

**IWF INDEPENDENT MEMBER FEDERATIONS**  
**SANCTIONING PANEL**

in the matter

**Ukrainian Weightlifting Federation (“UWF”)**

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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 Federation Sanctioning Panel (the “IWF Panel” or the “Panel”) in order to decide upon whether the Ukrainian Weightlifting Federation (the “UWF”) has committed a breach of Article 12.3.2 of the 2024 IWF Anti-Doping Rules (the “IWF ADR”) and the provisions of the IWF Qualification System for the Games of the XXXIII Olympiad, Paris 2024 (the “IWF OQS”), 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. It has its registered seat in Lausanne, Switzerland.

### **B. THE UKRAINIAN WEIGHTLIFTING FEDERATION**

3. The UWF is the national governing body for the Olympic sport of weightlifting in Ukraine. The UWF 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.

### **A. THE ANTI-DOPING RULE VIOLATIONS OF THE UWF’S ATHLETES IN 2022-2023**

5. Between 27 October 2022 and 10 March 2023 (i.e. over the course of the qualification period of the 2024 Paris Olympic Games from 23 July 2021 until 25 July 2024), three athletes affiliated to the UWF committed Anti-Doping Rule Violations (“ADRVs”) under Article 2.1 and/or 2.2 of the IWF ADR related to the presence and/or use of a prohibited substance. Three athletes provided Out-of-Competition samples that were analysed by

WADA-accredited laboratories (Cologne, Germany), which reported Adverse Analytical Findings (“AAFs”).

6. In summary, the ADRVs were as follows:

- **Mr. Ruslan Kozhakin’s** Out-of-Competition sample from 27 October 2022 revealed the presence of Trimetazidine (S.4 – Hormone and Metabolic Modulators). It was established that the source of Trimetazidine (TMZ) was “Preductal”, provided by the head coach of the Ukrainian Weightlifting Team, Mr. Yerhas Boltayev, without Mr. Kozhakin having a Therapeutic Use Exemption (TUE). On 24 May 2024, the CAS Anti-Doping Division (ADD) issued an award, imposing a four-year period of ineligibility from 2 December 2022 to 1 December 2026 (with six months being suspended given that the athlete provided substantial assistance) and disqualifying all his competitive results from 27 October 2022.<sup>1</sup>
- **Mr. Bohdan Taranenko’s** Out-of-Competition sample from 27 October 2022 revealed the presence of Trimetazidine (S.4 – Hormone and Metabolic Modulators). Likewise, to Mr. Kozhakin, it was established that the source of TMZ was “Preductal”, provided by the head coach of the Ukrainian Weightlifting Team, Mr. Yerhas Boltayev, without Mr. Taranenko having a TUE. On 24 May 2024, the CAS ADD issued an award<sup>2</sup>, imposing a four-year period of ineligibility from 2 December 2022 to 1 December 2026 (with six months being suspended given that the athlete provided substantial assistance) and disqualifying all his competitive results from 27 October 2022. A suspension of six months was granted due to substantial assistance provided by Mr. Taranenko.
- **Ms. Alina Marushchak’s** Out-of-Competition sample from 10 March 2023 revealed the presence of Hydrochlorothiazide (S5 Diuretics and Masking Agents). Ms. Marushchak claimed the prohibited substance was administered during an emergency. A retroactive TUE application was rejected due to insufficient and inconsistent evidence. On 23 January 2024, Ms. Marushchak and the ITA resolved the case via an Agreement on Consequences, resulting in a two-year period of ineligibility from 13 April 2023 to 12 April 2025, with disqualification of all results from 10 March 2023 to 13 April 2023.

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<sup>1</sup> 2023/ADD/68 International Weightlifting Federation (IWF) v. Ruslan Kozhakin & Bohdan Taranenko, award of 24 May 2024.

<sup>2</sup> 2023/ADD/68 International Weightlifting Federation (IWF) v. Ruslan Kozhakin & Bohdan Taranenko, award of 24 May 2024

## **B. THE IWF'S ANTI-DOPING PROCEDURE**

7. On 30 May 2024, the IWF notified the UWF of the alleged breaches of Article 12.3.2 of the 2024 IWF ADR and the IWF OQS and granted UWF a deadline until 13 June 2024 to file written observations with respect to the alleged breaches.
8. The UWF did not provide its position.

## **C. THE PROCEEDINGS BEFORE THE IWF PANEL**

9. On 19 June 2024, the IWF referred the matter of the UWF to the Chairman of the IWF Panel for adjudication with the enclosure of one exhibit and further evidence (the "Referral").
10. On 21 June 2024, the UWF was invited to submit an answer to the IWF's Referral by Friday, 28 June 2024. The Chairman of the Independent Panel, Prof. Antonio Rigozzi, further informed the Parties that he will take the necessary steps to constitute the Panel in the meantime.
11. Later that same day, the IWF Panel provided the Parties with the Acceptance and Statement of Independence forms duly signed by the members of the Panel and requested the Parties to inform the Panel without delay in the event they had any issue with its composition. The member of the Panel are as follows:
  - Mr. Antonio Rigozzi (Chairman);
  - Mr. Mario Vigna; and
  - Mr. Stephen Bock.
12. The UWF did not submit any answer nor any formal prayers for relief in the present proceedings within the applicable timeline.

## **IV. THE RELEVANT PROVISIONS**

### **A. SUBSTANTIVE RULES**

#### **1. The 2024 IWF ADR**

13. The IWF ADR<sup>3</sup> provide in Article 12.2 some general principles applicable to Member Federations Sanctioning:

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<sup>3</sup> Reference is in the following made to the IWF ADR approved by the IWF Executive Board on 15.12.2020, in effect from 01.01.2021, with its amendments by the IWF Executive Board on

Member Federations shall take all measures within the scope of their powers to implement these Anti-Doping Rules and ensure that their affiliated Athletes and other Persons comply with them. As a matter of principle, the Member Federations are liable for the conduct of their affiliated Athletes or other Persons. However, the Independent 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.

14. Article 12.3.2 of IWF ADR 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 [footnote omitted], 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 [footnote omitted]; and/or
- b) fine the Member Federation up to \$500,000 USD to be paid within 6 month 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 concerned. For the avoidance of doubt, the fine remains due to IWF after the further Member Consequences have been fully served.

**2. The IWF OQS**

15. Under the subheading "Consequences due to Anti-Doping Rule Violations" Section C.3 of the IWF OQS reads as following:

Without prejudice to the power of the Independent Panel per article 12.1 IWF ADR (the "Independent Panel") to impose any other consequences, such as Member Consequences, under article 12 IWF ADR, the following provisions shall apply:

- a) In the event that during the period from 23 July 2021 until 25 July 2024 a Member Federation (MF) is found to have breached an obligation under the IWF ADR, including, without limitation, under Article 18 (but excluding the violations under Article 12), or failed to comply with any directive or request on anti-doping matters issued by the IWF, the Independent Panel may withdraw some or all of the quota place(s) from that MF/NOC with regard to the Olympic Games Paris 2024 or the next ensuing Olympic Games.
- b) Should three (3) or more Anti-Doping Rule Violations sanctioned by IWF or Anti-Doping Organisations other than a Member Federation or its National Anti-Doping Organisation have been committed by Athletes and/or other Persons affiliated to such MF/NOC from 23 July 2021 until 25 July 2024, the Independent Panel may withdraw some or all of the quota place(s) from that MF/NOC with regard to the Olympic Games Paris 2024 or the next ensuing Olympic Games. [footnote omitted] In cases where three or more of

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18.11.2023, in effect from 01.01.2024 ("2024 version") insofar as it contains the same provisions as the amendments by the IWF Executive Board on 03.12.2022, in effect from 01.01.2023 ("the 2023 version").

the underlying violations involve periods of Ineligibility of four years or more, all quota places shall be withdrawn.

- c) When considering the application of point a) and b) above, the Independent Panel may refer to the principles set forth in Article 12.3.2 and 12.4 IWF ADR applicable to the imposition of Member Consequences. Similarly, the procedural rules of Article 12.7 of the IWF ADR apply by analogy to the process pertaining to the provisions above.
- d) Any quota places withdrawn pursuant to point a) and/or b) above shall be reallocated in accordance with the reallocation process as detailed in section F. Reallocation of Unused Places. [...]

## **B. PROCEDURAL RULES**

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

- 12.7.1 If 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. 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.

## **V. THE PARTIES' POSITIONS**

17. The IWF Panel has taken into consideration all of the Parties' available written submissions and has weighed the arguments made by the Parties in the light of the evidence presented. In the following, the Panel summarises the positions of the parties relevant to this decision, not intending to present all the arguments and evidence put forward by the parties exhaustively, but only the most important ones. When necessary, other factual and legal arguments will be described in the section related to the legal discussion.

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

18. In its Referral, the IWF submitted that it was satisfied that the UWF had breached Article 12.3.2 of the IWF ADR and that the preconditions for the impositions of Consequences due to Anti-Doping Rule Violations under the IWF OQS were met.

19. More specifically, the IWF argued that the requirements of Article 12.3.2 of the IWF ADR and the IWF OQS were met insofar as:

- Over the course of the Qualification Period, three athletes affiliated with the UWF committed ADRVs according to Article 2.1 and/or 2.2 of the IWF ADR;

- All three athletes were sanctioned by the ITA on behalf of the IWF.
  - The conditions of Article 12.3.2 of the IWF ADR have been met:
    - i. *“Three (3) or more violations of these Anti-Doping Rules [...] committed by Athletes or other Persons affiliated to the Member Federation” - in fact, three ADRVs under Article 2.1 and/or 2.2 of the IWF ADR have been committed by athletes affiliated with the UWF;*
    - ii. *“Sanctioned by IWF or Anti-Doping Organizations other than the Member Federation or its National Anti-Doping Organization” - all three ADRVs stem from tests conducted under the Testing Authority and Results Management Authority of the IWF and all three (3) athletes were indeed sanctioned by the IWF;*
    - iii. *“Within a 12-month period” - the three ADRVs occurred between 27 October 2022 and 10 March 2023.*
20. For the same reasons, the conditions of the IWF OQS were met.
21. With respect to the consequences to be imposed, the IWF contended that in light of the above, the following potential sanctions would be available to the Panel:
- The Imposition of Member Consequences for a period of up to four (4) years.
  - A fine of up to \$500,000; and/or
  - The withdrawal of some or all quota places for the Olympic Games Paris 2024.
22. The IWF emphasized that the level of consequences should take into account the seriousness of the underlying ADRVs and the gravity of the circumstances. The IWF cited Article 12.2 of the IWF ADR, which holds Member Federations liable for the conduct of their affiliated athletes or other persons. However, the Independent Panel should consider the degree of fault or negligence of the Member Federation when determining Member Consequences. The principle of strict liability applies, but mitigating factors, such as the degrees of fault or negligence, should be considered.
23. With respect to the case at hand, the IWF submitted that the following factors are relevant to the IWF Independent Panel’s assessment:
- Two of the Athletes were given a four-year period of Ineligibility as a result of the ADRVs following a decision of the CAS ADD.

- The same two Athletes were provided Prohibited Substances by the head coach of the Ukrainian Weightlifting Team, and another involved Person who was within the scope of the jurisdiction of the UWF.
  - Two of the Athletes provided Substantial Assistance and were given a reduction of six (6) months to their respective four-year periods of Ineligibility.
  - One of the Athletes agreed to consequences following the issued Notice of Charge.
  - The UWF has one quota place for the Olympic Games Paris 2024.
24. The IWF did not propose any particular consequences to be applied as a consequence of the UWF's alleged breach.

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

25. As noted above, the UWF did not provide any submission in these proceedings. No response was provided to the IWF's notification letter of 30 May 2024 and no response to the Referral was received within the time limit set by the Independent Panel.

## **VI. JURISDICTION AND APPLICABLE LAW**

26. Articles 12.7.1 and 12.7.2 of the IWF ADR<sup>4</sup> provide that, once the IWF has notified a Member Federation of an alleged breach and given the Member Federation a reasonable deadline to respond, the "IWF will then transfer the file to the Independent Panel for adjudication".
27. As the IWF set the UWF a time limit to answer the notification and in the absence of any indication that said time limit was not reasonable, the IWF was entitled to refer the matter to the Panel.
28. In view of the above, the IWF Panel has jurisdiction to decide on the present dispute.
29. With respect to the applicable law, the IWF has alleged that the IWF OQS and the IWF ADR apply to the case at hand. In the absence of any submission to the contrary, the Panel holds that the present proceedings will be adjudicated in application of the IWF OQS and the IWF ADR.

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<sup>4</sup> Reference is in the following made to the IWF ADR approved by the IWF Executive Board on 15.12.2020, in effect from 01.01.2021, with its amendments by the IWF Executive Board on 18.11.2023, in effect from 01.01.2024 ("2024 version") insofar as it contains the same provisions as the amendments by the IWF Executive Board on 03.12.2022, in effect from 01.01.2023 ("the 2023 version").



## **VII. MERITS**

30. The questions that the IWF Panel needs to rule on in the present proceedings are the following:

- Has the UWF breached Article 12.3.2 of the IWF ADR and the provisions of the IWF OQS?
- If so, what sanctions should be imposed on the UWF?

### **A. HAS THE UWF BREACHED ARTICLE 12.3.2 OF THE IWF ADR AND THE IWF OQS?**

31. As a reminder, Article 12.3.2 of the IWF ADR provides that a Member Federation may be sanctioned in the event that three or more ADRVs, which are sanctioned by the IWF, are committed by athletes affiliated to the Member Federation within a 12-month period.

32. The Panel notes in this respect that IWF OQS contained in Section C (“Athlete Eligibility”) under “Consequences due to Anti-Doping Rule Violations” provides in lit. b slightly differently that the three or more ADRVs have to be committed both within a 12-month period and from 23 July 2021 until 25 July 2024 and as a consequences quota place(s) may be withdrawn.

33. On the basis of the evidence on file, the IWF Panel is satisfied (i) that three athletes affiliated to the UWF committed, and were sanctioned by the IWF for ADRVs and (ii) that such offences were committed between 23 July 2021 and 25 July 2024 and within a 12-month period. Hence, consequences can be applied under both Article 12.3.2 of the IWF ADR and the IWF OQS.

### **B. WHAT SANCTION SHOULD BE IMPOSED ON THE UWF?**

#### **1. Sanction under the IWF ADR**

34. According to Article 12.2 of the IWF ADR, the Panel “should take into account the degree of fault or negligence of the Member Federation” when determining consequences.

35. Moreover, Comment to Article 12.2 of the IWF ADR provides that the Member Federations “bear the burden of any attenuating circumstance” and “submit evidences” to establish its position, the IWF Panel will accept the IWF’s position, unless it is grossly inconsistent with the facts of the case as they result from the record.

36. In deciding on any sanction, the comment to Article 12.3.2 of the IWF ADR 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.”.

37. Applying these criteria to the case at hand, the Panel notes the following with respect to the seriousness of the underlying Anti-Doping rule violations and the gravity of the circumstances surrounding the case:

- Two athletes, Mr. Ruslan Kozhakin and Mr. Bohdan Taranenko, were found guilty of an ADRV and sanctioned with a four-year period of ineligibility by the CAS ADD. There is no indication in the record that the CAS ADD’s decisions are being challenged.
- The prohibited substance in the two cases mentioned above is Trimetazidine, which is a non-specified substance.
- The fact that the athletes were sanctioned with a four years period of ineligibility means that the offence were intentional within the meaning of Article 10.2.3 of the IWF ADR.
- However, both athletes provided substantial assistance resulting in a six-month reduction of their respective sanctions.
- It is established that the prohibited substance was provided by the head coach of the Ukrainian Weightlifting Team.
- It is self-evident that the coach of the Ukrainian Weightlifting Team is under the control and authority of the UWF. The UWF did not seize the opportunity to show that it did whatever it could to make sure that its coaches would not contribute or indeed indirectly cause the commission of ADRV’s by the athletes under their responsibility.
- The third athlete, Ms. Alina Marushchak, was found guilty of an ADRV involving the specified substance of Hydrochlorothiazide. While she applied for a retroactive TUE, this request was denied, and she accepted a sanction of the maximum amount of a two-year period of ineligibility.
- More generally, the Panel is left with no indication on how, if at all, the UWF educates its athletes and coaches on Anti-Doping or on what measures it takes to prevent these ADRV to occur.
- With that said, the Panel is mindful that a war is raging in Ukraine and that this might have complicated UWF’s operations (and possibly explain the absence of any response in the present proceedings).

38. The Panel also notes that the present case concerns three ADRVs, which is the minimum required to establish a breach and thus at the threshold level with respect to sanctions.
39. Furthermore, in this particular case, the Panel deems it significant to highlight that, for the first two violations, a partial suspension of the sanction was granted for substantial assistance to the Ukrainian National Anti-Doping Organization. This somewhat mitigates the seriousness of the current case, as it demonstrates a commitment by the Ukrainian sports system, including the UWF and its athletes, to uncover other violations and more effectively fight the phenomenon of doping at national level.
40. In light of the above, and considering both the wide discretion it enjoys under Article 12.3.2 of the IWF ADR as well as the fact that the IWF did not request any specific sanction to be applied, the Panel considers that in the present case a fine is an appropriate sanction. Balancing the severity of at least two of the three offences with the obviously difficult context in which the UWF and its coaches were operating at the relevant time, and taking into account that this is the first instance where Article 12.3.2 of the IWF ADR is applicable to the UWF, the Panel deems it fair and proportionate to impose a fine of USD 110,000, which is on the lower-medium range of scale provided for by Article 12.3.2 lit. b of the IWF ADR.

## **2. Sanction under the IWF OQS**

41. The IWF OQS provides for an automatic withdrawal of all quota places in case where three or more of the underlying violations involve periods of Ineligibility of four years or more (lit. b last sentence of the IWF OQS). The IWF does not claim (and rightly so) that this is the case here.
42. Hence, the Panel is left with discretion to withdraw the quota place. The IWF OQS provides that the Panel can find guidance in the criteria set out in Article 12.3.2 of the IWF ADR (lit. c of the IWF OQS) as discussed above.
43. In its discretion, the Panel considers, not without hesitation, that for the reasons set out above in paragraphs 37-39, in particular the fact that one ADRV involved a specified substance and the two others involved athletes receiving a reduction for providing substantial assistance, it would be disproportionate to order the withdrawal of the single Olympic quota place earned by Ukrainian weightlifters. The Panel is reinforced in its conclusion knowing that it is already (more) difficult for Ukrainian athletes to gain Olympic quotas (compared to athletes from countries that are not at war).

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## VIII. DECISION

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

1. **The Ukrainian Weightlifting Federation has committed a breach of Article 12.3.2 of the IWF ADR and of the provisions of the IWF OQS, Paris 2024.**
2. **The Ukrainian Weightlifting Federation shall pay a fine in the amount of USD 110,000.00 (one hundred ten thousand US Dollars) to be paid within 6 months from receipt of the present decision.**
3. **Each party bears its own costs.**

Date: 5 July 2024

The IWF Panel:



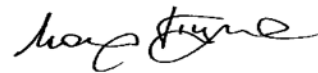
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Antonio Rigozzi  
Chair



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Stephen Bock



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Mario Vigna