is worth noting that, during the results management process conducted by the ITA, each of the above athletes alleged that the source of the AAF in their sample was the ingestion of the supplement NO-EXPLODE Legendary Pre-Workout taken prior to and on the day of the doping control. The athletes submitted the results of testing from an Egyptian Laboratory which indicated that the supplement was contaminated; however, subsequent testing by a Swiss laboratory did not detect the presence of the Prohibited Substance in the supplement. The ITA therefore did not accept that the athletes had satisfied their burden to prove the source of the Prohibited Substance; nonetheless, as noted, it applied a backdated sanction in each case in accordance with the IWF ADR due to delays in the results management process that were not attributable to the athletes.
9. It is further noted that on 19 September 2019, the EWF was sanctioned by an IWF Panel in relation to seven ADRVs dating back to December 2016 (the “2019 Sanction”). The relevant panel applied the 2015 IWF ADP to sanction the EWF with: (i) a suspension from participation in IWF activities for two years for certain EWF team officials; (ii) a suspension of the EWF from participation in any IWF activities for a period of two years; and (iii) a fine of USD 200,000 payable in two instalments (the second of which was conditional). The facts underlying the 2019 Sanction are different to the present case as the relevant ADRVs involved: (i) non-Specified Substances (specifically anabolic steroids); that (ii) were administered to minors, a number of which were young females. It is undisputed that the EWF served the sanction and paid the full amount of the fine.
10. Finally, since 2021 the EWF has organised a number of anti-doping seminars for its athletes. Moreover, as confirmed by the ITA, no Athlete or other Person affiliated to the EWF has been found to have committed an ADRV since 12 September 2019 (i.e. the date of the 2019 Sanction).

## **B. PROCEDURAL BACKGROUND**

11. On 8 June 2022, the ITA (on behalf of the IWF) notified the EWF that it was satisfied that the EWF had breached Article 12.5 of the 2019 IWF ADP, and granted the EWF a deadline until 22 June 2022 to file written observations with respect to the alleged breach.
12. The ITA further specified that once the relevant information was received from the EWF, or after the expiration of the time limit, the case file would be referred to the Panel for adjudication.
13. On 22 June 2022, the EWF filed its written observations, together with 17 exhibits. In the covering email to its written response, the EWF requested that a hearing be held.

14. On 23 June 2022, the ITA acknowledged receipt of the EWF's explanations and informed it that further information on the next procedural steps would follow.
15. On 16 August 2022, the ITA referred the matter of the EWF to the Chairman of the IWF Panel for adjudication (the "Referral").
16. On 22 August 2022, the Parties were informed of the composition of the Panel, as follows:
  - Mr. Antonio Rigozzi (Chairman);
  - Ms. Louise Reilly;
  - Mr. Mario Vigna.
17. In the same email, the Parties were provided with the Panel members' duly signed Acceptance and Statement of Independence forms and informed that should they wish to bring a challenge against a member of the Tribunal, they were required to do so without delay.
18. On 24 August 2022, the Panel invited the EWF to file its response to the IWF's Referral within 21 days from receipt of the Panel's email. The Panel further confirmed that the EWF's request for a hearing was noted and that more information would follow in due course.
19. On 28 August 2022, the EWF sent an email to the Panel confirming that it had no objections to the referral of the matter to the Panel nor the composition of the Panel. In the same email, the EWF provided additional background information in relation to the results management process of the six ADRVs at issue in this case, and again requested that a hearing be held. Other than this email, the EWF did not submit any further position in relation to the ITA's Referral within the relevant deadline.
20. On 15 September 2022, the EWF wrote to the Panel requesting that the proceedings be expedited.
21. On 24 October 2022, the Panel wrote to the Parties confirming that it had considered the documents received to date and, prior to closing the written exchange and deciding upon the EWF's request for a hearing, invited the ITA to provide further information on any ADRVs committed by Athletes or other Persons affiliated to the EWF since 12 September 2019.
22. On 31 October 2022, the ITA confirmed that no Athlete or other Person affiliated to the EWF had been found to have committed an ADRV since 12 September 2019.

23. On 1 November 2022, the Panel acknowledged receipt of this further information.
24. On 28 November 2022, the Panel confirmed that it had decided not to hold a hearing, it would render a decision on the basis of the written file and the decision would be rendered shortly.

#### **IV. JURISDICTION AND APPLICABLE LAW**

25. At the outset, the Panel notes that the EWF does not dispute that the IWF Panel has jurisdiction over the present matter.
26. To the contrary, on 28 August 2022 the EWF expressly confirmed that it had no objection to the referral of the case to the Panel or to the composition of the Panel.
27. Moreover, Article 12.1 of both the IWF ADP<sup>7</sup> and the 2021 IWF ADR<sup>8</sup> vest the Panel with jurisdiction in all matters arising out of Article 12 (save matters expressly reserved to other bodies).
28. In view of the above, the IWF Panel has jurisdiction to decide the present dispute.
29. With respect to the applicable law, the IWF submitted that, as the facts detailed above give rise to breaches of Article 12 of the 2019 IWF ADP, :
  - The regulations governing the merits of the breaches (i.e. the substantive issues) are the 2019 IWF ADP, subject to the principle of *lex mitior*, and
  - As per the principle of *tempus regit actum*, the version of the regulations currently in force (i.e. the 2021 IWF ADR) shall govern the procedural aspects of this matter.
30. The EWF has not submitted any position on the applicable law, nor disputed the IWF's position.
31. The Panel therefore holds that the present proceedings will be adjudicated in application of the IWF ADP as far as the substantive breaches are concerned (subject to the principle of *lex mitior*), and the 2021 IWF ADR as far as the procedure is concerned.

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<sup>7</sup> "The IWF shall appoint an Independent Panel, composed of no less than 5 members from outside of the organisation of the IWF, to have jurisdiction in all matters arising out of this Article 12, save those expressly reserved to other bodies".

<sup>8</sup> "The IWF shall appoint an Independent Member Federations Sanctioning Panel (the "Independent Panel"), composed of no less than 5 members from outside of the organisation of the IWF, to have jurisdiction in all matters arising out of this Article 12, save those expressly reserved to other bodies".

## V. THE RELEVANT PROVISIONS

### A. BREACHES AND SANCTIONING PROVISIONS

#### 1. The IWF ADP

32. Article 12.5 of the IWF ADP provides as follows:

*Should three or more violations of this Anti-Doping Policy sanctioned by IWF or Anti-Doping Organizations other than the Member Federation or its National Anti-Doping Organization have been committed by Athletes or other Persons affiliated to the Member Federation within a Calendar year, the Independent Panel shall have the power to:*

- a) *impose a Suspension on the Member Federation of a period of up to (4) years;*
- b) *and/or fine the Member Federation as follows:*

- 1) *3 violations up to 50,000 USD;*
- 2) *4 violations up to 100,000 USD;*
- 3) *5 violations up to 150,000 USD;*
- 4) *6 violations up to 200,000 USD;*
- 5) *7 violations up to 250,000 USD;*
- 6) *8 violations up to 300,000 USD;*
- 7) *9 or more violations up to 500,000 USD,*

*to be paid within 6 months from the receipt of the IWF decision. If the Member Federation fails to pay the fine within such deadline, a period of Suspension of two years, or, if earlier, until the fine is settled in full, shall be automatically imposed on the Member Federation concerned. For the avoidance of doubt, the fine remains due to IWF after the period of Suspension has been served.*

- c) *and/or ban all or any team officials from that Member Federation for participation in any IWF activities for a period of up to two years.*

*[Comment to Article 12.5: if the Independent Panel considers that a violation of this Article 12.5 is severe (due to the number of violations, the substances involved, the level of fault of the perpetrators, the fact that the violations were committed by Athlete Support Personnel, etc.), then an appropriate period of Suspension should always be imposed, without prejudice to the imposition of any other additional sanction under this Article 12.5].*

*12.5.1 At the discretion of the Independent Panel, an appropriate portion up to a maximum of fifty percent of the sanction (including any fine) imposed upon the Member Federation may be conditionally lifted provided that the Member Federation undertakes to satisfy certain criteria aimed at assisting IWF in the fight against doping in sport defined at its discretion by the Independent Panel and meets them throughout the period of Suspension, or an appropriate period should a sanction other than a Suspension have been imposed. For the avoidance of doubt, any lifted period of Suspension or ban on team officials shall be applied to the end of the relevant period of Suspension or ban on team officials. Compliance with the criteria will be monitored by an independent group defined by the IWF and its decisions shall be final and binding and not subject of an appeal under Article 13.*

*12.5.2 Where there is a violation of this Article 12.5 and any of the relevant underlying Anti-Doping Rule Violations occurs on the occasion of, or in connection*



*with, any edition of the Summer Olympic Games, the Independent Panel may take any (further) measures it deems appropriate.*

33. Article 12.8.1 of the IWF ADP further provides that:

*The fact that a Member Federation has previously been sanctioned for a violation of Articles 12.3, 12.5 and/or 12.7 may be considered as an aggravating factor in the assessment of the relevant sanction for a subsequent violation of any of these Articles.*

## **2. The 2021 IWF ADR**

34. Article 12.3.2 of the 2021 IWF ADR (the equivalent to Article 12.5 of the IWF ADP) provides relevantly as follows:

*Should three (3) or more violations of these Anti-Doping Rules sanctioned by IWF or Anti-Doping Organizations other than the Member Federation or its National Anti-Doping Organization have been committed by Athletes or other Persons affiliated to the Member Federation within a 12-month period, the Independent Panel may, after taking into account both the seriousness of the underlying anti-doping rule violations and the gravity of the circumstances surrounding the case:*

- a) impose Member Consequences on the Member Federation of a period of up to (4) years; and/or*
- b) fine the Member Federation up to \$500,000 USD to be paid within 6 months from the receipt of the Independent Panel's decision. If the Member Federation fails to pay the fine within such deadline, further Member Consequences for an additional period of up to two years, or, if earlier, until the fine is settled in full, may be imposed by the Independent Panel on the Member Federation.<sup>9</sup>*

35. As with the IWF ADP, the 2021 IWF ADR also provides for: (i) the possibility for the Panel to consider recidivism as an aggravating factor in the assessment of the relevant sanction (Article 12.4.1); and (ii) the conditional lifting (up to 50%) of any consequences imposed on a member provided that such member undertakes to assist the IWF in the fight against doping (Article 12.6.1). This latter article now specifically provides for the establishment of an Independent Monitoring Group in connection with any conditional lifting of a sanction (as well as an appeal of such groups' decisions) and reads in full as follows:

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<sup>9</sup> The 2021 IWF ADR has added general principles to Article 12, including specifying that a panel "should take into account the degree of fault or negligence of the Member Federation when determining the Member Consequences to be imposed in each case of a violation of this Article 12" (the relevant Member bears the burden of proof to establish any attenuating circumstance). Additionally, the comment to Article 12.3.2 now reads slightly differently, as follows: "...if the Independent Panel considers that a violation of this Article 12.3.2 is severe (due to the number of violations, the substances involved, the level of fault of the perpetrators, the fact that the violations were committed by Athlete Support Personnel, etc.) then appropriate Member Consequences (including the exclusion of the Member Federation's Athletes and Officials from participation in any IWF Events, or the possibility for the Athletes to participate exclusively in a neutral capacity) and/or a fine should be imposed, in order to promote behavioural change within the sanctioned Member Federation's sphere of influence, and to maintain public confidence in the integrity of the sport and that of IWF's Events".

*12.6.1 At the discretion of the Independent Panel, an appropriate portion up to a maximum of fifty percent of the Member Consequences (including any fine) imposed upon the Member Federation may be conditionally lifted provided that the Member Federation undertakes to satisfy certain criteria aimed at assisting IWF in the fight against doping in sport defined at its discretion by the Independent Panel and meets them throughout the period of application of the Member Consequences imposed, or an appropriate period should a fine only have been imposed. For the avoidance of doubt, any lifted period of Member Consequences or ban on team officials shall be applied to the end of the relevant period of Member Consequences or ban on team officials.*

*12.6.2 The IWF shall appoint an Independent Monitoring Group, composed of no less than 4 members from outside of the organization of the IWF, to monitor and rule on the compliance of a sanctioned Member Federation with the terms stipulated by the Independent Panel, where any decision thereof sets out conditions for suspending, lifting or eliminating a period of Member Consequences or other sanction based on the fulfilment of specific conditions by the sanctioned Member Federation.*

*12.6.3 The decisions of the Independent Monitoring Group as to the fulfilment of the eventual specific conditions determined by the Independent Panel may be appealed exclusively to CAS within twenty-one days from the date of receipt of the decision by the appealing party.*

## **B. PROCEDURAL RULES**

36. Article 12.7 of the 2021 IWF ADR governs the procedure in this case and provides relevantly as follows:

*12.7.1 If the IWF is satisfied that a breach of Article 12 has occurred, it shall promptly notify the Member Federation.*

*12.7.2 The notice shall include details of the alleged breach and shall give the Member Federation a reasonable deadline to respond. The IWF will then transfer the file to the Independent Panel for adjudication. The Independent Panel will render a decision on the basis of the written file, unless it considers in its entire discretion that exceptional circumstances require the holding of a hearing.*

## **VI. THE PARTIES' POSITIONS**

37. The IWF Panel has taken into consideration all of the Parties' written submissions and has weighed the arguments made by the Parties in the light of all the evidence presented. The Panel sets out below a summary of the Parties' positions relevant to the present Decision, which is not intended to be an exhaustive account of all the arguments and evidence put forward by the Parties but only the most relevant ones. When necessary, other factual and legal arguments will be described in the section related to the legal discussion.

## **A. THE IWF'S POSITION**

38. In its Referral, the IWF essentially submitted that the EWF had breached Article 12.5 of the IWF ADP and thus requested the IWF Panel to render a decision on the basis of the written submissions, unless the Panel considered that exceptional circumstances required the holding of a hearing.

39. More specifically, in its Referral the IWF submitted that:

- Between 27 and 30 August 2019, six Athletes associated with the EWF committed ADRVs under Article 2.1 of the 2019 IWF ADP (and equivalent provisions in the 2021 IWF ADR);
- All six ADRVs were confirmed through an Acceptance of Consequences, with the Athletes sanctioned with a period of Ineligibility of two years (which is the standard sanction for an Article 2.1 ADRV involving Specified Substances);
- The conditions of Article 12.5 of the IWF ADP are met:
  - i. *“3 or more violations of the ADP committed by Athletes affiliated to Member Federations”* - 6 ADRVs under Article 2.1 of the IWF ADP have been committed by Athletes affiliated with the EWF;
  - ii. *“Sanctioned by the IWF or Anti-Doping Organizations other than the Member Federation or its National Anti-Doping Organization”* – all 6 athletes were sanctioned by the IWF as per the applicable IWF ADR;
  - iii. *“Within a Calendar year”* - the 6 ADRVs occurred between 27 and 30 August 2019.

40. The IWF has not proposed any particular consequences to be applied as a consequence of the EWF's alleged breach.

## **B. THE EWF'S POSITION**

41. The EWF submitted in its written submissions of 22 June 2022 that it should not be sanctioned at all, or – if a sanction were to be imposed – that any sanction should be limited to a fine. The EWF further submits that 50% of any sanction should be suspended (i.e. the maximum suspension under the relevant provisions).

42. More specifically, the EWF first acknowledged that it has been sanctioned in the past (with a two-year ban and a fine of USD 200,000) for multiple ADRVs committed by its athletes involving Prohibited non-Specified Substances (i.e. the 2019 Sanction).

43. However, the EWF emphasised that although such cases dated from 2016, the EWF itself was not sanctioned until 12 September 2019 (i.e. after the ADRVs that are at issue in these proceedings), and that the EWF has taken significant action with respect to anti-doping since then.
44. With respect to the ADRVs at issue in these proceedings, the EWF's position is that: (i) it established that the relevant athletes' supplements were contaminated through testing in Egypt; (ii) the inability to detect the Prohibited Substance in the supplements once they were received and subsequently tested by a Swiss Laboratory could have been due to degradation of the samples; (iii) the prolonged duration of results management (and the delayed testing of the samples in the Swiss Laboratory) was not caused by the EWF or its athletes; and (iv) on a practical level, the EWF had no choice but to accept the IWF's proposal for a backdated sanction – if the EWF were to challenge the Swiss Laboratory's findings that the supplement was not contaminated this would have resulted in delays, whereas if the backdated sanction were accepted the athletes could immediately participate in all competitions.
45. The EWF provided information with respect to its efforts in the fight against doping over recent years, including educational anti-doping seminars (for all levels and ages) as well as ensuring that its athletes and coaches are registered in ITA's and ADEL's educational programs to enhance their anti-doping knowledge.
46. The EWF further submitted that its anti-doping efforts have been effective and that it has not had further ADRVs asserted against its Athletes since 2021.
47. The EWF then submitted that disciplinary sanctions should have the purpose of rehabilitation, that draconian sanctions do not serve this aim, and that any sanction imposed on it should be proportionate. In short, the EWF submits that any sanction should: (i) *"undo the harm inflicted"* (which was already achieved through the disqualification of the athletes' individual results); and (ii) *"prevent the reoccurrence of certain violations"* (which has already been achieved through the educational efforts the EWF is undertaking, and is demonstrated by the absence of violations since the ADRVs at issue in these proceedings).
48. The EWF further submitted that the impact of a sanction on it (and its athletes) would be disastrous following the 2019 Sanction (which led to EWF's two-year suspension and a USD 200,000 fine), and the impact of the COVID-19 pandemic. The EWF emphasised in particular in this respect that: (i) it managed to pay the USD 200,000 fine previously imposed on it only with significant difficulty; (ii) any suspension might preclude its athletes from participating in Olympic qualifying events; and (iii) a number of (older) Egyptian athletes would likely have a premature end to their careers if the

EWF were to be suspended – after having waited two years for the prior sanction imposed on the EWF to be lifted.

49. Finally, the EWF submitted (with reference to the comment to Article 12.5 of the IWF ADP) that there were various mitigating factors in these proceedings, including that: (i) the number of violations was not at the higher end of the scale mentioned in the IWF ADP; (ii) the athletes' level of fault was not definitively determined (as the athletes accepted backdated sanctions for practical reasons) but the EWF insists that their AAFs were caused by consumption of a contaminated supplement; (iii) the athletes were sanctioned for unintentional violations (as per the definitions in the IWF ADP) and the substance involved was a Specified Substance; and (iv) there was no indication of any involvement by athlete support personnel in the ADRVs at issue in these proceedings.
50. On the basis of the relevant provisions, the EWF then noted that any sanction is discretionary, and that the Panel need not sanction the EWF at all. In making such submissions, the EWF distinguished its circumstances from prior cases involving other national federations.
51. Finally, the EWF suggested – on an alternative basis – that if any sanction were to be imposed:
- it should be limited to a fine only, which the EWF would find a way to fulfil;
  - it should be suspended (up to the maximum of 50%) in accordance with the IWF ADP and based on the particular circumstances.
52. The EWF's prayers for relief read as follows:
1. *To accept this EWF's Response.*
  2. *To schedule and hold a hearing to give the EWF its full opportunity and right to be heard.*
  3. *To rule that the EWF shall not be sanctioned on an exceptional manner.*
  4. *Alternatively, if a sanction shall be imposed, it shall be limited to a fine only.*
  5. *Alternatively, if any ban shall be imposed, it shall not exceed 3-month period.*
  6. *If any sanction shall be imposed, a 50%-portion thereof shall be conditionally lifted.*

## **VII. PROCEDURAL ISSUES - HEARING**

53. Both in its written submission of 22 June 2022 and its further email of 28 August 2022, the EWF requested that a hearing be held in these proceedings.
54. Article 12.7.2 of the 2021 IWF ADR governs the procedure in the present case and relevantly provides that “[t]he Independent Panel will render a decision on the basis of

*the written file, unless it considers in its entire discretion that exceptional circumstances require the holding of a hearing”.*

55. Having considered the Parties’ respective submissions, the Panel considers itself sufficiently well informed to render a decision on the basis of the written file. Moreover, the Panel fails to see any exceptional circumstances that would warrant a hearing in these proceedings, and notes that the EWF merely suggested that a hearing would fulfil its right to be heard and that “*the case has significant details that are better discussed and clarified during a hearing to provide more assistance to the honorable panel*”.

56. As such, the Panel renders its decision on the basis of the written file.

## **VIII. MERITS**

57. In light of the submissions and evidence on file, the questions that the IWF Panel needs to rule on in the present proceedings are the following:

- Has the EWF breached Article 12.5 of the IWF ADP?
- If so, what sanctions should be imposed on the EWF?

### **A. HAS THE EWF BREACHED ARTICLE 12.5 OF THE IWF ADP?**

58. As mentioned, the IWF submits that the EWF has breached Article 12.5 of the IWF ADP.

59. As a reminder,<sup>10</sup> this provision – the applicability of which is not contested by the EWF – provides that a Member Federation may have certain consequences imposed on it in the event that three or more ADRVs (sanctioned by the IWF) are committed by Athletes affiliated to the Member Federation within a calendar year.

60. On the basis of the evidence on file, the IWF Panel is satisfied that the EWF has committed a breach of Article 12.5 of the IWF ADP.

61. Indeed, it is uncontested that:

- Six athletes affiliated to the EWF committed, and were sanctioned by the IWF for, ADRVs; and
- The ADRVs were committed within a calendar year (in fact the ADRVs were committed within a number of days of each other).

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<sup>10</sup> For the full wording of the relevant provisions, see above Section V.

62. The IWF Panel thus needs to determine the relevant sanction for this breach.

**B. WHAT SANCTION SHOULD BE IMPOSED ON THE EWF?**

63. As mentioned, the IWF Panel finds that the EWF has committed a breach of Article 12.5 of the IWF ADP.

64. The consequences of such a breach are expressly set out in the IWF ADP, which provides that the IWF Panel may:

a) *impose a Suspension on the Member Federation of a period of up to (4) years;*

b) *and/or fine the Member Federation as follows:*

- 1) 3 violations up to 50,000 USD;*
- 2) 4 violations up to 100,000 USD;*
- 3) 5 violations up to 150,000 USD;*
- 4) 6 violations up to 200,000 USD;*
- 5) 7 violations up to 250,000 USD;*
- 6) 8 violations up to 300,000 USD;*
- 7) 9 or more violations up to 500,000 USD,*

*to be paid within 6 months from the receipt of the IWF decision. If the Member Federation fails to pay the fine within such deadline, a period of Suspension of two years, or, if earlier, until the fine is settled in full, shall be automatically imposed on the Member Federation concerned. For the avoidance of doubt, the fine remains due to IWF after the period of Suspension has been served.*

c) *and/or ban all or any team officials from that Member Federation for participation in any IWF activities for a period of up to two years.*

65. The Panel notes in this respect that Article 12.3.2 of the 2021 IWF ADR (the equivalent to Article 12.5 of the IWF ADP) now provides slightly differently that:

*Should three (3) or more violations of these Anti-Doping Rules sanctioned by IWF or Anti-Doping Organizations other than the Member Federation or its National Anti-Doping Organization have been committed by Athletes or other Persons affiliated to the Member Federation within a 12-month period, the Independent Panel may, after taking into account both the seriousness of the underlying anti-doping rule violations and the gravity of the circumstances surrounding the case:*

a) *impose Member Consequences on the Member Federation of a period of up to (4) years; and/or*

b) *fine the Member Federation up to \$500,000 USD to be paid within 6 months from the receipt of the Independent Panel's decision. If the Member Federation fails to pay the fine within such deadline, further Member Consequences for an additional period of up to two years, or, if earlier, until the fine is settled in full, may be imposed by the Independent Panel on the Member Federation*

66. In deciding on any sanction:

- the comment to Article 12.5 of the IWF ADP (referred to by EWF in its written submissions) indicates that the Panel should take into account “*the number of violations, the substances involved, the level of fault of the perpetrators, the fact that the violations were committed by Athlete Support Personnel, etc.*”.
- Article 12.8.1 of the IWF ADP specifies that the fact that a Member Federation has previously been sanctioned for a violation of Articles 12.3, 12.5 and/or 12.7 may be considered as an aggravating factor in the assessment of the relevant sanction for a subsequent violation of any of these Articles.

67. Additionally, Article 12.5.1 of the IWF ADP provides the IWF Panel with the discretion to conditionally lift an appropriate portion of any sanction, subject to the EWF satisfying certain criteria for a period defined by the IWF Panel. Whilst Article 12.5.1 of the IWF ADP states that “[c]ompliance with the criteria will be monitored by an independent group defined by the IWF” (and that such decision shall not be appealable), Article 12.6.2 and 12.6.2 of the 2021 IWF ADR provide as follows:

*12.6.2 The IWF shall appoint an Independent Monitoring Group, composed of no less than 4 members from outside of the organization of the IWF, to monitor and rule on the compliance of a sanctioned Member Federation with the terms stipulated by the Independent Panel, where any decision thereof sets out conditions for suspending, lifting or eliminating a period of Member Consequences or other sanction based on the fulfilment of specific conditions by the sanctioned Member Federation.*

*12.6.3 The decisions of the Independent Monitoring Group as to the fulfilment of the eventual specific conditions determined by the Independent Panel may be appealed exclusively to CAS within twenty-one days from the date of receipt of the decision by the appealing party.*

68. As noted, for its part, the IWF has not made any specific submission on the consequences that it considers should be applicable for the EWF’s breach of Article 12.5 of the IWF ADP, nor on any conditions that might be applied to provisionally lift part of such consequences.

69. The EWF, on the other hand, has filed written submissions to support its ultimate contention that: (i) no sanction should be imposed on it at all; (ii) if any sanction is imposed it should be limited to a fine; and (iii) if any sanction is imposed (whether a suspension or a fine), it should be suspended up to the maximum of 50%.

70. Having considered all of the circumstances, the IWF Panel considers that the EWF’s requests are, in principle: (i) in line with the applicable rules; and (ii) proportionate consequences considering the particular facts underlying the case.



71. Indeed, whilst the present proceedings concern the EWF's second violation of Article 12 of the IWF ADP (in its relevant iteration at the time of the different offences), the circumstances of this case differ markedly from those which led to the 2019 Sanction – most notably with respect to the Prohibited Substance at issue in the proceedings. In line with the discretion afforded to it under Article 12.8.1 of the IWF ADP,<sup>11</sup> and also considering that the ADRVs in the present case took place prior to the 2019 Sanction being issued against the EWF, the IWF Panel finds that the circumstances of this case do not amount to aggravating circumstances for the purpose of Article 12.8.1 of the IWF ADP. With that said, and as set out below, the fact that these proceedings concern the EWF's second violation of Article 12 of the IWF ADP has been taken into account in deciding upon the precise sanction to be applied in this case.
72. In determining the applicable sanction, the IWF Panel has also taken into account the following factors which it considers to be mitigating (or at least neutral) in favour of the EWF:
- The number of ADRVs: the IWF Panel accepts the EWF's proposition that the number of ADRVs in this case (six) is not at the highest end of the scale set out in the IWF ADP (which starts from three and continues until "9 or more"). The Panel further notes that the ADRVs all occurred within days of each other, during the same competition (i.e. this is not a case of successive ADRVs over a period of time that each could have led to the EWF taking specific precautionary measures to avoid future ADRVs).
  - The substance involved: the IWF Panel notes that the present proceedings involve six ADRVs for DMAA, which is classified as a Specified Substance under the WADA Prohibited List. In that respect:
    - i. as per the comment to Article 4.2.2 of the WADA Code (reproduced in the 2021 IWF ADR), Specified Substances should not in any way be considered less important or less dangerous than other doping substances or method, however they are recognised as being substances "*which are more likely to have been consumed or used by an Athlete for a purpose other than the enhancement of sport performance*".
    - ii. In line with this, and as per the relevant anti-doping provisions, the athletes have been sanctioned with so-called unintentional ADRVs.

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<sup>11</sup> The relevant provision stating that the IWF Panel "may" consider a prior violation of Article 12 to amount to aggravating circumstances.

- iii. With respect to DMAA in particular, it is a well-known ingredient (and contaminant) of dietary supplements and in 2017 was said to have caused more positive doping control tests than any other stimulant.<sup>12</sup>
- The level of fault of the athletes: the IWF Panel does not take a position on whether or not the athletes established that the source of their respective AAFs was the supplement NO-EXPLODE Legendary Pre-Workout. With that said, the IWF Panel does consider it appropriate to take into account that the significant delays in the results management proceedings appear to have led the athletes to make the practical decision to accept a backdated sanction rather than dispute the ITA's conclusion that they had not proven the source of the Prohibited Substance relevant to this case.
  - The (apparent lack of) involvement of athlete support personnel: the EWF has argued, and the ITA has produced no evidence to the contrary, that no athlete support personnel were involved in the commission of the relevant ADRVs at issue in these proceedings.
  - The EWF's anti-doping education efforts: finally, the IWF Panel has taken into account the EWF's submission (and supporting evidence) that indicates it has made significant strides in anti-doping education in recent years. Moreover, the IWF Panel notes that such efforts appear to have been successful, with the ITA confirming that no other ADRVs have been asserted against Athletes or other Persons affiliated to the EWF since September 2019.
73. Applying all of the above to the present proceedings, the IWF Panel considers that the most appropriate, and proportionate, consequence in the present case is to issue a fine at the lower end of the range set out for six ADRVs in Article 12.5(b) of the IWF ADP, i.e. in the amount of USD 150,000. Whilst the Panel could, applying the principle of *lex mitior*, have decided to impose a lower fine (i.e. it was not limited by the scale set out in the IWF ADP), the Panel ultimately decided not to depart from such scale considering, in particular, that the present proceedings concerned a second violation on the part of the EWF.
74. Having said that, the IWF Panel also considers it appropriate, as requested by the EWF and in line with Article 12.5.1 of the IWF ADP, to conditionally lift 50% of the fine, provided that the EWF organises one anti-doping education seminar (with a particular

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<sup>12</sup> Bryan E. Denham (2017) When contaminated dietary supplements cause positive drug tests: methylhexaneamine as a doping agent in sport, *International Journal of Sport Policy and Politics*, 9:4, 677-689

emphasis on the risks of supplement use), under IWF's supervision, on a national level every six months over the next two years.

75. As per Article 12.5.1 of the IWF ADP, compliance with these criteria is to be monitored by an independent group defined by the IWF. In this respect, Article 12.6.2 of the 2021 IWF ADR (which was referred to by the IWF in its Referral) provides that "*the IWF shall appoint an Independent Monitoring Group, composed of no less than 4 members from outside of the organization of the IWF, to monitor and rule on the compliance of a sanctioned Member Federation with the terms stipulated by the Independent Panel, where any decision thereof sets out conditions for suspending, lifting or eliminating a period of Member Consequences or other sanction based on the fulfilment of specific conditions by the sanctioned Member Federation*". In view of the IWF's reference to such provision, the IWF Panel holds that the EWF's compliance with the above criteria is to be monitored by an Independent Monitoring Group in accordance with Article 12.6.2 of the 2021 IWF ADR.

\* \* \* \* \*

**IX. DECISION**

76. In light of the above the Panel rules as follows:

- 1. The Egyptian Weightlifting Federation has committed a breach of Article 12.5 of the IWF ADP.**
- 2. The Egyptian Weightlifting Federation shall pay a fine in the amount of USD 150,000, payable as follows:**
  - a. USD 75,000 is to be paid within 6 months from receipt of the present decision.**
  - b. The remaining USD 75,000:**
    - i. shall be provisionally lifted on the condition that the Egyptian Weightlifting Federation organises one anti-doping education seminar (with a particular emphasis on the risks of supplement use) under IWF's supervision on a national level every six months over the next two years.**
    - ii. shall become immediately payable in the event of a decision from the Independent Monitoring Group ruling that the Egyptian Weightlifting Federation has not complied with the above condition.**

Date: 2 December 2022

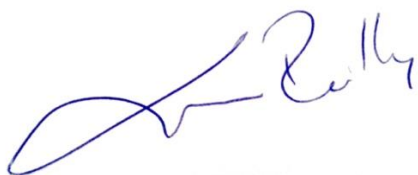
**The IWF Panel:**



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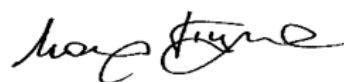
**Antonio Rigozzi**

Chair



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**Louise Reilly**



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**Mario Vigna**